

**HOME RULE CHARTER
FOR
THE CITY OF IOWA PARK, TEXAS
PREAMBLE**

We, the citizens of Iowa Park, Texas, in order to establish a Home Rule municipal government, provide for the progress of our City, secure fully the benefits of local self-government, promote economic and cultural prosperity, provide for the common welfare, insure health and safety, support municipal cooperation, and encourage all citizens to participate in the process of self-governing, hereby adopt this Home Rule Charter, as an expression of our city's purpose and in accordance with the statutes of the State of Texas; and we declare the City of Iowa Park (hereinafter referred to as "City"), in Wichita County, to be a political subdivision of the State of Texas with all powers, rights, privileges, authorities, duties and immunities of local self-government as are provided and limited in this Charter.

ARTICLE I

City Council

SECTION 1.01 Governing Body

The governing body of the City shall be known as the "City Council" and shall consist of a Mayor and five (5) Council members.

SECTION 1.02 Elected Officers

- (1) Members -- The members of the City Council of the City, which include the Mayor and five (5) Council members, shall be the only elected officers of the City, and they shall be elected and hold office and be compensated as provided herein.
- (2) Terms -- The Mayor and Council members shall be elected by the qualified voters of the entire City for a term of two (2) years, or until a successor has been duly elected and qualified, but each Council member shall be elected to and occupy an at-large, non-geographical place on the City Council, such places being numbered 1, 2, 3, 4, and 5, respectively.
- (3) Transition Provisions -- To establish staggered terms for the Mayor and Council members, the following transition provisions shall be applied:
 - (a) Beginning with the May 2009 election, and in each odd numbered year thereafter, the Council members for Place 1, Place 3 and Place 5 will be elected for a two (2) year term.
 - (b) In May 2010, and in each even numbered year thereafter, the Mayor and Council members for Place 2 & Place 4 will be elected for a two (2) year term.

- (c) Current Terms – The current terms of Council members in office when this Section takes effect shall not be shortened by the transition provision in (3) above.

SECTION 1.03 Candidacy of the Mayor and Council members

Qualification -- Each member of the city council, including the Mayor, shall meet the following qualifications: (1) be a registered voter of the City; (2) shall have resided in the City for one (1) year before the date of the election; (3) continue their residency in the City during the term of office; (4) not hold another public elective office within the State; and, (5) not hold an appointed office of the City unless otherwise specifically permitted by state law.

SECTION 1.04 Election

- (1) All candidates running for Mayor and each Council member place shall be elected by a majority vote of all votes cast in the regular municipal election for the office which the candidate seeks election.
- (2) In the event that a candidate does not receive a majority of votes, it shall be the duty of the City Council to order a runoff election for every Council member place or Mayor to which no one was elected. Such runoff election shall be held in accordance with State law.
- (3) Should any person who was a candidate at the regular municipal election and who is entitled to become a candidate at the runoff election die, refuse or otherwise be unable to appear on the runoff election ballot, the candidate for such office standing next highest in the computation of vote for that office shall succeed to the rights of such candidate who failed to appear on the ballot at said runoff election. This method for selecting alternate runoff candidates shall be employed until there are two (2) candidates for each office in each runoff election and should there be only one candidate for office after the conclusion of this process, that candidate shall be declared the winner. However, if at the date of the election, there is no runoff candidate left from those who sought to be elected to that place or Mayor in the regular election, the City Council shall declare no one elected to such place or Mayor and shall call a Special Election on such date provided by State law to elect a person to such place or Mayor; and said Special Election shall be conducted pursuant to State law prescribing special elections to fill vacancies in municipal offices.

SECTION 1.05 Judge of Election

- (1) The City Council shall be the judge of the qualifications of its own members and of the Mayor, subject to review of the courts in case of an election contest. The City Council shall, in accordance with State law, canvass the returns for any election and declare the results of such election. Should a runoff election be necessary, such election shall be held in accordance with the Texas Election Code and other applicable statutes.
- (2) In the event of a tie vote between candidates, the respective candidates so tied may agree to

cast lots to determine who shall be the duly elected officer. In the event such tied candidates do not agree to determine the results of the election by casting lots, a run-off election shall be called and the respective candidates so tied shall cast lots to determine the order their names shall appear on the ballot for such run-off elections. The candidate receiving the highest number of votes of the entire City cast at said run-off election shall be elected to such office.

SECTION 1.06 Dates and Conduct of Election

The regular municipal election of the City Council shall be held on the uniform election day in May, in accordance with this Charter, and the same shall be conducted and the results canvassed and announced in accordance with the laws of the State regulating all municipal elections and in accordance with the ordinances adopted by the City Council for the conduct of elections.

