

# Town of Horizon City



## CITY CHARTER

Including Amendments

Dated: November 2017

**Proposed Preamble and Dedication**

The citizens of the Town of Horizon City, Texas, believing that, to the greatest extent possible, governmental decisions affecting local interests should be made locally rather than by the state, and,

to form a basic structure of government accountable to all citizens of the City, and,

to provide for the open, efficient, and honest conduct of the affairs of the City, and,

to secure the safety, health, and well-being of ourselves and the future residents of the City, and,

in order to bring to the Town of Horizon City the full home rule benefits afforded by the Constitution of the State of Texas, do ordain and establish this Home Rule Charter for the Town of Horizon City, Texas.

We, the Charter Commission of the Town of Horizon City, Texas, in reverence to the dignity and stature of our departed colleague, Oz Glaze, do hereby humbly dedicate our efforts in his honor.

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## **ARTICLE I. INCORPORATION AND FORM OF GOVERNMENT**

### **Section 1.01 Incorporation**

The inhabitants of The Town of Horizon City, El Paso County, Texas, residing within the corporate limits as now established or as hereafter established, shall continue to be a municipal body, politic and corporate in perpetuity under the name "Town of Horizon City," hereinafter referred to as the City.

### **Section 1.02 Form of Government**

The municipal government provided by this Charter is the "Mayor-Council" form of government. All powers of the City shall be vested in an elective body, hereinafter referred to as the "City Council" or "Council," and further described in Article III of this Charter. The City Council shall exercise the powers described herein, subject only to the limitations imposed by the Constitution and laws of the State of Texas.

### **Section 1.03 Boundaries**

The boundaries of the City at the time this Charter is adopted are those that have previously been legally established. The boundaries may be changed either through annexation or de-annexation as described in Article II, Sections 2.03 through 2.05 of this Charter.

## **ARTICLE II POWERS OF THE CITY**

### **Section 2.01 General Powers**

- (A) The City shall have all powers, except as limited by this Charter, granted to municipal corporations and to cities under a home-rule Charter by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted.
- (B) The following particular powers are examples of the powers possessed by the City:
  - (1) to acquire property by purchase, gift, devise, lease, condemnation, or annexation;
  - (2) to sell, lease, mortgage, and control such property as its interests may require;
  - (3) to sue and be sued;
  - (4) to regulate, develop, and improve streets and public property;
  - (5) to provide, by ordinance, land use and development regulations to include but not limited to: zoning and subdivision regulations, alleviation or prevention of slums and other conditions of deterioration, and achievement of the most appropriate use of land resources.
- (C) The enumeration of particular powers by this Charter shall not be judged to be exclusive, and, in addition to any powers enumerated or implied herein, it is intended that the City shall have and may exercise all the powers which it would be competent for this Charter to enumerate specifically.

### **Section 2.02 Eminent Domain**

The City shall have the full power to exercise the right of eminent domain, when shown to be necessary to the conduct of public affairs, within the authority and scope conferred by this Charter or by the Constitution and laws of the State of Texas. Such authority shall include the obligation to pay adequate compensation and the right to take the fee in land so condemned and to institute-condemnation proceedings for municipal or public purposes even though not specifically enumerated herein.

### **Section 2.03 Alteration and Extensions of Boundaries**

The City shall have the power to provide for the alteration and extension of its boundaries, and to annex or detach territories pursuant to the authority conferred by the Constitution and laws of the State of Texas. Annexation is restricted to the area adjacent to the City and within the City's extra-territorial jurisdiction, except where the City owns the area to be annexed. Annexation may be initiated by either of the following methods:

- (A) by petition of a majority of the qualified voters who are inhabitants of an area defined by the City Council, or if there are no qualified voters who are inhabitants of the area, by petitions of persons owning a majority of the land in the area; or
- (B) by action of the City Council, with or without the consent of the inhabitants or owners of the territory to be annexed.

### **Section 2.04 Annexation Procedures**

- (A) When annexation is by petition as described in Paragraph 2.03 (A), the City must prepare a service plan for providing for the extension of City services to the area to be annexed. The City Council may accept the petition and proceed with annexation proceedings as described below, or they may reject the petition. (Amended 5/07/05: Amendment #3)
- (B) When annexation is by action of the City Council as described in Paragraph 2.03 (B), the City must prepare a service plan providing for extension of City services to the area to be annexed. The service plan must include a program to provide the following services within thirty (30) days after the effective date of the annexation:
  - (1) police protection;
  - (2) maintenance of existing roads and streets;
  - (3) maintenance of any other existing publicly owned facilities.
- (C) The City Council may conduct at least two (2) public hearings, one of which must be held in the area proposed for annexation, in conformance with State law.

### **Section 2.05 De-Annexation**

- (A) If the City fails to provide the services specified in the service plan within the time period specified in the service plan or required by State law, a majority of the qualified voters residing within the annexed area may petition the Council to be de-annexed.
- (B) If the petition is refused by the Council or not acted upon within sixty (60) days the petitioners may file suit for de-annexation in the District Court.
- (C) The City Council may, by ordinance, de-annex territory within the City. Any territory so detached shall be liable for its prorated share of any debts incurred while it was part of the City, and the City shall continue to levy and collect taxes on the property until such indebtedness has been discharged. De-Annexation actions are subject only to such procedural rules as may be prescribed by State law.

## **ARTICLE III THE CITY COUNCIL**

### **Section 3.01 Number, Selection, and Terms of Office**

- (A) The legislative and governing body of the City shall consist of a mayor and seven (7) council members and shall be known as the "City Council of the Town of Horizon City." However, regarding consecutive terms in office, the office of the mayor shall be considered separate from the offices of council members for the purposes of any term limitations set out in this charter.

