

HOME RULE CHARTER



PREAMBLE

Recognizing that effective government is a government of law, we, the people of Sachse, Texas, establish this Charter as the basic law of our city. This Charter will provide a home rule government which will recognize and protect individual freedom, encourage interest and participation by the citizens, and serve in behalf of the general welfare.

FOOTNOTE(S):

--- (1) --- The Charter contained herein was adopted by the citizens of Sachse at an election held on April 5, 1986 and placed in effect by the City Council of the City of Sachse on May 29, 1986. Amendments adopted at elections held on May 7, 1988, May 6, 1990, May 7, 1994, May 13, 2006 and May 11, 2013 have been inserted in their proper place.

ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES

Sec. 1.01 - INCORPORATION

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

Sec. 1.02 - FORM OF GOVERNMENT

The municipal government provided by this Charter shall be of the council-city manager form. The council shall consist of the mayor and councilmembers elected by and responsible to the people. The city council shall appoint a city manager, who shall be directly responsible to the council for the execution of the laws and administration of government of the city.

Sec. 1.03 - BOUNDARIES OF THE CITY

The boundaries of the City of Sachse, are those heretofore established and now existing or those boundaries as may be changed by ordinances and proceedings of the city enacted in accordance with this Charter.

Sec. 1.04 - ANNEXATION OR DISANNEXATION

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

(Election of May 13, 2006)

ARTICLE II. - POWERS OF THE CITY

Sec. 2.01 - GENERAL POWERS OF THE CITY

The city shall be an incorporated Home Rule City, with full power and rights of self-government as provided by the Constitution and the laws of the State of Texas. These powers and rights shall include, but not be restricted to, the powers expressly conferred and permitted by state law, as presently written or hereafter amended. The city shall have the powers described below:

- (a) To enact, establish and enforce codes, licenses and ordinances for the interest and well-being of its inhabitants and for the maintenance of good government;
- (b) To cooperate with the government of the State of Texas, or any agency or political subdivision thereof, the government of the United States or its agencies, for any lawful purpose of the advancement of the interests, safety, convenience and welfare of its inhabitants;
- (c) To exercise the right of eminent domain, the right of extraterritorial jurisdiction and to have exclusive dominion over all public property in any manner permitted by the Constitution and the laws of the State of Texas;
- (d) To contract and be contracted with; to sue; to buy, sell, lease, mortgage, hold, manage and control such property as its interests require;
- (e) To establish, maintain, improve, alter, abandon, or vacate public streets, rights-of-way, sidewalks, alleys, squares, parks and other public ways, and to police the use thereof.

(Election of May 13, 2006)

Sec. 2.02 - PUBLIC IMPROVEMENTS

The city shall have the power to construct and maintain, within or without its corporate limits, streets, flood control facilities, and sanitary, water and storm drainage facilities, in, over, under or upon all public property and easements granted for that purpose and to levy assessments for the costs of such improvements. The city shall have the power to collect attorney's fees for the collection of paving assessment in foreclosure cases as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing such levies and shall have the power to compel the use of such improvements by the inhabitants of the city.

Sec. 2.03 - MISCELLANEOUS POWERS

The city shall have the power to establish and maintain the ordinances and regulations governing the use of lands within the city and to enforce by all lawful means these ordinances and regulations, within and without its corporate limits. The city shall have the power to authorize, regulate and inspect all construction and existing structures, within or without its corporate limits, consistent with state statutes, and to establish and enforce ordinances and regulations concerning their use, construction and reconstruction. The city shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade when authorized by state law. The city shall have all powers granted by any section of this Charter.

(Election of April 5, 1986)

ARTICLE III. - CITY COUNCIL

Sec. 3.01 - COMPOSITION

The council shall be composed of a mayor and six (6) council-members. Each council position shall be designated as a Place, to be determined as set forth in Sec. 3.02 of this Article. The mayor and council members shall be elected at large, and shall serve for a term of three (3) years as prescribed by the Texas Election Code and until his or her successor has been elected and duly qualified. Elections for two places shall be held each year, and the election for mayor shall be held every three years. If the candidate with the highest number of votes in an election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such runoff election shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances.

(Election of May 4, 1996; Election of May 11, 2013)

Sec. 3.02 - PROCEDURES FOR DETERMINING COUNCIL PLACES AND INITIAL TERMS OF OFFICE

- (1) The city councilmember receiving the highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 1, and shall [hold] office for three (3) years. The city councilmember receiving the second highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 2 and hold office for three (3) years. The city councilmember receiving the third highest number of votes of the qualified voters of the city who vote in the May 7, 1994 election shall be designated as occupying Place 3 and shall hold office for two (2) years.
- (2) At the first regularly scheduled council meeting held in February, 1995, the city secretary shall prepare three (3) identical paper ballots. One ballot shall be marked "Place 4", the second "Place 5", and the third "Place 6". Each councilmember who was not elected at the election held on May 7, [1]994, shall draw a ballot by lot. The councilmember drawing the [b]allot marked "Place 4" shall be the councilmember for Place 4, the councilmember drawing the ballot marked "Place 5" shall be the councilmember for Place 5, and councilmember drawing the ballot marked "Place 6" shall be the councilmember for Place 6. The councilmember designated as Place 4 shall hold office until the election for councilmembers held in May, 1996. The councilmembers designated as Place 5 and Place 6 shall hold office until the election for councilmembers held in May, 1995.

(Election of May 7, 1994)

Sec. 3.03 - QUALIFICATIONS OF MEMBERS

In addition to any other qualifications prescribed by law, the mayor and each city council members shall meet the qualifications set forth in Article V of this Charter while in office.

Sec. 3.04 - COMPENSATION

Compensation of the members of the city council shall be determined by the city council by ordinance, but no increase in such compensation shall take effect commencement of the terms of mayor and/or council members elected at the next regular election. Members of the city council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties.

(Election of May 11, 2013)

Sec. 3.05 - MAYOR AND MAYOR PRO TEM

- (1) The mayor shall be the official head of the city government. He shall be the chairman and shall preside at all meetings of the city council. The mayor shall have the same voting rights and responsibilities as the other members of the city council, but shall have no power to veto. He shall, when authorized by the city council, sign all official documents, such as ordinances, resolutions, conveyances, grant agreements, contracts and bonds, unless authorization has been delegated by the city council to the city manager or other official. The mayor shall perform such other duties consistent with this Charter as may be imposed upon the mayor by the city council.
- (2) The mayor pro tem shall be a city council member elected by the city council at the first regular meeting after each regular election of the city council members and/or mayor. The mayor pro tem shall temporarily act as mayor during the disability or absence of the mayor, and in this capacity shall have the rights conferred upon the mayor.

(Election of May 11, 2013)

Sec. 3.06 - VACANCIES, FORFEITURES AND FILLING OF VACANCIES

- (1) The office of a city council member or the mayor shall become vacant upon his death, resignation, forfeiture of, or removal from office by any manner authorized by law.
- (2) If any member of the city council is absent from four (4) of seven (7) consecutive regular meetings, without explanation acceptable to a majority of the remaining city council members, his office shall be declared vacant at the next regular meeting of the city council by resolution. In addition, any member of the city council who has been absent for six (6) consecutive regular meetings due to any reason shall have his seat declared vacant at the next regular meeting of the city council by resolution.
- (3) Any member of the city council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating state law concerning conflict of interest shall forfeit his office. Every forfeiture shall be declared and enforced by a majority of the city council.
- (4) A vacancy or vacancies in the position of mayor or council member shall be filled by majority vote of the qualified voters at a special election called for such purpose on the next uniform election date as provided by state law. If the candidate with the highest number of votes in such special election receives less than a majority vote, then a runoff election shall be held between the two candidates receiving the highest number of votes. Such special and runoff elections shall be held pursuant to the provisions of the Texas Election Code and applicable ordinances.

(Election of April 5, 1986; Election of May 7, 1988; Election of May 4, 1996; Election of May 13, 2006; Election of May 11, 2013)

Sec. 3.07 - POWERS OF THE CITY COUNCIL

All powers of the City of Sachse and the determination of all matters of policy shall be vested in the city council. Except where in conflict with and otherwise expressly provided by this Charter, the city council shall have all powers authorized to be exercised by the city council by state law and the acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the city council, the following are hereby enumerated for greater certainty:

(Election of May 13, 2006)

- (a) Appoint and remove the city manager;
- (b) Appoint and remove the municipal court judge(s);

(Election of May 13, 2006)

- (c) Appoint and remove the city attorney;
- (d) Appoint and remove the city secretary;

(Election of April 5, 1986)

- (e) Establish administrative departments including, but not limited to, police, fire, library, water, sewer, animal control, building inspection and fire marshal.

