
CHARTER OF THE CITY OF GLADEWATER

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GLADEWATER, TEXAS**

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CHARTER FOR THE CITY OF GLADEWATER

PREAMBLE

The people of the City of Gladewater, a City of more than five thousand inhabitants, incorporated under the general municipal incorporation laws of this State, under powers conferred by the Constitution and laws of Texas, in order to obtain more fully the benefits of local self-government, encourage better methods in the transaction of municipal business, enlarge the powers of municipal government and otherwise promote the common welfare, do adopt the following Charter, to-wit, (Amended 11-12-68):

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES

Section

1. Incorporation
2. Form of Government
3. City Limits - Extension of Boundaries
4. Extension of City Limits by Petition
5. Extension of City Limits by Council
6. Exclusion and Discontinuance of Territory
7. Official Map

Section 1. INCORPORATION

The inhabitants of the City of Gladewater, Texas, within the corporate limits as now established or as hereafter established in the manner provided herein, shall be and continue to be a municipal corporation and a body politic incorporated under the name of "City of Gladewater," Texas, possessed of all the property and interest of which it was possessed immediately prior to the time this Charter takes effect or may hereafter acquire with the powers, duties, obligations and liabilities now pertaining to said City, as a municipal corporation.

Section 2. FORM OF GOVERNMENT

The municipal Government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter all powers of the City shall be vested in an elective Council hereinafter referred to as "Council" which shall enact local legislation, adopt budgets, determine policies, and appoint the other officials listed herein as well as the City Manager who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed in this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 3. CITY LIMITS - EXTENSION OF BOUNDARIES

The City Council shall have power by ordinance to fix the boundary limits of the City of Gladewater and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants annexed subject to the procedures set forth in State Law.
(As amended on 8-10-85).

Section 4. EXTENSION OF CITY LIMITS BY PETITION

(Section 4 deleted 8-10-85)

Section 5. EXTENSION OF CITY LIMITS BY COUNCIL

(Section 5 deleted 8-10-85)

Section 6. EXCLUSION AND DISCONTINUANCE OF TERRITORY

(Section 6 deleted 8-10-85)

Section 7. OFFICIAL MAP

The Council may by ordinance adopt an official map of the City on which shall be shown all public streets and thoroughfares existing and established by law.

ARTICLE II. GENERAL POWERS**Section**

8. Powers of City
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17. Public Health
18. Licenses
19. Building Code

Section 8. POWERS OF CITY

The City shall have all the powers, except as limited by this Charter, granted to municipal corporations and to cities by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or without its corporate limits for any City purpose in fee simple, or any lesser interest or estate by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution of the State of Texas, or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The City may use a corporate seal, may sue and be sued, may contract and be contracted with, may implead and be impleaded in all courts and places and in all matters whatever; may cooperate with the government of the State of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the State of Texas, to accomplish any lawful purpose for the advancement of the interest, welfare, health, education, morals, comfort, safety and convenience of the City or its inhabitants, and may pass such ordinances as may be expedient for maintaining and promoting the peace, welfare and government of the City, and for the performance of the functions thereof. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein, or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Gladewater shall have all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever, now and hereafter granted by the Constitution, and laws of Texas, including without limitation the powers conferred expressly and permissively by Tex. Loc. Gov't Code §§ 1.001 et seq., as now or hereafter amended, all of which are hereby adopted. The Council is expressly authorized to adopt any rule or regulation deemed necessary, advisable or convenient for the purpose of exercising any power expressly or permissively conferred by such Act.

Section 9. MUNICIPAL COURT

There shall be a court for the trial of misdemeanor offenses known as the Municipal Court of the City of Gladewater, with such powers and duties as are given and prescribed by the laws of the State of Texas.

(Amended 8-10-85)

Section 10. CODIFICATION OF ORDINANCES

The Council shall cause a code of city ordinances to be prepared as early as practicable and enacted to give effect to this Charter and to repeal or revise such ordinances and resolutions in force in the City of Gladewater at the time this Charter becomes effective, inconsistent with this Charter. All such ordinances and resolutions which are not inconsistent with the provisions of this Charter, shall continue in full force and effect until otherwise provided by resolution or ordinance.

Section 11. PROPERTY OWNED BY THE CITY OF GLADEWATER

All real estate owned by the City of Gladewater, all public utility buildings, fire stations, parks, airports, streets and alleys, and all other property whether real or personal, of whatever kind, character, or description, now owned or controlled by the City of Gladewater, shall vest in, inure to, remain and be the property of said City of Gladewater, under its Charter and all suits and pending actions to which the City of Gladewater heretofore was, or shall be, a party or plaintiff or party defendant, shall be in no wise affected or terminated by the adoption of this Charter, but shall continue unabated.

Section 12. ACQUISITION OF PROPERTY

The City of Gladewater shall have the power and authority for any municipal purpose to acquire by purchase, gift, devise, deed, condemnation or otherwise any character of property, within or without its municipal boundaries.

Section 13. EMINENT DOMAIN

The City shall have the full power, right and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the Constitution or laws of the State of Texas, upon payment of fair compensation for the property taken. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of this State and particularly as provided by Tex. Loc. Gov't Code §§ 251.001 through 251.002, as heretofore or hereafter amended. The power of eminent domain

hereby conferred shall include the right of the City to take the fee in the lands so condemned unless a lesser interest would serve the needs of the City, and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated herein or in this Charter.

Section 14. STREETS AND OTHER CITY PROPERTY

The City of Gladewater shall provide by ordinance for the control and improvement of streets, alleys, sidewalks, parks and public buildings, and shall cause the same to be kept in repair and free from nuisance.