- (B) Council Members shall be elected at large.
- (C) The Mayor shall be elected from the City at large, as referenced in Article VI, Sec. 6.05.
- (D) Council Members for places 1, 2, 4 and 6 elected in 2012 shall serve two-year terms. The Mayor and Council Members for places 3, 5 and 7 elected in 2013 shall serve two-year terms.

Beginning in 2014, the terms of office for the Mayor and Council Members shall be adjusted and lengthened to allow extension of the terms of office from two-year terms to four-year terms, and the regular elections shall be moved from annual elections held on the election uniform date established in the Texas Election Code during the month of November to the uniform date established during the month of May in odd numbered years, according the following schedule. The regular City elections held in 2014 and 2015 shall be held on the uniform election date established in the Texas Election Code during the month of November. Council Members for places 1, 2, 4 and 6 elected in 2014 shall be elected to terms greater than two years but less than three years such that the ending date of the term shall coincide with an election on the uniform date established during the month of May in 2017, and they shall thereafter be elected to four-year terms. The Mayor and Council Members for places 3, 5 and 7 elected in 2015 shall be elected to terms greater than three years but less than four years such that the ending date of the term shall coincide with an election on the uniform election date established during the month of May in 2019, and they shall thereafter be elected to four-year terms. Beginning in 2017, the regular City elections shall be held on the uniform election date established in the Texas Election Code during the month of May with a run-off election to be held on the earliest date practicable in accordance with the law.

(Amended 11/5/2013: Amendment #1)

- (E) Any person who has served on the City Council for eight (8) consecutive years will be ineligible to occupy any position on the council for a period of two (2) years, provided however, the Mayor and Council Members elected in 2015 shall be eligible to serve for nine (9) consecutive years. Service of a period of time of less than one (1) year, regardless of whether the service was to fill a vacancy or was part of a term that was lengthened for the purpose of moving the regular election date or lengthening terms of office, will not count in determining the number of consecutive years of service. Any person who has not served on the Council during the previous two (2) consecutive years shall be eligible to serve under the same conditions as and with no more restrictions than a person who has never served on the Council. The time periods under this provision are measured based on the corresponding uniform election dates in the applicable years, regardless of the fact that the date falls a number of days over or short of the requisite period. (Amended 11/5/2013: Amendment #1)

### **Section 3.02 Qualifications**

- (A) Each member of the City Council and the Mayor, in addition to other qualifications prescribed by the laws of the State of Texas, shall:
  - (1) be a qualified voter of the City;
  - (2) reside within the corporate limits of the City; and
  - (3) not hold any other office or employment under the City government nor be a elected member of any agency, board or district, which is directly involved in taxing, providing services, or establishing schools within the Town of Horizon City.

(Amended 5/07/05: Amendment #11)



- (4) No person shall be eligible for an elective office of the city unless at the time of their election they have resided in the city during the twelve months immediately preceding the election. (Amended 5/07/05: Amendment #5)
- (B) If the Mayor or member of the City Council shall cease to possess any of these qualifications or shall cease to reside in the City or shall be convicted of a felony or is absent from three (3) consecutive regular Council meetings without being excused by the Council, he or she automatically and immediately forfeit the office and will not be allowed to participate in any meetings or actions taken by City Council. (Amended 5/07/05: Amendment #11)
- (C) The Council is to be sole judge of its members' qualifications. A majority vote of the elected members of the full Council in regular session is required to declare the office forfeited.

### **Section 3.03 Mayor and Mayor Pro Tem**

- (A) The Mayor shall preside at meetings of the Council and shall be recognized as the head of the City government for all ceremonial purposes and be the Governor for purposes of military law, and as emergency manager/director for the City.
- (B) The Council shall elect from among its members a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor.
- (C) The Mayor, or the Mayor Pro Tem while presiding over the Council in the absence of the Mayor, shall vote only in the case of a tie. A quorum of four (4) from the seven (7) member Council must be present to conduct a meeting. A vote of four (4), in favor, shall be required to pass any ordinance, mandate, resolution or any other Council business. The Mayor only shall have the power of veto. Any veto must be brought before Council for reconsideration within thirty one (31) days of a veto by the Mayor and shall require a vote of five (5) Council Members to override. (Original language, 1997)
- (D) The Mayor, or the Mayor Pro Tem while presiding over the Council in the absence of the Mayor, shall vote only in the case of a tie. A quorum of four (4) from the seven (7) member Council must be present to conduct a meeting. A vote of four (4), in favor, shall be required to pass any ordinance as per Section 3.14 (B) (4). A vote of Four (4) in favor shall be required to pass any mandate, resolution or any other council business. The Mayor shall have the power to veto. Any veto may be reconsidered on a written request of any member of the City Council within thirty one (31) days of a veto by the Mayor and shall require a vote of five (5) Council Members to override the Mayor's veto. (Amended 5/13/06: Amendment #1)

### **Section 3.04 General Powers and Duties**

All powers of the City shall be vested in the Mayor and Council except as otherwise provided by law or this Charter. The Council shall provide for the exercise of such powers and for the performance of all duties and obligations imposed on the City by law.

### **Section 3.05 Compensation**

- (A) Commencing on January 1, 2014, each member of the City Council, with the exception of the Mayor, shall receive as a stipend, the sum of one hundred twenty five (\$125.00) dollars for each regular or special City Council meeting attended during each fiscal year, not to exceed a total annual stipend of three thousand (\$3,000.00) dollars.