SECTION 1.07 Qualifying of Officers

The Mayor and Council members elected, and other officers appointed under this Charter shall qualify by taking the oath prescribed by the Texas Constitution at the first meeting following the canvass. Each newly elected City Council member shall, within twelve (12) weeks of their election, swear that he or she has read the City Charter, the Code of Ordinances and the Texas Municipal League's *Handbook for Mayors and Councilmembers of Home Rule Cities*.

SECTION 1.08 Candidates Holding Special Positions with the City

- (1) In the event any Council member shall become a candidate for office of Mayor or in the event the Mayor or any Council member shall become a candidate for election to any place on the City Council other than the office the Mayor or Council member is presently holding, such candidate shall tender and attach to their ballot application a resignation from said office, which shall be effective as of the date of such election without any further act of acceptance.
- (2) In the event any member of any body appointed by the City Council shall become a candidate for the office of Mayor or Council member, such position on such board shall be considered vacated upon election and qualification.
- (3) Any City employee who shall become a candidate for the office of Mayor or Council member shall immediately forfeit such position of employment and such ballot application shall be accompanied by said Employee's written resignation, the acceptance of which shall require no further act.

SECTION 1.09 City Council Vacancies and Attendance

- (1) In the event of a vacancy existing in the office of Mayor or any Council member from any cause whatsoever, the vacancy or vacancies occurring shall be filled by the qualified voters at an election within one hundred twenty (120) days after such occurs, as prescribed by State

law. If the term of office or offices is or are unexpired, the number of members elected at such election shall serve in such office or offices for the remainder of the unexpired term of such office or offices following the date of the election.

- (2) Any member of the City Council remaining absent for three (3) consecutive regular meetings of the City Council, without first having obtained a leave of absence through City Council action at a regular meeting, such office may be declared vacated by a majority vote of all the remaining members of the City Council. Any member of the City Council remaining absent for six (6) consecutive regular meetings of the City Council shall be deemed to have forfeited such office through City Council action.
- (3) Any person elected to serve on the City Council, who, subsequent to taking office is convicted of a felony or a crime of moral turpitude shall automatically be deemed to have forfeited such office.
- (4) In case of disaster when a legal quorum of the City Council cannot be assembled due to multiple deaths or injuries, the surviving members of the City Council, or the highest surviving City official if no elected official remains, must, within twenty-four (24) hours of such disaster, or as soon as practicable, take such action as to ensure the basic health, safety and welfare of the citizens and undertake whatever action is necessary under the laws of the State to call for a special election. Until such election is held and the City Council qualified, the remaining members or highest ranking officer, if no elected official remains, shall only undertake those actions necessary to protect the basic health, safety and welfare of the citizens which such action may be subsequently ratified by the full City Council.

SECTION 1.10 Mayor Pro-Tem

- (1) At the first regular meeting after each regular election of the city council members and/or mayor, City Council shall select from among the Council members a Mayor Pro-Tem to serve at the pleasure of the City Council.
- (2) The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.
- (3) During the disability or absence of the Mayor and the Mayor Pro-Tem, any Council member may be appointed by the majority of the Council members to act as Mayor and in this capacity shall have the rights conferred upon the Mayor.

SECTION 1.11 Compensation for the Mayor and Council members

The City Council shall establish by ordinance the standards and policies concerning reimbursement of reasonable expenses incurred by the Mayor and Council members in the performance of their official duties.

SECTION 1.12 Duties of Mayor

- (1) The Mayor shall preside at all meetings of the City Council and may vote only to break a tie.
- (2) The Mayor shall perform such other duties consistent with the office as may be imposed by this Charter or the ordinances and resolutions of the City.
- (3) The Mayor shall sign all ordinances, resolutions, capital improvement contracts, conveyances made or entered into by the City, all bonds issued under the provisions of this Charter, and such other documents as authorized by the City Council.
- (4) The Mayor shall be recognized as the official head of the City for all ceremonial purposes.
- (5) The Mayor shall be recognized by the governor for the purpose of enforcing martial law. In time of danger or emergency, the Mayor may, in accordance with State law and with the consent of the Council members, take command of the police and govern the City by proclamation and maintain order and enforce all laws.

SECTION 1.13 Duties of City Council

All powers of the City and the determination of all matters of policy shall be vested in the City Council, except as otherwise provided by this Charter. Without limitation of the foregoing powers of the City Council, the City Council shall have the power to:

- (1) Fix the compensation of all appointive officers and employees.
- (2) Adopt the budget of the City.
- (3) Authorize the issuance of bonds by a bond ordinance.
- (4) By majority vote of its membership, inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs. Nothing contained herein shall be construed to prohibit an inquiry into an operational issue.
- (5) Enact resolutions and ordinances.
- (6) The City Council shall adopt a periodic fiscal reporting policy, with such policy not providing for less than quarterly reporting.
- (7) To appoint members of the planning and zoning commission, the zoning board of adjustments and other such boards, committees, commissions and directors to corporations as may be authorized by State law. Any member appointed to such board, committee, commission or corporation shall have been a resident of the City of Iowa Park for a minimum of one (1) year at the time of their appointment except that non residents of the City may be appointed to boards, committees or commissions where such appointment is

specifically permitted by state law.