(Election of May 7, 1988)

- (f) Adopt the budget of the city;
- (g) Collectively inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (h) Provide a planning and zoning commission and a board of adjustment and other boards as deemed necessary, and appoint the members of all such boards and commission[s]. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by city ordinance or by law;
- (i) Adopt plats;
- (j) Adopt and modify the official map of the city;
- (k) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, improvement and redevelopment of specific areas of the city;
- (l) Adopt, modify and carry out plans in cooperation with the planning and zoning commission for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or part by disaster;

- (m) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire on the public streets and alleys of the city;
- (n) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures of buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction;
- (o) Fix and regulate rates and charges of all utilities and public services.

Sec. 3.08 - PROHIBITIONS

- (1) Except where authorized by law of [or] by this Charter, no mayor or city council member shall hold any other city office or city employment during his term as mayor or city council member. No former mayor or city council member shall hold any compensated appointive office or city employment within one (1) year after the expiration of his term as mayor or city council member.
- (2) Members of the city council shall not in any way dictate the appointment or removal of the city administrative officers or employees whom the city manager or any of his subordinates are empowered to appoint. The city council at a meeting called for that purpose may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.
- (3) Except for the purpose of inquiries and investigations as provided by this Charter, members of the city council shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager. Members of the city council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this Charter.

Sec. 3.09 - MEETINGS OF THE CITY COUNCIL

- (1) The city council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the city. The city council shall fix by ordinance the date and time of the regular meetings.

Special meetings of the city council shall be held at the call of the mayor or a majority of the city council members upon provision of Public notice in accordance with state law.

(Election of April 5, 1986)

- (2) Notice of regular, special and emergency meetings of the city council shall be given as required by the Texas Open Meetings Act.

(Election of May 7, 1994)

Sec. 3.10 - QUORUM

Four (4) members of the city council shall constitute a quorum for the purpose of transaction of business. No action of the city council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the city council members present.

Sec. 3.11 - CONFLICT OF INTEREST

Should any member of the city council have a conflict of interest pursuant to state law with an agenda item then before the city council, he shall openly declare same before discussion proceeds and he is thereby prohibited from discussing the item or voting on the question, and is not considered as present and voting for the purposes of the tally.

(Election of May 13, 2006)

Sec. 3.12 - ABSTENTION

Should any member of the city council choose to abstain from voting on any question before the city council, where no conflict of interest exists, his vote shall be recorded as a negative vote in the official minutes of the City of Sachse.

Sec. 3.13 - RULES OF PROCEDURE

The city council shall conduct its meetings in accordance with Robert's Rules of Order. The city council shall determine its own order of business. The city council shall provide that the citizens of the city shall have a reasonable opportunity to clearly hear and be heard at public hearings with regard to specific matters under consideration. The city council shall provide for minutes to be taken and recorded for all meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the city secretary.

(Election of May 11, 2013)

Sec. 3.14 - PASSAGE OF ORDINANCES IN GENERAL

(1) The city council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Sachse, Texas ..." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its caption. General appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Except where an ordinance is repealed in its entirety, the amendatory or repealing ordinance shall set out in full the ordinance sections or subsections to be amended or repealed and shall indicate new language by enclosing it in quotation marks. Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of the city council before the city council meeting at which such ordinance is to be considered. Copies of the

proposed ordinance, in the form required for adoption, shall be available at the city offices and shall be furnished to citizens upon request to the city secretary from and after the date on which such proposed ordinance is posted as an agenda item for a city council meeting and, if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the city council.

- (2) A proposed ordinance which has been amended in substance after its placement on the agenda for a city council meeting may not be voted on at such city council meeting, unless the mayor announces at such city council meeting the amendments to such ordinance. All persons interested in such ordinance shall have a reasonable opportunity to be heard.
- (3) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective only after having been published once in its entirety or summary form after adoption, in a newspaper as required by law.
- (4) The reading aloud of a title and caption of the ordinance shall suffice as a reading provided printed copies of the ordinance in the form required for adoption are in front of all members of the city council. If a majority of the members' present request that the ordinance be read in its entirety, it must be read.