- (B) Commencing on January 1, 2014, the Mayor shall receive a salary of \$18,000.00 per year.
- (C) In addition to the above, the Mayor and Council Members shall receive reimbursement for actual and necessary expenses incurred in the performance of their duties, as approved by City Council.
- (D) Nothing herein shall prohibit the Mayor or a member of the City Council from waiving the right to all or any part of such compensation or payment of expenses.  
(Amended 11/5/2013: Amendment #5)

### **Section 3.06 Vacancies**

A vacancy occurring in the Council shall be filled in the manner prescribed by the Texas Constitution and state law. (Amended 11/7/17: Amendment #A)

### **Section 3.07 Meetings**

- (A) The City Council shall hold one (1) regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings as may be necessary for the transaction of the business of the City and its citizens.
- (B) The Mayor shall, with four (4) of the remaining Council Members, constitute a quorum. In the absence of the Mayor, any five (5) of the Council Members shall constitute a quorum. If, because of one (1) or more vacancies, the Council comprises less than seven (7) members, sixty (60) percent of the membership, excluding the Mayor, shall constitute a quorum. At any meeting at which both the Mayor and Mayor Pro Tem are absent, the quorum may appoint any Council member to preside as acting Mayor.
- (C) All meetings of the Council and all committees thereof shall be open to the public, except as provided by law. The rules of the Council shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meetings, in regard to any matter there considered.
- (D) All meetings of the Council shall be held at the City Hall, except that the Council may designate another place for such meeting by specifying the location on the notice of such meeting, posted in conformance with the Texas Open Meetings Act and any other applicable State law(s).
- (E) Special meetings of the Council shall be called by the City Clerk upon the written request of the Mayor and/or any four (4) members of the Council.

### **Section 3.08 Rules of Procedures**

The City Council shall determine by ordinance its own rules of procedure and order of business. Minutes of all meetings of the Council, including the results of all votes, shall be taken and recorded. Such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times.

### **Section 3.09 Official Bonds for City Employees**

The Council shall be required to maintain fidelity bonds on all municipal officers and employees of the City. The amount of such bonds and types of coverage shall be determined by the Council and the cost shall be borne by the City.

### **Section 3.10 Interference with Administration**

Neither the Council nor any of its members thereof shall instruct or request the Mayor or any of the Mayor's subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the Council under the provisions of this Charter. Except for the purpose of inquiry and investigation or as otherwise expressly provided in this Charter, the Council shall deal with the administrative services of the City solely through the Mayor and shall not give orders to any of the Mayor's subordinates either publicly or privately, except with the Mayor's specific written approval.

### **Section 3.11 Investigation by the City Council**

The City Council shall have power to inquire into the official conduct of any office, department, agency officer, or employee of the City and to make investigations as to municipal affairs.

### **Section 3.12 Audit and Examination of City Books and Accounts**

- (A) The City Council shall cause an annual audit to be made of the books and accounts of each department of the City. At the close of each fiscal year, a complete audit shall be made by a certified public accountant or a firm of certified public accountants who shall be selected by the Council not more than sixty (60) nor less than thirty (30) days prior to the end of the fiscal year, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers.
- (B) Such audit shall include a recapitulation of all internal audits made during the course of the fiscal year.
- (C) All audit reports shall be filed with the City Council and shall be made a part of the archives of the City.
- (D) All audits so authorized by the City Council shall be performed in accordance with written audit contracts. Such contracts shall state the period to be covered, the funds involved, the purpose of the audit, the fee to be charged, and the authority to be used in determining presentation and accounting standards.

### **Section 3.13 Action Requiring an Ordinance**

In addition to other acts required by law or by specific provisions of this Charter to be enacted by ordinance, those acts of the Council shall be by ordinance which:

- (A) adopt or amend any code of technical regulations or establish, alter, or abolish any City departments, office, or agency;
- (B) provide for a fine or other penalty or establish a rule of regulation for violation of which a fine or other penalty is imposed;
- (C) levy taxes except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget;
- (D) grant, renew, or extend a franchise;
- (E) [Deleted] (Amended 11/7/17: Amendment #B)
- (F) convey or lease or authorize the conveyance or lease of any lands of the City;
- (G) are proposed under the initiative power as provided in Article VII; and
- (H) amend or repair any ordinance previously adopted except as otherwise provided in Article VII with respect to the repeal of ordinances reconsidered under the referendum power.

**Section 3.14 Ordinances in General****(A) Form**

- (1) every proposed ordinance shall be introduced in writing and in the form required for final adoption.
- (2) every ordinance shall concern only one subject which shall be clearly expressed in its title.
- (3) the enacting clause shall be "Be it ordained by the City Council of the Town of Horizon City that."
- (4) Any ordinance which repeals or amends an existing ordinance or a part of a City code shall summarize the ordinance, sections or subsections to be repealed or amended. When requested by the Council, a copy of the ordinance indicating the matter to be omitted by enclosing it in brackets or by strikeout type and indicating new matter by underscoring or by italics shall be prepared and be made available.

**(B) Procedure**

- (1) An ordinance may be introduced by any member of the Council at any regular or special meeting of the Council, provided it is an agenda item.
- (2) upon introduction of any ordinance, the City clerk shall:
  - (a) distribute a copy of the ordinance to each member of the Council and to the Mayor;
  - (b) file a reasonable number of copies in the office of the Town Clerk and such other public places as the Council may designate, and
  - (c) publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.
- (3) The public hearing shall follow the publication by at least three (3) days, may be held separately or in connection with a regular or special Council meeting, and may be adjourned from time to time, all persons interested shall have an opportunity to be heard.
- (4) After the hearing, the Council may adopt the ordinance with or without amendments or reject it. Adoption of an ordinance requires that a least four (4) members vote in favor of the ordinance. If the ordinance is amended as to any matter not included in the caption or published summary of the ordinance, or as to any matter of substance if the entire ordinance was published in a newspaper, the Council may not adopt it until the ordinance or its amended section have been subjected to all the procedures required in the case of a newly introduced ordinance. In any event, the publication must be written so as to be understood by an average person.
- (5) As soon as practicable after adoption of any ordinance, the City shall publish a notice of its adoption.

