



City
of
Cameron

Home Rule Charter

**HOME RULE CHARTER
FOR THE CITY OF
CAMERON, TEXAS**

Mayor

WILLIAM C. MEACHAM

City Council

CLIFF CRYER – Ward 1

CONNIE ANDERLE – Ward 2

JOE WHITE – Ward 3

ROSELEE MONDRIK – Ward 4

DAN GREEN, JR. – Ward 5

DAVID L. BARKEMEYER – At-Large

City Manager

FRED STEPHENS

City Secretary

AMY HARRIS

City Attorney

JOHN YOUNGBLOOD

Revised May 2007

TABLE OF CONTENTS

ARTICLE I

Section 1. Incorporation

2. Form of government
3. Power of the city
4. Special provision for damage suits
5. Eminent domain
6. Street powers
7. Street improvements
8. Extending city limits upon petition
9. Extending city limits by action of the city council
10. Sanitary sewer system
11. Nuisances, Etc.

ARTICLE II

Section 12. Number, election and term of mayor and council members

13. Qualifications
14. Compensation of mayor and members of council
15. Presiding officer: Mayor
16. Vacancies in the council
17. Powers
18. Administrative departments
- 18-A. City manager
19. City Secretary
20. Appointments of city judge and clerk
21. Induction of council into office: Meeting of council
22. Council to be judge of qualifications of its members
23. Rules of proceedings: Minutes
24. Ordinances
25. Procedure for passage of ordinances
26. Independent audit

ARTICLE III

Section 27. City attorney, appointment

28. City attorney, qualifications
29. City attorney, powers and duties

ARTICLE IV

Section 30. Fiscal year

31. Preparation and submission of budget
32. Budget, a public record
33. Publication of notice of public hearing
34. Public hearing on budget
35. Vote required for adoption
36. Date of final adoption; failure to adopt

37. Effective date of budget; certification; copies made available
38. Budget establishes appropriation
39. Budget establishes amount to be raised by property tax
40. Budget message; current operations
41. Budget message; supporting schedules
42. Budget
43. Anticipated revenues compared with other years
44. Proposed expenditures; comparison with other years
45. Contingent appropriation

ARTICLE V

Section 46. Power to incur indebtedness by issuing bonds and notes

47. Form and content of bond election ordinance
48. Bond ordinance: Vote required
49. Ordinances previously authorized by election not subject to referendum
50. Form and content when two or more projects are combined
51. Referendum on bond ordinance
52. Public sale

ARTICLE VI

Section 53. Director of finance; appointment

54. Director of finance; surety bonds
55. Director of finance; powers and duties
56. Transfers of appropriations
57. Accounting supervision and control
58. Appropriations lapse at end of year
59. Fees shall be paid to city government
60. Purchases
61. Lease or Sale of city property; procedure for
62. Purchase procedure
63. Disbursement of funds
64. Borrowing in anticipation of property taxes
65. Borrowing in anticipation of other revenue
66. Sales of notes; report of sale

ARTICLE VII

Section 67. Division of assessment

68. Property subject to tax; method of assessment
69. Taxes; when due and payable
70. Delinquent tax statement
71. Tax rates
72. Tax liens
73. Seizure and sale of personal property

ARTICLE VIII

Section 74. Municipal elections

75. Regulation of elections
76. How to get name on ballot
77. Official ballots
78. Laws governing city election
79. Canvassing elections

ARTICLE IX

Section 80. Power of initiative

81. Power of referendum
82. Form of petition; committee of petitioners
83. Filing, examination, and certification of petitions
84. Amendment of petitions
85. Effects of certification of referendum petitions
86. Consideration by council
87. Submission to voters
88. Form of ballot for initiated and referred ordinances
89. Results of election
90. Repealing ordinances: Publication
91. Recall, generally
92. Recall procedure
93. Recall petitions
94. Recall election
95. Ballots in recall election
96. Result of recall election
97. Limitations on recalls
98. District judge may order election

ARTICLE X

Section 99. Powers of the city

100. Franchises; power of council
101. Franchise value not to be allowed
102. Right of regulation
103. Franchises not exclusive
104. Other conditions
105. Franchise records
106. Accounts of city owned utilities
107. Regulations of rates and services

ARTICLE XI

Section 108. Publicity of records

109. Personal interest
110. Oath of Office
111. Bonds, discharge of officers and employees
112. Zoning ordinances
113. Disabled employees; pensions, insurance
114. Effect of this Charter on existing law

115. Amending the Charter
116. Seperability clause
117. City depository
118. Official newspaper
119. Grammatical construction

HOME RULE CHARTER

FOR THE CITY OF

CAMERON, TEXAS

PREAMBLE

In thankful recognition of the leadership of Almighty God, we, the people of Cameron, Texas, humbly invoking His blessings, do ordain and establish this Charter.

ARTICLE I

INCORPORATION: FORM OF GOVERNMENT CORPORATE AND GENERAL POWER

- Section 1. Incorporation
- 2. Form of Government
- 3. Powers of the City
- 4. Special Provision for Damage Suits
- 5. Eminent Domain
- 6. Street Powers
- 7. Street Improvements
- 8. Extending City Limits upon Petition
- 9. Extending City Limits by Action of the City Council
- 10. Sanitary Sewer System
- 11. Nuisances, Etc.

SECTION 1. -INCORPORATION:

The inhabitants of the city of Cameron, within the corporate limits as now established or as hereafter established in manner provided by this charter, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Cameron."

The boundaries of the city shall be those established by ordinances of the city council. The city secretary shall keep a correct and complete description of the city boundaries indicating all annexations and disannexations.

SECTION 2. -FORM OF GOVERNMENT:

The governing body of the city of Cameron shall be a mayor-council composed of five (5) council members elected from single member districts, a sixth council member elected at large from the city of Cameron and a ceremonial mayor elected at large from the city of Cameron, Texas. As hereinafter used in the Charter, the word council shall be construed to mean a mayor and six council members. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in the elected council which shall enact local legislation, adopt budgets, determine policies and execute the laws and administer the government of the city. All powers of

the city shall be exercised in the manner prescribed by the Charter, or if the manner be not prescribed then in such manner as may be prescribed by ordinance.

The use of the term ceremonial mayor shall not be construed to prohibit the mayor from voting upon all matters considered by the council, in case of a tie vote. The five single member districts hereinafter described and delineated in this ordinance may have their boundaries periodically adjusted by the council in accordance with subsequently acquired population information from the United States Bureau of the Census. Said boundary adjustments, if necessary, to be made by the council, without the requirement or necessity of submitting said boundary adjustments to a vote of the voters.

SECTION 3. -POWERS OF THE CITY:

The city shall have all the powers granted to municipal corporations and to cities 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. The city may acquire property within or without its corporate limits for any city purpose in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the constitution of this state or restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The city may use a corporate seal; may sue and be sued, may contract and be contracted with; may implead and be impleaded in all courts and places and in all matters whatever; may cooperate with the government of the state of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the State of Texas, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the city or its inhabitants; and may pass such ordinances as may be expedient for maintaining and promoting the peace, welfare and government of the city, and for the performance of the functions thereof. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers it is intended that the city of Cameron shall have and may exercise, all powers of local self-government, and all powers enumerated in Chapter 13, Title 28, Article 1175 of the revised Civil Statutes of the State of Texas, of 1925, and

amendments thereto and hereafter enacted, or any other powers which, under the constitution and laws of the State of Texas, it would be competent for this charter specifically to enumerate.