- (8) Govern the affairs of the City in conformance with this Charter and the state and federal constitutions and laws, and to determine by majority vote the best and most appropriate method and manner of efficiently performing the functions and providing the services of the City, consistent with the council-manager form of government; and, except as provided in this Charter with respect to certain departments that must be maintained in effect, the City Council may after considering the recommendation of the City Manager, create, change, merge, or abolish offices, departments or agencies of the City, and may contract for services by interlocal agreement or otherwise as it deems advisable to improve the services of the efficiency of government.

SECTION 1.14 Meetings of City Council

- (1) The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as the City Council deems necessary to transact the business of the City. The City Council shall fix by ordinance the date and time of the regular meetings.
- (2) Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Council members upon provision of public notice in accordance with State law.
- (2) All meetings of the City Council, except those authorized by law to be closed to the public, shall be open to the public.

SECTION 1.15 Quorums of City Council and Minutes of City Council Meetings

- (1) A majority of the City Council shall constitute a quorum to do business, and, unless otherwise provided by law, the affirmative vote of a majority of a quorum shall be necessary to adopt any ordinance or resolution.
- (2) Minutes of all proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. The vote on all ordinances and resolutions shall be recorded and entered in the minutes; and, every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer. The minutes of all meetings shall record the attendance of all members of the City Council present and those absent.

SECTION 1.16 Ordinances and Resolutions

- (1) Enactment -- Each proposed ordinance and resolution shall be introduced in written or printed form. Ordinances or resolutions may be passed at any regular or special meeting called in accordance with State law.
- (2) Captions -- Each ordinance and resolution shall contain a brief caption of the subject matter

of the ordinance or resolution.

- (3) Publication -- A descriptive title or caption stating in summary the purpose of the ordinance and the penalty for violation thereof, of each ordinance imposing a penalty, fine or forfeiture, shall after passage be published in one issue of the official newspaper of the City and proof of such publication shall be made by the printer or publisher of such paper making affidavit before some officer authorized to administer oaths. Such affidavit shall be filed with the City Secretary and shall be prima facie evidence of such publication of such ordinance so published; said ordinances shall take effect and be in full force and effect from and after the date of publication, unless otherwise expressly provided. Ordinances not required to be published shall take effect and be in force from and after the date of passage thereof unless otherwise provided.
- (4) Current Ordinances and Resolutions -- All ordinances and resolutions of the City now in existence and not inconsistent with provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the City Council.
- (5) Pleading -- It shall be sufficient in all judicial proceedings to plead any ordinances of the City by caption without embodying the entire ordinance in the pleadings, and all pleaded ordinance(s) or codes shall be admitted as evidence in any suit and shall have the same force and effect as the original ordinances. Certified copies of the ordinances may also be used in evidence in lieu of original ordinances.
- (6) Codification -- The Code of Ordinances of the City shall be codified and shall be revised at least annually and kept up-to-date by causing any amendments to be published in the form of supplemental pages. An official copy of the Code shall be maintained in the office of the City Secretary for public examination.
- (7) Emergency -- The City Council shall have the authority to pass such emergency ordinances and resolutions as necessary to protect the health, safety and welfare of the City in accordance with State law.
- (8) Miscellaneous -- The City Council may adopt such other procedures that do not conflict with this Charter or state law.

SECTION 1.17 Official Newspaper

The City Council shall designate by resolution a newspaper of general circulation in the City as the official newspaper of the City as provided by State law.

SECTION 1.18 Influence of Appointments, Removals and Administrative Matters

- (1) Appointments and Removals - Neither the Mayor or the City Council nor any of its members shall, in any manner, dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are

empowered to appoint. The City Council may, however, express its views fully and freely, discussing with the City Manager anything pertaining to the appointment and removal of such officers and employees. Nothing herein shall prevent the City Council from appointing the City Manager and those department heads it is authorized to appoint pursuant to this Charter.

- (2) Interference in Administrative Matters - Except for the purpose of inquiry or investigation, the Mayor and City Council shall deal with administrative departments and the personnel of City departments solely through the City Manager. Neither the Mayor, City Council nor any of its members shall give an order, either publicly or privately, to any subordinate of the City Manager.
- (3) Violations - Any violation of the foregoing provisions of this Charter by any member of the City Council shall constitute official misconduct and shall authorize the City Council by a vote of a majority of its membership to expel such offending member from the City Council if found guilty after a public hearing, and thereby create a vacancy in the place held by such member.