**(C) Effective Date**

- (1) Every ordinance shall become effective when approved and passed by the City Council on a second reading or at any later date specified therein.

**(D) Publish Defined**

- (1) as used in this Section, the term "publish" means to give notice by any contemporary means of information sharing, including but not limited to, publication in a newspaper of general circulation in the City or placement on a web site;



- (2) the ordinance or the caption of an adopted ordinance that summarizes the purpose of the ordinance and any penalty for violating the ordinance;
- (3) the places where copies of it have been filed and the times when they are available for public inspection. (Amended 11/5/2013: Amendment #3)

### **Section 3.15 Code of Technical Regulations**

- (A) The Council may adopt any standard of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:
  - (1) a copy of each adopted code of technical regulations as well as or the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to Section 3.16 of this Article. (Amended 11/5/2013: Amendment #3)
- (B) Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

### **Section 3.16 Authentication and Recording**

- (A) The Mayor and the City Clerk shall authenticate by signature and have recorded in full in a properly indexed book kept for that purpose, all ordinances and resolutions adopted by the Council.
- (B) The Council may provide for the preparation of a general codification of this Charter and its amendments, and of those ordinances selected by the Council. Such a codification will be known and officially cited as the **Horizon City Municipal Code**. Copies of such a Code will be produced as required by State law and the City Clerk shall make such Code available to the public by any contemporary means of information sharing for free public reference. (Amended 11/5/2013: Amendment #3)

### **Section 3.17 Emergency Ordinances**

- (A) To meet a public emergency affecting life, health, property, or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, authorize a conveyance of real property, or authorize the borrowing of money.
- (B) An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it may be introduced on two hours' public notice, and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the unanimous vote of the Representatives present, and the consent of the Mayor, shall be required for adoption.
- (C) Adoption, Re-enactment, Repeal. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as the ordinance may specify. Every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but this shall not prevent the re-enactment of the ordinance, in the manner specified in this section, if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance, in the same manner specified in this section for adoption of emergency ordinances. (Added 11/7/17: Amendment #B)

## **ARTICLE IV      CITY ADMINISTRATION**

### **Section 4.01    Duties of the Mayor**

The Mayor shall:

- (A) make certain that all laws and ordinances are enforced;
- (B) exercise control over all departments and subdivisions thereafter created by the Charter, or created by the Council hereafter;
- (C) appoint the Chief of Police with the consent of the City Council
- (D) attend all meetings of the Council with the right to take part in the discussion;
- (E) keep the council at all times fully advised as to the financial conditions and needs of the City;
- (F) prepare or cause to be prepared and submitted to the Council the annual budget;
- (G) make certain that the City operates within its budget;
- (H) execute deeds and to make and execute all contracts on behalf of the City when authorized by ordinance, resolution or motion of the City Council;
- (I) perform such other duties as may be prescribed by this Charter, or by ordinance or resolution of the City Council.

### **Section 4.02    City Clerk**

- (A) The Council shall appoint a City Clerk who shall report administratively to the Mayor, but may be removed from office only with the consent of the Council.
- (B) the duties of the City Clerk shall be to:
  - (1) prepare and post notice of Council meetings;
  - (2) keep the minutes of proceedings of Council meetings;
  - (3) authenticate by signature and record in full, in a book kept and indexed for that purpose, all ordinances and resolutions passed by the Council;
  - (4) hold and maintain the City Seal and affix the Seal to all instruments requiring it; and
  - (5) perform such other duties, as may be specified by the Council, Mayor, this Charter, or the laws of the State of Texas.

### **Section 4.03    City Attorney**

- (A) The City Council shall appoint an attorney, licensed to practice law in the State of Texas, as City Attorney. The City Attorney shall serve at the will of and be entitled to compensation as established by the Council.
- (B) The duties of the City Attorney shall be to:
  - (1) serve as legal advisor to the Council, to all offices, departments, and agencies of the City, and to all officers and employees of the City in matters relating to their official duties;
  - (2) represent the City in all legal proceedings;
  - (3) perform all services incident to his or her position as may be required by statute, this Charter, ordinance, or as directed by the Council.
- (C) The Council may retain special counsel at any time it deems such action appropriate is necessary.

### **Section 4.04    Municipal Court**

- (A) There is hereby established a court designated the Municipal Court of the Town of Horizon City.

- (B) The Municipal Court shall have jurisdiction within the territorial limits of the City for the trial of misdemeanor offenses with all powers and duties granted by the laws of the State of Texas.
- (C) Nominees for the Judge of the Municipal Court shall be presented by the Mayor and approved by the City Council for a term of two (2) years to run concurrently with the Council general elections held in odd numbered years. Compensation shall be set by the Council and may not be reduced during the term of office for which the Judge was appointed. (Amended 11/7/17: Amendment #C)
- (D) In the absence or disability of the Judge, the Mayor shall appoint an interim judge to preside over the Municipal Court until the next regular meeting for review of the City Council.
- (E) All costs and fines collected by the Municipal Court shall be paid to the City Treasurer unless otherwise directed by Texas Law.
- (F) The City Council shall appoint the Clerk of the Court and the Clerk should qualify as a Notary Public and shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Court, and do and perform all acts usually necessary by the Court.

#### **Section 4.05 Police Department**

- (A) There is hereby established a Police Department designated as the City Police Department of the Town of Horizon City.
- (B) The Police Department shall have jurisdiction over law enforcement within the territorial limits of the City in accordance with requirements established by the Laws of the State of Texas.
- (C) The Police Chief will be appointed by the Mayor with the consent of City Council. The appointment shall be formalized by a written contract which shall include the term of office, salary agreement and the duties, responsibilities and authority of the Police Chief.
- (D) The Police Chief shall administer all actions of the Police Department in accordance with this Charter and the Laws of the State of Texas and shall be responsible to the Council through the Mayor for all Police Department activities.
- (E) Police Department personnel policies shall be administered in accordance with City Ordinances pertaining to all City employees.

