

HOME RULE CHARTER

CHARTER

ARTICLE I. CORPORATE NAME

Sec. 1. Corporate Name.

All of the inhabitants of the City of Navasota, in Grimes County, Texas as the boundaries and limits of the city are herein established, or as hereafter established in the manner provided by this Charter, shall be a body politic, incorporated under, and to be known by the name and style of the “City of Navasota” with such powers, rights and duties as are herein provided.

ARTICLE II. MUNICIPAL BOUNDARIES

Sec. 1. Boundaries.

The boundaries of the City of Navasota shall be the same as have been heretofore established and now exists, and as may hereafter be amended, and the existing boundaries of the City of Navasota are established as those shown on the official map of the City of Navasota maintained in the office of the city secretary of the City of Navasota, in the city hall building of Navasota, Grimes County, Texas. The City may cause the boundaries of the City of Navasota to be marked by appropriate monuments or markers.

Sec. 2. Annexation and Disannexation of Territory.

(a) The council shall have power by ordinance to establish the boundary limits of the City of Navasota; and to provide for the alteration and extension of said boundary limits and the annexation of additional territory lying adjacent to the city and the disannexation of territory from the city. The authority and procedures regarding the adoption of any such ordinance by the council shall be governed by the applicable provisions of the state statutes governing the annexation and disannexation of territory; and upon the final passage of any such ordinance, the boundary limits of the city shall thereafter be established in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Navasota, and the property situated therein shall bear its prorated part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the city. Upon the final passage of any ordinance disannexing territory from the city, the boundary limits of the city shall be reduced by the territory so disannexed.

ARTICLE III. CORPORATE POWERS

Sec. 1. General.

(a) The City of Navasota, made a body politic and corporate by the legal adoption of this Charter, shall have perpetual succession; may use a common seal; may sue and be sued; may contract and be contracted with; may implead and be impleaded in all courts and places and in all matters whatever; may take, hold and purchase such lands within and without the city limits as may be needed for corporate or governmental purposes of the city, and may sell any real estate or personal property owned by it; may perform and render all public services; when deemed expedient may condemn property for corporate or governmental use, and may hold, manage and control the same; and shall be subject to all the duties and obligations now pertaining to or incumbent upon the city as a municipal corporation not in conflict with the provisions of this Charter, and shall enjoy all rights, immunities, privileges, and franchises now possessed by the city and herein conferred and granted, and except as prohibited by the constitution of the State of Texas, or restricted by the Charter, the City of Navasota shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. In addition to the powers herein otherwise granted, the city shall have all powers enumerated in all applicable state statutes as heretofore amended, as though such statute were set forth in full herein; or as hereinafter amended.

(b) The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, unless expressly restricted herein, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City of Navasota shall have and may exercise all powers which under the constitution and statutes of the State of Texas it would be competent for this Charter specifically to enumerate. Included, but not limited by, the enumeration herein contained are all powers heretofore or hereafter delegated by the constitution and statutes of the State of Texas to municipal corporations and all powers of the city, whether express or implied, shall be exercised in the manner prescribed by this Charter, but if not prescribed herein, then in the manner provided by the ordinance or resolution of the council.

Sec. 2. Powers of ordinances.

The city shall have the power to enact and enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove all nuisances and preserve and enforce good government, and order and security of the city and its inhabitants; and to enact and enforce ordinances on any and all subjects; provided that no ordinances shall be enacted inconsistent with the provisions of this Charter, or general laws or constitution of the State of Texas; it being the intention to obtain, by the adoption of this Charter, full power of local self-government, and the City shall have and exercise all the powers of local self-government granted to cities having more than five thousand (5,000) inhabitants by what is known as the Home Rule Amendment to the Constitution of the State of Texas, and to the Home Rule Enabling Act passed by the Legislature of Texas, and now known as Chapter 9 of the Texas Local Government Code.

State law references—Ordinance, rule or regulation necessary to carry out other powers, V.T.C.A., Local Government Code, sec. 51.001; enforcement of municipal ordinances, V.T.C.A., Local Government Code, ch. 54.

Sec. 3. Style of ordinances.

The style of all ordinances of the city shall be:

“Be it ordained by the Council of the City of Navasota,”

but the same shall be omitted when the ordinances of the city are codified and published in book or pamphlet form by the city or under the authority of its governing body.

Sec. 4. Real estate, etc., owned by the city.

All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all public buildings, fire stations, parks, streets, alleys, and all property, whether real or personal, or whatever kind, character or description now owned or controlled by the city shall vest in, inure to, remain and be the property of the city under this Charter; and all causes of action, rights or privileges of every kind and character and all property of whatsoever character or description which may have been held, and is now held, controlled or used by the city for public uses or in trust for the public, shall vest in and remain and inure to the city under this Charter and all suits and pending actions to which the city heretofore was or now is a part, plaintiff or defendant, shall not be affected or terminated by the adoption of this Charter, but shall continue unabated.

Sec. 5. Acquisition of property.

The city shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation or otherwise any character of property, within or outside its municipal boundaries, including any charitable or trust funds, or trust property.

State law reference—Authority relating to property, V.T.C.A., Local Government Code, sec. 51.076.

Sec. 6. Public property exempt from execution.

No public property, or any other character or property, owned or held by the city, shall be subject to any execution of any kind or nature.

State law reference—Authority relating to property, V.T.C.A., Local Government Code, sec. 51.076.

Sec. 7. City funds not subject to garnishment.

No funds of the city shall be subject to garnishment and the city shall never be required to answer in any garnishment proceedings.

State law reference—Authority to provide that municipal funds not subject to garnishment, V.T.C.A., Local Government Code, sec. 101.023.

Sec. 8. Liability for damages.

Before the city shall be liable for damages for personal injuries of any kind, or for injuries to or destruction or damage to property of any kind, the person injured or the owner of the property so injured, damaged or destroyed, must give written notice to the mayor and council of the city of said injury, damage or destruction, duly verified, within one hundred and eighty (180) days after the same has been sustained, stating in such written notice when, where and how the injury, damage or destruction occurred, the apparent extent thereof, the amount of damages sustained, the amount for which the claimant will settle, the street and residence number of the claimant at the time and date such claim was presented, the actual residence of such claimant for the six (6) months immediately preceding the occurrence of such injuries, damage or destruction, and the names and addresses of the witnesses upon whom the claimant relies to establish this claim, and a failure to so notify the mayor and council within the time and the manner provided herein shall exonerate, excuse and exempt the city from any liability whatsoever. This notice shall be filed with the city manager of the city and the filing therewith shall constitute such notice.

State law references—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101; notice of procedures, V.T.C.A., Civil Practice and Remedies Code, sec. 101.101.

Sec. 9. City not required to give bond.

It shall not be necessary in any suit or proceeding in which the city is a party, for any bond, undertaking or other security to be demanded or executed by or on behalf of the city in any of the state courts, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond had been given and the city shall be liable as if the security or bond had been duly executed.

State law reference—Cities exempt from security for court costs, V.T.C.A., Civil Practice and Remedies Code, sec. 6.002.

Sec. 10. Right to eminent domain.