SECTION 1.19 Public Comments

The opportunity for citizens of the City to provide public comment on any and all subjects regardless of the agenda shall be provided at each regular meeting. This opportunity shall be called "Citizens' Input" and shall begin prior to any vote at a regular meeting of the City Council. The City Council may provide reasonable regulations to implement this provision.

SECTION 1.20 Code of Ethics

The City Council by ordinance shall establish a Code of Ethics governing the City Council and all city employees which shall include at least the following: wrongful influence, wrongful interference, employees' political activities, penalties, conflict of interest, and acceptance of gifts. Such Code of Ethics shall be established within six (6) months of the date this charter is approved.

ARTICLE II

Form of Government and Boundaries

SECTION 2.01 Form of Government

- (1) Pursuant to its provisions and subject only to the limitations imposed by the Constitution of the United States, the Texas Constitution, the statutes of the State of Texas, and this Charter, all powers of the City of Iowa Park shall be vested in an elected City Council and Mayor. The City Council and Mayor, where the Mayor is permitted to do so by this charter, shall enact local legislation, adopt budgets, determine policies, and provide for the adoption and execution of the laws of the City as provided in this Charter.

- (2) The City Council shall appoint a City Manager who shall be responsible to the City Council for the management and administration of the offices of the City, except as otherwise provided by this Charter.

SECTION 2.02 Boundaries

The boundaries of the City of Iowa Park shall be the same as have been heretofore established and now exist as recorded on the official City map as provided by this Charter. The citizens of the City of Iowa Park residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Iowa Park", in the State of Texas, hereinafter referred to as the "State", with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided.

SECTION 2.03 Extensions and Alteration of Boundaries

- (1) The boundaries of the City of Iowa Park may be enlarged and extended by the annexation of additional territory or decreased by disannexation by ordinance adopted by the City Council in any manner and by any procedure now or hereafter provided by law. The City shall, hereafter, by ordinance, amend the official map of the boundaries to include such properties so annexed or disannexed.
- (2) Upon completion of the annexation procedure, the annexed territory shall become a part of the City, and said land and its residents shall be entitled to all the rights and privileges provided by the City for its citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City.
- (3) If, after the date of annexation, there exists land within and adjacent to the corporate limits of the City of Iowa Park not receiving governmental or proprietary services of the city within the time required by the service plan or Chapter 43 of Texas Local Government Code, or its successor statute, then a majority of the qualified voters residing within this particular area may petition the city council to disannex the area as provided in Chapter 43 of Texas Local Government Code, or its successor statute.

ARTICLE III

Powers of the City

SECTION 3.01 Powers of the City

- (1) The City shall have all the powers vested in home rule municipal corporations including all powers required for the government, interests, health, welfare and good order of the City and its inhabitants, except as may be limited by the Constitution of the United States, the Texas Constitution, and the statutes of the State.

- (2) The rights and powers of the City under this Charter shall be construed liberally in favor of the City in the event of conflict between the City and other governmental agencies or bodies, corporations, or individuals, and the specific mention of particular rights or powers in this Charter shall not be construed as limiting in any way the general rights and powers stated in this Article. In addition, should any phrase, clause, sentence, or provision of this Charter be declared invalid by a court of competent jurisdiction, the validity and applicability of the remainder of this Charter shall not be affected.
- (3) The City may exercise any of its rights and powers or perform any of its functions, and may participate in the financing thereof, either jointly or in cooperation, by contract or otherwise, with any one or more of the States or any political subdivisions or agencies thereof, or with the United States or any agency thereof.

SECTION 3.02 Legislative Authority

The City by and through its City Council shall have the power to enact and enforce all ordinances and resolutions necessary to protect health, life and property; and to prevent and summarily abate and remove all nuisances; and preserve and enforce good government and order and security of the City and its inhabitants; and to enact and enforce all ordinances and resolutions on any and all subjects which shall be consistent with the provisions of this Charter.