## **ARTICLE V FINANCIAL PROCEDURES**

#### **Section 5.01 Fiscal Year**

The fiscal year of the City shall be established by ordinance.

#### **Section 5.02 Submission of Budget and Budget Message**

No later than forty-five (45) days prior to the close of the fiscal year, the Mayor shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

#### **Section 5.03 Budget Message**

The Mayor's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall:

- (A) outline the proposed financial policies of the City for the ensuing fiscal year;
- (B) describe the important features of the budget;

- (C) indicate any major changes from the current year in financial policies, expenditures, and revenues, and the reasons for such changes;
- (D) summarize the City's debt position; and
- (E) include such other material as the Mayor deems desirable.

#### 5.04 Budget

- (A) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Mayor deems desirable or the Council may require.
- (B) In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents and shall show in detail:
  - (1) all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year;
  - (2) comparative figures for actual and estimated income and expenditures of the current fiscal year;
  - (3) actual income and expenditures of the preceding fiscal year;
  - (4) any other item(s) required by State law to be included in the budget.
- (C) The budget shall indicate in separate sections;
  - (1) estimated revenues for operations during the ensuing fiscal year, detailed by source;
  - (2) proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs;
  - (3) proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each capital expenditure, and
  - (4) anticipated net surplus or deficits for the ensuing fiscal year of each enterprise owned or operated by the City and the proposed method of its disposition.
- (D) Subsidiary budgets for each enterprise, giving detailed income and expenditure information, shall be attached as appendices to the budget.
- (E) The total of proposed expenditures shall not exceed the total of estimated incomes plus any accumulated surplus.
- (F) [Deleted] (Amended 11/5/2013: Amendment #4; 11/7/17: Amendment #D)
- (G) The budget may not include funding for the direct costs of providing insurance coverage for persons other than City employees who may be eligible to obtain coverage under any insurance policy offered in whole or in part to City employees as a benefit of employment, unless the payment of such costs is part of (1) a negotiated employment contract with an employee or (2) at no cost to the City, a part of a negotiated contract with another political subdivision or related City entity previously authorized by the qualified voters of the City. (Amended 11/5/2013: Amendment #4; 11/7/17: Amendment #D)



**Section 5.05 City Council Action on the Budget**

- (A) The City Council shall publish in one or more newspapers of general circulation in the City, the general summary of the budget and a notice stating:
  - (1) the times and places where copies of the message and budget are available for inspection by the public, and
  - (2) the time and place for a public hearing on the budget.
- (B) After the public hearing, the Council may adopt the budget with or without amending the budget, it may add or increase programs or amounts and may delete or decrease any program or amounts, except expenditures required by law or for debt service, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus any accumulated surplus.
- (C) The Council shall adopt the budget on or before the fifteenth day of the twelfth month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until at such time as the Council adopts a budget for the ensuing fiscal year.
- (D) Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the fund indicated and shall constitute a levy of the property tax therein proposed, provided that in no event shall such levy exceed the legal limit provided by the laws and Constitution of the State of Texas.

**Section 5.06 Budget Amendments After Adoption**

- (A) All amendments to the budget shall be by ordinance and become an attachment to the original budget.
- (B) If during the fiscal year the Mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of the excess.
- (C) To meet a public emergency, as defined by State law, the Council may make emergency appropriations. To the extent that there are no unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time. The emergency notes and renewal of those notes during any fiscal year shall be paid not later than the last day of the current fiscal year.
- (D) If at any time during the fiscal year it appears probable to the Mayor that the revenues available during the current fiscal year will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for the purpose it may by ordinance reduce one or more appropriations.
- (E) At any time during the fiscal year the Mayor may transfer part of all of any unencumbered appropriation balance among programs within a department, office, of agency, but no funds may be transferred to increase a salary appropriation without the approval of the Council. Upon written request by the Mayor, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

- (F) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

#### **Section 5.07 Lapse of Appropriations**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue until the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

#### **Section 5.08 Capital Program**

- (A) The Mayor shall prepare, or cause to be prepared, and submit to the Council a three (3) year capital program at least three months prior to the final date for submission of the annual budget.
- (B) The capital program shall include:
  - (1) a clear general summary of its contents;
  - (2) a projection of revenues and expenditures together with a list of all capital projects which are proposed to be undertaken during the three (3) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
  - (3) cost estimates, methods of financing, and recommended time schedules for each such improvements; and
  - (4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- (C) The capital program shall be revised and extended each year with regard to capital projects still pending or in process or construction or acquisition.

#### **Section 5.09 City Council Action on Capital Projects**

- (A) The Council shall publish by any contemporary means of information sharing, the general summary of the capital budget and a notice stating:
  - (1) the times and places where copies of the capital program plan are available for inspection by the public; and
  - (2) the time and place, not less than two weeks after such publication, for a public hearing on the capital program plan.
- (B) The Council by resolution shall consider the adoption of the capital program plan with or without amendment after the public hearing and on or before the fifteenth (15) day of the twelfth (12) month of the current fiscal year. (Amended 11/5/2013: Amendment #3)

#### **Section 5.10 Public Records**

Copies of the budget and the capital program as adopted shall be public records and shall be available to the public at suitable places in the City.

**Section 5.11 Purchase Procedures**

- (A) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Mayor or the Mayor's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable.
- (B) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made shall be illegal. Such action shall be cause for removal of any elected or appointed officer who knowingly authorized or made such payment or incurred such obligation, and he or she shall also be liable to the City for any amount so paid.
- (C) All purchases made and contracts executed by the City shall be in accordance with the requirements of the Constitution and laws of the State of Texas.