The city shall have the right of eminent domain for public purposes whenever the council shall deem it necessary, as granted under the constitution and statutes of the State of Texas and all the amendments thereto. The exercise of the power of eminent domain shall be controlled by the procedure under the constitution and statutes of the State of Texas and all the amendments thereto.

State law references—Eminent domain, V.T.C.A., Property Code, ch. 21; municipal right of eminent domain, V.T.C.A., Local Government Code, ch. 251.

Sec. 11. Street improvements.

(a) The city shall have the power to improve any street or highway within its limits by filling, grading, raising, paving or repaving the same in a permanent manner, or by the construction or reconstruction of sidewalks, curbs and gutters or necessary appurtenances thereto, including sewer and drains. In the event there shall be a conflict between the method of improving the streets and

other public areas, as provided for by the statutes of the State of Texas as amended, and in the provisions of this Charter, the council may elect to follow either the provisions of this Charter or the provisions of said statutes.

(b) All contracts, assessments and other proceedings heretofore taken under previously existing Charter powers of the city shall continue in full force and effect, and the rights of all parties in connection with the collection of street improvements, assessments or liens on property previously made shall not be affected or damaged.

State law references—Authority of municipality over and under public highways, streets and alleys, V.T.C.A., Transportation Code, sec. 311.001; franchise to use streets in municipality, V.T.C.A., Transportation Code, sec. 311.071 et seq.; municipal home-rule powers to regulate public utilities and franchises using streets, etc., V.A.C.S., art. 1175.

Sec. 12. Zoning.

The council shall have full power and authority to zone the city and pass any necessary ordinances, rules, regulations, or restrictions under the authority of Chapter 211, Texas Local Government Code, and all the amendments thereto.

State law reference—Municipal zoning authority, V.T.C.A., Local Government Code, ch. 211.

Sec. 13. Power to comprise and settle claims and lawsuits.

The council shall have the power and authority to compromise and settle any and all claims and lawsuits of every kind and character, in favor of or against the city, including suits by the city to recover delinquent taxes.

State law reference—Authority relating to lawsuits, V.T.C.A., Local Government Code, sec. 51.075.

Sec. 14. Underground construction.

The council may require the placing of all wires or overhead construction of public utilities, or such part thereof as may be deemed best, from time to time, under the surface of the ground, under such regulations as may be prescribed by the council from time to time; and may provide for such construction and change thereof in any franchise hereafter granted.

Sec. 15. Fires.

The council shall have power by ordinance or otherwise to provide means for protection against conflagrations and for the establishment, maintenance, support and regulation of a fire department and for the guarding against fires. It may prescribe fire limits, stipulate and provide for minimum requirements for construction of buildings within such fire limits, regulate or prohibit the erection, building, replacing or repairing of wooden buildings within such limits; and may prescribe that the buildings within such fire limits be made or constructed of fire resisting material; and may prohibit the repairing of wooden buildings within such limits when the same have been damaged to within fifty (50) per cent of the value thereof; and may declare all dilapidated buildings to be nuisances and

direct the same to be repaired, removed or abated in such manner as the council may prescribe; and may further prescribe limits within which only fireproof roofing may be used, it may also by ordinance regulate, prescribe, govern or forbid the storage of lumber, building materials of any kind, or inflammable or explosive goods, wares and merchandise or any kind and every kind, within certain limits, and prescribe limits within which such materials may be stored, housed or carried.

ARTICLE IV. CITY COUNCIL

Sec. 1. Governing body.

The governing and lawmaking body of the city council shall consist of five (5) council members, one of whom shall be the mayor, and said body shall be known as the “city council.”

State law references—Form of government, V.T.C.A., Local Government Code, sec. 26.021; references to municipal governing body and to members of municipal governing body, V.T.C.A., Local Government Code, sec. 21.002.

Sec. 2. Elective officers.

The members of the council as provided for in this Charter shall be the only elective officers of the city; and they shall be elected and hold office as herein provided. All council members shall be elected from the city at large; and shall elect one of their members to act as mayor. All individuals seeking election to serve as council member must indicate the place number they desire to run for on the prescribed candidate application.

Sec. 3. Conduct of elections; election laws control.

The provisions of the general election laws of the State of Texas shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation and in compliance with filing procedures prescribed by the general election laws of the State of Texas.

Any persons having the qualifications required for candidates for city council shall file for office in accordance with the general election laws of the State of Texas. Each candidate's application for a place on the ballot must be accompanied by a nonrefundable filing fee of one hundred and no/100 dollars (\$100.00), payable to the City of Navasota and submitted to the city secretary to be applied to costs incurred by the city in conducting its elections; or, in lieu of the payment of a filing fee, a valid petition signed by no less than twenty-five (25) qualified voters of the city. Applications and filing fees, or petitions, shall be signed and filed in the office of the city secretary as prescribed by the general election laws of the State of Texas. The city secretary shall promptly examine each such petition to determine its validity and the validity of the signatures on the petition. If a petition is found to not be valid, the city secretary shall, upon determining such invalidity, promptly deliver to the person who filed the petition a statement certifying and listing the insufficiencies of the petition. Within the required time for filing applications for a place on the ballot, a new petition may be filed for the same candidate whose previous petition was determined to not be valid. The petition of each

candidate applying for a place on the ballot in the city council election shall be preserved by the city secretary in compliance with the applicable records retention laws of the State of Texas.

All elections shall be conducted and the result canvassed and announced by the election authorities as prescribed by the general laws of the State of Texas, which shall control in all municipal elections of the City of Navasota, except as otherwise provided herein.

Sec. 4. Official ballot.

The full name of each candidate for council as herein provided, except if such candidate has withdrawn, dies or become ineligible, shall be printed on the official ballot without party designations. If two (2) or more persons with the same surnames, or with names so similar as to likely cause confusion, are candidates for city council, their names shall be placed on the ballot in accordance with the general election laws of the State of Texas. All names of candidates shall be placed on the official ballot and shall be arranged in accordance with a ballot drawing which will be held as prescribed by general election laws of the State of Texas.

State law reference—Ballot form, content and preparation, V.T.C.A., Election Code, ch. 52.

Sec. 5. Majority vote required.

Each candidate for the office of council member who receives a majority of all votes cast for the office that person seeks in such election shall be declared elected to the council place for which the person was a candidate.

Sec. 5A. Runoff elections.

(a) In the event any candidate for the office of council member fails to receive, at any regular or special election, a majority of all votes cast for that particular office, the mayor or, if the mayor fails to do so, the council shall no later than the fifth day following the official canvass of the election order a runoff election to be held within thirty (30) days of said canvass. At said runoff election the two (2) candidates that received the highest number of votes cast for such particular office in the first election, at which no one was elected to such office by receiving a majority of all votes cast for all candidates for such particular office, shall be voted on again.

(b) If in the first election more than two (2) candidates tie for the highest number of votes in the election, an automatic recount shall be conducted in accordance with the general election laws of the State of Texas. If the recount does not resolve the tie, the tied candidates shall cast lots to determine which two (2) are to be the runoff candidates.

(c) If in the first election two (2) or more candidates tie for the second highest number of votes in the election, an automatic recount shall be conducted in accordance with the general election laws of the State of Texas. If the recount does not resolve the tie, the tied candidates shall cast lots to determine which one is to be the second candidate in the runoff election.