SECTION 3.03 Municipal Court

- (1) Establishment -- The City shall have the power to create and establish a municipal court to be known as the Municipal Court of the City of Iowa Park, Texas. The Municipal Court shall have jurisdiction, powers and duties given and prescribed by Texas law. The City Council may, by ordinance, establish a municipal court of record in accordance with applicable law. The City Council shall have the power to create and establish additional municipal courts by ordinance.
- (2) Judge - The city council shall appoint a Judge who shall be known as the "Judge of the Municipal Court". The Judge shall be appointed for a two- (2) year term. In order to be appointed the Judge must be a resident of the State of Texas. The city council shall have the authority to remove the Municipal Judge for good cause as determined by the city council. A hearing must be held, and removal shall require an affirmative vote of at least four (4) members of the city council. If for any reason the Judge is unable to act, the city council shall either declare the office vacant, or appoint a temporary Judge to serve until the Judge is able to act. If the office of the Judge is declared vacant, it shall be filled by appointment by the city council in accordance with this Section. Following appointment the Judge must meet all educational or other qualifications as prescribed by State law.
- (3) Clerk -- The Clerk of Municipal Court and such deputies as shall be appointed by the City Council, shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Municipal Court thereto; and generally do and perform any and all acts usual and necessary by clerks of courts in issuing processes of courts and conducting the business

thereof.

- (4) Expense and Fines -- All special expense and fines imposed by the Municipal Court(s) shall be paid into the City general fund for the use and benefit of the City, as may be consistent with present and future laws.

ARTICLE IV

City Manager

SECTION 4.01 Appointment

The City Council by an affirmative vote of not less than 3 members shall appoint a City Manager who shall be the chief executive officer of the City and shall be responsible to the City Council for the proper administration of the offices of the City, except as otherwise provided by this Charter. The City Manager shall be chosen by the City Council on the basis of executive and administrative training, experience and ability. The City Manager shall be evaluated annually by the City Council and such evaluation shall be committed to writing.

SECTION 4.02 Compensation

The City Manager shall receive a salary, benefits and compensation as set by the City Council.

SECTION 4.03 Duties

The duties of the City Manager shall include the following:

- (1) Provide that all laws and ordinances of the City are enforced.
- (2) Appoint or hire all employees of the City, except as otherwise provided in this Charter.
- (3) Suspend and remove, at will, employees, except as otherwise provided in this Charter.
- (4) Provide for the efficient administration and operation of all departments, under the City Manager's control including the maintenance of and public information request for all records thereof, except as otherwise provided in this Charter.
- (5) Prepare and recommend to the City Council an annual operating budget and capital improvement program, as provided by this Charter, and administer and execute the budget as adopted by the City Council.
- (6) Provide supervision and control over all departments and offices that are created by the City Council and employees appointed by the City Manager, except as otherwise provided in this Charter.

- (7) Attend all meetings of the City Council with the right to take part in the discussion.
- (8) Make recommendations to the City Council as the City Manager may deem necessary and expedient.
- (9) Provide written reports no less than quarterly of the current financial conditions and future needs of the City to be presented orally at an open meeting of the City Council, and make such recommendations concerning the affairs of the City, as the City Manager or the City Council deems desirable or necessary.
- (10) Perform such other duties as may be prescribed by the Charter or which may be required by ordinance or resolution of the City Council.

SECTION 4.04 Absence of the City Manager

The City Council shall designate a qualified city employee to exercise the powers and perform the duties of the City Manager during the City Manager's temporary absence. To perform the duties of the City Manager during the absence or disability exceeding thirty (30) days, the City Council may by resolution appoint an officer of the City to perform the duties of the City Manager until the City Manager shall return or such disability shall cease. In case of absence, disability, or illness exceeding thirty (30) days, where the duties of the City Manager could not be performed properly, the City Manager's salary may be continued at the discretion of the City Council.

SECTION 4.05 Removal

The City Manager shall be removed, with or without cause, by an affirmative vote of four (4) members of the City Council.

ARTICLE V

City Officers

SECTION 5.01 Appointment

The City Council shall appoint the Chief of Police, Public Works Director, Economic Development Director and City Attorney by an affirmative vote of not less than 3 members of the City Council. The City Council shall consider the City Manager's recommendations regarding each of these appointments. The City Council shall establish compensation for each of these officers; provided that the City Attorney need not be an employee of the City. Any of these officers may be removed, with or without cause, by an affirmative vote of four (4) members of the City Council.

SECTION 5.02 Duties of City Officers

In addition to any other duties which may be assigned by this charter, City officers appointed

under this Article shall have such duties as may be required by applicable law and such other duties as may be assigned by the City Council or City Manager.

SECTION 5.03 Special Counsel

The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate to collect delinquent and ad valorem taxes and liens or for such purposes the City Council deems appropriate.

SECTION 5.04 Official Bond of City Employees

The directors of all administrative departments whose duties include the handling of monies, and all employees whose duties include the handling of monies belonging to the City shall, before entering upon the duties of their office or employment, make bond in a responsible surety company, acceptable to the City Council for such amount as the City Council may prescribe, the premium of such bond shall be paid by the City; the City Council may also require any such surety bond to be further conditioned that the principal thereon will faithfully perform and/or discharge the duties of said person's office and if there are provisions of State law bearing upon the functions of said person's office under which the execution of a surety bond is required, it shall be further conditioned to comply therewith.