**Section 5.12 Accounting and Reporting Procedures**

The City shall adopt an accounting manual prepared by competent authority which shall provide procedures to be followed in the detail recording and reporting of financial transactions. Changes in such accounting manual may be made, as may from time to time be necessary, by the Mayor, providing such changes are approved in writing by the independent auditor. Accounting controls shall be adequate to protect the assets of the City, but shall not be restrictive beyond the value of the assets being controlled. The Council shall provide for an independent annual audit of the City accounts. Such audits shall be made by a CPA who has no personal interest in the City. The annual audit shall be submitted and reported to the Council.

**Section 5.13 Authority to Issue Bonds**

The City Council shall have the power and authority to issue all tax bonds, revenue bonds, funding bonds, funding and refunding bonds, warrants, time warrants, certificates of obligation, notes, and other evidence of obligation as may be authorized by the Constitution and laws of the State of Texas.

**Section 5.14 Authority to Levy Taxes**

- (A) The City has the authority to levy taxes unless otherwise prohibited by the Constitution and the laws of the State of Texas.
- (B) Error or defect in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

**Section 5.15 Collection of Taxes**

- (A) The Mayor may, subject to approval by a majority of the full City Council, appoint an individual as City Tax Collector to collect taxes. The Tax Collector shall be given a fidelity bond, the cost to be borne by the City. The amount of such bond shall be set by the Council, but shall not be less than the amount of tax collections under his or her control at any one time.
- (B) As an alternative to appointing a City Tax Collector, the City Council may contract with the City of El Paso Tax Assessor-Collector to collect taxes for the City.
- (C) All taxes due the City shall be payable at the office of the designated Tax Collector or Assessor-Collector.

- (D) Due date for the taxes to be paid without penalty and the penalty and interest charged for late payment shall be in accordance with the Texas Property Tax Code and any other applicable laws of the State of Texas.

#### **Section 5.16 Cash Reserve Fund**

A cash reserve fund in the general operating fund of the City shall be maintained in an amount no less than eight percent (8%) of the prior year's adopted general fund operating expenditure budget. The cash reserve fund shall be maintained and reported as restricted under applicable Governmental Accounting Standards Board rules and must be invested in accordance with the laws of Texas. Short term borrowing from the cash reserve fund shall be for a period of no more than one calendar year and must be approved by the Council. (Amended 11/5/2013: Amendment #4)

#### **Section 5.17 Lease and Lease Purchase.**

The City may execute, perform, and make payments under a contract with any person for the use, purchase or other acquisition of any real or personal property, or the financing thereof, including a lease, a lease with an option or option to purchase, an installment purchase or other form considered appropriate by the Council. (Amended 11/5/2013: Amendment #4)

## **ARTICLE VI ELECTIONS**

#### **Section 6.01 Regular Elections**

City general elections shall be held on the uniform election date in May in odd numbered years in accordance with the laws of the State of Texas. (Amended 11/7/2017: Amendment #A)

#### **Section 6.02 Qualified Voters**

All citizens residing in the City and otherwise qualified by the Constitution and laws of the State of Texas to vote in the City shall be qualified voters of the City.

#### **Section 6.03 Regulation of Elections**

All municipal elections shall be held in accordance with the provisions of the general laws of Texas regulation the holding of elections. The City Council shall have the power to make rules and regulations consistent with this Charter or the general laws of this State for the conduct of elections or for the prevention of frauds in elections.

#### **Section 6.04 Filing for Office**

- (A) Any qualified citizen who desires to become a candidate for City office shall file with the City Clerk a signed application for his or her name to appear on the ballot. This application must be filled in accordance with the laws of the State of Texas.
- (B) In addition to all General Requirements for Application for a place on the ballot as specified in the Texas Election Code, or any other requirements specified in the Constitution and the laws of the State of Texas, a candidate must possess the qualifications specified in Section 3.02, paragraph (A) of this Charter.
- (C) Any elected City official who applies to become a candidate for an elected office, for an agency, board or district which is directly involved in taxing, providing services, or establishing schools within the Town of Horizon City or any elected City official which becomes a candidate for a place other than the one currently held automatically resigns in accordance with the Texas Constitution and state law. Any vacancy created by such resignation shall be filled in accordance with the Texas Constitution and state laws. (Amended 5/07/05: Amendment #9; 11/7/17: Amendment #A)



**Section 6.05 Election by Majority**

At any regular or special election for the City Council, including the office of Mayor, the candidate for each position or place who shall receive the majority vote of the qualified voters voting at an election in accordance with the Texas Constitution and state laws shall be declared elected. (Amended 11/7/17: Amendment #A)

**ARTICLE VII INITIATIVE, REFERENDUM, AND RECALL****Section 7.01 Initiative**

- (A) The voters of this City shall have the power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, or one repealing such an ordinance, and to adopt or reject the same at the polls.
- (B) Any initiated ordinance may be submitted to the Council by a petition signed by registered and qualified voters of the City equal in number to at least twenty-five (25) percent of the number of votes cast at the last regular City election, or two hundred fifty (250), whichever is greater.
- (C) Initiative petitions shall contain the full text of the proposed ordinance.
- (D) Such ordinances may be passed by the Council without change, or must be submitted to the voters at an election called for that purpose and held in compliance with the Texas Election Code.

**Section 7.02 Referendum by Voters**

- (A) The voters of this City shall have the power to approve or reject at the polls any ordinance passed by the Council except an ordinance appropriating money, authorizing the levy of taxes, or authorizing the issuance of either tax or revenue bonds, whether original or refunding.
- (B) The petition for referendum shall require the same number and qualification of signers as required by the Charter for an initiative petition.
- (C) A referendum petition must contain sufficient description of the ordinance to positively identify it.
- (D) A referendum petition must be filed with the City Clerk within thirty (30) days after the final passage of the ordinance which is the subject of the referendum, or the petition shall be barred by the lapse of time.
- (E) When such petition has been certified as sufficient by the City Clerk, the ordinance shall not go into effect, or, if it has gone into effect, further enforcement or action thereunder shall be suspended unless and until such ordinance is approved by the voters as herein provided.