(d) The candidate who receives the majority of the votes cast for the particular office in the runoff election shall be elected to such office and shall take office as soon thereafter as said candidate is qualified. If the candidates in a runoff election tie, an automatic recount shall be conducted in accordance with the general election laws of the State of Texas. If the recount does not resolve the tie, the tied candidates shall cast lots to determine the winner.

(e) The presiding officer of the final canvassing authority for the election shall supervise the casting of lots under this Section 5A.

State law reference—Tie vote resolution by lots, V.T.C.A., Election Code, sec. 2.002(f).

Sec. 6. Notice of election.

In accordance with the general election laws of the State of Texas, the council members shall order the election, in which order the offices to be filled shall be named, and the voting places and the names of the presiding judges of such election shall be sent out. Notice of such election shall be given as provided for in the general election laws of the State of Texas.

State law reference—Notice of elections, V.T.C.A., Election Code, ch. 4.

Sec. 7. Time of election and staggered terms.

The regular general election of city council members shall be held each year on the first Saturday of May, or on any other date authorized by applicable law.

The city council members shall be elected to Places 1 through 5. Beginning at the May, 2024 election, the term of office for city council Place 1 shall be for three (3) years, and continuously thereafter the term of office for city council Place 1 shall be for three (3) years.

Beginning at the May, 2024 election, the term of office for city council Places 2 and 3 shall be for two (2) years, and continuously thereafter the term of office for city council Places 2 and 3 shall be for three (3) years.

Beginning at the May, 2025 election, the term of office for city council Places 4 and 5 shall be for three (3) years, and continuously thereafter the term of office for city council Places 4 and 5 shall be for three (3) years.

State law references—Date for election of officers, V.T.C.A., Local Government Code, sec. 26.042; election dates, V.T.C.A., Election Code, ch. 41.

Sec. 8. Regular term of office.

The regular term of office for council member shall be three (3) years, or until a successor is qualified, in the event of a vacancy, except as otherwise provided herein.

Sec. 9. Officers, oath and bond of.

All officers of the city, whether elective or appointive, shall qualify by taking the oath prescribed by the constitution of Texas, and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the city.

State constitution reference—Oath of office, Texas Constitution, art. 16, sec. 1.

State law reference—Official bonds, V.T.C.A., Government Code, ch. 604.

Sec. 10. Qualifications.

Members of the council shall be resident qualified voters of the city and shall have been a resident citizen of the City of Navasota for twelve (12) months immediately preceding such election and shall not hold any other public office except that of notary public or as otherwise provided by law. Any member ceasing to have any of these qualifications, or who shall be convicted of a felony while in office, shall forfeit his office immediately.

State law references—Eligibility for public office, V.T.C.A., Election Code, sec. 141.001 et seq.; age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003; candidates for city office, V.T.C.A., Election Code, ch. 143.

Sec. 11. Removal.

Any member of the council who knowingly permits any provision of this Charter to be violated without exercising his power as a council member to prevent it shall be subject to removal from office as provided in article IV, section 23 herein below, and prosecuted in the manner provided by law.

Sec. 12. Vacancy.

Vacancies in the city council arising from resignation, forfeiture, removal, death, or any other cause shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur. If any such vacancy shall occur within one hundred twenty (120) days preceding a regular election, then the special election to fill the vacancy for the unexpired term shall be held on the same date as the next regular election. Additionally, if the remaining unexpired term of the vacant council position is twelve (12) months or less, then no special election to fill the vacancy shall be held and the vacant Council position, after the Council provides public notice of the vacancy and the opportunity for qualified persons to submit applications requesting appointment to the vacancy, shall be filled by appointment by the remaining council members, and the appointed council member shall serve for the unexpired term of the vacant council position to which the person was appointed. Appointed council members are required to have the same qualifications as required for an elected council member.

Sec. 13. Mayor.

The council members shall elect one of their members as mayor at the first regular meeting following the regular general election each May. The mayor shall be the presiding officer of the council. The mayor shall vote as a member of the council on all matters coming before the body; sign all bonds, warrants, and other official documents; be the official head of the city; and exercise all power and perform all duties imposed upon the mayor by applicable law, this Charter and by the ordinances of the city and resolutions of the council.

Sec. 14. Mayor pro-tem.

The mayor pro-tem shall be elected from among the members of the council at the first regular meeting following the regular general election of city council members, and shall perform all the duties of the mayor in the event of the mayor's absence or disability.

Sec. 15. Compensation.

The mayor and each council member shall serve on the city council without compensation; however, the mayor and council members shall be entitled to reimbursement for any expenses approved and provided for by the city budget and incurred in the performance of their official duties as a member of the city council.

State law reference—Compensation of officers in home-rule municipality, V.T.C.A., Local Government Code, sec. 141.004.

Sec. 16. Conflict of interest.

Except as otherwise allowed by law, no member of the council shall, during his term of office, hold any other public office or employment, compensation for which is paid out of public funds. Nor shall any member of the council, appointive officer, or employee of the city be financially interested, directly or indirectly, in any contract authorized by the city except in accordance with applicable provisions of State Law and Chapter 171 of the Texas Local Government Code governing conflicts of interest of local public officials.

State law references—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; public disclosure, V.T.C.A., Government Code, ch. 553.

Sec. 17. Legislative body.

The council shall constitute the legislative and governing body of the city, and shall have and exercise all the powers and authority herein granted. It shall pass and adopt all needed ordinances and resolutions, and adopt necessary regulations to govern the different departments of the city. Said ordinances, resolutions and regulations shall be consistent with the provisions of this Charter and the constitution and general laws of the State of Texas.

State law references—Powers of home-rule municipality, V.T.C.S. art. 1175; general powers of home-rule municipality, V.T.C.A., Local Government Code, sec. 51.071 et seq.; authority of local self-government, V.T.C.A., Local Government Code, sec. 51.072.

Sec. 18. Meetings of the council.

The council shall hold at least one regular meeting in each month at a time to be established by it for such regular meetings; and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens.

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.

Sec. 19. Special meetings of the council.

Special meetings shall be called by the city secretary upon the request of the mayor, mayor pro-tem, the city manager, or any two (2) members of the council, and may be held at any time in accordance with the provisions of state law. Notice of special meetings shall be provided in accordance with Chapter 551 of the Texas Government Code and all amendments thereto.

Sec. 20. Meetings open to the public.

All meetings of the council and committees thereof shall be open to the public, except as provided in Chapter 551, Texas Government Code, and all amendments thereto. Any member of the public shall have a reasonable opportunity to be heard at any meeting of the council on any matter.

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.

Sec. 21. Canvass returns and declare results of elections.

The council shall, within the period of time after each regular and special election as provided for by state law, or as soon thereafter as practicable, canvass the returns and declare the result of such election.

State law reference—Canvassing elections, V.T.C.A., Election Code, ch. 67

Sec. 22. Time for qualification and assumption of duties.

As soon as practicable, but not earlier than the date for canvassing the election results as provided by law, the council shall meet in the council chamber of the city hall or a location suitable for such meeting, at which time the council shall qualify and assume the duties of their offices.

Sec. 23. Council to be judge of election and qualification of its members.

The council shall be the judge of the election and qualification of its own members, and such authority shall include, but not be limited to, the authority to remove a council member for violation of article IV, section 11 of this Charter, and to appoint a qualified person to fill a vacant council position pursuant to article IV, section 12 of this Charter.

Sec. 24. Rules of the council.

The council shall determine its own rules of procedure and ethics, and shall compel the attendance of its members.

Sec. 25. Legislative procedure.

Three (3) members of the council shall constitute a quorum to do business. The affirmative vote of a majority of the five-member council present and voting shall be necessary to adopt any ordinance or resolution, except as otherwise provided herein. Minutes of all proceedings shall be kept to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the city. The vote upon the passage of all ordinances and resolutions shall be taken by the “ayes” and “nays” and entered upon the minutes, and every ordinance or resolution, upon its final passage shall be recorded in a bound record kept for that purpose, and shall be authenticated by the signature of the presiding officer and the person performing the duties of city secretary.

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.

Sec. 26. City secretary.

The council shall choose a city secretary who shall keep the records of the council and perform such other duties as may be required by applicable law, this Charter, city ordinances and resolutions, the council or the city manager.

Sec. 27. Ordinances and resolutions, enactment of.

Each proposed ordinance or resolution shall be introduced in written or printed form, and shall contain not more than one subject, which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contract of indebtedness or issuance of bonds or other evidence of indebtedness. An ordinance may be passed finally on the date it is introduced, read, voted upon and passed at one (1) meeting of the council.

Sec. 28. [RESERVED].

Sec. 29. Ordinances, when and how published.

Every ordinance imposing any penalty, fine or forfeiture shall, after passage thereof, be published in one (1) issue of the official paper and in accordance with state law; however, the city may publish a caption of an adopted ordinance that summarizes the purpose of the ordinance and any penalty for violating the ordinance in lieu of the requirement that the full text of the ordinance be published. Proof of such publication shall be made by the printer or publisher of such paper, making affidavit before an officer authorized by law to administer oaths, and filed with the person performing the duties of city secretary and shall be prima facie evidence of such publication and promulgation of such ordinance in all courts of the state; and such ordinance so published shall take effect, and be in

force, from and after five (5) days after publication thereof, unless otherwise expressly provided. Ordinances not required to be published shall take effect, and be in force, from and after passage, unless otherwise provided.

State law reference—Publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013.

Sec. 30. [RESERVED]

Sec. 31. [RESERVED].

Sec. 32. Contracts for personal services, supplies, etc.

(a) No contract shall ever be made which binds the city for personal services to be rendered for any stated period of time, but all appointive officers and employees shall be subject to preemptory discharge and when discharged shall only be entitled to compensation up to and including the date of their discharge; however, notwithstanding this or any other provision of the charter, the city may enter into an agreement with the city manager regarding personal services to be rendered to the city and containing any additional terms and conditions mutually acceptable to the city council and the city manager.

(b) Nor shall the city or any agent of the city acting for it make any contract for goods, materials, services or supplies for the current use of any department of the municipality for more than one (1) year, except as in this Charter provided, unless the contract and the cost thereof has been included in the annual budget of the city and unless an appropriation has been made therefore, and no contract or purchase shall exceed the amount appropriated. All contracts, except for professional services, shall be made upon specifications, and no contract shall be binding until it has been signed by a designated representative of the city. Whenever the costs of any contracts charged to any appropriation equal the amount of such appropriation, no person representing the city shall sign or make any additional contracts chargeable to such appropriation. Any contract for current expenditures exceeding the amount set up in the budget or the appropriation therefore shall be void.

(c) Notwithstanding any provision of this charter that relates to the notice of contracts, advertisement of the notice, requirements for the taking of sealed bids based on specifications for public improvements or purchases, the manner of publicly opening bids or reading them aloud, the authority for utilizing alternative project delivery methods, or the manner of or authority for making purchases and letting contracts, the city council may elect to expend city funds and enter into contracts pursuant to and in accordance with the laws of the State of Texas, as hereafter amended. The city council may elect to have the state laws related to contracting and purchasing supersede any conflicting provision of this charter.

State law reference—Purchasing and contracting authority of municipality, V.T.C.A., Local Government Code, chs. 252, 271.

Sec. 33. Departments may be consolidated, etc.

The council may abolish or consolidate such offices and departments as it may deem to the best interest of the city, and may divide the administration of any such department as it may deem advisable, create new departments and may discontinue any offices or departments at its discretion, except as to the office of city manager.

Sec. 34. Compensation of appointive officers.

The council may determine the salaries and wages of all appointive officers of the city.

Sec. 35. [RESERVED].

Sec. 36. Nepotism.

Except as provided by Chapter 573 of the Texas Government Code, and any amendments thereto, no person related within the second degree by affinity, or within the third degree by consanguinity, to the mayor or any other member of the council, or the city manager, shall be appointed to any office, position or other service of the city.

State law reference—Nepotism, V.T.C.A., Government Code, ch. 573.

ARTICLE V. CITY MANAGER.

Sec. 1. Qualification, term, removal, compensation, absence or inability to perform duties.

(a) The council shall employ a city manager who shall be the chief executive officer of the city, and he shall devote all of his time to the performance of his official duties. He shall be employed solely on the basis of his qualifications for the position as determined by the city council. The city manager shall be appointed for an indefinite term and may be removed by a vote of four (4) members of the council. Except as may otherwise be provided in a personal services agreement between the city and the city manager, removal may not become effective until thirty (30) days after the manager shall have been notified in writing of the council's intention to remove him, and until after a public hearing on the question of the manager's removal shall have been held, if such hearing is requested of the council in writing by the manager. In the event the city manager does not reside within the corporate limits of the city when employed by the city as the city manager, he shall establish his residence within the corporate limits of the city within a reasonably prompt period of time after employment, as determined solely by the city council.

(b) The city manager shall receive compensation in the amount and manner provided by the council.

(c) In the absence or inability of the city manager to perform his duties, the council by a majority vote may designate a qualified administrative officer to perform the duties of city manager during such absence or disability.

Sec. 2. Powers and duties.

(a) The city manager shall be responsible to the council for the efficient and economical administration of the city government. He shall have the power to appoint for an indefinite term and to remove one or more assistant city managers and all department heads. He shall have the power to appoint for an indefinite term and to remove all other employees in the service of the city. He may authorize the head of a department to appoint and remove subordinates in his respective department. The city manager shall determine the salaries and wages of all employees of the city.

Except of the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager. They shall not in any manner take part in the appointment or removal of any person subordinate to the city manager, nor shall they give any instructions to any subordinate of the city manager.

(b) He shall exercise supervision and control over all departments created by this Charter or that may hereafter be created by the council.

(c) He shall attend all meetings of the council with the right to take part in the discussion, but having no vote; and he shall be notified of all special meetings of the council in the time and manner this Charter requires such notice to be given to the members of the council.

(d) He shall see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the council.

(e) He shall act as budget officer and as such to prepare and submit to the council prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the estimated amounts required for the efficient operation of each department of the city government.

(f) He shall make a full written report to the council as soon after the close of each month's accounts as possible, showing the operation and expenditures of each department of the city government for the preceding month, and a comparison of such monthly expenditures, by departments, with the monthly allowances made for such departments in the annual budget, and to keep the council fully advised at all times as to the financial condition and needs of the city.

(g) He shall act as purchasing agent for the city and purchase all merchandise, material and supplies needed by the city and may establish a suitable storehouse where such supplies shall be kept and from which same shall be issued as needed; and to adopt such rules and regulations governing requisition and the transaction of business between himself as such purchasing agent and the heads of departments, appointed officers and employees of the city as the council may approve.

(h) He shall recommend to the council the compensation to be paid each appointed officer of the city, and it shall be the duty of the council to take action to determine the rates of compensation of said appointed officers.

(i) He shall recommend to the council, in writing, from time to time, for adoption, such measures, as he may deem necessary or expedient.

(j) He shall do and perform such other duties as may be prescribed by this Charter or be required of him by the ordinances and resolutions of the council.

ARTICLE VI. TAXATION

Sec. 1. Levy of annual ad valorem tax.

The council shall have the power and it is hereby authorized to levy annually and collect an ad valorem tax on all real, personal and other property within the corporate limits of the city, not exempt from taxation by the constitution and laws of the State of Texas.

State law references—Property taxes authorized, V.T.C.A., Tax Code, sec. 302.001; tax collection powers, V.T.C.A., Tax Code, sec. 302.102.

Sec. 2. Powers of council generally.

The council shall have the power to establish by ordinance: The form and content of future ordinances establishing the tax rate; the procedure to be used in issuing refunds on tax payments; subject to the provisions of state law allowing the tax assessor/collector to adopt a policy accepting partial payments of property taxes, a delinquent tax policy in regard to partial payments before and after judgment, before and after filing suit; the affixing of a tax lien in favor of the city for all taxes levied against all real, personal, and other property; and to enact ordinances in other such instances as may be necessary.

State law references—Tax liens and personal liability, V.T.C.A., Tax Code, ch. 32; local taxation, V.T.C.A., Tax Code, ch. 301 et seq.; tax collection powers, V.T.C.A., Tax Code, sec. 302.102.

Sec. 3. Compliance with tax code.

The City of Navasota shall comply with all provisions of the Tax Code of the State of Texas, as same now exists or as same may hereafter be amended.

Sec. 4. Occupation taxes.

The council shall have the power to levy and collect an occupation tax on all occupations, businesses and other taxable persons and entities, taxed by the State of Texas from time to time, to the amount of one-half of the amount of occupation tax levied by the state and shall have the power by ordinance to provide adequate means for enforcing the collection of the same.

State law reference—Occupation taxes, V.T.C.A., Tax Code, sec. 302.101.

ARTICLE VII. Municipal Court, City Attorney and Other Legal Counsel

Sec. 1. Municipal court created.

There shall be a court for the trial of misdemeanor offenses known as the “municipal court,” with such powers and duties as are defined and described in applicable law, and all amendments thereto.

State law reference—Municipal courts, generally, V.T.C.A., Government Code, sec. 29.001 et seq.

Sec. 2. Judge.

The council shall appoint a citizen of the City of Navasota to be judge of the municipal court, whose title shall be “municipal judge,” and who must meet the following qualifications:

- (1) shall have been a resident citizen of the City of Navasota for a period of one (1) year immediately preceding such appointment;
- (2) shall not hold any other elected public office except as allowed by applicable law;
- (3) shall have paid up to date all outstanding city taxes and utilities; and
- (3) shall not have been convicted of a felony or any crime involving moral turpitude.

State law reference—Municipal court judges, V.T.C.A., Government Code, sec. 29.004.

Sec. 3. Term of office.

The term of office of the municipal judge shall be filled by appointment by the council for a term of two (2) years; however, the municipal judge may be removed from office by the council at any time at its discretion.

In the event the appointed municipal judge is removed from office, is unable to serve due to death, illness, or tenders a written letter of resignation to the city council, such vacancy in the position of the judge shall be filled by a vote of a majority of the members of the city council. Such appointment shall be for the remainder of the existing term or for a full two (2) year term, as applicable.

State law reference—Term of municipal court judge, V.T.C.A., Government Code, sec. 29.005.

Sec. 4. Jurisdiction.

The municipal court shall have jurisdiction as provided in applicable law, and all amendments thereto.

State law reference—Jurisdiction of municipal courts, V.T.C.A., Government Code, sec. 29.003.

Sec. 5. Clerk.

The municipal judge shall be ex officio clerk of the municipal court, unless the city council has provided for the appointment of a municipal court clerk.

State law reference—Municipal court clerk generally, V.T.C.A., Government Code, sec. 29.010.

Sec. 6. Duties of clerk.

It shall be the duty of the clerk to keep minutes of the proceedings of the court; to issue all processes, and generally, to do and perform all the duties of a clerk of a court as prescribed by law for the clerk of the county court, in so far as said provisions may be applicable.

Sec. 7. Right of trial before jury.

Every person brought before the judge to be tried for an offense for which the penalty may be a fine shall be entitled, if he shall demand it, to be tried by a jury of six (6) residents of the city, who shall be summoned, empaneled and qualified as jurors under the laws of the State of Texas.

State law references—Right to trial by jury inviolate, Tex. Code Crim. Proc. art. 1.12; trial before the jury, Tex. Code Crim. Proc. ch. 36.

Sec. 8. Rules of pleading, practice and procedure.

All rules of pleadings, practice and procedure now established in Chapter 45, Texas Code of Criminal Procedure, as may be amended, and as otherwise provided by applicable law, shall apply in the municipal court. Complaints before the court may be sworn to before the judge, clerk or the court, his deputy, or the city attorney; or it may be sworn to before any other officer authorized by law to administer oaths.

State law reference—Procedures for processing cases within criminal jurisdiction of municipal court, Tex. Code Crim. Proc. ch. 45.

Sec. 9. Seal of municipal court.

The municipal court shall have a seal having engraved thereon a star of five (5) points in the center and words “Municipal Court, in Navasota, Texas,” the impress of which shall be attached to all proceedings, except subpoenas, issued out of the court, and shall be used to authenticate the official acts of the judge where he is authorized or required to use the seal of office.

State law reference—Municipal court seal, Tex. Code Crim. Proc. art. 45.012(g).

Sec. 10. Complaint, how commenced and concluded.

In all prosecutions in the municipal court, whether under an ordinance or under the provision of the Penal Code of this state, the complaint shall commence: “In the Name and by the Authority of the State of Texas” and shall conclude: “Against the Peace and Dignity of the State,” and where the

offense is covered by ordinance, the complaint may also conclude “Contrary to the City Ordinance”; and all prosecutions in the court shall be conducted by the city attorney or by his deputy.

State law reference—Requisites of complaint, Tex. Code Crim. Proc. art. 45.019.

Sec. 11. Council to prescribe rules for collecting fees and costs, etc.

The council shall from time to time by ordinances or resolutions, prescribe such rules, not inconsistent with the provisions of this Charter nor the laws of this state, as in the discretion of the council may be proper to enforce against the property of the defendant, or confinement of the defendant for the collection of all costs and fines imposed by the court; and shall also have the power to adopt such rules and regulations concerning practice and procedure in the court as the council may deem proper not inconsistent, however, with the provisions of this Charter nor the general laws of this state.

State law reference—Municipal court fines, costs and special expenses, Tex. Code Crim. Proc. art. 45.203.

Sec. 12. Fines and costs to be paid into the city depository.

All costs and fines imposed by the court in prosecutions therein, shall be paid into the city depository in the general fund of the City of Navasota for the use and benefit of the city, or as otherwise required by state law.

Sec. 13. Costs to be collected.

There shall be taxed against and collected of such defendant, in case of his conviction before the court, such costs as are prescribed by law to be collected of defendants convicted in municipal court.

State law references—Court costs on conviction, V.T.C.A., Government Code, sec. 102.021; additional court costs on conviction in municipal court, V.T.C.A., Government Code, sec. 102.121.

Sec. 14. Jury and witness fees, etc.

The provisions of the Code of Criminal Procedure of the State of Texas regulating the amount and collection of jury and witness fees, and for enforcing the attendance of witnesses in criminal cases tried before a municipal court judge shall, in so far as practicable, govern and be applicable to the trial of cases before the municipal court herein created and established.

State law reference—Witness fees paid by defendant, Tex. Code Crim. Proc. art. 102.002.

Sec. 15. Powers available to judge.

The judge of the court shall have the power to punish for contempt as provided by applicable law. The judge shall have power to take recognizance, admit to bail, and forfeit recognizance and bail bonds, under such rules and regulations as now govern the taking and forfeiture of the same as provided by state law.

Sec. 16. Processes, how served.

All processes issued out of the municipal court shall be served by the officer performing the duties of the chief of police, or any police officer of the city, under the same rules and regulations as are now provided by law so far as the same are applicable; but each defendant shall be entitled to at least one day's notice before any trial of any complaint against him if such time be demanded or as applicable under the Texas Code of Criminal Procedure.

State law reference—Service of process, Tex. Code Crim. Proc. sec. 45.202.

Sec. 17. Writs of judge.

Writs issued by the municipal judge of the court for offenses against the laws of this state may be executed and the accused person or persons arrested by the chief of police or any police officer of the City of Navasota anywhere within Grimes County or as otherwise provided under Article 15.06 and 15.07 of the Code of Criminal Procedure of the State of Texas and all amendments thereto.

Sec. 18. Appeals.

All appeals from judgments rendered in the court shall be to the county court in and for Grimes County, to be perfected in the manner and within the time prescribed by the applicable provisions of the Texas Code of Criminal Procedure; and in all such appeals, the trial in the county court shall be de novo, the same as if the prosecution had been originally commenced in that court.

State law reference—Appeal procedures, bond, etc., Tex. Code Crim. Proc. art. 45.042 et seq.

Sec. 19. City attorney; qualifications, powers and duties.

The city attorney shall be appointed by the city council and shall hold office during the time he shall perform the duties of his office to the satisfaction of the council, and may be removed at any time by the council, where it appears for the best interest of the city that his services be dispensed with. He shall be a resident citizen of the State of Texas and shall be a qualified voter thereof, and shall be a regularly licensed and practicing attorney. He shall serve as the chief legal advisor to the council, the city manager and all city departments, offices and agencies. He shall have the authority to take complaints or violations of the ordinances of the city and violations of the laws of the State of Texas committed within the jurisdiction of the municipal court, and to prosecute said violations, unless such prosecutorial duties are vested in another pursuant to the city's appointment of a city prosecutor. He shall represent the city in all legal proceedings, unless otherwise directed by the council and shall receive such compensation as may be provided by the council.

Sec. 20. Temporary or additional counsel authorized.

In the event of a vacancy in the office of city attorney, making it advisable for the city and its officers to have legal advice, then the council may employ a legal advisor, with as good qualifications as required of the city attorney and allow him the same compensation as allowable to the city attorney;

and when in the judgment of the city council legal questions or litigation of more than usual importance to the interests of the city and its citizens, arising, making it advisable in the judgment of the council, to employ additional counsel and to allow reasonable compensation for the services thereof.

ARTICLE VIII. CITY FINANCES

Sec. 1. Fiscal year.

The fiscal year of the city government shall be for the period beginning October first (1st) and ending September thirtieth (30th) of each year.

State law references—General fiscal power to establish fiscal year, V.T.C.A., Local Government Code, sec. 101.022; city fiscal year, V.T.C.A., Tax Code, sec. 1.05.

Sec. 2. Budget.

The city manager shall prepare and submit to the council an annual budget on or before August thirty-first (31st) of each calendar year or as set by ordinance in accordance with applicable provisions of state law. The budget shall be prepared on the basis of estimates, expenses and incomes of the various departments of the city. These departmental estimates showing the anticipated expenses and income of the departments as well as the expenses and income of the preceding budget year reconciled with actual expenditures and income, shall indicate wherein increases or decreases are recommended for the ensuing budget year, and notice shall be published in accordance with the applicable provisions of state law, stating that the annual budget has been prepared and printed, and that copies of the estimates shall be available to any person upon request. Due notice shall be made of the time when the budget is to be discussed by the council members, and copies of the budget shall be available to any person in accordance with the applicable provisions of state law. The proposed budget shall also be posted on the city’s website at least seventy-two (72) hours prior to the meeting(s) at which it will be discussed by the council members. Failure to post the budget on the city’s website as provided in this section shall not prohibit the city council from discussing the proposed budget at said meeting(s). The discussion shall be given in open meeting and adequate time shall be given in said open meeting to hearing protests and objections, if any, to any items in the budget or to omissions therefrom.

State law references—Budget officer, V.T.C.A., Local Government Code, sec. 102.001; annual budget required, V.T.C.A., Local Government Code, sec. 102.002; itemized budget and contents, V.T.C.A., Local Government Code, sec. 102.003; information furnished by municipal officers and boards, V.T.C.A., Local Government Code, sec. 102.004; proposed budget filed with municipal clerk and public inspection, V.T.C.A., Local Government Code, sec. 102.005; public hearing on proposed budget, V.T.C.A., Local Government Code, sec. 102.006; special notice by publication for budget hearing, V.T.C.A., Local Government Code, sec. 102.0065.

Sec. 3. Expenditures.

All expenditures of the city shall be made in accordance with budgeted appropriations.

Sec. 4. Financial Records.

The city's accounts shall be kept in such a manner as to show fully at all times the financial condition of the city, and the financial records shall at all times be open to the public inspection. The council shall see that accounts are kept in compliance with generally accepted accounting principles and the standards adopted by the Governmental Accounting Standards Board applicable to cities, including all necessary balance sheets in detail and in summary, revenue and expense statements, treasury statements, store accounts, operating statistics, and other reports necessary to show completely each month the state of the city finances.

Sec. 5. Monthly reports.

The city manager shall make to the council, if desired by it, a monthly report in writing showing in detail the receipts and disbursements for the preceding month and fiscal year to date.

Sec. 6. Annual audit.