SECTION 4. -SPECIAL PROVISION FOR DAMAGE SUITS:

Before the city shall be liable to damage claim or suit for personal injury or damage to property, the person who is injured or whose property is damaged or someone in his behalf shall file with the city secretary notice in writing within 90 days after the occurring of the alleged injury of damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the city for personal injury or damage to property prior to the expiration of sixty days after the notice hereinbefore described has been filed with the city secretary. The notice and statement provided for in this Section shall constitute an offer in compromise on the part of the claimant and shall never be taken as an admission against said claimant of any fact or opinion stated therein or be introduced into evidence for any purpose, except to prove jurisdiction of the court, in any suit brought by the claimant, his or her heirs, executors, administrators or assigns, against the city, its assignees, successors or its or their employees or agents, their heirs, administrators, executors or assigns.

SECTION 5. -EMINENT DOMAIN:

The city shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter or by the constitution or laws of the State of Texas. In all cases where the city seeks to exercise the power of eminent domain, it may be controlled, as nearly as practicable, by the laws governing the condemnation of property by railroad corporations in this state, the city taking the position of the railroad corporation in any such case. The city may also exercise the power of eminent domain in any other manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the city to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess this power of condemnation for any municipal or public purpose, even though not specifically enumerated herein or in this charter.

SECTION 6. -STREET POWERS:

The city of Cameron shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places, and bridges; and regulate the use thereof and require the removal from streets, alleys, sidewalks, parks, other public property or places of all obstructions and encroachments of every nature or character upon any of said streets, sidewalks, alleys and other public properties.

SECTION 7. -STREET IMPROVEMENTS:

The city of Cameron shall have exclusive dominion, control and jurisdiction in, upon and over and under the public streets, avenues, alleys and highways of the city, and may provide for the improvement thereof by paving, repaving, raising, draining or otherwise. The provisions of Chapter 106, Fortieth Legislature, First Called Session, Acts 1927, together with existing amendments and all such amendments as hereinafter may be made, are expressly adopted and made a part of this charter. Such exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, alleys and highways of the city shall also include, but not be limited to, the right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes, lines, wires, or other property.

SECTION 8. -EXTENDING CITY LIMITS UPON PETITION:

Whenever a majority of the qualified voters who are citizens of the State of Texas and inhabitants of any territory adjoining Cameron, as said territory may be designated by the city council or in case there are no qualified voters in said territory, then when persons owning a majority of land in area in said territory desires the annexation of such territory to Cameron, they may present a written petition to that effect to the city council and shall attach to said petition the affidavit of one or more of their number to the effect that said petition is signed by a majority of such qualified voters, or in case there are no qualified voters said affidavit shall be to the effect that there are no qualified voters in said territory; and that the persons signing said petition own a majority of the land in area in said territory, and thereupon the city council at regular sessions held not sooner than twenty days after the presentation of said petition may by ordinance annex such territory to Cameron and thenceforth the said territory shall be a part of Cameron, and the inhabitants thereof shall be entitled to all of the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of said city.

SECTION 9. -EXTENDING LIMITS BY ACTION OF THE CITY COUNCIL:

The city council shall have power by ordinance to fix the boundary limits of Cameron; and to provide for the extension of said boundary limits and annexation of additional territory lying adjacent to said city, with or without the consent of the territory and inhabitants annexed. Upon the introduction of such an ordinance in the city council, it shall be published in the official newspaper in Cameron one time, and shall not thereafter be finally acted upon until at least thirty days have elapsed after the first publication thereof. Any citizen of Cameron, or of the territory to be annexed, shall have the right to contest said annexation by filing with the city council a written petition setting out their reasons for said contest, and after such citizen or citizens shall have been given an opportunity to be heard, said ordinance, in original or amended form, as said city council in its judgment may determine, shall be finally passed, and the territory so annexed shall be a part of Cameron, and the inhabitants thereof shall be

entitled to all rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of said city.

SECTION 10. -SANITARY SEWER SYSTEM:

The city shall have the power to provide for a sanitary sewer system and to require property owners to connect their premises with such sewer system; and to provide for fixing penalties for failure to make sanitary sewer connections and shall further, have the right to fix charges and compensation to be charged by the city for sewage service, providing rules and regulations for the collection thereof.

SECTION 11. -NUISANCES, ETC.

The city shall have the power to define all nuisances and prohibit the same within the city and outside the city limits for a distance of 5,000 feet; to have power to police all parks, grounds and boulevards owned by said city and lying outside of said city, to prohibit the pollution of any stream, drain or tributaries, thereof, which may constitute the source of water supply of the city and to provide for policing the same as well as to provide for the protection of any water sheds and the policing of same; to inspect dairies, slaughter pens, and slaughter houses inside and outside the limits of the city, from which meat or milk is furnished to the inhabitants of the city of Cameron.

ARTICLE II

Section 12. Number, Election and Term of Mayor and Councilmen

13. Qualifications

14. Compensation of Mayor and Members of Council.

15. Presiding officer: Mayor

16. Vacancies in the Council

17. Powers

18. Administrative Departments.

19. City Secretary

20. Appointments of City Judge and Clerk

21. Induction of Council into office: Meetings of Council

22. Council to be Judge of Qualifications of its members.

23. Rules of Proceedings: Minutes

24. Ordinances

25. Procedure for Passage of Ordinances

26. Independent Audit

SECTION 12. -NUMBER, ELECTION AND TERM OF MAYOR AND COUNCILMEN:

The members of the council of the city of Cameron shall hold their offices for a term of two (2) years and until their successors have been elected and duly qualified.

One council member shall be elected at large from the city of Cameron and the remaining five council members shall be elected by wards. Ward one, three and five and the at large Ward to be filled on the odd numbered years and Wards two and four and the mayor shall be filled on the even numbered years. Candidates shall announce for Ward and be entered on the ballot in that manner. In the event the election of a council

member cannot be determined because of a tie vote, the council shall call a special election within thirty (30) days to determine the winner between the candidates receiving the tie vote. The candidate receiving the highest number of qualified votes in such election shall be declared elected.

Only those persons residing in the respective single member districts hereinabove referred to and being otherwise qualified, shall be entitled to vote for the respective candidate or candidates seeking election to the position of council member for that respective ward. The polling stations at the election herein referred to shall be at City Hall or any other place(s) as approved by the United States Justice Department.

SECTION 13. -QUALIFICATIONS:

Each council member shall be a resident of the city of Cameron, and have qualifications of voters therein and further each council member running for a specific ward other than a candidate seeking the office of mayor or council member at large shall be a resident of the respective ward for election to which position said person files. The council member and other officers of the city shall not be indebted to the city; shall not hold any other public office; and shall not be interested in the profits of any contract, job or work for the municipality or interested in the sale to the city of any supplies, equipment, material or articles purchased. Any officer or council member of the city who shall cease to possess any qualifications herein required shall forfeit his office or position and any contract in which any officer shall or may become interested shall be void.

Regardless of any other provision in the Charter of the city of Cameron to the contrary notwithstanding, if any, no person shall hold the position of council member or mayor unless said person is a resident of the city and of the respective district six (6) months preceding the first day of the filing period.