**Section 7.03 Consideration by Council**

- (A) Whenever the Council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. The Council shall take final action on such ordinance not later than thirty (30) days after the date on which it was submitted to the Council by the City Clerk.
- (B) A referred ordinance shall be reconsidered by the Council and Council's final vote upon such consideration shall be on the proposal to repeal.

**Section 7.04 Referendum by City Council**

- (A) In the absence of a petition, the Council shall have the authority to submit a proposed ordinance to the voters.
- (B) If the Council specifies that the election is binding, and if the voters approve the proposed ordinance, then the ordinance is adopted.
- (C) If the Council specifies that the election is non-binding, then the results of the election are only to supply information and guidance to the Council, and the proposed ordinance is neither approved nor disapproved.

**Section 7.05 Submission to Voters**

- (A) If the Council shall fail to pass an ordinance proposed by initiative petition in the exact form proposed, or fail to repeal an ordinance referred by petition, or in the case of an ordinance proposed by the Council, the proposed or referred ordinance shall be submitted to the voters.
- (B) An initiative or referendum election shall be held on the next uniform election date thereafter permitted by the Texas Election Code or the date of the next election that will be conducted by the County Elections Administrator, as directed by the Council. (Amended 11/5/2013: Amendment #2)
- (C) Any number of ordinances may be voted on at the same election.

**Section 7.06 Results of Elections**

- (A) A majority vote in favor of a proposed initiative ordinance shall constitute its adoption as a City ordinance.
- (B) If two or more ordinances with conflicting provisions are approved by the voters, the ordinance receiving the greater number of votes shall be adopted and the conflicting ordinance or ordinances shall be rejected.
- (C) An ordinance referred by petition and voted on in a referendum election that does not receive a majority of the vote shall be deemed repealed.
- (D) No ordinance adopted at the polls under initiative or referendum shall be amended or repealed by the Council within one hundred eighty (180) days of adoption.
- (E) No ordinance repealed at the polls in a referendum election shall be reenacted within six (6) months.

**Section 7.07 Publication of Initiative and Referendum Ordinances**

Initiative and referendum ordinances shall be published in the same manner as those adopted by the Council.

**Section 7.08 Recall Procedure**

- (A) Any member of the City Council, including the Mayor, may be recalled and removed from office by the electors qualified to vote. A petition demanding the recall shall be filed with the City Clerk, provided that such petition shall contain the name of the officer whose removal is sought and a statement of the grounds for removal.
- (B) The recall petition must be signed by qualified voters equal in number to at least ten (10) percent of the entire number of persons entitled to vote in the City, as appears on the City Clerk's roll.
- (C) The total signatures required must be secured and the petition filed with the City Clerk within thirty (30) days after the filing of the petition request.

- (D) The City Clerk shall immediately notify by hand-delivery or by certified mail the officer whose removal is sought. (Amended 11/5/2013: Amendment #1)
- (E) The signatures to the petition need not all be appended to one (1) paper. For a petition signature to be valid a petition must contain, in addition to the signature:
  - (1) the signer's printed name,
  - (2) residence address,
  - (3) county residence,
  - (4) date of signing, and
  - (5) compliance with any other applicable requirements required by law.

One of the signers to each of such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be and was signed by such person on the date indicated.
- (F) Within ten (10) days from filing of such petition, the City Clerk shall examine the same and form the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters. The City Clerk shall attach to said petition a certificate showing the result of such examination.
- (G) If by the City Clerk's certificate the petition is shown to be insufficient, the Clerk shall set forth the particulars in which it is defective, and shall notify the person who filed it. The petition may be amended within ten (10) days from the date of said certificate. The Clerk shall, within ten (10) days after such amendment is filed, in the event one is filed, make like examination of the said amended petition, and if the certificate shall show the petition to be insufficient, it shall be returned to the person filing same, without prejudice to the filing of a completely new petition upon new and different grounds, but not upon the same grounds.
- (H) If the petition is found to be sufficient, the City Clerk shall submit it and the certificate declaring the petition to be sufficient to the City Council within thirty (30) days.

#### **Section 7.09 Public Hearing on Recall Petition**

The officer whose removal is sought by a recall petition may, within five days after such recall petition has been presented to the Council, request that a public hearing to be held to permit him or her to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall order such public hearing to be held not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

#### **Section 7.10 Recall Election**

- (A) If the officer whose removal is sought does not resign, the City Council shall order and set an election to determine whether the officer shall be recalled.
- (B) The recall election shall be held on the next uniform election date thereafter permitted by the Texas Election Code or the date of the next election that will be conducted by the County Elections Administrator, as directed by the Council.  
(Amended 11/5/2013: Amendment #2)
- (C) If the majority of the legal votes at the recall election are cast for the recall of the officer named on the ballot, the Council shall immediately declare that office vacant. Such vacancy shall be filled in accordance with the provisions of this Charter.

**Section 7.11 Recall Limitation**

No recall petition shall be filed against an elected official within six (6) months of the end of the term of office for the elected official. (Amended 11/5/2013: Amendment #2)

**Section 7.12 Appeal**

Should the City Council fail or refuse to order an election as herein provided for the recall of an elected official, when all requirements for such election have been complied with by the petitioning citizens, in conformity with this article of the Charter, then a District Judge in El Paso County, Texas shall order such election and enforce the procedures required for the election.

**ARTICLE VIII FRANCHISES AND PUBLIC UTILITIES****Section 8.01 Power to Grant Franchise**

The City Council may, by ordinance, grant, amend, renew, cancel for cause, and extend franchises of all public utilities, including cable television, operating in the City. No franchise may be granted for an indefinite term.

**Section 8.02 Franchise Extensions**

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant.

**Section 8.03 Transfer of Franchise**

No public utility franchise may be transferred or assigned by the holder except with the approval of the City Council.

**Section 8.04 Regulations of Franchise**

All grants, renewals, extensions, or amendments of public-utility franchises whether it be so provided in the ordinance or not, shall be subject to the right of the City to:

- (A) repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing;
- (B) require an adequate and reasonable extension of plant and service, and the maintenance of plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public;
- (C) establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (D) prescribe, for each franchised utility, the form of accounts to be kept, or that the system of accounts conform to those prescribed by the appropriate State and/or federal utility-regulator agencies;
- (E) impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public.
- (F) require franchise holders to furnish the City, without cost to the City, full information regarding the location and precise description of all facilities of the franchise holder in, over, or under the City, and to regulate and control the location, relocation, and removal of the facilities;

- (G) examine and audit at any time during normal business hours the accounts and records of the franchise holder; and
- (H) require, at any time, such compensation and rental as may be permitted by the laws of the State of Texas.

#### **Section 8.05 Franchise Records**

The City shall compile and maintain a public record of all franchises granted by the City, including any extensions or amendments to such franchise grants.

#### **Section 8.06 Commissions**

The City Council may, at its discretion, create a Commission to review the performance of any and every franchise holder and/or public utility conducting business within the territorial and extra-territorial jurisdiction of the City.

- (A) The membership of any such commission will be constituted by appointment.
  - (1) Each Council Member shall appoint one Commissioner and the Mayor shall appoint two Commissioners.
  - (2) Each Commission Member must be a resident of Horizon City or the area designated as extra-territorial jurisdiction.
- (B) Every Commission shall oversee the day to day operations of the franchise with respect to fulfillment of the terms of the contract.
- (C) Every Commission shall seek input from the residents of the City and its environs concerning access to and the level and quality of service.
- (D) The Chief Executive Officer of each franchise or his/her designee will be permitted to attend every session of the Commission. Participation of said attendee shall be at the request and sole discretion of the Commission.
- (E) Said Commission shall compile reports of the operation of the franchise and the quality of service to the residents and present these reports to the City Council, monthly.
- (F) The Commission may also make recommendations based upon its information.

### **ARTICLE IX GENERAL PROVISIONS**

#### **Section 9.01 Conflict of Interest/Nepotism**

The Mayor and Council shall be bound by the State laws the address Conflict of Interest and Nepotism.

#### **Section 9.02 Prohibitions**

- (A) The following activities are prohibited:
  - (1) No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, handicap, religion, country or origin, or political affiliation.
  - (2) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his or her test, appointment, promotion, or proposed promotion.



- (B) Any person convicted of a violation of this Section shall be ineligible for a period of five (5) years following such conviction to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his or her office or position. The City Council shall establish by ordinance such further penalties as it may deem appropriate.

### **Section 9.03 Public Records**

All records and accounts of every office, department, or agency of the City shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under such reasonable regulations as may be established by the Council, except records and documents the disclosure of which are protected by law.

### **Section 9.04 Claims Against the City**

Before the City shall be liable to damage claim, suit for personal injury, or damage to property, the person who is injured or whose property has been damaged or someone on behalf of that person shall give the Mayor or the City Clerk notice in writing, duly verified, within one hundred eighty (180) days after the date of the alleged injury or damage. The notice shall state specifically when, where, and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to claimant upon whose testimony claimant is relying to establish the injury or damage. In case of injury resulting in death, the person or persons claiming damage shall within one hundred eighty (180) days after the death of the injured person give notice as required above. Nothing in this Section shall be construed to mean the City waives any rights, privileges, or immunities in tort action which are provided under the common law, the laws of the State of Texas, and the State Constitution.

### **Section 9.05 Liens, Assignments, Execution, and Garnishment**

The real and personal property belonging to the City shall not be liable for sale or appropriation under any writ or execution or cost bill, and no lien of any kind shall ever exist against any such property owned by the City except that lien be created or authorized by this Charter or State law. The funds belonging to the City in the hand of any person, firm, or corporation shall not be liable to garnishment attachment, or sequestration. The City shall not be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors except by court order.

### **Section 9.06 Separability**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

### **Section 9.07 Ethics Commission**

The City Council may establish an Ethics Commission.

## **ARTICLE X      TRANSITIONAL PROVISIONS**

### **Section 10.01 Officers and Employees**

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or provisions of persons who are City officers or employees at the time of its adoption.

### **Section 10.02 Pending Matters**

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter.

### **Section 10.03 Effect on Existing Law**

- (A) All City ordinances, rules, and regulations in force on adoption of this Charter and not in conflict with it shall remain in force until altered, amended or repealed by the Council. All rights of the City under existing franchises and contracts are preserved in full force and effect.
- (B) Any ordinances, rules or regulations inconsistent with this Charter are repealed as of the date of adoption of the Charter.
- (C) Any laws, ordinances, rules, or regulations applicable to Type A General Law municipalities and not also applicable to Home-Rule Municipalities in the State of Texas shall be superseded upon adoption of this Charter. Any such ordinances, rules, or regulations are repealed as of the date of adoption of this Charter.

## **ARTICLE XI      SUBMISSION OF CHARTER TO VOTERS**

The Charter Commission in preparing this Charter has decided that it is impracticable to segregate subjects so as to permit voting on individual subjects separately. Accordingly, the Charter Commission directs that this Charter be submitted to the qualified voters of the City to be voted on as a whole at the General City Election in November 1997.