Section 15. UNDERGROUND CONSTRUCTION

The City of Gladewater may require the placing of all wires of overhead construction of public utilities as may be deemed necessary or expedient from time to time under the surface of the ground, under such regulations as may be prescribed by the Council, and the City of Gladewater may provide for such construction or changes thereof in any franchise hereinafter granted.

Section 16. ZONING

All powers granted by the General Laws of Texas relating to zoning and housing cooperation in cities are hereby adopted as part of this Charter.

Section 17. PUBLIC HEALTH

The City shall have power to define all nuisances and hazards to life and property and prescribe controls for the same within the City limits and outside for a distance of five thousand feet.
(Amended 8-10-85)

Section 18. LICENSES

The Council shall have the power to license such occupations as are susceptible to the police power.

Section 19. BUILDING CODES

The Council shall have the power, by ordinance, to prescribe and enforce compliance with codes governing materials and construction methods in all public and private buildings within the City Limits.

ARTICLE III. THE GOVERNING BODY

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- 32. Canvassing Elections
- 33. Recall of Mayor and Councilmen
- 34. District Judge May Order Election

Section 20. THE COUNCIL

(a) Except as otherwise provided in this Charter, all powers of the City of Gladewater shall be vested in the Council consisting of a Mayor and six (6) council members to be elected in a manner hereinafter provided, and to be known as the "City Council of the City of Gladewater." The members of the Council shall receive for their services compensation annually of \$100.00; and the terms of the members, except as hereinafter provided, shall be for two (2) years.

(b) No person shall be eligible as a candidate for the Council unless he or she shall be eighteen (18) years of age or older on commencement of the term to be elected, a qualified voter, a citizen of the United States and a resident citizen of this State for a period of twelve (12) months prior to the date of the election. The candidate for Mayor and Council must be a resident of the City, must have resided in the City for a period of six (6) months prior to the date of election, and must continuously reside within the City during his or her term of office.

(c) The City Council of the City of Gladewater shall consist of seven members; six council persons and a mayor elected by place number.

(Amended 8-10-85)

Section 21. MUNICIPAL ELECTIONS

The Mayor shall be designated on the official ballot as "Mayor" and elected for "Place I." Other Council members shall be elected for Places 2 through 7. The Mayor and Council are to be elected from the City at large. The places on the official ballot shall be consecutively numbered and the candidate's name shall appear in the place for which he or she filed an application. The City Clerk/Secretary shall make up the official ballot with the names so presented in the manner herein above set out.

(Amended 8-10-85)

Section 22. ORGANIZATION OF THE COUNCIL

The terms of service of the six (6) Council members and Mayor shall remain as held by the current incumbents thereof. On the first Saturday in April, 1986, an election will be held to elect the Mayor for Place 1, and members of the Council for Places 2 and 3. On the first Saturday in April, 1987, an election will be held to elect members of the council for places 4, 5, 6, and 7. All persons elected to office at said elections and all future elections for said offices shall serve a term of two (2) years.

The two-year term shall be staggered so that the Mayor and Council persons from Place 1, 2, and 3 shall be elected one year and Council persons from Places 4, 5, 6, and 7 shall be elected the following year.

Each of the Council persons and Mayor, unless sooner removed under the provisions of this Charter, shall hold office until his successor is elected and duly sworn. Regular terms of office shall commence at the beginning of the first regular meeting of the Council following the election.

(Amended 8-10-85)

Section 23. FILLING OF VACANCIES

If a vacancy should occur in the Council, the remaining members thereof, by a majority vote shall appoint a qualified voter to serve until the next regular city election. In the event three or more vacancies shall occur simultaneously, a special election shall be called and held to fill such vacancies. At the next regular city election a Councilman shall be chosen by a vote of the people to serve out the term left vacant.

Section 24. THE MAYOR AND THE MAYOR PRO TEMPORE

"The Council shall meet at the City Hall at the first meeting in April next following the regular City election, and thereof shall choose one of its members as Mayor Pro Tempore, for a term of one year. In the absence or inability of the Mayor, the Mayor Pro Tempore shall act in his place."

Section 25. DUTIES AND POWERS OF THE MAYOR

The Mayor of the City of Gladewater shall be recognized as head of the City government for all ceremonial purposes and by the Governor of the State of Texas for the purposes of military law, and shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon him by this Charter and ordinances and resolutions passed in pursuance hereof. He may participate in the discussion of all matters coming before the Council, and shall be entitled to a vote as a member thereof.

Section 26. MAYOR PRO-TEM

Should a vacancy occur in the office of Mayor or in the case of the absence or disability of the Mayor, the Mayor Pro-Tem shall act as Mayor during such absence or disability, or, in the case of a vacancy, until a Mayor is appointed or elected and qualified. While service as Mayor, the Mayor Pro-Tem shall have such rights and powers, and shall perform such duties as the Mayor.

Section 27. REGULAR SESSION

On the Tuesday following the regular municipal elections the council shall meet for its first regular meeting and thereafter the council shall meet regularly at such time as may be prescribed by its own rules but not less than once each month.

(Amended 11-12-68)

Section 28. SPECIAL SESSIONS

Special sessions of the Council shall be held at the City Hall or at such other places within the City as the City Council may designate and shall be called by the City Clerk/Secretary upon the written request of the Mayor or the City Manager, or of a majority of the Council. Notice of a special session of the Council shall state the location and time of the meeting, the subject to be considered, and no other subject at such special session shall be discussed.

(Amended 8-10-85)

Section 29. OPEN MEETINGS

All official meetings of the Council and all boards, commissions and committees thereof shall be open to the public; provided, however, that the city Council or any board, commission, or committee may adjourn its meeting into executive session if authorized to do so under applicable State Law. The City shall provide for a reasonable opportunity for citizens to be heard at all open meetings concerning any subject considered thereat under such rules as the Council may provide.

(Amended 8-10-85)

Section 30. RULES OF PROCEDURE

Five (5) members of the Council shall constitute a quorum and four (4) affirmative votes shall be required to pass any order of business. The Council shall otherwise determine its own rules and order of business. It shall keep a journal of its proceedings, which shall be open to public inspection.

Section 31. TERM OF OFFICE

The term of office of Mayor and Councilmen shall begin upon taking the oath of office as soon as practicable after the canvass and declaration of election as herein provided.

Section 32. CANVASSING ELECTIONS

Returns of all municipal elections, both general and special, shall be made by the election officers to the Council within three (3) days after the date of the election at which time the council shall canvass and declare the results of such election, ordering a new election when such election is required by reason of a tie vote.

Section 33. RECALL OF MAYOR AND COUNCILMEN

Any member or all members of the Council (including the Mayor) may be recalled and removed from office by the electors qualified to vote for a successor of such incumbent by the following procedure:

A petition signed by qualified voters entitled to vote for a successor to such member sought to be removed equal in number to 35% of the entire number of persons entitled to vote in said city demanding the recall of the Mayor or any Councilman, shall be filed with the City Clerk. Such petition shall contain a general statement of the ground for which removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers to each paper shall make oath before an officer competent to administer oaths that each signature is that of the person whose name its purports to be. Within ten (10) days from the filing of such petition the City Clerk shall examine the same and from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters, and if requested to do so, the council shall allow him extra help for the purpose. He shall attach to each petition a certificate showing the results of each examination. If by the City Clerk's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of such certificate by obtaining additional signatures. The City Clerk shall within ten (10) days after such amendment is filed, in case one is filed with him, make examination of the said amended petition and if his certificate shall show same to be insufficient, shall be returned to the person filing same and shall not be subject to amendment.

If the petition be found sufficient, the City Clerk shall submit the same to the Council without delay and the Council in the event the Mayor or Councilman named in said petition fails to resign, shall order and fix a date for holding the said election not less than forty (40) nor more than fifty (50) days from the date of the City Clerk's certificate; provided that if an election is to be held within the City for any other purpose within sixty (60) days from the date of said certificate, then the said recall election shall be held on the same day. If the Mayor or Councilman in question resigned, no election shall be necessary and the vacancy shall be filled by the Council as in other cases of vacancies unless the number of vacancies shall require an election as in this charter otherwise provided.

(Amended 11-12-68)

Section 34. DISTRICT JUDGE MAY ORDER ELECTION

Should the Council fail or refuse to order an election as herein provided, when all requirements for such election have been complied with by the petitioning citizens in conformity with this Charter, then any one of the District Judges of any County in which the City of Gladewater or any portion thereof is located, upon proper application being made therefor, may order such election and enforce the carrying into effect of the provisions of this article of the Charter.

ARTICLE IV. POWERS VESTED IN THE COUNCIL

Section

- 35. Powers of the Council
- 36. Removal of Appointive Officials
- 37. Council Not To Interfere with City Manager's Appointments
- 38. Creation of New Departments or Offices
- 39. City Clerk
- 40. City Treasurer
- 41. City Attorney
- 42. City Judge
- 43. Independent Annual Audit
- 44. Council To Be Judge of Qualifications of Its Members
- 45. Investigation by the Council

Section 35. POWERS OF THE COUNCIL

All powers of the City and the determination of all matters of policy shall be vested in the Council. Without limitation of the special and general powers granted or delegated to the City by the Constitution, statutes, or this Charter, the Council shall have power to:

(a) Appoint the City Manager, City Treasurer, Clerk/Secretary, City Attorney and City Judge, provided no councilman shall receive any such appointment during or within one year of the expiration of the term for which he shall have been elected. (Amended 8-10-85)

(b) Establish other administrative departments and distribute the work of divisions. (b did not change)

(c) Adopt the budget of the City and authorize disbursement of municipal funds. (Amended 8-10-85)

(d) Authorize by ordinance the issuance of bonds or warrants;

(e) Inquired into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;

(f) Appoint the members of the zoning board of adjustment the board of equalization, city plan commission and all other boards and commissions serving the City;

(g) Adopt and modify the official map of the City;

(h) Approve plats;

(i) Summons and compel the attendance of witnesses and the production of books and papers before it whenever it may deem necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it and for failure to appear before it in response to summons issued by it with the same fines and penalties as the County Judge may punish for contempt before the County Court. All processes shall be signed by the Mayor and attested by the City Clerk and shall be served by the Chief of Police or any other police officer of the City. The Mayor City Attorney, City Treasurer, City Judge, City Clerk or any member of the Council shall have authority to administer oaths in any matters pertaining to municipal affairs;

(j) Open, widen, extend, or straighten public streets, thoroughfares and alleys;

(k) Define and prohibit nuisances within the City and 5,000 feet beyond;

(l) Provide, by ordinances, for the exercise by this City of any and all powers of local self-government not made self-enacting by this Charter or by statute;

(m) Provide by ordinance for the exercise of the police powers of the City;

(n) Prevent the construction and use of housing below standards fixed by the Council;

(o) Adopt, modify and carry out plans proposed by the City Plan Commission for the replanning, improvement and redevelopment of neighborhoods;

(p) Provide for an independent audit;

(q) Pass all ordinances deemed by it to be necessary or proper for the government of the City;

(r) License, regulate or prohibit the erection of signs and billboards;

(s) Require the installation of sewer lines, laterals and sewer facilities on private property and to fix a lien on the property if the owner fails to comply with the order of the Council and the labor and materials are thereafter furnished by the City.

Section 36. REMOVAL OF APPOINTIVE OFFICIALS

The Council may, upon the affirmative vote of four (4) members remove its appointive officers or member of any board without notice.

Section 37. COUNCIL NOT TO INTERFERE WITH CITY MANAGER'S APPOINTMENTS

Neither the City Council nor any of its members shall direct or request the appointment of any person to or his removal from office by the City Manager or by any of his subordinates. However, the Council may consult and advise with the city manager, make inquiry regarding the appointments or removals and may express their opinion in regard thereto. In regard to administrative and executive duties under the city manager, the Council and its members shall deal solely through the city manager and neither the Council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Willful violation of the foregoing provisions of this Charter by any member of the Council shall constitute official misconduct and shall authorize the Council by a vote of a majority of its membership, to expel such offending member from the Council, if found guilty, after public hearing, and thereby create a vacancy in the place held by such member.

Section 38. CREATION OF NEW DEPARTMENTS OR OFFICES

The Council, by ordinance, may create, change or abolish offices, departments and agencies other than the offices, departments and agencies established by this charter. The Council, by ordinance, may assign additional functions or duties to its officers, departments or agencies established by this charter.

Section 39. CITY CLERK

The Council shall elect an officer of the City having the title of City Clerk, who shall give notice of its meetings, shall keep the journal and minute book of its proceedings, shall authenticate by his signature and record in full, in a book kept for the purpose, all ordinances and resolutions and shall perform all such other duties as shall be required by this charter or by ordinance.

Section 40. CITY TREASURER

There shall be an officer of the City of Gladewater known as the City Treasurer appointed by the Council who shall have the custody of all public moneys, funds, notes, bonds and other securities belonging to the City. The Treasurer shall give such bond as the Council may require conditioned upon the faithful discharge of his duties and in addition to such bond the City may require the Treasurer to hypothecate securities in such amount as it shall prescribe. He shall make payments out of City funds upon orders signed by the City Officers as herein provided. He shall render a full and correct statement to the City Manager and the Council of his receipts and payments on or before the 10th day of each month and at such other times as the City Manager or council may require, such statements to be made in such form as the City Manager may prescribe. The Treasurer shall perform such other acts and duties and receive such compensation as the Council may prescribe. The cost of any Corporate surety bond required by the Council may be paid by the City. In the discretion of the Council the office and duties of City Clerk and City Treasurer may be combined and discharged by the same person.

Section 41. CITY ATTORNEY

In its discretion the Council may appoint a City Attorney who shall hold office at the pleasure of the Council. His salary shall be fixed by the Council.

The City attorney shall be a regularly licensed attorney at law licensed to practice in the State of Texas.

The City attorney shall be the chief legal advisor of the Council, of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. He shall represent the City in all legal proceedings except as otherwise provided in this Charter. It shall be his duty to perform all services incident to his position as may be required by Statutes, by this Charter or by Ordinance.

(Amended 8-10-85)

Section 42. CITY JUDGE

There shall be a magistrate of the Municipal Court known as the City Judge who shall be appointed by the Council to serve for a term of one year. He may be removed by the Council at any time for incompetency, misconduct, malfeasance, or disability. He shall receive such salary as may be fixed by the Council from time to time. The Mayor shall act in the place of the City Judge in the event of a vacancy until a City Judge is appointed by the Council. The Mayor, while acting as City Judge, shall receive no compensation. All costs and fines imposed by the Municipal Court or by any court in cases appealed from judgement of the Municipal Court shall be paid into the City Treasury for the use and benefit of the City.

(Amended 8-10-85)

Section 43. INDEPENDENT ANNUAL AUDIT

Prior to the end of each fiscal year, the Council shall designate a certified public accountant, who, as of the end of the fiscal year, shall make an independent audit of accounts, and other financial transactions of the City Manager. Such accountant shall have no personal interest direct or indirect in the fiscal affairs of the city government or any of its officers. He shall not maintain any accounts or records of the city business, but within specifications approved by the Council, shall post audit the books and documents kept by or for any office, department, or agency of the city government.

A copy of such audit shall be kept in the office of the City Clerk subject to inspection by any citizen and officer during regular office hours.

Section 44. COUNCIL TO BE JUDGE OF QUALIFICATIONS OF ITS MEMBERS

The Council shall be the judge of the election and qualifications of its members as set forth in this charter and for such purposes shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the Courts.

Section 45. INVESTIGATION BY THE COUNCIL

The Council shall have power to inquire into the conduct of any office, department, agency or officer of the City and to make investigations as to municipal affairs, and for such purposes may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers, and other evidence as ordered under the provisions of this section of this Charter shall constitute a misdemeanor, and shall be punishable by fine not exceeding one hundred dollars (\$100.00).

ARTICLE V. CITY MANAGER**Section**

- 46. Qualifications
- 47. Term and Salary
- 48. Powers and Duties of City Manager
- 49. Absence of City Manager
- 50. Bonds and Oath

Section 46. QUALIFICATIONS

The City Manager shall be chosen by the Council, on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office, as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state but during his tenure of office he shall reside within the city.

Section 47. TERM AND SALARY

The City Manager's salary shall be fixed by the Council but he shall not be appointed for a definite time and may be removed at the will and pleasure of the Council by a majority vote of the whole council. The action of the City Council in removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the Council.

Section 48. POWERS AND DUTIES OF CITY MANAGER

The City Manager shall be the chief executive officer and the head of the administrative branch of the city government. He shall be responsible to the Council for the proper administration of the affairs of the City under his supervision and to that end, he shall have power to:

- (a) Appoint and remove all the heads of each department except the City Treasurer, City Attorney, City Judge and City Clerk.
- (b) Appoint and, when necessary for the good of the city, remove all other employees of the City except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office.
- (c) Prepare the annual budget, present it to the Council and be responsible for its administration after adoption.
- (d) Prepare and submit to the Council, at the end of the fiscal year, a complete report of the finances, and administrative activities of the city for the preceding year.
- (e) Keep the Council advised of the financial condition and future needs of the city and make such recommendations to the Council as may seem to him desirable.
- (f) May perform the duties of Assessor and Collector of Taxes, Finance Officer, Superintendent of the Water and Sewer Departments.
- (g) Perform such other duties as may be prescribed by this charter or required of him by the Council not inconsistent with this Charter or provisions of state law.

Section 49. ABSENCE OF CITY MANAGER

The Council may by resolution appoint any qualified person to perform the duties of City Manager in the event of his disability.

Section 50. BONDS AND OATH

The City Manager and such officers and employees of the City Government as the Council may require, shall give bond in such amount and surety as may be approved by the Council. The premiums of such bonds may be paid by the City of Gladewater. Every officer and department head of the City shall take oath of office now prescribed by the Constitution and laws of Texas as prescribed for county officials.

ARTICLE VI. DEPARTMENTS OF CITY GOVERNMENT**Section**

- 51. Designation
- 52. Directors of Departments
- 53. City Manager Acting as Director
- 54. Department of Finance

Section 51. DESIGNATION

There shall be the following departments:

- (1) Police and Fire
- (2) Public Works, Water and Sewer
- (3) Finance and Taxation
- (4) Health
- (5) And such other departments as may be established by ordinance

Section 52. DIRECTORS OF DEPARTMENTS

At the head of each department there shall be a director who shall be an officer of the City and shall have supervision and control of the department subject to the City Manager. The City manager may serve as head of one or more departments. Two or more departments may be headed by the same individual and the director of any department may also serve as chief of divisions into which a department may be divided for administrative convenience.

Section 53. CITY MANAGER ACTING AS DIRECTOR

The City Manager shall advise the Council in writing as to the departments he heads as Director.

Section 54. DEPARTMENT OF FINANCE

There is hereby established the Finance Department. The City Manager shall be the Director of the Finance Department. The Department will have custody of all city funds and monies, certify to the correctness of all contracts and orders, verify all claims to the Council by warrants drawn on the City, which shall be signed by the City Manager and countersigned by the City Clerk, keep a set of accounts adequate to reflect the financial status of all departments and offices daily, prepare for the Council a monthly statement showing the financial condition of each department, and City agency in relation to the current budget, and perform such other duties as the Council may require by ordinance.

ARTICLE VII. BUDGET**Section**

- 55. Fiscal Year
- 56. Preparation and Submission of Budget
- 57. Budget Form
- 58. Budget a Public Record
- 59. Public Hearing on Budget
- 60. Hearing and Adoption of Budget
- 61. Budget Establishes Appropriations and Amount to be Raised by Taxation
- 62. Amendment and Supplemental Budgets
- 63. Defect Shall Not Invalidate Tax Levy

Section 55. FISCAL YEAR

The Fiscal year of the City Government shall begin on the first day of October and shall end on the last day of September of each succeeding year. The fiscal year shall constitute the budget and the accounting year.

(Amended 8-10-85)

Section 56. PREPARATION AND SUBMISSION OF BUDGET

Prior to the first day of August in each year, the City Manager shall prepare, file with the City Clerk, and furnish to each member of the Council a carefully itemized budget, outlining anticipated receipts and proposed expenditures of the City showing as definitely as possible appropriations desired for each project and operation for the next succeeding fiscal year, comparing the same with the budget

for the then current fiscal year, and stating the actual receipts and expenditures of the current year. The proposed budget shall also contain a complete detailed statement of the assets, obligations and liabilities of the City and of each of the funds administered by it and an estimate of the rate of tax required for the then current calendar year.

(Amended 8-10-85)

Section 57. BUDGET FORM

At the head of the budget there shall appear a summary of the budget, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

The City Manager shall at the same time submit a budget message explaining the need for the requested appropriations and stating what pending capital projects, if any, will likely require the issuance of bonds or warrants.

Each employee, officer, board and department shall furnish the City Manager such information as may be required by him for the proper preparation of each budget.

Section 58. BUDGET A PUBLIC RECORD

The budget and budget message and all supporting schedules shall be a public record in the office of the City Clerk open to public inspection by anyone.

Section 59. PUBLIC HEARING ON BUDGET

At the Council meeting at which time the budget is submitted, the Council shall name the date and place of a public hearing and shall cause to be published in the official newspaper of the City the time and place, which will not be less than ten (10) days nor more than thirty (30) days after date of notice. At this hearings interested citizens may express their opinions concerning items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.

(Amended 8-10-85)

Section 60. HEARING AND ADOPTION OF BUDGET

After public hearing, the Council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall at least ten (10) days prior to the beginning of the next fiscal year, adopt the budget by a favorable majority vote of all members of the Council. Should the Council take no final action on or prior to such day the budget as submitted by the City Manager shall be deemed to have been finally adopted by the Council.