SECTION 14. -COMPENSATION OF MAYOR AND MEMBERS OF COUNCIL:

The mayor and members of the city council may receive such pay or compensation, including necessary expenses incurred in the performance of their official duties, as may be prescribed and set by ordinance.

SECTION 15. -PRESIDING OFFICER: MAYOR:

The mayor shall preside at meetings of the council and shall be entitled to vote upon all matters considered by the council, in case of a tie vote the mayor shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the charter and the ordinances of the city. The mayor shall execute the laws and administer the government of the city. He shall be recognized as the head of the city government for all ceremonial purposes, by the courts for civil process and by the government for purposes of military law. In times of public danger or emergency, the mayor shall take command of the police, maintain law and order and enforce the law. If a vacancy occurs in the office of the mayor or in case of his absence or disability, the mayor pro-tem shall act as mayor until a successor is elected and has qualified.

SECTION 16. -VACANCIES IN THE COUNCIL:

A vacancy in the council shall be filled by a majority vote of the remaining members of the council. The person elected to fill such vacancy shall be a qualified voter residing in the city and having the proper qualifications. Any person elected to fill such a vacancy, as hereinabove provided in this section, shall hold such office until the next general election after he takes office; and at the next general election such office shall be filled in the same manner as herein provided for general elections, with the person elected thereat holding his office only until the expiration of the term of office for the place to which he is elected, as such terms are set out by this Charter. When more than one vacancy shall develop at one time, then a special election shall be called within forty-five days and any vacancy filled in the same manner as herein provided for general elections; provided, however, if such vacancies occur within ninety days of a general election, then no special election shall be called.

SECTION 17. -POWERS:

All powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing and among the other powers that may be exercised by the council, the following are hereby enumerated for greater certainty.

- (1) Establish administrative departments and provide salaries for all city employees.
- (2) Adopt budget of the city.
- (3) Authorize the issuance of bonds by a bond ordinance.
- (4) Inquire into the conduct of any officer, department or agency of the city and make investigation as to municipal affairs and authorize the correction of irregularities.
- (5) Adopt plats.
- (6) Adopt and modify the official map of the city.
- (7) Adopt, modify and carry out plans proposed for the planning, replanning, improvement, and redevelopment of neighborhoods and for the replanning, reconstruction, or redevelopment of any area or district, which may have been destroyed in whole or part by disaster.
- (8) Provide for the establishment and designation of fire limits and prescribe the kind and character of building or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within certain limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.

SECTION 18. -ADMINISTRATIVE DEPARTMENTS:

There are hereby created the following administrative departments: Finance, Police, Fire, Law, Public Works, Health, Recreation, and Water. The council may consolidate any of the above departments by ordinance and may create such other departments as the council deems necessary by ordinance.

SECTION 18-A. -CITY MANAGER:

- (1) Appointment and Term.

The city council shall appoint a manager whose term of office shall be governed by the will and pleasure of the city council and whose duties shall be prescribed and defined by the city council by ordinance and resolution in addition to the duties described in this charter and not inconsistent with the provisions of the charter. The city council may enter into an employment contract with the city manager that prescribes the conditions of employment as the city council determines appropriate, including a definite term.

- (2) Duties.

The city manager shall,

- (a) be the chief administrative officer of the city;
- (b) receive such compensation as may be provided by the city council;
- (c) be subject to removal by the city council. He may demand written charges and a public hearing on the same before the city council at any time between the issuance of the order of removal and the date on which it takes effect;
- (d) be responsible to the city council for the proper administration of all the affairs of the city, including the appointment and termination of all supervisory personnel, subject to council confirmation;
- (e) make recommendations to the city council on all matters concerning the administration of the city;
- (f) have superintendence over such departments, make contracts with reference to supplies and routine service, and may disburse funds in the discharge of his duties under such regulations as the city council may prescribe;
- (g) make reports in writing to the city council and shall make such special reports as the city council may from time to time request;
- (h) attend all meetings of the city council and take part in discussion of matters pertaining to the city but shall have no vote;
- (i) from time to time, make suggestions to the city council and keep it fully advised as to all matters pertaining to the city;
- (j) devote full time to the service of the city and never have any private interest, directly or indirectly, in any contract with the city or to which the city is a party.

- (3) Acting City Manager.

By letter filed with the city secretary, the city manager may designate a city officer to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability. The city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager returns.

SECTION 19. -CITY SECRETARY:

The city manager shall appoint a competent person to be secretary of the city, subject to the council's confirmation. He shall give notices of council meetings, shall keep the journal of its proceedings and shall authenticate by his signature and

record in full, in a book kept for the purpose, all ordinances and resolutions, and shall perform such other duties as may be assigned him by the council. The city manager may assign all the duties of director of finance, and-or all the duties of assessor and collector of taxes of the city to the city secretary.

SECTION 20. -APPOINTMENTS OF CITY JUDGE

The city judge shall be appointed by the city council. The judge shall be appointed for a term of two (2) years. He shall receive a salary as may be fixed by the council; however, the salary shall in no case be determined by the fees or fines received by the corporation court. The judge shall be judge of the corporation court, which shall have the jurisdiction and shall be conducted in the manner prescribed and authorized by law. All costs and fines imposed by the corporation court, or by any court in any cases appealed from judgments of the corporation court, shall be paid into the treasury for the use and benefit of the city. The city secretary or his deputy may be clerk of the corporation court. The clerk of the said court and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said city thereto, and generally do and perform any and all acts usual and necessary by clerks of courts in conducting the business thereof.

SECTION 21. -INDUCTION OF COUNCIL INTO OFFICE:

Meetings of Council:

On the first meeting next following the regular municipal election or as soon thereafter as practicable, the council shall meet at the usual place for holding meetings and the newly elected members shall qualify as prescribed by law and assume the duties of office. The council shall at this time and meeting select one of its members to serve as mayor pro-tem, and he shall perform all the duties of the mayor in his absence or disability. Thereafter, the council shall meet regularly at such times as may be prescribed by ordinance, but not less frequently than once each month. Special meetings shall be called by the city secretary upon request of the mayor or four councilmen. A quorum shall be four council member, excluding the Mayor.

SECTION 22. -COUNCIL TO BE JUDGE OF QUALIFICATIONS OF MEMBERS:

The council shall be the judge of the election returns and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records but the decision of the council in any such case shall be subject to a review by the courts.

SECTION 23. -RULES OR PROCEEDINGS: MINUTES:

The council shall determine its own rules and order of business. It shall keep minutes of its proceedings and such minutes shall be open to public inspection.

SECTION 24. -ORDINANCES:

In addition to such acts of the council as are required by

statute or by this Charter to be by ordinance, every act of the council establishing a fine, forfeiture, or other penalty or providing for the expenditure of funds or for the contracting of indebtedness shall be by ordinance. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE CITY COUNCIL OF CAMERON.