ARTICLE VI

Financial

SECTION 6.01 Audits and Examination of City Books and Accounts

At the close of each fiscal year, and at such other times as may be necessary, the City Council shall call for an independent audit of all accounts of the City by a certified public accountant. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. The written report of audit will be presented to and discussed by the City Council at a regular meeting. The auditor's recommendations will be read into the record of the meeting. Copies of the audit shall be placed on file as a public record with the City Secretary.

SECTION 6.02 Budget

The fiscal year of the City shall begin on the first day of October and end on the last day of September of each calendar year. Each year and in sufficient time to provide for all necessary hearings, the City Manager shall prepare and submit to the City Council a budget to cover all proposed expenditures of the City for the succeeding fiscal year. Such budgets shall be prepared and administered pursuant to the applicable general laws of this state. In the event that the budget is not enacted prior to October 1, the preceding fiscal year budget shall be deemed adopted, which may be amended or supplemented, as the City Council deems appropriate.

SECTION 6.03 Taxes and Taxation

(1) Powers –

- (A)** The City Council may levy, assess and collect taxes of any type or character not prohibited by state law. The maximum ad valorem tax rate shall be as provided in the Texas Constitution.
- (B)** The procedure, limitations and requirements for the levy, assessment and collection of any tax or lien thereof shall be as established by State law; provided that, if not established by State law, such procedures, limitations and requirements shall be established by ordinance.

(2) Office of Tax Collector – The City Council shall have the power to establish the office of City Tax Assessor-Collector. This official shall be appointed by the City Council, and shall be responsible for the assessment and collection of taxes. The city council may appoint an individual who is an officer or employee of another governmental entity as tax collector by interlocal agreement with such governmental entity.

SECTION 6.04 Designation of Depository for City Funds

The City Council shall select a depository for City funds in accordance with State law, and to follow all the terms and provisions of State law.

ARTICLE VII

Bonds, Warrants and Other Evidence of Indebtedness

SECTION 7.01 Authority to Issue

The City shall have the right and power to borrow money for public purposes by whatever method it may deem to be in the public interest. The City shall have the right and power to issue tax bonds, revenue bonds, and any other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by law or this Charter and to issue refunding bonds to refund outstanding evidences of indebtedness previously issued. All such bonds or other evidences of indebtedness shall be issued in conformity with the laws of the State applicable at the time of issuance of such obligations.

SECTION 7.02 Manner of Issuance

Bonds and warrants of the City shall be issued as provided by the General Laws of Texas applicable to cities and towns.

ARTICLE VIII

INITIATIVE, REFERENDUM, AND RECALL

SECTION 8.01 Initiative

The voters shall have the power to propose any ordinance, except an ordinance related to the appropriation of money or the authorization of the levy of taxes or one repealing such an ordinance, and to adopt or reject the same ordinance at the polls such power being known as "initiative". Any initiated ordinance may be submitted to the city council by a petition signed by qualified voters equal in number to at least twenty (20) percent of the votes cast in the last regular municipal election, but not less than one hundred (100) signatures. Such initiated ordinance may be passed by the city council without change, or may be submitted to the voters at an election called for that purpose.

SECTION 8.02 Referendum

The voters shall have power to require reconsideration by the city council of any adopted ordinance, excepting those ordinances relating to the appropriation of money or levy of taxes, such power being known as "referendum". Notwithstanding the foregoing, nothing in this Charter shall be construed to limit the right of citizens to petition the City Council for a rollback election with respect to property taxes in accordance with State law. In the submission of a petition for referendum, the number and qualifications of signers shall be the same as required in this Charter for an initiative petition, except that referendum petitions must be filed with the city secretary within sixty (60) days after the final passage of the ordinance that is the subject of the referendum, or else the petition shall be barred by the lapse of time. When such petition has been certified as sufficient by the city secretary, the ordinance specified in the petition 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 provided herein.

SECTION 8.03 Recall

The voters shall have the power to recall any elected official of the City and may exercise that power by filing with the city secretary a petition containing the same number of signatures and qualifications as required for an initiative petition under this Charter. If the petition is certified by the city secretary to be sufficient, the city council shall call an election to determine whether the official named in the petition shall be recalled. The election shall be held no earlier than twenty-five (25) days or no later than sixty (60) days after the city council receives the petition.

SECTION 8.04 Results of Recall Election

If the majority of the votes cast in a recall election are for the recall of the officer named on the ballot, the city council shall immediately declare that office vacant, and the vacancy shall be filled in accordance with the provisions of this Charter.

SECTION 8.05 Limitation of Recall

No recall election shall be called against an elected official within six (6) months after taking office or within three (3) months prior to the end of an elected official's term of office. No official shall be subjected to more than one recall election during a term of office.