The council shall request an independent audit to be prepared annually by a certified public accountant covering all of the city's financial affairs, including operating results for the year and financial statement at the close of the fiscal year. This audit shall be made as soon as practicable after the close of the fiscal year, but not later than one hundred eighty (180) days past the end of the fiscal year.

State law reference—Audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.

Sec. 7. [RESERVED].

Sec. 8. Depository.

The council shall designate one or more depository banking institutions in which all city funds shall be deposited. The designated depository shall be required to pledge as securities only as allowed by applicable law and the amount of securities to be pledged shall equal the city funds on deposit in the depository bank. Should the securities pledged by the depository bank to secure city funds at any time be in excess of the amount on deposit, the council shall permit the release of such excess by written permission; and should the city funds deposited at any time increase beyond the amount of securities pledged, then the depository bank shall immediately pledge additional securities with the city's governing body or pledge bank, so that the securities pledged shall at no time be of a value less than the total amount of city funds on deposit in the depository bank. The determination of such value shall be in the discretion of the city council whose decision shall be final and binding upon such depository. The right of substitution of securities shall be granted to depositories, provided the securities are authorized by applicable law.

State law shall govern in the selection of the city depository, provided, however, that a prospective depository bank shall not be excluded from selection because a council member, appointive officer,

or employee of the city owns stock in the bank or serves on the bank board, so long as the council member, appointive officer, or employee does not take part in the selection of the depository. It shall not be considered a conflict of interest as the same is defined in this Charter for a council member, appointive officer, or employee to own stock in or be on the board of directors of a depository bank.

Sec. 9. Funds.

All moneys arising from the collection of taxes by the city shall be divided into two (2) funds, and designated as “general funds” and “interest and sinking fund.”

ARTICLE IX. FRANCHISES AND PUBLIC UTILITIES*

Sec. 1. Powers of council.

The council shall have power by ordinance to grant, renew and extend all franchises, and to regulate all public utilities of every character within the city and for such purposes is granted full power:

1. To prohibit the occupancy and use of any street, alley, or other public place in the city, either on, in, over or under the same, by any telegraph or telephone line; system or exchange, electric light and power line, plant or system, street railway, interurban railway, steam railway, bus line or system, gas works and system, or any other character of public utility, without a franchise, and upon payment of such compensation as may be lawfully prescribed. Any occupancy and use of any street, alley, or other public place in the city shall be subject to lawful regulation by the council;
2. To prescribe and enforce all rules and regulations necessary or expedient for securing safe, efficient, faithful and continuous service to the public from such public utilities, and to prescribe and regulate the character, quality, and efficiency and manner of service to be rendered, given, performed, and furnished to the public, and to change such character, quality, and efficiency and manner of services from time to time upon reasonable notice, as conditions require.
3. To determine and regulate the charges, fares and rates to be paid by the public for the services and commodities of any such utilities after reasonable notice, and to change such requirements and regulations from time to time upon reasonable notice, as conditions require.
4. To inspect the books and other records and papers of the public utility furnishing such service and compel the production of such books, papers and records and the attendance of witnesses for the purpose of making such investigation into the charge, fares and rates to be paid by the public;

5. To require the holder of any franchise now or hereafter granted, at the holders' own expense, to furnish the city a correct complete map or plat, within thirty (30) days of a written request from the city, showing the location, extent and such other general information as may be desired of all improvements and equipment of whatever nature located on, in, over or under the streets, avenues, alleys or public grounds of the city;
6. To prescribe the forms of accounts kept by each such utility, where a public utility keeps its accounts and books, according to a system prescribed by federal or state authority or commission; and at any time to examine and audit the accounts and other records including reports on local operations by each such utility;
7. To repeal any franchise by ordinance at any time for the failure to begin construction or operation within the time prescribed or to cause prosecution of proceedings for judicial forfeiture for failure to otherwise comply with the terms of the franchise;
8. To enforce by appropriate penalties all requirements and rules lawfully enacted by the city for the regulation of public utilities, or for carrying into effect and forcing any other powers over public utilities herein granted to the city.

Sec. 2. Period of franchise, etc.

No franchise of any kind shall ever be granted by the council for a longer period than thirty (30) years, and shall provide that such franchise may be reviewed on a periodic basis not to exceed once every three (3) years wherein revisions may be made in the franchise regarding rates and other matters coming before the attention of the council. No determinate franchise shall ever be granted except upon the condition that the city shall have the right to purchase property of the franchise holder either at the expiration of the franchise period or upon termination of the franchise, nor shall any franchise ever be exclusive. No franchise shall be transferable, except with the approval of the council expressed by ordinance.

Sec. 3. Franchise ordinances.

All ordinances granting, renewing or extending franchises for public utilities shall be read at two (2) separate regular meetings of the council, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until sixty (60) days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for three (3) consecutive weeks in a newspaper published in the city and in compliance with any other requirements of state law, and the expense of such publication shall be borne by the proponent of the franchise, provided however that in lieu of publishing the entire ordinance, the city may choose to publish the caption of the ordinance as allowed by State law.

If, at any time before any such ordinance takes effect, a petition shall be submitted to the council, signed by the required number of qualified voters of the city as provided by Chapter 311 of the Texas Transportation Code, the council shall submit the question, of granting, renewing or extending

such franchise to a vote of the qualified voters of the city at the next succeeding general election to be held therein, in accordance with the general election laws of the State and said chapter of the Transportation Code; and notice of such election shall be published in a newspaper in accordance with Chapter 311 of the Transportation Code before election day, which notice shall contain a full copy of said ordinance; and the expense of such publication shall be borne by the proponent of the franchise.

If within ten (10) years prior to the expiration of any franchise period, the franchise holder has applied for a new franchise, and such application is refused by the council, and a petition, complying with the foregoing provisions of this section is presented to the council, then the council shall submit the question of granting of the franchise to the qualified voters in the same manner as provided in this section. The failure or refusal of the council to act upon the application for a franchise within four (4) months after the same is filed with the council shall be construed as a refusal.

The ballot used at the election shall briefly describe the franchise to be voted on and the terms thereof, and shall contain the words, "For the Granting of the Franchise" and "Against the Granting of the Franchise" as provided by said Chapter of the Texas Transportation Code and any subsequent amendments. If a majority of those voting at such election shall vote in favor of granting the franchise, the council, upon canvassing the returns, shall so declare, and the franchise shall take effect in accordance with its terms; but no franchise shall extend beyond the period established for its expiration.

Sec. 4. Public record.

The city shall compile and maintain a bound public record of all public utility franchises, renewals and extensions thereof.

Sec. 5. Extensions

All service extension of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use or maintain any extension shall expire with the original grant, and shall be terminable as provided in subsection seven (7) of section 1 of this Article IX.

In the event of an extension of a public utility operated under a franchise hereafter granted such right shall be terminable at the same time and under the same conditions as the original grant.

ARTICLE X. BONDS AND WARRANTS

Sec. 1. Powers of council; proposition of issuance.

The council shall have the power to issue and sell negotiable bonds of the City of Navasota for all permanent public improvements and for all public and municipal purposes as now, or as may be,

permitted by the constitution and any and all laws of the State of Texas, and to refund same where appropriate.

The proposition of the issuance of bonds pledging the proceeds of taxes of the City of Navasota for any permanent public improvement, public utility, or municipal purpose (except revenue bonds and bonds to refund indebtedness of the city as herein above provided) shall be submitted to the qualified voters of the city at an election to be held for that purpose. The time, place and manner of calling, providing notice, canvassing and declaring the results thereof, shall be prescribed by ordinance adopted by the council at any legally convened meeting thereof; provided that all requirements of such election, shall be consistent with, and conformable to, the requirements of the constitution and general election laws of the State of Texas applicable thereto. Said bonds may be issued if a majority of the qualified voters of the city, voting at such election on the proposition of the issuance of the bonds, vote in favor thereof.

The council shall have full power and authority after such bonds have been approved by the qualified voters, to issue and sell the same, at one time, or from time to time, as the necessities of the city require, and as provided by the existing laws of the State of Texas or as the same may hereafter be amended.

State law references—Bond elections generally, V.T.C.A., Government Code, ch. 1251; authority of municipality to issue bonds for public improvements, V.T.C.A., Government Code, sec. 1331.052.

Sec. 2. Execution of Bonds

All bonds shall be issued in the name of the City of Navasota, shall be executed on its behalf by the mayor, and shall be attested by the city secretary under the corporate seal of the city. The bonds shall be valid even though any official or officials whose signature, or facsimile thereof, appears upon the bonds or any interest coupons no longer holds said office(s) on the date the bonds are delivered to the purchaser. The execution of bonds shall be in compliance with the existing laws of the State of Texas relating to the issuance of bonds as may hereafter be amended and such laws of the State of Texas shall govern where any conflict may exist between such laws and the provisions hereof.

Sec. 3. Tax levy for payment of bonds.

At or before the time of the issuance and delivery of any bonds authorized by this Article X, it shall be the duty of the council, in the ordinance authorizing the bonds, to levy for each year that the bonds will be outstanding, an ad valorem tax on all taxable property in the city to create an interest and sinking fund for each issue of the bonds sufficient to pay the interest and principal as they become due and mature, which such tax shall be levied each year so long as the bonds are outstanding and unpaid.

Sec. 4. Investment of sinking funds.

The council shall supervise and be charged with the responsibility for all investments made with the money and assets of any sinking fund or funds established under this Charter, or heretofore so established. The money and assets of the sinking fund or funds shall only be invested or reinvested in compliance with applicable law, the city’s investment policy, and all amendments thereto.

Sec. 5. Ceiling on bonded indebtedness.

The net bonded indebtedness of the city, excluding revenue bonds, shall at no time exceed the limits set by the State of Texas as they now exist or as same may hereafter be amended.

Sec. 6. Revenue bonds.

The council shall have the power to issue negotiable revenue bonds of the City of Navasota, payable from the revenues and income of any public utility or utilities acquired, condemned or owned by the city under the provisions of this Charter, or other specific sources of income as they may be provided by ordinance.

All such revenue bonds may be, at the option of the council, additionally secured by a mortgage upon the property or properties to be acquired, owned or operated, provided that no such revenue bond shall ever be a debt of the City of Navasota, but shall constitute solely a charge upon the property or properties so encumbered or upon such sources of revenue that may be pledged thereto and shall never be reckoned in determining the power of the city to issue any bonds for any purpose authorized by the constitution and laws of the State of Texas or by this Charter, and every such revenue bond shall carry a recital that “the holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.”

Sec. 7. Purpose of issuance of revenue bonds.

Such revenue bonds may be issued for any of the purposes set forth in the constitution and laws of the State of Texas as they now exist or as same may hereafter be amended.

Sec. 8. Power to re-fund revenue bonds.

The council shall have the power and is hereby authorized to re-fund City of Navasota revenue bonds, and such re-funding revenue bonds shall be authorized by ordinances of the council, and it shall not be required under this Charter to submit the proposition of the issue thereof to the legal voters of the city for their approval, unless such is required by the general laws of the State of Texas.

State law reference—Refunding bonds, V.T.C.A., Government Code, ch. 1207.

Sec. 9. Procedure for issuance of revenue bonds.

The council shall, by ordinance, provide for the issue of all revenue bonds hereunder, which shall be conformable to all requirements of the constitution and general laws of the State of Texas, and which shall specify the purpose(s) for which they are issued.

Such revenue bonds shall be executed by the same officials and in like manner as provided in Section 2 of this article, and approved in the manner provided by law.

Sec. 10. Investment of certain funds.

The council shall have power to make such provisions for the investment of the monies in any fund created or established under the provisions of this Charter for the security, payment and retirement or redemption of revenue bonds issued hereunder upon such terms, conditions and limitations as may be established in the proceedings authorized and creating the issue of such bonds.

Sec. 11. Diversion of funds prohibited.

The cash and securities to the credit of any sinking fund herein provided for shall be kept in the city depository and shall be kept separate from the cash and securities of any other city funds. Any officer or employee of the city who shall divert or use the cash, and securities of any sinking fund for any purpose other than the purpose for which the sinking fund was created shall be subject to prosecution under the laws of the State of Texas. When an issue of bonds has been retired in full, its respective sinking fund shall be abolished and any remaining balance shall be applied to any lawful purpose.

ARTICLE XI. [RESERVED]

ARTILE XII. AMENDMENTS AND SAVING CLAUSES

Sec. 1. Amending charter.

This Charter, after its adoption by the qualified voters of the City of Navasota, may be altered or amended in accordance with the constitution and laws of the State of Texas in effect at the time and applicable to cities containing more than five thousand (5,000) inhabitants.

State constitution reference—Adoption or amendment of charter, Texas Constitution, art. 11, sec. 5.

State law reference—Adoption or amendment of charter, V.T.C.A., Local Government Code, sec. 9.001 et seq.

Sec. 2. Ordinances and resolutions continued in force.

All ordinances and resolutions in force at time of taking effect of this Charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

Sec. 3. Continuation of powers; conflict of laws; severability; repealer.

All powers granted heretofore to cities are hereby preserved. In case of an irreconcilable conflict between the provisions of this Charter and any superior law, the powers of the city and its officers shall be as defined in such superior laws. The insufficiency or invalidity of any portion of this Charter shall not in any way affect the remaining portions of the Charter but the same shall be construed as if adopted without such portions so found invalid or ineffective. All Charter provisions in conflict with the provisions of any superior law or part thereof, and not saved by express reference to same herein, are hereby repealed.

Sec. 4. Conflicts.

In reading the provisions contained in the entire Charter, where references are made to state laws, the reader must consult the state law to determine if the state laws controls, and where there is a conflict in the state statues and the provisions of this Charter, it is to be understood that the provisions contained in the statues shall in fact, control over the provisions shown in the Charter.

Sec. 5. Meanings of certain words.

Unless some other meaning is manifest, the word “city” shall be construed to mean “City of Navasota, Texas;” the word “council” shall be construed to mean “the city council of the City of Navasota, Texas;” and the word “and” may be read “or” and the word “or” may be read “and” if the sense requires it; words in the present tense include future tense, except when a more restricted meaning is manifest.

Sec. 6. Gender.

Throughout this Charter words used expressing masculine gender shall be construed to include the feminine.