SECTION 25. -PROCEDURE FOR PASSAGE OF ORDINANCES:

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective immediately after its publication as required by Law. The city secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the descriptive caption or title, including the penalty, of any ordinance to be published in the official newspaper in the city of Cameron at least twice within ten days after the passage of said ordinance. He shall note on every ordinance the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, and promulgation of such ordinance, provided that the provisions of this section shall not apply to the correction, amendment, revision and modification of the ordinances of the city for publication in book or pamphlet form. Every ordinance shall be authenticated by the signature of the mayor and city secretary and shall be systematically recorded in an ordinance book in a manner approved by the council. It shall only be necessary to record the caption or title of ordinances in the Minutes of Council meetings. The council shall have power to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. It shall be necessary to the validity of any ordinance that it shall be read at two regular meetings of the city council of the city of Cameron before final passage thereof, except, however, where otherwise provided in this charter and provided that upon a finding by the council of an emergency, an ordinance may be passed upon one reading at any meeting of the city council. An emergency, as herein used, shall mean only war, public disaster or a situation involving the actual operation of the government of the city of Cameron.

SECTION 26. -INDEPENDENT AUDIT:

Prior to the end of each fiscal year, the council shall employ a practicing certified public accountant, who is licensed by the State of Texas, to make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit a report to the council. Notice shall be given by publication in the official newspaper in the city of Cameron that the audit is on file at the City Hall for inspection. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the city government. They shall not maintain any accounts or records of the city business, but within the specifications approved by the

council, shall post audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department, or agency of the city government is licensed to practice in the State of Texas and who is a resident of the city of Cameron.

**ARTICLE III
DEPARTMENT OF LAW**

- Section 27. City attorney, appointment
- 28. City attorney, qualifications
- 29. City attorney, powers and duties

SECTION 27. -CITY ATTORNEY, APPOINTMENT:

There shall be a department of law, the head of which shall be the city attorney, who shall be appointed by the council.

SECTION 28. -CITY ATTORNEY, QUALIFICATIONS:

The city attorney shall be a qualified attorney-at-law who is licensed to practice in the state of Texas.

SECTION 29. -CITY ATTORNEY, POWERS AND DUTIES:

The city attorney shall be the chief legal advisor of the council, of all offices, departments and agencies and of all officers and employees in the matters relating to their official powers and duties. He shall represent the city in all legal proceedings. It shall be his duty to perform all services incident to his position as may be required by statute, by this Charter or by ordinance.

**ARTICLE IV
THE BUDGET**

- Section 30. Fiscal year
- 31. Preparation and submission of budget
- 32. Budget, a public record
- 33. Publication of notice of public hearing
- 34. Public hearing on budget
- 35. Vote required for adoption
- 36. Date of final adoption; failure to adopt
- 37. Effective date of budget; certification; copies made available.
- 38. Budget establishes appropriation
- 39. Budget establishes amount to be raised by property tax
- 40. Budget message; current operations
- 41. Budget message; supporting schedules
- 42. Budget
- 43. Anticipated revenues compared with other years
- 44. Proposed expenditures; comparison with other years
- 45. Contingent appropriation

SECTION 30. -FISCAL YEAR:

The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this charter the term

"Budget Year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

SECTION 31. -PREPARATION AND SUBMISSION OF BUDGET:

The mayor, at least forty-five days prior to the beginning of each budget year, shall submit to the council a proposed budget and an explanatory budget message in the form and with the content provided by sections 41 and 43. For such purpose, at such date as he shall determine, he, or an officer designated by him shall obtain from the head of each office, department or agency estimates of revenue and expenditures of that office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he may request. In preparing the budget, the mayor shall review the estimates, shall hold hearings thereon and may revise the estimates, as he may deem advisable.

SECTION 32. -BUDGET A PUBLIC RECORD:

The budget and budget message and all supporting schedules shall be a public record in the office of the city secretary open to public inspection by anyone. The mayor shall cause sufficient copies of the budget and budget messages to be prepared for distribution to interested persons.

SECTION 33. -PUBLICATION OF NOTICE OF PUBLIC HEARING:

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, and shall cause to be published in official newspaper a notice of the place and time, not less than seven days after date of publication, at which the council will hold a public hearing.

SECTION 34. -PUBLIC HEARING ON BUDGET:

At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

SECTION 35. -VOTE REQUIRED FOR ADOPTION:

The budget shall be adopted by the favorable votes of at least a majority of all elected councilmen.

SECTION 36. -DATE OF FINAL ADOPTION; FAILURE TO ADOPT:

The budget shall be finally adopted as submitted by the mayor or amended by the council not later than the 27th day of the last month of the fiscal year. Should the council take no final action on or prior to such day, the budget as submitted by the mayor shall be deemed to have been finally adopted by the council.

SECTION 37. -EFFECTIVE DATE OF BUDGET; CERTIFICATION; COPIES MADE AVAILABLE:

Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be filed with the city secretary, the county clerk of Milam County, and the state comptroller of public accounts in Austin. The final budget shall be printed, mimeographed or otherwise reproduced and sufficient copies shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations.

SECTION 38. -BUDGET ESTABLISHES APPROPRIATIONS:

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

SECTION 39. -BUDGET ESTABLISHES AMOUNT TO BE RAISED BY PROPERTY TAX:

From the effective date of budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city, in the corresponding tax year.

SECTION 40. -BUDGET MESSAGE: CURRENT OPERATIONS:

The budget message submitted by the mayor to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous years in expenditure and revenue items and shall explain any major changes in financial policy.

SECTION 41. -BUDGET MESSAGE SUPPORTING SCHEDULES:

Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital operations and capital outlays, as the mayor shall believe useful to the council.

SECTION 42. -BUDGET:

The budget shall provide a complete financial plan for the fiscal year. It shall contain the following:

- (1) A budget message.
- (2) A consolidated statement of receipts and expenditures for all funds.
- (3) An analysis of property valuations.
- (4) An analysis of tax rate.
- (5) Tax levies and tax collections by years for at least ten years or for a number of years for which records are available.
- (6) General fund resources in detail.

(7) Summary of proposed expenditures by function, department, and activity.

(8) Summary of proposed expenditures by character and object.

(9) Detailed estimates of expenditures shown separately by each activity to support the summaries No. 7 and 8 above. Such estimates of expenditures are to include an itemization of positions showing the number of persons having each title and rate of pay.

(10) A revenue and expense statement for all types of bonds and time warrants.

(11) A description of all bond and time warrant issues outstanding, showing rate of interest, date of issue, maturity, date, amount authorized, amount issued, and amount outstanding.

(12) A schedule of requirements for the principal and interest on each issue of bonds and time warrants.

(13) A special funds section.

(14) The appropriation ordinance.

(15) The tax levying ordinance. The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand.) The classification of revenue and expenditure accounts shall conform, as nearly as local conditions will permit to the uniform classification as promulgated by the National Committee on Municipal Accounting or some other nationally accepted classification.

SECTION 43. -ANTICIPATED REVENUES COMPARED WITH OTHER YEARS:

In parallel columns opposite the several items of revenue there shall be placed the actual amount of such item for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing budget year.

SECTION 44. -PROPOSED EXPENDITURES; COMPARISON WITH OTHER YEARS:

The proposed expenditures for the administration, operation, maintenance and capital outlay of each office, department or agency of the city shall be itemized by character and object. In parallel column opposite the various items of expenditures there shall be placed the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing budget year.

SECTION 45. -CONTINGENT APPROPRIATION:

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than five per centum of the total general fund expenditure, to be used in the case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of the council and distributed by the council. Expenditures from this appropriation shall be made only in case of established emergencies as determined by the council and a detailed account of such expenditures shall be recorded and reported. The proceeds of the contingent appropriation

shall be disbursed only by transfer to other departmental appropriations, the spending of which shall be charged to the departments or activities for which the appropriations are made.