SECTION 8.06 Form of Petitions

All papers for any particular petition circulated for the purpose of an initiative, referendum, or recall shall be uniform in size and style. Initiative petitions shall contain the full text of the proposed ordinance, and referendum papers shall contain a description sufficient to identify positively the ordinance sought to be repealed. The signatures to initiative, referendum, or recall petitions need not be appended to one paper, but all pages that compose a single petition shall be assembled and given to the City Secretary as one instrument with an attached affidavit. The affidavit attached to the petition shall be prepared by the person who files it, and shall bear the stated number of signatures and a statement to the effect that all signatures appended to the petition are, in his belief, the genuine signatures of the persons whose names they purport to be. Names and addresses of the signers of such petitions shall be printed adjacent to their signatures.

SECTION 8.07 Filing, Examination, and Certification of Petitions

Petitions for initiative, referendum, or recall shall be filed with the city secretary. Within twenty (20) days after a petition is filed, the city secretary shall determine whether the petition has been signed by a sufficient number of qualified voters and whether it has a proper, attached affidavit of the person who filed the petition. After completing an examination of the petition, the city secretary shall certify the results to the city council at its next regular meeting. If the petition is insufficient, the city secretary shall certify the results to the city council at its next regular meeting. If the petition is insufficient, the city secretary shall set forth in a certificate the reasons for its defectiveness, and shall at once notify the person who filed it of the findings.

SECTION 8.08 Amendment of Petitions

An initiative, referendum, or recall petition may be amended at any time within ten (10) days after the notice of insufficiency has been sent by the city secretary. Amendment in the form of a supplementary petition must be signed and filed as provided for in the original petition. The same procedures established for an original petition shall then be followed by the city secretary and city council. The findings of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

SECTION 8.09 Consideration by the City Council

Whenever the city council receives a certified initiative or referendum petition from the city secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read in each of two (2) public hearings held by the city council. The city council shall take final action on the initiative ordinance at the second public hearing and not later than thirty (30)

days after the date on which it was submitted to the city council by the city secretary. A referred ordinance shall be reconsidered by the city council twice, and its final vote after the considerations shall be taken on the question: "Shall the ordinance specified in the referendum petition be repealed?"

SECTION 8.10 Submission to Voters

If the city council fails to pass an ordinance proposed by initiative petition in the exact form proposed, or it fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the voters no later than the next uniform election date as allowed in the Texas Election Code following the date the city council takes its final vote.

Section 8.11 Results of Election

When a majority of the votes cast on a proposed ordinance are favorable, it shall become an ordinance of the City, upon certification of the election results. A referred ordinance shall be approved by a majority of the voters. If conflicting ordinances are approved by the voters at the same election, the one receiving the greatest number or affirmative votes shall prevail to the extent of such conflict.

ARTICLE IX

Franchises

SECTION 9.01 Ordinance Granting Franchise

No grant to use the public right-of-way or property under ownership of the City shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of such franchise unless approved by citizens in accordance with this article. The City Council may, by a majority vote, seek approval from the voters by submitting all applications exceeding twenty (20) years to an election in accordance with State law. The prospective franchisee, not the City, shall fund the cost of said election.

SECTION 9.02 Franchise Powers

- (1) The City shall have full power, to the extent that is conferred by the State of Texas and the United States of America, to own, operate, prohibit, regulate, and control any telegraph, telephone, electric power, railway, or gas company; any cable television system, internet system, waterworks or wastewater systems, and municipal drainage utility; or any type of public utility operating within the limits of the City.
- (2) The City shall also have power to establish the compensation and rental to be paid to the City by any public utility for the use of City streets, highways, public grounds, and alleys. In addition to the City's power to buy, construct, lease, maintain, operate, and regulate public utilities and to manufacture, distribute, and sell the output from the operations of such

utilities, the City shall have additional powers as may now or hereafter be granted by law.

- (3) The city council shall have the power by ordinance to grant, renew, and extend all franchises of public utilities operating within the City and, with the consent of the franchise holder, to amend such franchises. All ordinances granting, amending, renewing or extending franchises for public utilities shall be approved at two separate regular meetings of the council and shall not be finally passed until twenty-eight (28) days after the first consideration; and no such ordinance shall take effect until thirty (30) days after its final passage. Subsequent to the first consideration of such ordinance but prior to the second consideration and public hearing, the full text of such ordinance shall be posted on the City bulletin board. Prior to the second consideration and public hearing, the full text, or its caption if permitted by city council, shall be published in the official newspaper of the City. The expense of all such publications shall be borne by the proponent of the franchise. An affirmative vote of a majority of the entire city council shall be required for final passage of the proposed ordinance.
- (4) No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of such grant shall be exclusive.