(Amended 8-10-85)

Section 61. BUDGET ESTABLISHES APPROPRIATIONS AND AMOUNT TO BE RAISED BY TAXATION

From the effective date of the Budget the amount stated therein as to the amount to be raised by taxation shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year and the several amounts stated therein as proposed expenditures shall thereby be and become appropriated to the several objects and purposes therein stated but unused appropriations for any item may be transferred and used for any other item required for the accomplishment of the same general purpose.

When recommended by the City Manager and in the discretion of Council the budget may contain a reasonable sum set aside as an unallocated reserve fund to meet unexpected and unforeseen contingencies in current operating costs of any budget project.

Section 62. AMENDMENT AND SUPPLEMENTAL BUDGETS

In case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions which could not, by reasonable diligent thought and attention, have been included in the original budget may from time to time be authorized by the affirmative vote of the Council as amendments or supplements to the original budget.

Such supplement and amendment shall be filed with the original budget.

Section 63. DEFECT SHALL NOT INVALIDATE TAX LEVY

Defects in the form or preparation of the budget or the failure to perform any procedural requirement shall not invalidate any tax levy or the tax roll.

ARTICLE VIII. ASSESSMENT AND COLLECTION OF TAXES

Section

- 64. Power to Tax
- 65. Taxation
- 66. Board of Equalization

Section 64. POWER TO TAX

For any and all municipal purposes the City Council shall have the power to annually levy, assess and collect taxes on property of every character which is subject to taxation under the Constitution and laws of this State to the maximum now and hereafter permitted to cities of over 5,000 population by the Constitution and laws of this State. In addition, the City shall have the following powers:

(1) To levy and collect a franchise tax against any public service corporation operating within the City.

(2) To assess and collect annually such occupation taxes and licenses as may be authorized by the Laws of the State of Texas.
(Amended 8-10-85)

Section 65. TAXATION

The budget as adopted by the Council shall constitute the basis of official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will in no case exceed proposed revenue plus cash on hand.
(Amended 8-10-85)

Section 66. BOARD OF EQUALIZATION

The Board of Equalization shall be composed of three (3) members who shall be qualified resident taxpaying voters of the City of Gladewater. The members of this board shall be appointed by the Mayor, subject to the approval of the Council, at the first regular February meeting. The Board of Equalization, for the year for which it is appointed, shall examine all tax assessments and make equitable adjustments thereof. It shall complete its work not later than March 15. (This section has been changed by law)

ARTICLE IX. ISSUANCE AND SALE OF BONDS**Section**

- 67. General Obligation Bonds
- 68. Revenue Bonds
- 69. Sinking fund
- 70. Execution of Bonds
- 71. Bonds Transmitted to Comptroller
- 72. Bond Register
- 73. Misapplication of Bond funds

Section 67. GENERAL OBLIGATION BONDS

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for the acquisition of property for permanent public improvements or for any other public purpose not now or hereafter prohibited by the constitution and laws of the State of Texas. Except for the refunding of bonds previously issued proposition to borrow money and to issue such bonds shall first be approved by a majority of the qualified property taxpaying voters voting at an election called for the purpose of authorizing the issuance of such indebtedness. The ordinance calling such election and the manner of conducting the election shall conform in all respects to the general laws of the State of Texas.

Section 68. REVENUE BONDS

The City shall have power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or facilities for any other self liquidating municipal function not now or hereafter prohibited by any general laws of the State and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties or interest therein, acquired and the income therefrom, and shall never be a debt of the City. All revenue bonds issued by the City shall first be authorized by a majority of the qualified electors voting at an election held for such purpose. 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 69. SINKING FUND

It shall be the duty of the Council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on such bonds. The sinking fund maintained for the redemption of any debt may be invested as provided by general law.

Section 70. EXECUTION OF BONDS

All bonds, warrants, and certificates of indebtedness shall be signed by the Mayor countersigned by the City Clerk and sealed with the seal of the City in the manner provided by general law, and shall be payable at such times and place or places as may be determined by the City Council.
(Amended 11-12-68)

Section 71. BONDS TRANSMITTED TO ATTORNEY GENERAL

It shall be the duty of the Mayor, when such bonds are issued, to forward the same to the Attorney General of the State of Texas for approval and for registration by the Comptroller of Public Accounts.

Section 72. BOND REGISTER

The Council shall keep, or cause to be kept, for and on behalf of the City a complete bond registry and books, showing all bonds, warrants and certificates of indebtedness issued, the date and amount thereof, the rate of interest, maturity etc., of all bonds or other indebtedness surrendered and all other transactions of the Council having reference to the refunding of the indebtedness of said City. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry. The books shall be safely kept among the records of the City.

Section 73. MISAPPLICATION OF BOND FUNDS

Any officer of the City who shall willfully or knowingly divert or use any funds arising from the issuance of any bonds or any sinking fund for any other purpose, except that for which the fund is created or is herein otherwise authorized, shall be deemed guilty of a misapplication of public funds and be subject to prosecution as provided under the laws of the State for the diversion and conversion of funds belonging to any of the municipalities of the State.

ARTICLE X. ORDINANCES**Section**

- 74. Continuance of Ordinances
- 75. Publication
- 76. Style of Ordinances
- 77. Printed Ordinance Admitted in Court
- 78. Approval of Mayor Not Necessary

Section 74. CONTINUANCE OF ORDINANCES

All ordinances heretofore adopted by any governing body of the City of Gladewater during the period of its incorporation and in effect at the time this Charter becomes effective shall continue in full force and effect insofar as not inconsistent with this Charter.

Section 75. PUBLICATION

Every ordinance passed by the Council prescribing penalties for the violation thereof may provide for punishment by fine not to exceed \$200.00 for any violation. A full text of all penal ordinances may be published at least twice in the official newspaper of the City, or in lieu thereof, a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof, may be published. All other ordinances, except those ordinances specifically required by the provisions of this Charter to be published are not required to be published in either the official newspaper of the city or in any other publication, and such ordinances shall become effective as the date stated therein, and in the event no particular date is stated said ordinances shall become effective from and after the passage and adoption by the Council.

Section 76. STYLE OF ORDINANCES

The style of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADEWATER," but such caption may be omitted when said ordinances are published in book form or are revised and digested under the order of the Council.

Section 77. PRINTED ORDINANCES ADMITTED IN COURT

All ordinances of the City of Gladewater when printed and published and bearing on the Title page thereof "Ordained and Published by the City Council of the City of Gladewater" or words of like import shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

The Council shall have power to cause the ordinances of the City of Gladewater to be printed in code form and shall have the same arranged as often as the Council may deem necessary and advisable.

Section 78. APPROVAL OF MAYOR NOT NECESSARY

The final passage of an ordinance by the Council and the publication of same when so required shall be all that is necessary to make such ordinance valid and effective. The approval or signature of the Mayor shall not be necessary.

ARTICLE XI. INITIATIVE AND REFERENDUM OF ORDINANCES**Section**

- 79. Petition
- 80. When Petition Insufficient
- 81. Council to Adopt or Submit Proposal to Election
- 82. Effect of Referendum Petition
- 83. Publication of Proposed Ordinances
- 84. Results of Election

Section 79. PETITION

If any proposed ordinance, except an ordinance appropriating money, issuing bonds or authorizing the levying of taxes, or a request for referendum within twenty days after the passage of any ordinance, except an ordinance appropriating money, issuing bonds, or authorizing the levying of taxes, be submitted to the City Clerk with a petition thereon signed by ten per cent of the qualified voters of the City of Gladewater, stating the residence of each signing, and bearing the oath of one of the signers that each signature thereon is the genuine signature of each person whose name purports to be subscribed thereon, the City Clerk shall, with such assistance as the City Manager may assign him, forthwith check the petition with the list of qualified voters of the City of Gladewater. (Amended 11-12-68)

Within twenty days after the filing of such petition in his office, the City Clerk shall attach thereto his certificate showing the results of his examination.

Section 80. WHEN PETITION INSUFFICIENT

The person who filed any insufficient petition shall be notified immediately upon discovery of such insufficiency and may present additional signatures within ten days after such notice or may file a new initiative petition at any time.

Section 81. COUNCIL TO ADOPT OR SUBMIT PROPOSAL TO ELECTION

Within twenty days after the City Clerk finds any petition proposing an ordinance sufficient, the Council shall either pass the ordinance as submitted or submit the proposed ordinance to a vote of the people.

Section 82. EFFECT OF REFERENDUM PETITION

When a referendum petition has been certified as sufficient, the ordinance specified in the petition shall not go into effect or further action thereunder shall be suspended if it shall have gone into effect until and unless approved by the electors.

Section 83. PUBLICATION OF PROPOSED ORDINANCES

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the City of Gladewater, the City Clerk shall cause the ordinance or proposition to be printed and he shall send a printed copy thereof to each voter at least ten days prior to the election. However, the council may order such ordinance or proposition to be printed in a newspaper published in the City of Gladewater instead of sending such copies to the voters.

Section 84. RESULTS OF ELECTION

If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City of Gladewater. A referendum on an adopted ordinance which is not approved by a majority of the electors voting there on shall thereupon be deemed a repeal of such ordinance and it shall be without further force and effect.

ARTICLE XII. UTILITIES**Section**

- 85. City May Own and Acquire
- 86. Franchises
- 87. Franchise Tax
- 88. Right to Regulate Public Utilities
- 89. Transportation
- 90. No Free Utilities

Section 85. CITY MAY OWN AND ACQUIRE

The City of Gladewater shall have the power to own and operate whatever public utilities the Council may deem wise and expedient and to license regulate, fix rates, control and supervise public utilities of all kinds.

Section 86. FRANCHISES

Franchises heretofore granted by the City of Gladewater shall not be affected by the adoption of this Charter. The Council, by ordinances, may grant permission to any person, or association of persons, to construct and operate a public utility within its corporate limits for a period not to exceed twenty (20) years, subject to such rules and regulations as may be prescribed by the Council.

Section 87. FRANCHISE TAX

Each public utility using the public ways within the City shall be required to reasonably compensate the City for the use thereof as the Council shall in its discretion determine by ordinance or by contract with any such utility.

Section 88. RIGHT TO REGULATE PUBLIC UTILITIES

All grants, renewals, extension and amendments shall be subject to the right of the City of Gladewater to repeal the same for mis-use or non-use, or failure otherwise to comply with the terms prescribed. The City may impose such regulations as shall safeguard all property rights of other resident persons and may be conducive to the safety, welfare, and accommodation of the public. The City shall have the power to regulate charges made by public utilities on services to residents of the City. The City shall also have the power to impose such regulations upon all transportation agencies operating within the City as it may find to be in the interest of public safety and convenience.

Section 89. TRANSPORTATION

The securing of adequate transportation facilities within the City and to and from the City and a transportation service to meet the public convenience of residents of this city is declared to be a public purpose. To that end the Council may grant franchises, and the City may acquire, maintain and operate a transportation service and issue warrants, assignments of revenue and bonds and use public funds for such purpose.

Section 90. NO FREE UTILITIES

Free utility service shall not be granted by the City of Gladewater.

ARTICLE XIII. GENERAL PROVISIONS

Section

91. Property Not Subject to Execution
92. Not Subject to Garnishment
93. Assignment of Wages
94. Claims Against the City
95. Not Required to Give Bond
96. Disbursement of Funds
97. Continuation of Contracts
98. Pending Actions and Proceedings
99. When General Law Applicable
100. Separability Clause
101. Sale of City Real Property
102. Temporary Borrowing
103. Submission of Charter to Electors
104. Form of Ballot

Section 91. PROPERTY NOT SUBJECT TO EXECUTION

No property, owned or held by the City of Gladewater shall be subject to any execution of any kind or nature.

Section 92. NOT SUBJECT TO GARNISHMENT

No fund of the City or within the custody of the City or any of its officials in any official capacity shall be subject to garnishment and the City shall never be required to answer in any garnishment proceedings.

Section 93. ASSIGNMENT OF WAGES

No assignment of wages or other compensation earned, or to be earned, by any employee of the City shall be valid and the City shall never be required to recognize any such assignment or to answer in any proceedings thereon.

Section 94. CLAIMS AGAINST THE CITY

The City of Gladewater shall never be liable for any personal injury, whether resulting in death or not unless the person injured or someone in his behalf, or in the event the injury results in death the person or persons who may have cause of action under the law by reason of such death injury, shall file a notice in writing with the City Manager or City Clerk within thirty (30) days after the same

has been received, stating specifically in such notice when, where and how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The City of Gladewater shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his behalf, shall file a claim in writing with the City Manager or the City Clerk within thirty (30) days after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the full extent thereof, and the amount of damage sustained. The City of Gladewater shall never be liable for any claim for damage or injury to real property caused by the negligent act or omission of its officers, servants, agents or employees, unless the person whose real property has been injured or damaged, or someone in his behalf shall file a claim in writing with the City Manager or City Clerk within thirty (30) days after said damage or injury has occurred, stating specifically when, where and how the injury or damage has occurred, and the amount of damage claimed. The City of Gladewater shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds, or public work of the City of Gladewater unless the specific defect causing the damage or injury shall have been actually known to the City Manager at least twenty-four (24) hours prior to the occurrence of the injury or damage or unless the attention of the City Manager shall have been called thereto by a notice in writing at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to the City Manager of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the City itself, through its agents, servants, or employees, or acts of third parties.

Section 95. NOT REQUIRED TO GIVE BOND

It shall not be necessary in any action, suit, or proceeding in which the City of Gladewater is party, for any bond, undertaking or security to be executed on behalf of the City, but all such actions, suits, appeals, or proceedings shall be conducted in the same manner as if bonds, undertakings or security had been given, and the City shall be liable as if such obligation had been duly given and executed.

Section 96. DISBURSEMENT OF FUNDS

All checks, vouchers, warrants or orders drawn on the City shall be signed by the City Manager and the City Clerk and are to be countersigned by either the Mayor or the Mayor-pro-tem if the amount exceeds \$2,000.00
(Amended 8-10-85)

Section 97. CONTINUATION OF CONTRACTS

All contracts entered into by the City, or for its benefit prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

Any franchise heretofore granted by the City of Gladewater which has not expired by its own terms prior to the adoption of this Charter shall not be deemed to have been modified, canceled, extended or expanded in any manner by the adoption of this Charter.

Section 98. PENDING ACTIONS AND PROCEEDINGS

No action or proceeding, civil, or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Charter, or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may by or under this Charter be assigned or transferred to another office, department, or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 99. WHEN GENERAL LAW APPLICABLE

The general laws of the State of Texas and ordinances of the Council shall furnish the authority for the power and exercise thereof and control all matters to the extent not specifically and completely covered by this Charter.

Section 100. SEPARABILITY CLAUSE

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

Section 101. SALE OF CITY REAL PROPERTY

The said Council may make sale of its real property by passing a resolution authorizing sale of same providing, however, competitive bidding shall be requested and at least three bids are submitted, and said resolution providing for such sale shall be duly published in a local newspaper for three consecutive weeks before property is finally sold. Council may reject any or all bids after publication.

Section 102. TEMPORARY BORROWING

The Council, by resolution, may authorize the City Manager to borrow money on the notes of the City of Gladewater in amounts not greater than necessary to supplement the revenues of the City in paying current expenses. All notes shall become due not later than September 30 of the fiscal year in which authorized. The Council shall have no power to authorize the City Manager to borrow money on the notes of the City so long as any of the City's notes authorized in a preceding fiscal year remain unpaid.

Section 103. SUBMISSION OF CHARTER TO ELECTORS

The Charter Commission in preparing this charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the Charter Commission directs that the said charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Gladewater, Texas, at an election to be held for that purpose on the 18th day of October, A.D., 1955. 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 Gladewater and after the returns have been canvassed, the same shall be declared adopted.

An official copy of the charter shall be filed with the records of the City and the mayor shall as soon as practicable certify to the Secretary of State an authenticated copy under the seal of the City, showing the approval by the qualified voters of such charter.

In not less than thirty (30) days prior to such election the City Council shall cause the City Clerk to mail a copy of this charter to each qualified voter of the City of Gladewater, Texas, as appears from the tax collector's roll for the year ending January 31st preceding said election.

Section 104. FORM OF BALLOT

It is hereby prescribed that the ballot proposition for use in the election for the adoption of this Charter for the City of Gladewater shall be as follows, to-wit:

FOR ADOPTION OF HOME RULE CHARTER

DIRECTIONS: To vote for the adoption of this Charter, press the lever downward under the word "YES."

To vote against the adoption of this Charter, press downward under the word "NO."