**ARTICLE V
BORROWING FOR CAPITAL IMPROVEMENTS**

Section 46. Power to Incur Indebtedness by Issuing Bonds and Notes

47. Form and Content of Bond Election Ordinance

Bond Ordinance: Vote Required

48. Ordinances Previously Authorized By Election Not Subject to Referendum

49. Form and Content When Two or More Projects are Combined

50. Referendum On Bond Ordinance

51. Public Sale

SECTION 46. -POWER TO INCUR INDEBTEDNESS BY ISSUING BONDS AND NOTES:

The city may incur indebtedness by issuing its negotiable bonds, pursuant to this charter, to finance any capital project, which it may lawfully construct or acquire, or for any legitimate public purpose.

SECTION 47. -FORM AND CONTENT OF BOND ELECTION ORDINANCE:

The bond election ordinance shall provide for proper notice, the calling of the election, the propositions to be submitted and for the form of the ballot. The ordinance shall specify:

- (1) The purpose of which the bonds are to be issued
- (2) The amount thereof
- (3) The maximum rate of interest
- (4) The levy of taxes sufficient to pay interest and sinking fund or retirement of principal.
- (5) That the bonds to be issued shall mature serially within a given number of years.

The bond election ordinance and the manner of conducting the election shall, in all aspects, conform to this charter and the general laws of this State.

SECTION 48. -BOND ORDINANCE: VOTE REQUIRED:

The city shall authorize the issuance of bonds by a "Bond Ordinance" passed by the affirmative votes of the majority of all members of its council. Revenue bonds may be issued by the council under the authority of Articles 1111-1118, Revised Civil Statutes of Texas, 1925, as amended and all other applicable provisions of law and the Bond and Warrant Law of 1931.

SECTION 49. -ORDINANCES PREVIOUSLY AUTHORIZED BY ELECTION NOT SUBJECT TO REFERENDUM:

An ordinance passed pursuant to a purpose, which has been authorized by majority vote of the property taxpaying

voters of the city of Cameron at an election held for the purpose shall not be subject to referendum.

SECTION 50. -FORM AND CONTENT WHEN TWO OR MORE PROJECTS ARE COMBINED:

A bond ordinance may combine two or more related projects, in which event it shall, for each project, establish a separate proposed expenditure and state separately the estimated maximum costs and amounts of down payments, but shall authorize a single issue of bonds to finance the aggregate of the proposed expenditures thereby made. The title of such bond ordinance may state the aggregate of the proposed expenditures instead of the respective amounts.

SECTION 51. -REFERENDUM ON BOND ORDINANCE:

Each bond ordinance relating to bonds not authorized by the qualified property taxpaying voters of the city of Cameron, shall be subject to permissive referendum on petition pursuant to the provision of Article IX of this Charter, unless the bonds are authorized solely for a capital purpose made necessary as the result of fire, flood, or other disaster, or the bonds are to be issued to finance the improvement or extension of a municipally owned or operated utility or other public service enterprise.

SECTION 52. -PUBLIC SALE:

All bonds issued under this charter shall be sold at public sale upon sealed proposals after at least ten days notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news, and at least ten days notice published at least once in the official newspaper of the city; provided, however, that this requirement shall not apply when refinancing is to be done by the issuance of refunding bonds or new money bonds.

**ARTICLE VI
FINANCE ADMINISTRATION**

Section 53. Director of finance; appointment

54. Director of finance; surety bonds

55. Director of finance; powers and duties

56. Transfers of appropriations

57. Accounting supervision and control

58. Appropriations lapse at end of year

59. Fees shall be paid to city government

60. Purchases

61. Lease or Sale of city property; procedure for

62. Purchase procedure

63. Disbursement of Funds

64. Borrowing in anticipation of property taxes

65. Borrowing in anticipation of other revenue

66. Sales of notes; report of sale

SECTION 53. -DIRECTOR OF FINANCE; APPOINTMENT

There shall be a department of finance, the head of which shall be appointed by the city manager, subject to the council's confirmation.

SECTION 54. -DIRECTOR OF FINANCE; SURETY BOND

The director of finance shall provide a bond with a recognized corporate surety in such amount as the council may require except that such bond shall be in an amount not less than \$10,000.00.

SECTION 55. -DIRECTOR OF FINANCE; POWERS AND DUTIES:

The director of finance shall have charge of the administration of the financial affairs of the city and to that end he shall have the authority and shall be required to:

- (1) Compile the estimates of revenues and expenditure for the budget as directed by the mayor.
- (2) Supervise and be responsible for the disbursement of all money and have control over all expenditures to ensure that budget appropriations are not exceeded.
- (3) Maintain a general accounting system for the city government and each of its offices, departments and agencies, keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance, require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient.
- (4) Submit to the council a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial conditions of the city;
- (5) Prepare, as of the end of each fiscal year, a complete financial statement and report;
- (6) Collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from the state or federal government, or from any court, or from any office, department or agency of the city.
- (7) Serve as ex officio city treasurer and shall have custody of all public funds belonging to or under control of the city, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depositories as shall be designated by resolution of the council, subject to the requirements of law as to surety and payment of interest on deposits, but all such interest shall be the property of the city and shall be accounted for and credited to the proper account.
- (8) Have custody of all investments and invested funds of the city government, or in possession of such government in a judiciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of

city bonds and notes for transfer, registration or exchange.
(9) Approve all proposed expenditures. Unless he shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditure shall be made.

SECTION 56. -TRANSFER OF APPROPRIATIONS:

The director of finance may at any time with the approval of the council transfer any unencumbered appropriation balance or portion thereof between any office, department, agency, or fund. At the request of the director of finance and within the last three months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department, agency or fund to another.

SECTION 57. -ACCOUNTING SUPERVISION AND CONTROL:

The director of finance shall have power and shall be required to:

- (1) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government.
- (2) Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable.
- (3) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the city attorney determine the regularity, legality and correctness of such claims, demands or charges.
- (4) Inspect and audit any accounts or records of financial transactions, which may be maintained in any office, department, or agency of the city government apart from or subsidiary to the accounts kept in his office.

SECTION 58. -APPROPRIATIONS LAPSE AT END OF YEAR:

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

SECTION 59. -FEES SHALL BE PAID TO CITY GOVERNMENT:

All fees for city services received by any officer or employee belong to the city government and shall be paid forthwith to the department of finance.

SECTION 60. -PURCHASES:

The city council shall be responsible for all purchases. It shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. It shall also be required to:

- (1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city

government.

(2) Inspect or supervise the inspection of all deliveries of supplies, material and equipment required by the city government and determine their quality, quantity and conformance with specifications.

(3) Have charge of such general storerooms and warehouses as the council may provide by ordinance.

(4) Transfer to or between offices, departments or agencies or sell surplus, obsolete or unused supplies, materials and equipment.

The city council may delegate part or all of those powers to one or more employees of the city.

SECTION 61. -RELEASE OR SALE OF CITY PROPERTY; PROCEDURE FOR:

Before the city makes any lease of any real estate or any sale or contract for the sale of any property belonging to the city having an estimated value of \$500 or less either in the form of land, real estate or other properties, opportunity shall be given for open competition by posting notices of said sales in not less than three public places within the corporate limits of the city of Cameron, one of which places shall be the City Hall for a period of at least ten days prior to date of said sale.