SECTION 9.03 Right of Regulation

In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- (1) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;
- (2) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant;
- (3) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency and effectiveness;
- (4) To require reasonable standards of service and quality of product and prevent rate discrimination;
- (5) To impose reasonable regulations and restrictions to insure the safety and welfare of the public;
- (6) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility;

- (7) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal;
- (8) To require the franchisee to furnish to the City, from time to time within a reasonable time following request of the City, at franchisee's expense a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction; and
- (9) To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State.

SECTION 9.04 Regulation of Rates

- (1) The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with State law.
- (2) Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.
- (3) The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including but not limited to, the following:
 - (A) Cost of its investment for service to the City;
 - (B) Amount and character of expenses and revenues connected with rendering the service;
 - (C) Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or
 - (D) Demonstration that the return on investment, if any, is within the state and federal limitations.
- (4) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

SECTION 9.05 Transfer of Franchise

No public service or utility franchise is transferable, except with the approval of the City Council. However, the franchisee real or personal property may pledge franchise assets as security for a valid debt or mortgage.

SECTION 9.06 Franchise Value Not to be Allowed

Franchises granted by the City are of no value in fixing rates and charges for public services or utilities within the City and in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

ARTICLE X

Legal Provisions

SECTION 10.01 Notice of Claim

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within six (6) months after the time at which it is claimed such damages were inflicted upon such person or property, file with the City a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which the same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

SECTION 10.02 Service of Process Against the City

All legal process against the City shall be served upon the City Secretary.

SECTION 10.03 Construction of Terms

The construction of the provisions of this Charter shall comply with State law as amended.

SECTION 10.04 Charter Deemed Public Act

This Charter must be deemed a public act and judicial notice shall be taken thereof in all courts.

SECTION 10.05 Severability of Portions of Charter

If any provision of this Charter violates the Constitution of the United States, the Texas Constitution or any statutes of the State, or if any court holds such provisions for naught for any reason, the remaining provisions shall not be affected thereby and shall continue in effect.

SECTION 10.06 City Exempt from Appeal Bonds

It shall not be necessary in any action, suit, or proceeding in which the City is a party for any bond, undertaking, or security to be executed on behalf of said City. All such actions, suits, appeal, or proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given; and the City shall be liable as if such obligation had been given and

executed.

SECTION 10.07 Funds Not Subject to Garnishment

No funds of the City or within custody of the City or any of its officials in any official capacity shall be subject to garnishment, and the City shall not be required to answer in any garnishment proceedings, except as required by State law.

SECTION 10.08 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor, a City Council member, the City Manager or any of the city officers described in Article V of this charter shall be employed by, or contracted with by, the City. This shall not apply to the following:

- (1) Any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment; or
- (2) Any person who is a seasonal employee or intern of the City

ARTICLE XI

Adoption of Charter

SECTION 11.01 Procedure

- (1) This Charter shall be submitted to the qualified voters of the City for adoption or rejection on November 4, 2008, at which election, if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the governing law of the City until amended or repealed.
- (2) It being impractical to submit this Charter by sections, it is hereby prescribed that the form of ballot to be used in such election shall be as follows, to-wit:

FOR THE ADOPTION OF THE CHARTER

AGAINST THE ADOPTION OF THE CHARTER

- (3) The present City Council of the City shall call an election in accordance with the provisions of the general laws of the State governing such elections, and the same shall be conducted and the returns made and results declared as provided by the laws of the State governing municipal elections, and in case a majority of the votes cast at such election shall be in favor of the adoption of such Charter, then an official order shall be entered upon the records of said City by the City Council of Iowa Park declaring the same adopted, and the City Secretary shall record at length upon the records of the City, in a separate book to be kept in the City Secretary office for such purpose, such Charter as adopted, and such City Secretary

shall furnish to the Mayor a copy of the Charter which copy of the Charter shall be forwarded by the Mayor as soon as practicable, to the Secretary of State under the seal of the City together with a certificate showing the approval of the qualified voters of such Charter.

SECTION 11.02 Amendment of Charter

Amendments to this Charter may be framed and submitted to the qualified voters of the City as provided by the Texas Constitution and the laws of the State as presently enacted or hereafter amended; but no more often than once every two (2) years, as provided by the laws of the State.

SECTION 11.03 Council Review of Charter

The City Council shall review the Charter at least once every five (5) years to determine whether any amendments are necessary.

SECTION 11.04 Certification of Charter and Submission to Voters

The undersigned members of the Charter Commission hereby certify that the above document is a true and correct version of the proposed charter approved by the Charter Commission of the City of Iowa Park, Texas on the 21st day of July, 2008.

Chair

Vice-Chair

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner