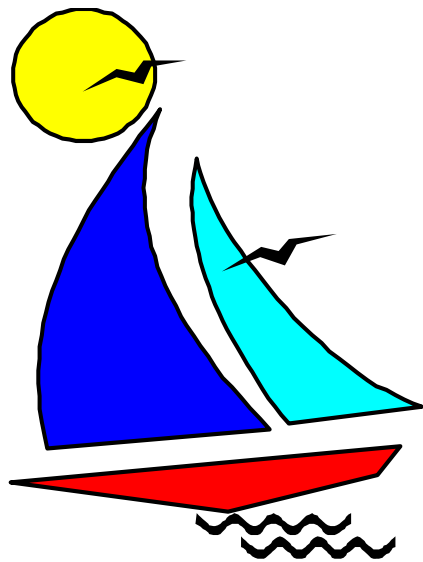


# HOME RULE CHARTER



**CITY OF  
LAGO VISTA, TEXAS**

**HOME RULE CHARTER  
OF THE  
CITY OF LAGO VISTA**

**PREAMBLE**

We, the people of Lago Vista, Texas, do hereby establish this Home Rule Charter to grant full authority and power of local government to the City of Lago Vista, Texas, and to reserve powers to the people as provided in this Charter. The City of Lago Vista shall have all the authority and powers of local government that are not inconsistent with state law, subject to the powers reserved to the people herein. The purpose of this charter is to establish and maintain an effective system of home rule government resulting in an overall better environment for the health, safety, and welfare of the residents of the City.

**ARTICLE I**

**Incorporation, Form of Government and Boundaries**

**Section 1.01 Incorporation.** The inhabitants of the territory and geographic area shown on the official map of the City of Lago Vista, Texas as being within the boundaries of the City hereby incorporate the City of Lago Vista as a Texas home-rule municipal corporation. Such territory and area is and shall continue to be a body politic and corporate, in perpetuity, under the name of the "City of Lago Vista", hereinafter the "City", with such powers, privileges, rights, duties, and immunities as herein provided.

**Section 1.02 Form of Government.** The municipal government shall be a Council-Manager form of government. All powers of the City will be vested in an elected City Council, hereafter known as the Council, subject to the limitations of state law and this Charter. The Council shall enact local legislation, adopt budgets, determine City policies and appoint a City Manager. The City Manager shall be responsible to the Council for the management and administration of the City government.

**Section 1.03 Boundaries.** The boundaries of the City are hereby established as above provided, with the intent that such boundaries are as were provided and intended by the original incorporation of the City of Lago Vista, Texas, in August 1984, as modified and amended by subsequent annexations and disannexations. The corporate limits of the City shall be as now and as hereafter established, extended and modified.

**Section 1.04 Annexation and Disannexation.** The Council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, or upon a petition submitted by a majority of the registered voters, or the owners of a majority of the property, within the territory being annexed or disannexed. The procedure for establishing the City boundaries, and the annexation or disannexation of territory, may not be inconsistent with any applicable requirements and limitations established by state law; provided that absent procedures established by state law, the action may be taken by ordinance adopted after one public hearing is held at least ten (10) but not more than twenty (20) days after notice of such hearing is published in a newspaper of general circulation in the City. Upon final passage of an ordinance fixing, establishing or modifying the boundaries of the City, or annexing or disannexing any property by any method prescribed herein, the boundaries of the City shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the City, the

annexed territory shall become a part of the City, and the land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions, and regulations of the City.

Land disannexed from the City shall not be relieved from any unpaid assessments or taxes levied against the land while such land was within the City.

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

**Section 2.01 General.** The City is a home-rule city. Accordingly, the City shall have full and complete power of local self-government and all authority and powers, both defined and implied, that are not inconsistent with state law. The City shall further have all other and additional authority and powers now or hereafter granted to home-rule cities by state law.

The City may:

- a) Use a corporate seal;
- b) Contract and be contracted with;
- c) Sue and be sued; provided that such power shall not be construed as a waiver of governmental immunity;
- d) Co-operate with other government entities;
- e) Acquire any property, whether real, personal or mixed, by purchase, gift, devise, lease, or condemnation, inside or outside the City limits;
- f) Sell, lease, mortgage and control such property as its interests may require;
- g) Construct, own, lease and operate public utilities;
- h) Establish rates and otherwise regulate public utilities and service providers, and entities using the public streets and rights-of-way, to the fullest extent not inconsistent with state law;
- i) Assess, levy and collect taxes;
- j) Borrow money on the faith and credit of the City by the issuance of bonds, certificates of obligation, warrants or notes of the City, or by lease-purchase;
- k) Appropriate money;
- l) Pass and enforce ordinances and provide penalties for ordinance violations;
- m) Preserve and promote the health, safety, and welfare of local citizens; and

- n) Exercise all municipal powers, functions, rights, privileges and immunities of every name and nature except those prohibited by state or federal law.

**Section 2.02 General Powers Adopted.** The enumeration of powers in this Charter is not exclusive. The City shall have all powers incident to local self-government, both direct and implied, that it would be possible to individually and specifically list in this Charter. The enumeration of special powers herein or in any state law making a grant of power and authority to a home-rule city shall not be held or construed to preclude the City from exercising all other powers of local government not inconsistent with the Constitution, the laws of the State of Texas, and the reservations to the people contained in this Charter. The purpose of this Charter is to enlarge upon the power extended by the general and special laws to cities, and to secure to the City, all the powers of local government possible to be conferred on the city under the Texas Constitution.

**Section 2.03 Eminent Domain.** The City shall have full power and right to exercise the power of eminent domain for any public purpose or as necessary or desirable to carry out any power conferred by this Charter or state or federal law. The City shall have and possess the power of condemnation for any public purpose even though such power of eminent domain is not otherwise specifically enumerated in this Charter or in state law. The City may exercise the power of eminent domain in any manner authorized or permitted by state law and, in those instances in which state law does not authorize, permit or establish the procedures, method of establishing value, or other requirements for condemnation and the exercise of the power of eminent domain, the City Council shall by ordinance establish the process, rules and procedures for valuing the property and the property interests to be condemned.

The City shall not, however, use the power of eminent domain to acquire land that is owned by a property owners association, and that is dedicated and used as parkland, for use as a City park.

**Section 2.04 Zoning.** For the purpose of promoting the public health, safety, and general welfare and protecting and preserving places and areas of historical, cultural or architectural importance, the Council shall have full power and authority to regulate and control the use of land, to zone and re-zone land within the City and to adopt ordinances, rules, and regulations governing the same to the fullest extent not inconsistent with state law.

**Section 2.05 Rights Reserved.** All suits, taxes, penalties, fines, forfeitures, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of the City, heretofore in force governing the same, shall belong to and vest in the City and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of the City and shall not be in any manner affected by the taking effect of this Charter; but, as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect. The budget and all ordinances, rules and regulations of the City shall be and remain in effect, subject to the terms of this Charter and the future discretion and vote of the Council. All present commissions, boards, officers and employees of the City shall continue in office subject to the provisions of this Charter, including, but not limited to, the provisions governing election and removal, and the authority conferred on the City Manager and the Council by this Charter.

**Section 2.06 Streets and Public Property.** The City shall have exclusive dominion, control, and jurisdiction, in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, public ways, and public property within the corporate limits of the City. With respect to all such facilities and public property, the City shall have the power to establish, maintain, alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof; and to abate and remove in a summary manner any encroachment. The City may develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the City by laying out, opening, narrowing, widening, straightening, extending, and establishing building lines along the same; by purchasing, condemning, and taking property thereof; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; by constructing, reconstructing, altering, repairing and realigning curbs, gutters, drains, and sidewalks, culverts and other appurtenances and incidentals in connection with such development and improvements; and may make or cause to be made any one or more of the kinds or classes of development and improvement authorized hereinabove, or in any combination or parts thereof.

### **ARTICLE III THE CITY COUNCIL**

**Section 3.01 Number, Selection, and Term of Office.** The City Council shall be the legislative and governing body of the City and have control of all the City finances, property, functions, services, affairs and programs subject only to the terms and provisions of this Charter. The City Council shall consist of a Mayor and six (6) Council Members. When used in this Charter or any other City document "Councilperson", "Councilmember" or "Council Member" includes the Mayor unless the context indicates otherwise.

The Mayor shall be elected from the City at Large. The Council Members shall be elected from the City at Large, by Place. Each seat on the Council, except for the position of Mayor, will be numbered, and the place numbers shall be Place 1 through Place 6. The Council Member occupying a particular seat will be identified by the Place number assigned to that council seat. The Mayor and the three Council Members occupying places 1, 3, & 5 shall be elected in odd numbered years and the three Council Members occupying Places 2, 4, & 6, shall be elected in even numbered years. The candidate who receives the largest number of votes for a particular office shall be declared elected for that office. Elections shall be held in the manner provided in Article V of this Charter.

The terms of office for all members shall be two (2) years. Office terms shall commence at the first regular Council meeting after a member of the Council has been declared elected. The Council shall, at the first regular City Council meeting following the taking of office of all new members after each scheduled general City election, elect from among its membership a Mayor Pro-Tem. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights and duties conferred upon the Mayor.

**Section 3.02 Qualifications.** All candidates for City elective office shall:

- a) Meet all the requirements for the office prescribed by state law;

- b) Be a registered voter residing in the City or annexed area for at least one (1) year prior to the date of the election;
- c) Be at least 21 years of age by the date of the election;
- d) Hold no other elected public office if elected;
- e) Not be a City employee;
- f) Not be in financial arrears to the City for any reason; and
- g) Not file for more than one (1) office per election.

**Section 3.03 Judge of Election Qualifications.** The Council shall be the judge of the election and the qualifications of its members, and all officers and officials of the City appointed by the Council.

**Section 3.04 Application for City Office.** Each candidate for an elective City office shall make application to have his/her name listed on the ballot in accordance with state law.

**Section 3.05 Compensation.** Members of the Council and the Mayor shall serve without pay or compensation provided however, that the Council may, at some future date, determine by ordinance, a compensation package. Council Members and the Mayor shall be entitled to reimbursement for reasonable expenses incurred in the performance of their official duties as approved by the Council.

**Section 3.06 Mayor.** The executive power of the City shall be vested in a Mayor who shall be recognized as the head of the City for legal and ceremonial purposes and by the Governor of the State of Texas for all purposes of military law. The Mayor shall work closely with the Council to obtain legislation in the public interest and with the City Manager to ensure that the same is enforced, preside at all meetings of the Council and provide the leadership necessary to ensure good government. He or she may call special meetings of the Council and any board or commission and set the agenda therefore, and shall participate in discussion and vote on all matters coming before the Council but shall have no power to veto. The Mayor may meet with and obtain information from the City Manager or any department head, consult with and advise the City Manager with respect to any city business or issue, direct the City Manager with respect to the performance of any duty or provision of any service, and require any item or items to be included on or deleted from the agenda for a Council meeting. Agenda items which have been specifically requested by two (2) or more Council Members may not be deleted. The Mayor shall have signatory authority for all legal contracts and commitments of the City, but may not bind or obligate the City in any way without prior authorization from the City Council. He or she shall sign all approved ordinances and resolutions, and may recommend appointees for boards and commissions. The Mayor, in time of declared emergency, may govern the City by proclamation and direct the City Manager so as to maintain order and enforce all laws. The Mayor shall have such additional powers as are granted to the office by state law, or by ordinance not inconsistent with this Charter.

**Section 3.07 Vacancies.** An office of council member may become vacant by reason of the death, resignation, disability, recall, removal or forfeiture provided by law. The Council, at the first regular Council meeting after the vacancy occurs, shall declare the office vacant and initiate action to fill the vacancy in accordance with Section 3.09 of this Charter.

**Section 3.08 Removal from Office.** The City Council may remove any member of the Council from office for any of the following reasons:

- a) Failure to maintain the qualifications for office required by Section 3.02 of this Charter;
- b) Willful violation of any provision of this Charter, or any provision of the Code of Ethics adopted under Section 11.05 that provides for removal or termination of employment;
- c) Conviction of a felony or a crime involving moral turpitude;
- d) Failure to attend three consecutive regularly scheduled Council meetings without being excused by the Council.

Removal proceedings shall be initiated when a sworn or notarized written complaint charging a member of the Council with an act or omission that constitutes a reason for removal is presented to the Mayor or, if the complaint is against the Mayor, to the Mayor Pro Tem. The person receiving the complaint shall file it with the City Secretary, who shall provide a copy to the member complained against and all other Council Members. Upon the receipt of a complaint the Mayor, or the Mayor Pro Tem as appropriate, shall cause the complaint to be initially considered by the City Council for the sole purpose of the Council deciding if the complaint alleges a violation that is grounds for removal and that should be considered in Executive Session. If a majority of the Council finds the complaint alleges a violation that is grounds for removal it shall set a time and date for a hearing in Executive Session on the complaint.

If the Council Member complained against does not resign, the remaining members of the City Council shall conduct a hearing in executive session to take evidence on the complaint, unless a written request to conduct the meeting in public is made by the member complained against. The member complained against shall have a right to representation at the hearing and to question and cross-examine all witnesses, but may not vote on the question of removal. Based on the evidence presented at the hearing, the City Council shall, in public session, make a decision whether the member should be removed from office and issue an order setting out its decision. If it determines by a majority vote of four (4) members that removal is warranted, it shall declare a vacancy to be filled no sooner than the next regular meeting in accordance with Section 3.09. The Council may schedule and reschedule any such hearing for any reason, including convenience to enable attendance by all members of the council. The decision of the City Council shall be final and binding so long as it is made in good faith and, may in the discretion of the Council, include a lesser penalty of censure and/or a fine as provided in the Ethics Ordinance.

**Section 3.09 Filling Vacancies.** Within thirty (30) days of declaring a vacancy, the Council, by a majority vote of the remaining members of the Council, shall appoint to the vacancy a person

possessing the qualifications specified in this Charter. If two or more vacancies exist and there is more than 180 days before a general City election, the remaining members of the City Council shall, within thirty (30) days of the occurrence of the multiple vacancies, call a special election to fill the vacancies for the remainder of the unexpired terms. If there are less than 180 days before the next general City election, or if no uniform election date at which members of the Council may be elected will occur prior to the next general city election, a majority of the remaining members of the Council shall appoint qualified persons to fill the vacancies until the general election. All persons holding office by appointment shall serve only until an election is held to fill that position and the person elected to that position is seated. If no qualified candidate files for election to the office of Mayor or a Council place for any special or general election, the Council shall appoint a qualified person to fill the position until the next general election.

If at any time there are no members of the City Council able to serve, or if a quorum of the Council is not able to serve, the following individuals together with the members of the City Council, if any, remaining and able to serve, shall immediately call an election to fill the City Council vacancies and act as a temporary City Council to conduct City business that is deemed urgent and that should not be postponed until after elections are held: The Chairperson of the Planning and Zoning Commission; The Chairperson of the Board of Adjustment; The Chairperson of the Roads and Grounds Committee; and the Chairperson of the Building Committee.

**Section 3.10 Dual Office Holding.** Neither the Mayor nor any other member of the Council shall hold another City office or City employment during the term of their office. Former members of the Council shall not receive any compensation from the City or hold any compensated appointive City office within one (1) year after their elective office terminates.

**Section 3.11 Council Meetings.** The Council shall fix the time and dates for regular meetings by resolution and define by ordinance the manner in which meetings are conducted. The Council shall meet at a regular time at least once a month. Special and called meetings shall be held as determined by the Council or called by the Mayor. Notice of all meetings shall be in accordance with state law.

**Section 3.12 Quorums.** Three (3) members of the Council and the Mayor, or the Mayor Pro-Tem and three council members during the absence of the Mayor, shall constitute a quorum for the purpose of transaction of business. No action of the Council, except as provided in Section 3.09, shall be valid or binding unless adopted in an open meeting with a quorum present, provided that less than a quorum may adjourn any meeting or canvass an election, and no action or motion shall be passed, approved, adopted, taken or consented to except by a majority vote of the members of Council present and voting; provided that not less than three (3) affirmative votes shall be required to pass, approve, adopt, take action or consent to any ordinance, resolution, action, matter, issue, or motion.

**Section 3.13 Rules of Procedure.** The Council shall establish by ordinance its procedures for conducting Council meetings. Such ordinance shall provide the citizens, or their representatives, a reasonable opportunity to comment on any matter on the agenda of any regular or special meeting of the Council prior to the Council voting on the matter, and citizen communications shall be an agenda item for all meetings for that purpose. In addition to agenda items, any issue over which the city has jurisdiction may be addressed during citizen communications. All

persons present at Council meetings or any public hearing and requesting in writing to be heard may address the Council on the subject of the hearing. The City Secretary shall maintain and record all minutes of all proceedings of the Council, except for Executive Sessions, and make these minutes available to citizens of the City for a reproduction fee.

**Section 3.14 Voting.** Members of the Council present shall vote and have their votes recorded in the minutes upon every action requiring a vote. Only in the event the vote involves a member's conduct or conflict of interest shall that member abstain, and the reasons for the abstention shall be noted in the minutes. The rules set forth in Section 11.05 shall control conflict-of-interest issues unless a more restrictive provision is established by state law.

**Section 3.15 Ordinances in General.** The Council shall have the power to adopt, waive, suspend, repeal or amend any ordinance, and provide for the enforcement and punishment of ordinance violations in any manner, not inconsistent with state law. All expenditures of City funds and creation of City indebtedness shall be by ordinance. All such actions shall state, "Be it ordained by the Council of the City of Lago Vista".

An ordinance must be enacted whenever the purpose is to regulate persons and property; whenever there is imposed a penalty, fine, forfeiture, or tax; whenever the purpose is to set a rate to be paid by consumers; whenever an ordinance is required by state law or this Charter; or when an ordinance is amended. The authority of the Council to legislate to accomplish any public purpose shall be subject only to the following:

**Section 3.16 Procedure to Enact Legislation.** Every ordinance shall be introduced in written or printed form, and shall have a clearly summarized and fully descriptive title or caption. The reading aloud of the title or caption of the ordinance shall suffice as a reading of the ordinance in its entirety, provided that a written or printed copy thereof has been furnished to each member of the Council prior to such meeting, or at such meeting without objection by a member of the Council. A majority of the members of the Council present and voting may require an ordinance to be read in its entirety. All ordinances to be enacted by the Council shall be considered and the descriptive caption of such ordinance read in open meeting of the Council at a minimum of one (1) Council meeting. Any Council Member may by request made on the record at the meeting require a second reading. The affirmative vote of the majority of the members of the Council present and voting, except as otherwise required by statute or this Charter, shall be necessary to adopt any ordinance.

The vote upon the passage of all ordinances and resolutions shall be recorded in a book kept for that purpose by the City Secretary. Every ordinance enacted shall be authenticated by the signature of the Mayor or, in the absence of the Mayor, by the Mayor Pro-Tem and the City Secretary, and shall be systematically recorded and indexed in an ordinance book in a manner approved by the Council. It shall be necessary to record only the caption, subject matter and assigned ordinance number or title of ordinances in the minutes of the Council meetings.

**Section 3.17 Publication of Ordinances.** Except as otherwise required by state law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture and every ordinance relating to the budget, franchises, taxes, or public utilities and public service providers and the setting of the rates, fees and charges thereof. This shall be done by causing the ordinance in full or its caption, including the penalty if any, to be

published at least one (1) time in a newspaper of general circulation within the City. The provisions of this section shall not apply to the correction, amendment, revision or codification of the ordinances of the City in book or pamphlet form.

**Section 3.18 Emergency Meetings and Ordinances.** The Council may adopt ordinances and take other action to protect life, property or the public peace at an emergency meeting held in compliance with state law. An emergency ordinance shall be plainly designated as such and shall contain a declaration stating that an emergency exists, and describing it in clear and specific terms. The emergency ordinance shall be effective for a maximum period of sixty (60) days from enactment, except as noted below. It may be renewed or re-adopted if necessary by the procedures required for the enactment of a new ordinance. An emergency ordinance may not:

- a) Levy taxes, grant, renew, or extend a franchise;
- b) Regulate rates charged by public utilities;
- c) Authorize the borrowing of money, except as authorized by state law or provided for in Sections 8.06 or 8.10 of this Charter.

Emergency ordinances authorizing the borrowing of money in compliance with state law and Section 8.06 shall not be subject to expiration in sixty (60) days.

**Section 3.19 Adoption of Code.** The City may, by ordinance, adopt a codification of its ordinances, and any standard code, regulations and or standards for buildings, plumbing, electrical, air conditioning and heating, other trades and construction, and establish appropriate penalties for their violation. Copies of adopted codes, trade regulations and standards and technical regulations shall be available for purchase.

**Section 3.20 Resolutions and Minute Orders.** The Council may act by written resolution regarding any subject or matter relating to or dealing with any public purpose or business except as provided in Section 3.15 of this Charter. The enacting clause of every written resolution shall be "Be it resolved by the Council of the City of Lago Vista". The Council may further give instructions to the City Manager, approve bids and contracts, and take other actions regarding the day to day business of the City by resolution adopted by motion and vote recorded in the minutes of the Council meeting.

**Section 3.21 Investigative Body.** The Council shall have the power to inquire into the conduct of any City office, department or agency, inquire into the conduct or qualifications of any officer or employee of the City appointed or confirmed by the Council, and make investigations as to municipal affairs. For those purposes the Council may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to a specific inquiry. The Council shall establish by ordinance the procedures applicable to the investigations authorized herein, and shall set penalties for failure to comply therewith.

**Section 3.22 Transition.** The members of the Council in office upon the adoption of this Charter shall serve the remainder of their respective terms of office. The Council shall appoint a sixth member to serve on the Council until the next general City election. The Council shall renumber the Council places to effect this transition and the place number of the sixth Council

Member shall be Place number 5. At the general City election in 2005, the Mayor and Council Members for Places 1, 3 & 5 shall be elected to serve a term of office as provided in this Charter. At the general City election in 2006, Council Members for Places 2, 4, & 6 shall be elected to serve a term of office as provided in this Charter.

All non-elective officers and employees of the City shall continue in such office or employment, subject to death, resignation or their removal at will by the City Council or the City Manager, as applicable, consistent with this charter.

**Section 3.23 Authority as the Governing Body.** The City Council shall have and exercise all the powers and authority of the City, not inconsistent with this Charter, for the benefit of the City and its residents. The Council shall have the power to ordain, alter, waive, amend or repeal and enforce ordinances, resolutions, rules, orders, and regulations, for any public purpose, that are not in conflict with this Charter or state law. The Council shall have the power and authority to provide for any public purpose, including but not limited to recreation, the regulation and control of public property, municipal finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the quality of life within and beautification of the City, and any other service, program or activity beneficial to the City and its citizens. The City shall have full and complete power of local self government to the fullest extent not in conflict with this Charter or state law, including all such authorities and privileges that are now or hereafter provided to cities by state law, and such power and authority both expressed and implied as necessary to accomplish and enforce any such duty, program or public purpose.

**Section 3.24 Prohibitions.** The Council shall have powers only as a body meeting with a quorum present and no member other than the Mayor shall have power to act individually outside of such a meeting; provided that, except as may be limited by majority vote of the council, the individual Council members shall have the right to meet with the Mayor to inquire about any matter or issue and with the City Manager or department head to obtain information deemed necessary to make informed decisions regarding the business of the city. No member of the Council, other than the Mayor as provided in Section 3.06, shall give orders directly to the City Manager, and no Council Member shall give orders directly to any other City employee.

## **ARTICLE IV ADMINISTRATIVE SERVICES**

**Section 4.01 City Manager.** The Council shall appoint a City Manager who shall be chosen primarily on the basis of his/her executive and administrative training, experience and ability. The affirmative vote of five (5) members of the Council shall be required to appoint a person as City Manager. Within six (6) months after employment, the City Manager shall reside within the City, unless the Council approves an outside residence. The City Manager shall receive compensation as determined by the Council. The compensation shall be agreed upon prior to employment and the Council may contract with the City Manager to establish the terms of employment. The Council shall reserve the right to raise or lower the compensation at its sole discretion. The City Manager may be removed or suspended at the sole discretion of the Council by an affirmative vote of five (5) members of the Council. Subject only to the authority of the Mayor under Section 3.06, the City Council shall have the exclusive authority and responsibility to supervise, suspend or remove the City Manager.

The City Manager shall be the chief operating and administrative officer of the City and shall be responsible to the Council for the proper management and administration of all affairs and business of the City, and for those purposes the City Manager shall have the power to:

- a) Implement the general policies established by the Council and enforce all applicable state laws and City ordinances;
- b) Sign all legal contracts and commitments of the City, but may not bind or obligate the City in any way without prior authorization from the City Council;
- c) Supervise and give direction to all departments, and hire, suspend or remove any employee of the City except for department heads which require Council approval for employment or removal;
- d) Prepare all agendas in conjunction with the Mayor and attend all meetings of the Council except when excused by the Council. He/she shall have the right to take part in all discussions but shall not have a vote;
- e) Prepare and submit the proposed annual budget and administer the approved City budget in accordance with this Charter;
- f) Prepare and present to the Council a complete annual report of the financial and administrative activities of the City for the preceding year. This report shall be due one hundred twenty (120) days after the end of the fiscal year;
- g) Prepare and submit to the Council monthly financial reports and keep the Council advised on the financial condition and future needs of the City;
- h) Provide staff support services for the Mayor and Council Members, consistent with the intent and requirements of this Charter;
- i) Ensure that all terms and conditions imposed in favor of the City, or its inhabitants, in any public utility franchise or other franchise or contract are faithfully kept and performed. Upon knowledge of any violation thereof, he/she shall call same to the attention of the City Attorney, whose duty it shall be to advise the City Manager and the City Council of such steps as may be necessary to enforce the same;
- j) Perform other duties prescribed in this Charter, and all duties required by the Council not inconsistent with this Charter.

The City Manager shall designate by letter filed with the City Secretary, a qualified administrative officer of the City, subject to approval by the Council, to perform the duties of the City Manager in his absence or disability from his/her duties. No member of the Council shall act as City Manager. No member of the Council shall, during the time for which he or she is elected, or for one (1) year thereafter, be appointed City Manager.

The Council, except for the Mayor as provided for in Section 3.06 of this Charter, shall direct and supervise the City Manager only by majority vote. Neither the Council nor any of its members shall give orders to any subordinate of the City Manager, either publicly or privately.

**Section 4.02 City Secretary.** The City Manager, subject to approval by the Council, shall appoint a City Secretary. The City Manager shall employ such assistant City Secretaries as the Council authorizes. Except as otherwise required by state law or ordinance, the City Secretary shall:

- a) Keep an accurate register of all laws, resolutions and ordinances of the City, and attend all meetings of the Council unless excused by the City Manager;
- b) Keep the corporate seal;
- c) Take charge of and preserve the books, pages, documents, files, contracts, and other records of the City;
- d) Prepare all notices required under any state law or regulation or any ordinance of the City;
- e) Keep a register of bonds and bills issued by the City and all evidence of debt due and payable to the City, noting the relevant particulars and facts as they occur;
- f) Perform all other duties required by law, ordinance, resolution, or order of the City Manager.

**Section 4.03 Municipal Court.** A municipal court, designated as the Municipal Court of the City of Lago Vista, is hereby established. The court shall have jurisdiction over all matters, offenses and issues as now or hereafter provided by state law, and all other matters, offenses and issues as provided by ordinance not inconsistent with state law. The Municipal Judge and any Associate Municipal Judges deemed necessary shall be appointed by the City Manager, subject to approval by the Council. Compensation for the Municipal Judge and any Associate Judges shall be set by the City Manager and approved by the Council. A Court Clerk and such deputies as deemed necessary shall be appointed by the City Manager. The Court Clerk and any deputies shall have the power to administer oaths and affidavits, make certificates, affix the court seal and perform any and all duties authorized by state law or ordinance, or directed by the city manager. All costs, fees, special expenses and fines imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City unless otherwise required by state law.

**Section 4.04 City Attorney.** The City Manager shall appoint a City Attorney subject to approval by the Council. The City Manager may also appoint other attorneys to assist the City Attorney as may be deemed necessary and approved by the Council. The City Attorney and any appointed associates shall be duly licensed to practice law in the State of Texas. The City Attorney shall be the legal advisor for the Council and all offices and departments of the City. The City attorney and any approved associate attorneys may represent the City in litigation and legal proceedings that may arise.

**Section 4.05 City Police.** A Police Department headed by a Chief of Police shall be established to maintain order within the City and to protect citizens from threats or violence and their property from damage or loss. The Chief of Police shall be appointed by the City Manager subject to approval by the Council. The Chief of Police must be a licensed peace officer in the State of Texas and have verifiable experience which qualifies him/her for the position. This experience may have been gained in the service of police agencies outside the State of Texas either from another state or with a Federal agency. The Chief of Police shall be responsible for the operation of the Police Department and shall enforce state law and all the ordinances of the City. He/she shall perform such other associated duties as the City Manager may require and shall, upon approval of such documents by the City Manager, establish and maintain written procedures relating to police administration, policies and procedures.

**Section 4.06 Human Resources.** The City shall be an equal opportunity employer and the service of each officer and employee shall be “at will”. The administration of human resources of the City shall be governed by written rules and regulations to be known as “Personnel Policies”. The City Manager or his/her designee shall prepare such policies and recommend their adoption to the City Council. Such policies shall not be inconsistent with this Charter and will become effective when approved by the Council by ordinance. All policies so adopted and not inconsistent with this Charter shall have the force and effect of law. No person related, within the second degree by affinity or within the third degree by consanguinity, to the Mayor or to any member of the Council or to the City Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply however, to any person who shall have been employed by the City at least six (6) months prior to and at the time of the election or appointment of the officer related in the prohibited degree.

**Section 4.07 Other and Additional Departments.** There shall be such administrative departments as are required to be maintained by this Charter, and as are established by ordinance, all of which shall be under the control and direction of the City Manager except as herein provided. Other and additional departments may be recommended by the City Manager but shall be established by ordinance.

## **ARTICLE V NOMINATIONS AND ELECTIONS**

**Section 5.01 City Elections.** The general City election shall be held annually on the first Saturday in May or on the date nearest thereto as may be required by the election laws of the State of Texas. The Council shall fix the places for holding such election, and the City Secretary shall give notice of the election in the manner required by the laws of the State of Texas. The Council may, by ordinance, call special elections as required or authorized by state law or this Charter. The Council shall fix the time and places for such special elections, direct the City Secretary to give notice thereof and provide all means for holding same. A certified list of registered voters residing within the City shall be obtained by the City Secretary for each election. All City elections shall be held in accordance with state law, this Charter, and the ordinances, resolutions and orders adopted by the Council for the conduct of elections. The Council shall provide for the election, appoint election judges and other officials and shall determine and provide for their compensation and for all other expenses of holding municipal elections. In the absence of state law providing regulations for the conduct of any election, or any related action or procedure, the council shall provide such regulations by ordinance.

**Section 5.02 Official Ballots.** The name of each candidate for office, except those who may have withdrawn, died, or become ineligible prior to the preparation of the ballot, shall be printed on the official ballots without party designation or symbol. In elections for members of the Council, the order of the names of the candidates on the ballot shall be in accordance with state law, and shall be determined by lot in a drawing to be held under the supervision of the City Secretary. Early voting shall be governed by state law. The ballot for all propositions and measures shall be established by ordinance. Each proposition shall be presented for voting by ballot title, which may differ from the measure's legal title, and a clear, concise statement objectively describing the substance of the measure. The content and form of the ballot shall be determined by ordinance. Procedures for write-in votes shall be governed by state law.

**Section 5.03 Canvassing.** The election judges and officials appointed by the Council shall determine, record and report the results of any general or special City election in accordance with state law. In accordance with said laws, the Council shall, after an election, meet, canvass, and officially declare the results of the election as to candidates and questions. Unless provided otherwise by state law, elections shall be canvassed not less than three or more than eight days after the date of the election. The returns of every municipal election shall be recorded in the minutes of the Council.

**Section 5.04 Election.** Candidates for the Council shall file for a specific office, designated by Place number or Mayor, and the Mayor and the Council Member for each Place shall be elected by plurality vote. In the event no candidate for an office receives a plurality of the votes cast for that office in the general or special election, the Council shall, upon completion of the official canvass, order a run-off election among the candidates who tied for the highest number of votes. The run-off election shall be held on the third Saturday following the canvass of the vote in the general or special election.

## **ARTICLE VI INITIATIVE, REFERENDUM, AND RECALL**

**Section 6.01 Power of Initiative.** The people of the City reserve the power of direct legislation by initiative, and in the exercise of such power, may propose any ordinance not in conflict with this Charter or state law, except an ordinance appropriating money or repealing an ordinance appropriating money, levying taxes, zoning land, annexing land, or setting rates, fees or charges. Any initiated ordinance may be submitted to the Council by a petition signed by qualified voters of the City equal in number to at least ten (10) percent of the number of registered voters who resided in the City at the time of the last general City election. When such a circulated petition has been certified as sufficient by the City Secretary, the Council shall proceed in compliance with this article.

**Section 6.02 Power of Referendum.** The people reserve the power to approve or reject at the polls any legislation enacted by the Council which is a proper subject for the initiative process under this Charter, except for the limitations specified in this Article and in Section 8.10. An ordinance enacted for the immediate preservation of the public peace, health or safety is not subject to referendum if it contains a statement declaring a specific emergency and the requirement for immediate and urgent action. Referendum petitions shall be signed by qualified voters of the City equal in number to at least fifteen (15) percent of the number of registered voters who resided in the City on the date of the last general City election. When such a petition

has been certified as sufficient by the City Secretary, the Council shall proceed in accordance with the requirements of this article.

**Section 6.03 Petition Requirements for Ordinances.** Initiative petitions shall contain the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Referendum petitions shall contain the full text of the disputed ordinance. All petitions shall be prepared, submitted, circulated and certified in accordance with the requirements of this article.

**Section 6.04 Commencement of Proceedings.** Any five (5) qualified voters of the City may commence an initiative, referendum or recall proceeding by filing with the city secretary a statement signed by them, together with the complete form of a petition proposed to be circulated, including signature pages and the full text of the initiative ordinance, the ordinance reconsidered, or the grounds for the recall, as applicable. Any ordinance set forth in the petition shall be complete and in proper form including the caption.

The City Secretary shall place the time and date on the petition and documents when filed and may refer the same to the City Manager for subsequent forwarding to the City Attorney for review and recommendation for compliance with this charter if deemed appropriate; provided that neither the City Secretary nor the circulators of the petition shall be bound by any recommendation made by the City Attorney. The City Secretary shall examine the filing for sufficiency as to form and, if certified, place the time and date of the certification for circulation on such petition and documents. The City Secretary shall provide a certified copy of such filing as certified for circulation to the person presenting same, and file a copy of the certified documents and petition in the archives of the city.

The circulated petition must be returned and re-filed with the City Secretary within forty-five (45) days after the date the petition is certified for circulation. Signatures obtained prior to the date of such certification shall be invalid and a petition returned after the expiration of forty-five (45) days shall not be considered.

**Section 6.05 Initiative Petition.** When the Council receives an initiative petition certified by the City Secretary to be sufficient, the Council shall either:

- a) Adopt the initiated ordinance without amendment within thirty (30) days after the date of the certification to the Council; or
- b) Submit the initiated ordinance without amendment to a vote of the qualified voters of the City. The election on the proposed ordinance shall be held on the next available uniform election date authorized by state law that is forty-five (45) days or more after the expiration of the thirty (30) days provided in (a) above. The called special election may coincide with a general City election should such City election fall within that specified period; or
- c) At an election, submit to a vote of the qualified voters of the City the initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the Council. The election on the proposed ordinance shall be held on the next available uniform election date authorized by state law that is forty-five days or more after the thirty days provided in (b) above. The called election may

coincide with a general City election should such City election fall within the specified period. If an initiative ordinance and an alternate ordinance proposed by the Council are submitted at an election and either of such ordinances receives a majority vote, only the ordinance receiving the highest number of votes shall be adopted.

No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be re-initiated by voters within two (2) years from the date of such election. Special elections on any initiated ordinance shall not be held more frequently than once every twelve (12) months.

**Section 6.06 Referendum Petition.** When the Council receives a referendum petition certified by the City Secretary as sufficient, the Council shall either:

- a) Cancel the ordinance specified in the petition if it has not gone into effect; or
- b) Repeal the referred ordinance within thirty (30) days if it has gone into effect; or
- c) Submit the referred ordinance to the voters at an election. The election on the referred ordinance shall be held on the next available uniform election date authorized by state law that is forty-five (45) days or more after the expiration of the thirty (30) days provided in (b) above. The called election may coincide with a general City election should such general City election fall within that specified period.
- d) No ordinance on the same subject as the referenced ordinance which has been defeated at any election may be re-submitted to the voters within two (2) years from the date of such election. Special elections on any referred ordinance shall not be held more frequently than every twelve (12) months.

**Section 6.07 Ballot Form and Results of Election.** The ballot used in voting upon an initiated or referred ordinance shall comply with Section 5.02(d) and set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance". A referred ordinance, an initiated ordinance and any alternative ordinance proposed by the Council, which are submitted at the same election shall be appropriately identified as the initiated or referred ordinance and as the ordinance proposed by the Council. Any number of ordinances may be voted upon at the same election in accordance with the provisions of this Article. A referred ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed. An ordinance submitted and receiving an affirmative majority of the votes cast shall thereupon be effective as an ordinance of the City. An ordinance so adopted may not be repealed or amended by the Council prior to the expiration of two (2) years after the election at which it was adopted.

**Section 6.08 Power of Recall.** The people of the City reserve the power to recall the Mayor or any other member of the Council and may exercise such power by filing with the City Secretary a valid petition demanding the removal of the Mayor or a Council Member(s). Such petition shall be signed by qualified voters of the City equal in number to at least twenty (20) percent of the number of registered voters who resided in the City at the time of the last general City election. The petition shall be signed and verified as required by Section 6.12 and shall contain a

specific statement of the grounds for which the removal is sought. One of the signers of each petition shall make an affidavit that the statements therein made are true. A separate petition is required for each elected official to be recalled. The recall petition process shall begin with the filing of a written notice of intent with the City Secretary. This notice shall be signed by five (5) qualified voters of the City and shall state the name of the elected official to be recalled. The filing date of this notice shall be the formal beginning of the recall process. All petition signatures shall be collected and the petition filed with the City Secretary in accordance with the requirements specified in Section 6.12.

**Section 6.09 Recall Election.** Within fifteen (15) business days after the date of the filing of the papers constituting the recall petition, the City Secretary shall certify the signatures and petition as sufficient or insufficient, and, if sufficient, present such certified petition to the Council at the next regular meeting for which the required notice may be given.

The Council member(s) whose removal is sought may, after such recall petition has been presented to the Council, request in writing to the Council at the next regular meeting that a public hearing be held to permit that officer, and a representative of the petitioners, to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall order such public hearing to be held not less than five (5) business days nor more than fifteen (15) business days after receiving such request for public hearing.

If the officer whose removal is sought does not resign, then it shall be the duty of the Council to order an election. The election shall be held on the next authorized uniform election date for which notice may be given as required by state law. Said called election may coincide with a general City election should such a City election fall within the specified period.

**Section 6.10 Results of Recall Election.** If an equal number or a majority of the votes cast at a recall election shall be against removal of the Mayor or Council Member(s) named on the ballot, he/she shall continue in office. If a majority of the votes cast at such election be for the removal of the Mayor or Council Member(s) named on the ballot, the Council shall immediately declare the office vacant and such vacancy shall be filled in accordance with the provisions of Section 3.09. A Mayor or Council Member thus removed shall not be a candidate to succeed himself/herself in an election called to fill the vacancy thereby created.

**Section 6.11 Limitations on Recall.** No recall petition may be filed against any officer of the City within six (6) months after his/her initial election or appointment, or within the three (3) months preceding the expiration of his/her term of office, or more than once during any two (2) year term of office.

**Section 6.12 Petition Form and Certification.** Petitions for initiative, referendum and recall shall:

- a) Be written;
- b) Be signed in ink or indelible pencil by qualified voters as the person's name appears on the most recent official list of registered voters;

- c) Include each person's residence address including street and number and printed name;
- d) Include the date each signature is affixed. Signatures need not be affixed to only one paper. However, one of the signers of each separate petition shall make an affidavit that they, and they only, personally circulated such petition and that each signature appended thereto was made in their presence and is the genuine signature of the person whose name it purports to be. No signature shall have been placed on the petition prior to the date certified for circulation under Section 6.04 nor more than forty-five (45) days after that date. Identical copies of the petition may be circulated, filed as one petition, and the signatures of the several petitions aggregated, provided that in every instance a complete petition is circulated and all signatures are made on a complete petition.
- e) Within fifteen (15) business days after a petition is filed, the City Secretary shall examine the petition and certify the petition as sufficient or insufficient, and submit the results to the Council at the next regular meeting for which notice may be given. The certification shall clearly state the number of persons found on the petition who are qualified to vote and the number of persons found on the petition who are not qualified to vote. If the certificate of the City Secretary shall show a petition to be insufficient, the City Secretary shall notify the person(s) filing the petition, and it may be amended within ten (10) working days from the date of such notice by filing additional papers signed and submitted as provided for in the original petition. Within ten (10) working days after such additional papers are filed, the City Secretary shall examine the said papers and certify as to their sufficiency. If the petition is still found to be insufficient, the City Secretary shall return the petition to the person filing same, provided, however, that upon finding the total petition to be insufficient, no new petition covering the same subject matter shall be filed until one year shall have elapsed from the date of filing of the original petition.

## **ARTICLE VII BOARDS AND COMMISSIONS**

**Section 7.01 Establishing Boards and Commissions.** The Council shall have authority to establish, by ordinance, such boards and commissions as it may deem necessary for the conduct of the business and affairs of the City. Except as otherwise provided by state law, each such board and commission shall be advisory and the composition, authority, functions, and responsibilities thereof and the qualifications and procedures for the appointment and removal of their members shall be set forth in the enabling ordinance. All existing boards and commissions heretofore established shall be continued in accordance with the ordinance or resolution pursuant to which each has been created until the Council shall by ordinance repeal or amend the ordinance or resolution. The Council shall make appointments to boards and commissions unless otherwise provided by ordinance. The term of each appointee shall be as described in the enabling ordinance.

**Section 7.02 Qualifications and Terms of Office.** In addition to any qualifications prescribed by ordinance, each appointee to City boards and commissions shall:

- a) Be a registered voter of the City;
- b) Be a resident of the City and have resided therein for at least twelve (12) consecutive months preceding his/her appointment; and
- c) Not be in financial arrears to the City for any reason.

The above provisions shall not preclude the Council from waiving the voter and residency requirements for less than a quorum of the members of a board or commission that has advisory powers only, when it is deemed to be in the best interests of the City. The waiver shall apply only to the number of members specified in the ordinance establishing the board or commission, which number shall be less than a majority of the members of the board or commission.

**Section 7.03 Planning and Zoning Commission.** A Planning and Zoning Commission is established to perform such duties and functions as are required or authorized by state law, this Charter and the enabling ordinance. The number of members and additional duties of the Planning and Zoning Commission shall be provided by ordinance. The Planning and Zoning Commission shall:

- a) Act as an advisory board to the Council with respect to the planning, use and development of land, and related matters as provided by ordinance;
- b) Recommend a comprehensive Master Plan for land use and the physical development of the City and its extraterritorial jurisdiction,
- c) Recommend zoning, subdivision and other land use and development ordinances consistent with the Master Plan;
- d) Recommend the zoning and rezoning of land, and amendments to the Zoning Map and the land use and services planning map for the extraterritorial jurisdiction that coincides with the Master Plan;
- e) Study and recommend approval or disapproval of proposed subdivision plats and plans to ensure conformance with subdivision and development ordinances; provided that Council may provide for administrative approval of short-form plats;
- f) Recommend to the Council changes in the current Master Plan for the City and its extraterritorial jurisdiction;
- g) Recommend to the Council any changes deemed necessary in ordinances regulating the zoning and development of the City or its extraterritorial jurisdiction;
- h) Consider Capital Improvement Programs and Annexation Plans in connection with the comprehensive Master Plan;

- i) Perform any other planning and development related functions as required by State law or requested by the Council.

**Section 7.04 Board of Adjustment.** A Board of Adjustment is established to perform such duties and functions as required or authorized by state law, this Charter, and the enabling ordinance. The board shall provide a forum whereby an individual can appeal decisions of the building official as permitted by state law or ordinance, or petition the Board for a variance from provisions of the building codes or the zoning ordinances. The board is expected to review each such appeal or request on its individual merit and to render decisions which shall have applicability to that particular situation alone without change to the code or ordinance from which the variance or exception is granted. The decisions of the Board shall be written and filed in the office of the building official and city secretary. The Board shall notify the Council of matters pending and all decisions made in connection therewith.

**Section 7.05 Roads and Grounds Committee.** An advisory Roads and Grounds Committee is established to perform such functions and duties as required by the enabling ordinance and as directed by the Council.

**Section 7.06 Building Committee.** An advisory Building Committee is established to create and maintain a set of aesthetic guidelines for buildings and grounds in the City and to perform such functions and duties as required by the enabling ordinance and as directed by the Council.

## **ARTICLE VIII FINANCIAL PROCEDURES**

**Section 8.01 Fiscal Year.** The fiscal year of the City shall begin on the first day of October of each year and end on the thirtieth day of September of the following year.

**Section 8.02 Submission of Budget.** The City Manager, prior to August first of each year, shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying budget message.

**Section 8.03 Budget Message.** The City Manager's budget message shall outline the Capital Improvement Program and the proposed financial policies for the ensuing fiscal year, with explanations of any substantive change from the previous year in expenditures and any major changes of policy, along with a complete statement regarding the financial conditions of the City.

**Section 8.04 Budget.** The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year. It shall contain all items and contents required by State law. The total of proposed expenditures shall not exceed the total of estimated income plus any accumulated surplus. The budget shall indicate at least:

- a) An estimate of all revenue from taxes and other sources, including the present and proposed tax rate and the estimated property evaluation for the ensuing year;
- b) A carefully itemized list of proposed expenses by office, department and agency for the budget year, as compared to actual expenses of the last ended fiscal year and the present year-to-date;

- c) A description of all outstanding bond indebtedness, showing amount, purchaser, date of issue, rate of interest and maturity date, as well as any other current indebtedness of the City;
- d) A statement proposing any capital expenditures deemed necessary to undertake during the ensuing budget year and recommended provisions for financing.

**Section 8.05 City Council Action on Budget.** At the Council meeting when the proposed budget is submitted, the Council shall call a public hearing for a set time, date and place. Notice of such public hearing shall be published in a newspaper of general circulation in the city and such notice shall include the date, time, place and subject thereof. The notice shall be published at least ten (10) days before the date of the public hearing, and, at the hearing, interested citizens may express their opinions concerning items of expenditure, giving their reasons for wishing to increase or decrease any item of expense. After the public hearing, the Council may adopt the proposed budget with or without amendment. In amending the proposed budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income plus any accumulated surplus. The Council shall adopt the budget by ordinance. If it fails to adopt the budget by September 30th, the budget proposed by the City Manager shall go into effect until such time as the Council adopts a budget.

**Section 8.06 Amendments after Adoption.** If during the fiscal year, the City Manager certifies there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such available funds. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. The Council shall have the power to borrow money on the credit of the City and to issue certificates of obligation, time warrants, notes or other evidence of debt in order to cover any emergency. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to the Council without delay, indicating the estimated amount of the shortfall, any remedial action taken and recommend any other steps to be taken. The Council shall then take such action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance reduce one or more appropriations. At any time during the fiscal year, the Council may, by ordinance, transfer part or all of the unencumbered appropriation balance from one department to the appropriation for other departments or purposes. The City Manager may transfer part or all of any unencumbered balances among programs within a department and shall report such transfers to the Council in writing in a timely manner.

**Section 8.07 Lapse of Appropriations.** Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; but the appropriation shall expire if three (3) years pass without any disbursement from or encumbrance of the appropriation.

**Section 8.08 Capital Improvement Program.** The City Manager shall prepare and submit to the Council a five (5) year Capital Improvement Program ("CIP") at the same time each year as he/she submits the proposed budget. The CIP shall specify Year 1 as and in conjunction with the proposed annual operating budget and carry plans forward through the subsequent years. The following budget year, Year 2 of the CIP (with or without amendment) becomes Year 1 and the plan is extended out another year to maintain the five year horizon. The Capital Improvement Program shall include:

- a) A clear general summary of its contents;
- b) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) years next ensuing, with appropriate supporting information as to the necessity for each;
- c) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- d) The method of financing proposed for each capital project expenditure;
- e) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
- f) Any capital improvements contemplated in any proposed annexation or the Annexation Plan.

The CIP shall be revised and extended each year with regard to capital improvements pending or in process of construction or acquisition.

**Section 8.09 Public Records.** Copies of the budget, capital improvements program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City.

**Section 8.10 Bonds and Other Financial Obligations.** The Council shall have the power to borrow money on the credit of the City and to issue bonds, certificates of obligation, warrants, notes or other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by state law or this Charter. Notwithstanding any other provision of this Charter to the contrary, ordinances authorizing the issuance of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness, or ordinances authorizing the levy of taxes or the pledge of revenues to secure payment of indebtedness, shall require one reading only and shall not be subject to referendum. The issuance of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness shall be subject only to the following limitations:

- a) No general obligation bonds, other than refunding bonds, shall be issued except as approved by a majority vote of the citizens voting at an election held for such purpose;

- b) No indebtedness or obligation shall be issued except in compliance with the requirements of state law;
- c) No form of indebtedness other than general obligation bonds approved by public vote may be issued without a public hearing being held;
- d) Prior to the required public hearing notice of such hearing shall be published once a week for three consecutive weeks in a newspaper of general circulation in the City;
- e) The published notice shall clearly summarize the relevant statutory provisions providing for a petition and election; give the time, date and place at which the public hearing will be held, and the time, date and place at which the issuance of the indebtedness is planned to be authorized; and the manner and funding source proposed for the payment of the debt obligations; and
- f) The authorization for bonds authorized but not issued shall expire ten years after the date of authorization.

**Section 8.11 Issuance of Tax Obligations; Petition and Election.** Regardless of any other sources for payment of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness, if any such obligation pledges ad valorem taxes, the debt instruments may not be issued unless the City publishes notice of its intention to issue these debt instruments. The notice shall be published as required by state law, and if not required by state law it shall comply with this section. The notice must be published once a week for two consecutive weeks in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, as amended, that is of general circulation within the City, with the date of the first publication to be before the 14<sup>th</sup> day before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates. The notice shall state the:

- a) Time and place tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates or obligations;
- b) Maximum amount and purpose of the certificates or other obligations to be authorized; and
- c) Manner in which the debt instruments will be paid for, whether by taxes, revenues, or a combination of the two.

Unless provided otherwise by state law, if before the date tentatively set for the authorization of the obligations or the authorization, the City Secretary receives a petition, signed by qualified voters equal in number to at least ten (10) percent of the number of registered voters in the City at the time of the last general city election, protesting the issuance of the debt instruments, the City may not authorize the issuance of the obligations unless the issuance is approved at an election ordered, held and conducted in the manner provided for bond elections under Texas law.

**Section 8.12 Issuance of Revenue and General Obligation Bonds.** The City shall have power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing public utilities, recreational facilities, or facilities for any other self-liquidating municipal function not now or hereafter prohibited by state law, and to issue revenue bonds to evidence the obligation thereby created. Such bonds, when issued, shall be a charge upon and payable solely from the properties acquired or interest therein and the income there from, and shall never be debt of the City. The Council shall have authority to provide for the terms and form of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.

**Section 8.13 Compliance with State law.** The City shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by state law, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All bonds shall be issued in conformity with the state law.

**Section 8.14 Interest and Sinking Fund.** The Council shall levy an annual tax sufficient to pay the debt service and maintain the required interest and sinking fund on all outstanding general obligation bonds of the City, and all other bonds as required by state law or bond covenant. The interest and sinking fund for each such bond issue shall be deposited in a separate account and shall not be diverted to or used for any other purpose during the time that any such bond is outstanding, other than to pay the interest and principal on such bonds. The interest and sinking fund maintained for the redemption of any debt may be invested in any interest bearing bond of the United States of America, the State of Texas, or any other investment authorized by law.

**Section 8.15 Independent Audit.** At the close of each fiscal year and at such other times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the auditor shall make a public report to the Council and the audited financial statement shall be filed with the City Secretary.

**Section 8.16 Purchasing and Contracts.** All sales of City property, purchases made, and contracts executed by the City shall be made in accordance with the applicable state law governing competitive bids. If state law does not govern and regulate purchasing and competitive bidding by home-rule cities, the Council shall provide such regulations by ordinance.

## **ARTICLE IX TAXATION**

**Section 9.01 Powers of Taxation.** The Council shall have the power to levy all types of taxes that are not inconsistent with state law, including, but not limited to, motel/hotel occupancy taxes, occupational taxes, use taxes, alcohol taxes, and ad valorem taxes on all real, personal and mixed property within the City that is not exempt from taxation.

**Section 9.02 Procedures.** The procedures, limitations and requirements for the levy, assessment and collection of any tax or lien therefore 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.

**Section 9.03 Tax Lien and Liability.** All taxable property within the City on the first day of January each year shall stand charged with a special lien in favor of the City for ad valorem taxes, and the owner of such property on that date shall be personally liable therefore, until the tax and all related penalties and interest on that property are paid. All such taxes, penalties and interest may, if not voluntarily paid, be collected by the City as authorized by state law, or by the City withholding the payment of any debt or obligation owed to such owner or person by the City; by reducing the amount of any debt owed to such owner or person by the City by an amount equal to the unpaid taxes, penalties and interest; or otherwise by counter-claim and offset in any legal proceeding.

**Section 9.04 Collection of Taxes.** The City may contract with the Travis County Tax Assessor-Collector or any other qualified entity to collect taxes for the City. The Council may create a city office or a department with the duties of tax collection. If created, the city manager shall appoint an individual as City Tax Collector to collect taxes and to perform such other duties as assigned. The Tax Collector shall give a fidelity bond, the cost to be borne by the City. The amount of such bond shall be set by the Council, but shall not be less than the amount of tax collections under his or her control at any one time. All taxes due the City shall be payable at such place as authorized by state law or the City Council. All taxes due the City shall be due and payable when and as provided by state law or ordinance. Ad valorem taxes may be paid at any time after the tax rolls for the year have been completed and approved. . If the due date for ad valorem taxes is not set by state law or ordinance, the due date shall be the 1st day of February following the levy, and all such taxes not paid on or before the due date shall be deemed delinquent and shall be subject to such penalty and interest as provided by law. The City Council may provide further by ordinance that all delinquent taxes due the City may be paid in installments. Failure to levy and assess taxes shall not relieve the persons, firm, corporation or property so omitted from obligation to pay such current or past-due taxes, and all such persons, entities and property shall be and remain liable for the taxes that would have been assessed for any prior or current year had the property been rendered or the taxes levied and assessed.

## **ARTICLE X FRANCHISES AND PUBLIC UTILITIES**

**Section 10.01 Public Services and Utilities.** The City shall have the full power and authority to:

- a) Buy, own, construct, lease, maintain and operate within and without the limits of the City a system or systems of gas, electricity, telephone, sewage, sanitation, water, parks, airports, swimming pools, race tracks, transportation, communications, golf courses, cemeteries, cable television, or any other public service or utility;

- b) Purchase, manufacture, produce, sell or provide its own electricity, gas, water or any other product, good, article or commodity that may be required or desired by the public for municipal purposes, and contract with any person, entity or utility to accomplish any such purpose;
- c) Distribute and/or sell any utility, commodity or service, and mortgage, encumber and operate any public utility or public service system;
- d) Regulate and control the distribution of utilities and services within the City and establish standards of service and quality of products;
- e) Establish and enforce rates to be paid by consumers and users of any utility or service provided within the City, and, if provided by the City, outside of the City.

These powers shall be vested in the Council and the Council may exercise the power of eminent domain to acquire all or part of the property of any public utility or public service provider within the City whenever found by the Council to be in the public interest for carrying out the objectives of providing utilities or services within the City. Any such eminent domain or condemnation proceeding shall be according to the procedures and the methods of establishing the value of the property and facilities as provided by state law, and if such procedures or methods are not so provided by state law as reasonably provided by ordinance.

**Section 10.02 Franchises.** The Council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the City. No individual, organization, entity, political subdivision, corporation, public utility, or any provider of public service shall provide any service within the City requiring the use or occupancy of any street, public right-of-way or property without first being granted a franchise or permit to use such City facilities. The franchise ordinance or permit shall fully describe the terms of the agreement and, regardless of the title given, shall be subject to the terms of this Article. The terms of such agreements shall be explicit so as to protect the interests of the citizens and shall include but not be limited to the terms prescribed in this Charter. No franchise ordinance or permit shall be granted prior to a public hearing for which ten (10) days notice is given.

**Section 10.03 Franchise Limitations.** No exclusive franchise shall ever be granted, unless specifically provided for by state law, and franchises shall be transferable only upon authorization of the Council expressed by ordinance. A franchise may not be transferred except to a person, firm or entity taking all or substantially all of the franchise's business in the City. The expiration date of all franchises shall be specified and the term thereof may be extended or renewed only by ordinance.

**Section 10.04 Franchises for Public Utilities.** The Council shall have the power to grant, amend, renew or extend by ordinance, or to deny, the franchise of all public utilities of every character serving the City, including, but not limited to, persons or entities providing electricity, gas, water, sewage, or telephone service, or any similar commodity or utility to the public. The effective period of public utility franchises may be set by the Council but shall not exceed twenty (20) years unless such extended term is specifically approved by a majority of the qualified

voters at an election held for that purpose.

**Section 10.05 Franchises for Public Services.** The Council shall have the power to grant, amend, renew or extend by ordinance, or deny, the franchise of all providers of public services to the City. Public services include, but are not limited to, ambulance services, cable television services, transportation services, sanitation services, and any other service or business using the public streets or property within the City to provide service. The effective period of public service franchises may be set by the Council but shall not exceed ten (10) years.

**Section 10.06 Regulation of Franchises.** All grants of franchises as authorized in this Charter shall be subject to the right of the Council to:

- a) Determine, fix and regulate the charges, rates or compensation to be charged by the person or entity granted a franchise;
- b) Repeal the franchise by ordinance at any time upon the failure or refusal of the franchisee to comply with the terms of the franchise, this Charter, or any applicable City ordinance or state law, or any valid rule of any regulatory body;
- c) Establish standards and quality of products or service;
- d) Require such expansion, extension and improvement of plants and facilities as are necessary to provide adequate service to all the public and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency;
- e) Prescribe the method of accounting and reporting to the City so that the franchisee will accurately reflect the expenses, receipts, profits and property values used in rendering its service to the public. It shall be deemed sufficient compliance with this requirement if the franchisee keeps its accounts in accordance with the uniform system established by an applicable federal or state agency for such service;
- f) Examine and audit at any time the accounts and other records of any franchisee and to require annual and other reports prescribed in the franchise ordinance;
- g) Require such compensation, regulatory, rental and franchise fees as may not be prohibited by law;
- h) Impose such regulations and restrictions as may be deemed desirable or conducive to the health, safety, welfare and accommodation of the public;
- i) Require every franchise holder to allow other franchise holders to use its facilities if the Council considers such joint use to be in the public interest. In the event of joint use, reasonable terms of use may be imposed by, and a reasonable rental paid to the owner for the use of the facility. If the franchise holders are unable to agree on terms and / or rentals for the joint use of facilities, the Council shall, after notice and hearing, set reasonable terms and fix a reasonable rental

application to such joint use;

- j) Require the franchisee to restore at its expense all public or private property to a condition equal to or better than that before being damaged or destroyed by the franchisee.

**Section 10.07 Penalty Authorized.** The Council shall have the power and authority to review any franchise at anytime and to assess a penalty against the franchisee for its failure to comply with the franchise, this Charter, the ordinances of the City or the laws of the State. If in the opinion of Council the requirements of the franchise, Charter, ordinances or state law are not being complied with, the Council shall so notify the franchisee in writing stating the provisions the franchisee has failed to comply with and setting a time for a hearing and deadline for correction of the noncompliance. The Council may assess and enforce a reasonable penalty based upon the facts, issues and circumstances determined at the hearing if noncompliance is found. If the franchisee does not correct the noncompliance within a reasonable time established by the Council for correction, the Council may repeal or cancel the franchise.

**Section 10.08 Franchise Value not to be Allowed.** In determining the just compensation to be paid by the City for any public utility or public service property or facilities which the City may acquire by condemnation or otherwise, no value shall be assigned to any franchise granted by the City.

**Section 10.09 Extensions.** Unless provided otherwise in the franchise, or limited by a certificate of convenience and necessity held by the franchisee, franchisees shall be required to extend services to all parts and portions of the City. All extensions of any public utility lines, conduit, pipe or systems shall become a part of the aggregate property of the public utility and shall be subject to all the obligations and rights prescribed in this Charter and the franchise. The right to use and maintain any such extension shall terminate with the franchise.

**Section 10.10 Other Conditions.** All franchises heretofore granted are recognized as contracts between the City and the franchisee and the contractual rights as contained therein shall not be impaired by the provisions of this Charter except:

- a) The power of the City to exercise the right of eminent domain to acquire the property and assets of the utility is reserved;
- b) The general power of the City to regulate the rates and services of a utility including the right to require adequate and reasonable extension of plant and service and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency shall be enforced;
- c) The Council shall review each franchise at its first renewal date subsequent to the adoption of this Charter and shall cause the franchise, if renewed, to meet the provisions of this Charter; and no rights shall be vested in the franchisee with regard to any renewal based upon the terms, conditions or limitations expressed in any such existing franchise.

**Section 10.11 Election Required.** No City owned electric utility, gas, water, sewer, cable television, or telecommunications system, park, swimming pool, or other utility shall ever be sold or leased without authorization by a majority vote of the qualified voters of the City voting at an election held for such purpose.

**Section 10.12 Contracts Concerning City Property.** The Council shall have the power to grant, amend, renew or extend contracts as follows:

- a) When not detrimental to the public interest and there will be no inconvenience or expense to the public, the Council may grant a license to occupy a small area of property for any purpose for which licenses are commonly used by Texas cities;
- b) For the operation and management of City owned facilities such as swimming pools, civic centers, parks, golf courses, water and wastewater treatment plants and any other such property; provided that no such contract shall be let except upon opportunity for competitive bids and proposals, not to exceed a term of five (5) years unless approved at an election held for such purpose.

## **ARTICLE XI GENERAL PROVISIONS**

**Section 11.01 Oath of Office.** All officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed by the state constitution. The oath shall be administered by a person authorized by state law to administer oaths.

**Section 11.02 Bonds for City Employees.** The Council may require good and sufficient bond or equivalent be given by appointed officers or employees handling funds of the city, and may require bond of other officers or employees in its discretion. The expense of any such bond shall be paid by the City.

**Section 11.03 Public Records.** All public records of the City shall be open to inspection and copying by the public, subject to rules, regulations and exceptions provided by state law and the Council. However, records permitted to be closed to the public by state law shall not be considered public records for the purposes of this section. The Council may, by ordinance, provide for the accurate and permanent copying or reproduction of public records by microfilm or other photographic process.

**Section 11.04 Conflicts of Interest and Standards of Conduct.** No City official or employee, either elected, appointed or employed, shall have any personal financial interest, direct, indirect or otherwise in any City contract or transaction or by reason of ownership or stock in any corporation or contract with the City; provided, however, that the provision of this section shall only be applicable when the stock owned by the officer or employee exceeds one percent of the total capital stock of the corporation. Willful violation of this section by the person or corporation contracting with the City shall render the contract void. Furthermore, breach of this section shall constitute malfeasance in office, resulting in forfeiture of office or position, by any officer or employee that has an interest in any such contract and participates in the award of any

the contract. The Council shall by ordinance establish rules, procedures and methods of enforcement and penalties relative to conflict of interest and equal treatment.

**Section 11.05 Ethics Policy and Code of Conduct.** The Council shall adopt and from time to time modify and amend an ordinance providing an ethics policy and code of conduct applicable to the officers, employees, boards and commission members of the City. The ethics policy and code of conduct may provide penalties for violations, up to and including removal from office, on the concurrence of the Council or the City Manager, as applicable.

**Section 11.06 Acceptance of Gifts.** No officer or employee of the City shall accept directly or indirectly, any gift, favor, privilege or employment from any utility, corporation, person or entity having a franchise or contract with, or doing business with, or seeking to do business with the City. This section shall not be interpreted to include any pen, pencil, calendar, cap or similarly valued item distributed by any such company for advertising purposes.

**Section 11.07 Notice of Claim Against City.** Except as provided for by the state constitution or a statute in conflict herewith, the City shall not be liable for any damages, attorney fees, costs of court, or other monies regarding any matter whatsoever, unless notice shall have first been given the City in compliance with this section, as follows:

- a) Before the City shall be liable for any damage, claim or suit, attorney fees or costs of court, arising out of or for any personal injury or damage to property, or violation of any statutory right or duty, the person who is injured or whose property has been damaged, or someone on his or her behalf, shall give the City Manager or the City Secretary notice in writing duly certified within ninety (90) days after the date of the alleged damage, injury, or violation of statutory duty or right, stating specifically in such notice when, where, and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within ninety (90) days after the death of the injured person give notice as required above.
- b) Before the City shall be liable for any damages, attorney fees, court costs, or monies whatsoever, whether arising out of an action authorized by statute for declaratory judgment or similar relief, or for equitable remedy, or for any damage, claim or suit arising out of contract, the person who seeks such remedy, relief or damage, or someone on his or her behalf, shall give the City Manager or the City Secretary notice in writing not less than thirty (30) days prior to the filing of such claim, suit or cause of action, stating specifically the allegations of and basis for such claim, suit or request for remedy, the facts, contract provisions or circumstances supporting the same, the specific remedy or damages sought, the names of all City officers and employees complained of, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage; and upon request of the City Manager or the City Council meet, confer and negotiate with the City for the purpose of reaching an acceptable compromise and settlement.

**Section 11.08 Exemption from Execution and Garnishment.** All property and assets of the City shall be exempt from execution and shall not be liable for sale or appropriation by writ of execution. All funds of the City, possessed by any person, firm, or corporation or other entity, shall be exempt from execution and not be liable to garnishment, attachment or sequestration, on account of any debt the City may owe or funds or property it may have on hand owing to any person. The City and its officers and agents shall not be required to answer a writ of garnishment of City property on any account whatever. The City shall not be obligated to recognize any withholding or assignment of wages or funds by its employees, agents or contractors except as required by state law.

**Section 11.09 Power to Settle Claims.** The Council shall have the sole authority to compromise and settle any and all claims and all suits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

**Section 11.10 Bribery Prohibited.** No person who seeks appointment, employment or promotion with respect to any City office or employment shall, directly or indirectly, give or pay any money or other thing of value, or render any service, or offer to so give, pay or render, any valuable thing to any person for or in connection with his/her proposed or actual appointment, hiring or promotion.

**Section 11.11 Political Activities of City Officers and Employees.** No City officer or employee, who receives wages or a salary from the City, shall in any manner solicit or assist in soliciting any assessment, subscription or contribution for any political purpose whatever from any City officer or employee, nor shall such person receive any contribution to the campaign fund of any other candidate for City office, or participate in the management of the campaign fund of any other candidate for City office. No member of, or candidate for, the council shall in any manner request or solicit any salaried officer or employee of the City to make a political contribution to any candidate for an elective office.

Any person who by himself or with others violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of \$500. Any person convicted under this Section shall be ineligible to hold any City office or position for a period of five (5) years after conviction; and shall immediately forfeit his City office, employment or position.

**Section 11.12 Separability.** It is hereby declared that the sections, paragraphs, sentences, clauses and phrases of this Charter are severable and, if any word, phrase, sentence, paragraph or section of this charter should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Charter, since the same would have been enacted without the incorporation of any such invalid word, phrase, clause, sentence, paragraph or section. If any provision of this Charter shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect any other provision or application of this Charter which can be given effect without the invalid provision, and to the fullest extent possible this Charter shall be construed and read in a manner to give effect to the original intent and meaning of this Charter as modified only by the deletion of such invalid word, phrase, clause, provision or section, and to this end the provisions of this Charter are declared to be severable.

**Section 11.13 Charter Amendment.** Amendments to this Charter must be formulated and submitted to the voters of the City in the manner prescribed by state law.

**Section 11.14 Charter Review.** The Council shall appoint a Citizens Review Committee comprised of residents of the City to periodically review the Charter after its adoption. Charter reviews shall be conducted at least every four (4) years. The Council shall appoint a minimum of three (3) members and no more than six (6) members to serve for a twelve (12) month term, and such term may be extended by the Council. The Committee shall inquire into the operations of the City government as related to the Charter and review the Charter to determine if amendments should be recommended. Public hearings may be held and the Committee shall have the power to compel the attendance of City officers or employees and may require the submission of the City records necessary to review. The Charter Review Committee shall make a written report of its findings and recommendations to the Council, including any proposed amendments.

**Section 11.15 Construction of Charter.** The powers and authority granted in this Charter shall be liberally construed as general grants of power, and the limitations on the powers of the Council and City government specifically set forth in this charter shall be liberally construed in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power which would be competent for the people of the City to expressly grant to the City under the Constitution of Texas shall be construed to have been granted to the City by this Charter. Consistent with the intent of this Charter that the City have full power of self-government, the listing or inclusion of specific powers and authority in this Charter shall never be interpreted or construed as a limitation of the City's powers, or as excluding any power or authority not specifically listed. And, to that end, when this Charter refers to grants or limitations on the powers of the City as provided by state law, the term "state law" shall include "federal law" unless the context clearly shows otherwise.

**Section 11.16 Reservation of Defenses.** Nothing contained in this Charter or in any ordinance or contract of the City shall be construed to mean the City waives any rights, privileges, defenses or immunities provided under common law, or state or federal law. No such right, privilege, defense or immunity may be waived except by the City Council acting in a public meeting to settle or compromise a claim, dispute or lawsuit.

**Section 11.17 Applicability of General Laws.** In addition to the powers conferred by the Constitution of the State of Texas and statutes applicable to home-rule cities, as now or hereafter enacted, and by this Charter and the ordinances enacted pursuant hereto, the City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of City, town or village, not contrary to the provisions of said home-rule statutes and this Charter. However, no limitation or restriction applicable to general law cities shall extend to the City, and the exercise of any such powers by the City shall be optional in the discretion of the City Council.

**Section 11.18 Submission of Charter to Voters.** The Charter Commission, in preparing this Charter, concludes that it is impractical to segregate each subject so as to permit a vote of "yes" or "no" on the same, because the Charter is so constructed that in order to enable it to work and function it is necessary that it be adopted in its entirety. For this reason, the Charter Commission

directs that said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City at an election to be held for that purpose on November 02, 2004. Not less than thirty (30) days prior to an election, the Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City as appears from the latest certified-list of registered voters.

If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Lago Vista. After the returns have been canvassed, the same shall be declared adopted; and the City Secretary shall file an official copy of the Charter with the records of the City. This Charter shall take effect immediately following adoption by the voters and shall be fully operable within one (1) year after adoption.

The City Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

**Charter Commission Certification  
To the City Council and citizens of the City of Lago Vista**

This Charter Commission in preparing this Charter finds and decides that it is impracticable to aggregate each subject so as to permit a vote of “Yes” or “No” on the same, for the reason that this Charter is so written that in order for it to be workable and useable it is necessary that it be adopted in its entirety.

For these reasons the Charter Commission directs that this Charter be voted upon as a whole and that it be submitted to the qualified voters of the City of Lago Vista at an election to be held for that purpose on the 2<sup>nd</sup> day of November, 2004. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Lago Vista and, after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall furnish the Mayor a copy of said Charter so adopted, authenticated and certified by his/her signature and seal of the City, showing the approval of such Charter by a majority vote of the qualified voters voting at such election, which the Mayor shall forward to the Secretary of State of the State of Texas.

Not less than thirty (30) days prior to such election the City Council shall cause the City Secretary to mail a copy of this proposed Charter to each registered voter in the City as their names appear on the official records of the registered voters.

We, the undersigned members of the Charter Commission of the City of Lago Vista, having been heretofore duly appointed to prepare a Charter for the City of Lago Vista, Texas DO HEREBY CERTIFY that the above and foregoing constitutes a true copy of the proposed Charter of the City of Lago Vista, which we have prepared.

Jarred Dean, who was an original member of this Charter Commission, moved from the City while the preparation of this Charter was in progress. The remaining members of the Charter Commission, as listed below, completed the writing of this Charter, and, unanimously recommend this Charter to the citizens of the City of Lago Vista, Texas

Respectfully submitted this ---- day of August, 2004

\_\_\_\_\_  
Russell L. Allen  
Co-Chair

\_\_\_\_\_  
Michael G. Thornton  
Co-Chair

\_\_\_\_\_  
Roy W. Bell

\_\_\_\_\_  
Scott Cameron

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Orval ( Dick ) Dickenson

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Jim Henson

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Darrel R. Hunt

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Sandy Khan

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Susanne Kolodzy

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Thomas F. Martin

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Jo Anne Molloy

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Anne C. Ochoa

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Kathy Rogers

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Paul V. Thomas

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Ken Schodde