And in all sales of property valued at more than \$500.00, the property shall be advertised for sale and bids in the local newspaper, the contract of sale shall be awarded to the highest responsible bidder after such public notice and competition as may be prescribed, provided the council shall have the power to reject all bids and advertise again. These same procedures shall be used whenever the city acts as transfer agent.

SECTION 62. -PURCHASE PROCEDURE:

Before the city makes any purchase for supplies, materials, equipment or contractual services, opportunity shall be given for competition. The city manager shall have authority to make expenditures without the approval of the council for all budgeted items not exceeding limitations set by law. All contracts or purchases involving more than the amount set by state law shall be let to the lowest bid by a responsible bidder after there has been an opportunity for competitive bidding. Notice of the time and place, when and where such contract shall be let shall be published in the official newspaper of the city of Cameron once a week for two consecutive weeks prior to the time for making such purchase or letting such contract, the time of the first publication to be at least fourteen (14) days prior to the time for making such purchase or letting such contract; provided however, that the council shall have the right to reject any and all bids; and provide further that nothing herein shall apply to contracts for professional services nor to work done by the city and paid for by the day as such work progresses.

SECTION 63. -DISBURSEMENT OF FUNDS:

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the city treasurer, or his deputy, and countersigned by the mayor. In the absence of the mayor, checks may be countersigned by the mayor pro-tem.

SECTION 64. -BORROWING IN ANTICIPATION OF PROPERTY TAXES:

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money for maintenance and operation of the city government by issuance of promissory notes of the city, each of which shall be designated "tax anticipation note for year _____," (stating the budget year). Such notes shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.

SECTION 65. -BORROWING IN ANTICIPATION OF OTHER REVENUES:

In any budget year, in anticipation of the collection or receipt of other revenues of that budget year, the council may by resolution authorize the borrowing of money by the issuance of promissory notes of the city, each of which shall be designated "special revenue note for the year _____," (stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.

SECTION 66. -SALE OF NOTES; REPORT OF SALE:

All notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale by the director of finance without previous advertisement, but such sale shall be authorized by the council.

**ARTICLE VII
TAX ADMINISTRATION**

- Section 67. Division of assessment
- 67. Property subject to tax; method of assessment
- 68. Taxes; when due and payable
- 69. Delinquent tax statement
- 70. Tax rates
- 71. Tax liens
- 72. Seizure and sale of personal property

SECTION 67. -DIVISION OF ASSESSMENT:

There shall be established in the department of finance a division of taxation, the head of which shall be the city assessor and collector of taxes. The assessor-collector shall give a surety bond for faithful performance of his duties including compliance with all controlling provisions of the state law bearing upon the functions of his office in a sum which shall be fixed by the council, but not less than \$10,000.

SECTION 68. -PROPERTY SUBJECT TO TAX; METHOD OF ASSESSMENT:

All real and personal property within the city not expressly exempted by law shall be subject to annual taxation on the basis of its true market value.

SECTION 69. -TAXES, WHEN DUE AND PAYABLE:

All taxes due the city of Cameron shall be payable at the office of the Assessor-Collector or any other office designated for that purpose, and may be paid at any time after the tax rolls for the year have been completed and approved which shall be not later than Oct. 1. Taxes shall be paid before February 1st and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as the council may provide by ordinance, or as prescribed by law.

SECTION 70. -DELINQUENT TAX STATEMENTS:

Delinquent tax statements for both current and preceding years, showing the amount of taxes due including penalty and interest, shall be mailed in accordance with state law.

SECTION 71. -TAX RATE:

The tax rate set by the city council of the city of Cameron for any given year shall never exceed the rate prescribed by the general law of the State of Texas.

SECTION 72. -TAX LIENS:

The tax levied by the city is hereby declared to be a lien, charge or encumbrance upon the property upon which tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property in favor of the city, for the amount of taxes due on such property is such as to give that state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against non residents. All taxes upon real estate shall be a special lien and a charge upon the property upon which lien may be foreclosed in any court having jurisdiction.

SECTION 73. -SEIZURE AND SALE OF PERSONAL PROPERTY:

Seizure and sale of personal property will be done in accordance with the State Property Tax Code.

**ARTICLE X
NOMINATIONS AND ELECTIONS**

- Section 74. Municipal elections
- 75. Regulation of elections
- 76. How to get name on ballot
- 77. Official ballots
- 78. Laws governing city election
- 79. Canvassing elections

SECTION 74. -MUNICIPAL ELECTIONS:

The regular election for the choice of members of the council as provided in Article II, Section 12, shall be held every year as prescribed by State law. The council may by ordinance or resolution order a special election, fix the time

for holding same, and provide all means for holding such special election.

SECTION 75. -REGULATION OF ELECTIONS:

The council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the election authorities appointed by the city council, who shall also have power to make such regulations not inconsistent with this charter, with any regulations made by the council or the laws of the State of Texas.

SECTION 76. -HOW TO GET NAME ON BALLOT:

Any qualified voter of the city who is otherwise qualified may have his name printed upon the official ballot for the particular office at any election by filing his sworn application with the city secretary at least 45 days prior to the election date and having posted the required filing fee, to be fixed by the council, provided it shall not exceed the sum of \$10.00. The filing fees shall be used to defray the cost of the election and said fees shall be prorated and any surplus shall be refunded to said candidates.

SECTION 77. -OFFICIAL BALLOTS:

The full names of all candidates for the council as herein before provided, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots. If two candidates with the same surnames, or with names so similar as to be likely to cause confusion are nominated, the addresses of their place of residence shall be placed with their names on the ballots. The order of the names on the ballot shall be determined by lot.

SECTION 78. -LAWS GOVERNING CITY ELECTIONS:

All city elections shall be governed, except as otherwise provided by the charter, by the Laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto; and in event there should be any failure of the general laws or this charter to provide for some feature of the city election, then the council shall have the power to provide for such deficiency and no informalities in conducting a city election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws where applicable, and the Charter and ordinances of the city.

SECTION 79. -CANVASSING ELECTIONS:

Returns of the elections, general and special, shall be made by the election officers to the council as soon as possible and not more than five days following said election, at which time the council shall canvass and declare the results of such election.

**ARTICLE IX
INITIATIVE, REFERENDUM AND RECALL**

Section 80. Power of initiative

- 81. Power of referendum
- 82. Form of petition; committee of petitioners
- 83. Filing, examination, and certification of petitions
- 84. Amendment of petitions
- 85. Effects of certification of referendum petitions
- 86. Consideration by council
- 87. Submission to voters
- 88. Form of ballot for initiated and referred ordinances
- 89. Results of election
- 90. Repealing ordinances: Publication
- 91. Recall, generally
- 92. Recall procedure
- 93. Recall petitions
- 94. Recall election
- 95. Ballots in recall election
- 96. Result of recall election
- 97. Limitations on recalls

SECTION 80. -POWER OF INITIATIVE:

The voters shall have the power to propose any ordinance except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the council by a petition signed by qualified voters of the city, equal in number to at least fifty per cent of the number of votes cast at the last regular municipal election.

SECTION 81. -POWER OF REFERENDUM:

The voters shall have power to approve or reject at the polls any ordinance passed by the council, or submitted by the council to a vote of the voters, except as provided in Section 52, such power being known as the referendum. Ordinances submitted to the council by initiative petition and passed by the council without change shall be subject to the referendum in the same manner as the other ordinances. At any time after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified voters of the city equal in number to at least fifty per cent of the number of votes cast at the last preceding regular municipal election may be filed with the city secretary requesting that any such ordinance be either repealed or submitted to a vote of the voters.

SECTION 82. -FORM OF PETITIONS: COMMITTEE OF PETITIONERS:

Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify

the place. There shall appear in each petition the names and addresses of five voters, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in his presence, and that he believes them to be genuine signatures of the persons whose names they purport to be.

SECTION 83. -FILING, EXAMINATION AND CERTIFICATION OF PETITIONS:

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city secretary as one instrument. Within ten days after a petition is filed, the city secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. The city secretary shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures, certified those in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the city secretary shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

SECTION 84. -AMENDMENT OF PETITIONS:

An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been sent by the city secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The city secretary shall, within five days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

SECTION 85. -EFFECT OF CERTIFICATION OF REFERENDUM PETITION:

When a referendum petition, or amended petition as defined in this charter, has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the voters, as hereinafter provided.

SECTION 86. -CONSIDERATION BY COUNCIL:

Whenever the council receives a certified initiative or referendum petition from the city secretary, it shall proceed at once to consider such petition. A proposed initiated ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The council shall take final action on the initiated or referred ordinance not later than sixty days after the date on which such ordinance was submitted to the council by the city secretary. A referred ordinance shall be reconsidered by the council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance in the referendum petition be repealed?"

SECTION 87. -SUBMISSION TO VOTERS:

If the council shall fail to pass an ordinance proposed by initiative petition or shall pass it in form different from that set forth in the petition therefor, or if the council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the voters not less than thirty days nor more than sixty days from the date the council takes its final vote thereon. The council may, in its discretion, and if no regular election is to be held within such period, shall provide for a special election.

SECTION 88. -FORM BALLOT FOR INITIATED AND REFERRED ORDINANCES:

The city secretary shall publish in the official newspaper every initiated or referred ordinance at least 15 days before the date of election on said ordinance. Ordinances submitted to vote of the voters in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance, if a paper ballot, shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

SECTION 89. -RESULTS OF ELECTION:

If a majority of the voters voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance, which is not approved by a majority of the voters voting thereon, shall thereupon be deemed repealed. If conflicting ordinances are approved by the voters at the same elections, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

SECTION 90. -REPEALING ORDINANCES: PUBLICATION:

Initiative and referendum ordinances adopted or approved by the voters shall be published, and may be amended or repealed by the Council as in the case of other ordinances.

SECTION 91. -RECALL: GENERALLY:

The mayor or any member of the council may be removed from office by recall.

SECTION 92. -RECALL PROCEDURE:

Any voter or group of voters of the city of Cameron may make and file with the city secretary an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal. The secretary shall thereupon deliver to the voter or voters making such affidavit copies of petition blanks demanding such removal. Such blanks when issued by the city secretary shall bear the signature of that officer and be addressed to the council, and shall be numbered, dated, and indicate the name of person or persons to whom issued. The petition blanks when issued shall bare the name of the officer whose removal is sought. The city secretary shall enter in a record to be kept in his office the name of the voter or voters to whom the petition blanks were issued and the number issued to said person or persons.

SECTION 93. -RECALL PETITIONS:

The recall petition, to be effective, must be returned and filed with the city secretary within thirty (30) days after the filing of the affidavit required in Section 100, and it must be signed by qualified voters of the city equal in number to at least fifty (50) percent of the number of votes cast at the last regular municipal election. Such recall petition shall conform to the provision of Section 90 hereof, so far as same is applicable, and no petition papers shall be accepted as a part of a petition unless it bears the signature of the city secretary, as required in Section 100 hereof. However, in the event the council member or council members sought to be recalled represent single member districts, the only person entitled to sign the recall petition and/or vote for the recall of that particular council member must be residents of the particular ward corresponding with the residence of the council member sought to be recalled.

SECTION 94. -RECALL ELECTION:

The city secretary shall at once examine the recall petition and if he finds it complies with the provisions of this Charter, shall within five (5) days submit it to the council with his certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within five (5) days after such notice the council shall thereupon order and fix a date for holding a recall election. Any such election shall be held not less than thirty days or more than sixty days after the petition has been presented to the council or at the same time as any municipal

election held within such period; but if no such municipal election is to be held within such period, the council shall call a special election to be held within the time aforesaid.

SECTION 95. -BALLOTS IN RECALL ELECTION:

Ballots used at recall elections shall conform to the following requirements:

(1) With respect to each person whose removal is sought, the question shall be submitted "Shall (name of person) be removed from office of (name of office) by recall?"

(2) Immediately below each such question there shall be printed the two following propositions, one above the other, in the order indicated: Yes:

No:

SECTION 96. -RESULTS OF RECALL ELECTION:

If a majority of the votes cast at a recall election shall be against the recall of the officer named in the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes at such election be for the recall of the officer named on the ballot, he shall, regardless of any technical defects in the recall petition be deemed removed from office and the vacancy shall be filled by the council as in other vacancies.

SECTION 97. -LIMITATIONS OF RECALLS:

No recall petition shall be filed against the mayor or a councilman within six months after he takes office nor in respect to an officer subjected to a recall election and not removed thereby, until at least six months after such election.

SECTION 98. -DISTRICT JUDGE MAY ORDER ELECTION:

Should the council fail or refuse to order any of the elections as provided in this article, when all the requirements for such election have been complied with by the petitioning voter in conformity with this article of the charter, then any Judge of a District Court of Milam County, Texas, upon proper application being made therefor by a voter or group of voters of the city of Cameron, may order such elections and enforce the carrying into effect of the provisions of this article of the Charter.

**ARTICLE X
FRANCHISES AND PUBLIC UTILITIES**

Section 99. Powers of the city.

- 100. Franchises; power of council
- 101. Franchise value not to be allowed
- 102. Right of regulation
- 103. Franchises not exclusive
- 104. Other conditions
- 105. Franchise records
- 106. Accounts of city owned utilities
- 107. Regulations of rates and service

SECTION 99. -POWERS OF THE CITY:

In addition to the city's power to buy, own, construct, maintain and operate utilities and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public, the city shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

SECTION 100. -FRANCHISES: POWER OF COUNCIL:

The council shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities of every character operating within the city of Cameron, and for such purposes is granted full power. All ordinances granting, amending, renewing, or extending franchises for public utilities shall not be finally passed until thirty days after the first reading; and no such ordinance shall take effect until thirty days after its final passage; and pending such time, the caption of such ordinance shall be published once each week for four consecutive weeks in the official newspaper of the city of Cameron, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferable except with the approval of the council expressed by ordinance.

SECTION 101. -FRANCHISE VALUE NOT TO BE ALLOWED:

In fixing reasonable rates and charges for utility service within the city and in determining the just compensation to be paid by the city for public utility property which the city may acquire by condemnation or otherwise, nothing shall be included as the value of any franchise granted by the city under this Charter.

SECTION 102. -RIGHT OF REGULATION:

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:

- (1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise; such power to be exercised only after due notice and hearing.
- (2) To require an adequate extension of plant and service and maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (4) To prescribe the form of accounts kept by each such utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, their successor or successors this shall be deemed sufficient compliance with this paragraph. At any time to examine and audit the accounts and other records of any utility and to require annual and other reports, including reports on local operations by each such public utility.

(5) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public.

(6) To at any time require such compensation and rental as may be permitted by the laws of the State of Texas.

SECTION 103. -FRANCHISES NOT EXCLUSIVE:

No franchise granted by city of Cameron shall contain any provision that would prohibit the granting of any like or similar rights to any persons, firm or corporations.

SECTION 104. -OTHER CONDITIONS:

All franchises heretofore granted are recognized as contracts between the city of Cameron and the grantee, and the contractual right as contained in any such franchises shall not be impaired by the provisions of this charter, except that the power of the city of Cameron to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the city heretofore existing and herein provided for to regulate the rates and services of the grantee which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchise.

SECTION 105. -FRANCHISE RECORDS:

Within six months after this charter takes effect every public utility and every owner of a public utility franchise shall file with the city, as may be prescribed by ordinance, certified copies of all franchises owned or claimed, or under which such utility is operated in the city of Cameron. The city shall compile and maintain a public record of public utility franchises.

SECTION 106. -ACCOUNTS OF CITY OWNED UTILITIES:

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including all assets, appropriately subdivided into different classes, all liabilities sub-divided by classes, depreciation, reserve, other reserves, and surplus, also revenues, operating expenses, including depreciation, interest payments, rentals and other disposition of annual income. The accounts shall show the actual capital cost to the city of each public utility owned, also of the cost of all extensions, additions and improvements, and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The council shall annually cause to be made by a licensed public accountant and shall publish a report showing the financial results of such city ownership and operation, giving the information specified in this section or such data as the council

shall deem expedient, in accordance with Section 26, Article II.

SECTION 107. -REGULATIONS OF RATES AND SERVICE:

The council shall have full power, after due notice and hearing, to regulate by ordinance the rates and service of every public utility operating in the city of Cameron or to relinquish regulation by ordinance of any or all public utilities.

**ARTICLE XI
GENERAL PROVISIONS**

Section 108. Publicity of records

- 109. Personal interest
- 110. Oath of office
- 111. Bonds, discharge of officers and employees
- 112. Zoning ordinances
- 113. Disabled employees: pensions, insurance
- 114. Effect of this Charter on existing law
- 115. Amending the Charter
- 116. Separability clause
- 117. City depository
- 118. Official newspaper
- 119. Grammatical construction

SECTION 108. -PUBLICITY OF RECORDS:

All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, any representative of a citizen's organization or any representative of the press at all reasonable times.

SECTION 109. -PERSONAL INTEREST:

No member of the council or any officer or employee of the city shall have a financial interest direct or indirect in any contract by or with the city. The council shall never authorize the expenditure of public funds for the development of a privately owned sub-division outside of the City Limits of Cameron. Any willful violation of this section shall constitute malfeasance in office and any officer or employee of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge expressed or implied of the person or corporation contracting with the city shall render the contract voidable by the council.

SECTION 110. -OATH OF OFFICE:

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city secretary: "I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the City of Cameron, State of Texas, and will to the best of my ability preserve, protect and defend the constitution and laws of the United States and of this state and the Charter and ordinances of this city; and I furthermore, solemnly swear (or affirm), that I have not directly or indirectly paid, offered or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was

elected, or if the office is one of appointment, to secure the appointment, So help me God.”

SECTION 111. -BONDS: DISCHARGE OF OFFICERS AND EMPLOYEES:

The council shall require a surety bond from each officer of the city and may require bond from any city employee in amounts to be fixed by the council, and pay the premium therefor. The council shall be authorized to discharge at any time any officer, employee or clerk which it appoints except the City Judge.

SECTION 112. -ZONING ORDINANCES:

The city council shall have full power and authority to zone the city of Cameron and to pass all necessary ordinances, rules, and regulations governing the same under and by virtue of the authority given to cities and legislative bodies thereof by Sections A and H of Article 1011 of the 1925 Revised Civil Statutes of Texas as amended, being Acts of 1927 40th Legislature, page 424, chapter 283, and all amendments thereof and amendments which may hereafter be made thereto.

SECTION 113. -DISABLED EMPLOYEES: PENSIONS, INSURANCE:

The council shall have authority to provide the rules and regulations for maintaining employees and volunteer firemen when injured and disabled while performing their duties or it may provide for such plan of insurance, as it deems proper. The council may establish a pension plan of pension to any employee who has been continuously employed by the city for twenty-five years and who shall have reached the age of sixty, whichever come later or may adopt in lieu thereof any pension system available to cities under State law. The amount of said pension shall be graded and proportioned to the average salary received by the employee during the whole period of his employment. All those falling under the head of employees in this charter and who are employed by the city when the same takes effect, shall be entitled to a credit for the years of continuous service heretofore served.

SECTION 114. -EFFECT OF THIS CHARTER ON EXISTING LAW:

All ordinances, resolutions, rules and regulations now in force under the city government of the city of Cameron and not in conflict with the provisions of this charter shall remain in force under this charter until altered, amended or repealed by the council after this charter takes effect; and all rights of the city of Cameron under existing franchises and contracts are preserved in full force and effect to the city of Cameron, and any unissued bonds and revenue bonds, or installments thereof, heretofore authorized at an election held in said city shall not be affected by the adoption of this charter, but the right to sell, issue and deliver same, in whole or in part, in keeping with the provisions of the laws under which they were voted is hereby expressly reserved.

SECTION 115. -AMENDING THE CHARTER:

Amendments to this Charter may be framed and submitted to the voters of the city by a charter commission in the manner provided by law.

SECTION 116. -SEPARABILITY CLAUSE:

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the content in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION 117. -CITY DEPOSITORY:

There shall be a City Depository selected by the city council from time to time and in the manner provided by Articles 2559 through 2566a, both inclusive. Revised Civil Statutes of Texas (1925) and all amendments thereof and amendments which may hereafter be made thereto.

SECTION 118. -OFFICIAL NEWSPAPER:

The council shall by ordinance on or before the beginning of each fiscal year select a newspaper published in the city of Cameron in the English language as the official newspaper of the city and shall by such ordinance declare it to be such for ensuing fiscal year. Any such newspaper so selected shall be published no less than once each week and shall be a newspaper of general circulation in the city.

SECTION 119. -GRAMMATICAL CONSTRUCTION:

Whenever in this Charter the singular is used, the plural shall be included; whenever the masculine gender is used, the feminine and neuter shall be included. Whenever the terms “councilman”, “councilmen”, or “council person” are used, the term “council member” should be substituted.

STATE OF TEXAS §
COUNTY OF MILAM §
CITY OF CAMERON §

I, AMY HARRIS, City Secretary, City of Cameron, Texas, do hereby certify that the attached and foregoing is a full, true and correct copy of the Home Rule Charter for the City of Cameron, Texas, as the same was adopted and approved at an election held for that purpose on January 28, 1956, and as subsequently amended on August 9, 1980, May 1, 1999 and May 12, 2007, as the same now appears on file in my office; and I further hereby certify that I am the legal custodian and possessor of such records.

TO CERTIFY WHICH, witness my and the Seal of Said City at my office in Cameron, Texas this the 26th day of July, AD 2010.

Amy Harris

CITY SECRETARY



APPROVED:

[Signature]

CITY ATTORNEY