(Election of May 13, 2006; Election of May 11, 2013)

Sec. 3.15. - RESERVED

Editor's note— Ord. No. 2220, § 1, adopted on election date May 13, 2006, repealed § 3.15, which pertained to emergency ordinances.

Sec. 3.16 - AUTHENTICATION, RECORDING, CODIFICATION PRINTING AND DISTRIBUTION

- (1) All ordinances and resolutions adopted by the city council shall be authenticated by seal and signature of the city secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(Election of April 5, 1986)

- (2) The city council shall maintain the codification of ordinances of the city. This codification shall be known and cited as "The Sachse City Code" and shall be in full force and effect without the necessity of such Code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the city may be omitted without effecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the Code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large.

(Election of May 13, 2006)

- (3) The city council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate city offices for public reference.

(Election of April 5, 1986; Election of May 7, 1994; Election of May 13, 2006)

Sec. 3.17 - INVESTIGATIONS BY THE CITY COUNCIL

The city council shall have the power to inquire into the official conduct of any department, agency, office, officer or employee of the city. For that purpose, the city council shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the inquiry. The city council shall provide, by ordinance, penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by the ordinance.

Sec. 3.18 - BOND

The city council shall require bonds of all municipal officers and employees who receive or pay out any monies of the city. The amount of the bonds shall be determined by the city council and the cost shall be borne by the city.

ARTICLE IV. - CITY ADMINISTRATION

Sec. 4.01 - CITY MANAGER

- (1) The city council shall appoint, upon the affirmative vote of a majority of the full membership of the city council, a city manager who shall serve as chief administrative officer of the city. He shall be responsible to the city council for administration of all the affairs of the city, with only those exceptions that are named in this Charter. The city manager shall be appointed solely upon his executive and administrative qualifications. He need not be a resident of the city when appointed, but shall, within a reasonable time after such appointment, reside within the city during the balance of the tenure of his appointment.
- (2) The city council shall fix the compensation of the city manager, and his compensations may be amended, from time to time, in accordance with his experience, qualifications and performance.
- (3) The city manager shall be appointed for an indefinite term, and may be removed at the discretion of the city council by a majority vote of its full membership. Upon decision to remove the city manager, notice, in writing, of such decision shall be immediately furnished to him and the city council may then suspend him from duty.
 - (a) If, within five (5) days after being notified of his termination and removal, the city manager files a written request to the city council requesting that his termination be reconsidered, the city council shall, as soon as practical, meet with the city manager in executive session to review its decision to terminate.
 - (b) After such review, after affording the city manager an opportunity to respond to such initial decision to terminate, a new vote shall be taken with regard to termination of the city manager.
 - (c) The city manager shall continue to receive his salary pending this final decision of the city council.
 - (d) This procedure for a review meeting with the city manager shall not alter the fact that the city manager serves at the pleasure of the city council and the city manager shall not have, nor should this procedure be construed to grant to the city manager, right to continued employment.
- (4) In case of the absence, disability or suspension of the city manager, the city council may designate a qualified administrative officer of the city to perform the duties of the office.
- (5) The city manager shall have the power to:
 - (a) Appoint, suspend and remove all city employees and appointive administrative officers provided for in this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter;
 - (b) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by law or this Charter;
 - (c) See that all state laws and city ordinances are effectively enforced;
 - (d) Attend all city council meetings, with the right to take part in discussion, but he shall not vote;
 - (e) Prepare and accept items for inclusion in the official agenda of all city council meetings and meetings of all boards and commissions;

- (f) Prepare and recommend to the city council the annual budget and capital program, and administer the budget as adopted by the city council;
- (g) Keep the city council fully advised at least quarterly as to the financial conditions and future needs of the city, and make such recommendations concerning the affairs of the city as he or the city council deems desirable or necessary;
- (h) Make reports as he or the city council may require concerning the operations of the city departments, offices or agencies subject to his direction or supervision;
- (i) Perform such other duties as are specified in this Charter or may be required by the city council and are consistent with this Charter or state or federal law.

Sec. 4.02 - CITY SECRETARY

- (1) The city council shall, after consultation with the city manager, appoint or remove a city secretary upon the affirmative vote of a majority of the full membership of the city council.
- (2) The city secretary shall:
 - (a) Give notice of all official public meetings of the city council in a manner consistent with this Charter and state laws;
 - (b) Attend all public meetings of the city council;
 - (c) Keep the minutes of the proceedings of all public official meetings and hearings of the city council in a manner prescribed by the city council consistent with applicable law;
 - (d) Act as custodian of all official records of the city council;
 - (e) Hold and maintain the seal of the City of Sachse, and affix this seal to all appropriate documents;
 - (f) Authenticate by signature and seal, and record all ordinances, resolutions and proclamations of the city;

(Election of April 5, 1986)

- (g) Repealed.

(Election of May 13, 2006)

- (h) Perform such other duties as may be required by the city council consistent with this Charter and the laws of the State of Texas.

(Election of May 7, 1988)

Sec. 4.03 - MUNICIPAL COURT

- (1) The city council shall establish and cause to be maintained a municipal court. The court shall have all the powers and duties as are now, or as may be, prescribed by the laws of the State of Texas.

- (2) The city council shall appoint by majority vote of its full membership such municipal judges of the municipal court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. In the event a duly qualified attorney is not available, the city council shall then select a qualified person to be the municipal judge. The municipal judge(s) of the municipal court(s) shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of his/their term(s) of office. The appointment of the municipal judge(s) may be terminated at any time by a majority vote of the full membership of the city council. The municipal judge(s) shall receive compensation as may be determined by the city council.
- (3) Repealed.

(Election of April 5, 1986; Election of May 13, 2006)

- (4) The city manager shall appoint and set compensation for a clerk and may appoint deputy clerks of the municipal court(s).

(Election of May 5, 1990)

- (5) The clerk and deputy clerks of the municipal court(s) shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the court, and perform all usual and necessary clerical acts in conducting the business of the court(s) including, but not limited to, the keeping of records and accounts of the municipal court(s).
- (6) All costs, fines and penalties imposed by the municipal court(s) shall be paid in to the city treasury for the use and benefit of the city, as may be consistent with present and future state laws.

Sec. 4.04 - CITY ATTORNEY

- (1) The city council, after consultation with the city manager, shall appoint by majority vote of its full membership a competent, duly qualified licensed and practicing attorney in the State of Texas who shall serve as the city attorney.
- (2) The city attorney shall:
 - (a) Serve as the legal advisor to the city council and city manager;
 - (b) Represent the city in litigation and legal proceedings as directed by the city council and the city manager; and
 - (c) Review and provide opinions as requested by the city council and city manager on contracts, legal instruments, ordinances of the city and other city business.
- (3) The city council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.
- (4) The city attorney and special counsel shall receive compensation as may be determined by the city council.
- (5) The city attorney, with approval of the city council, may select additional attorneys to act for him and the city in its representation and/or litigation.

- (6) The city attorney may be removed by a majority vote of the full membership of the city council.

Sec. 4.05 - ADMINISTRATIVE DEPARTMENTS, OFFICES AND AGENCIES

- (1) The city council may, after hearing recommendations of the city manager, establish, abolish, redesignate and/or combine departments, offices or agencies in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices and agencies.
- (2) Except as provided elsewhere in this Charter, all departments, offices and agencies of the city shall be under the direction and supervision of the city manager, and shall be administered by officers appointed by and subject to the direction and supervision of the city manager. The city manager may, with the consent of the city council, serve as the head of one (1) or more city departments, offices or agencies or appoint one (1) person as head of two (2) or more of them.
- (3) The city manager shall appoint a city tax collector, whose duties and functions shall be those usual to the office and consistent to existing or future laws of the State of Texas as they may apply to city or county tax collectors. The city manager may recommend that the city council enter into an outside contract for such services.

Sec. 4.06 - PERSONNEL SYSTEM

- (1) Personnel rules shall be prepared by the city manager and presented to the city council, who may adopt them by ordinance, with or without amendment. The adopted rules shall establish the city as an equal opportunity employer and shall govern the equitable administration of the personnel system of the city.
- (2) The adopted rules shall provide for the following requirements:
 - (a) A pay and benefit plan for all city employment positions;
 - (b) A plan for working hours, attendance policy and regulation and provision for sick and vacation leave;
 - (c) Procedure for the hearing and adjudication of grievances;
 - (d) Additional practices and procedures necessary to the beneficial and equitable administration of the city's personnel system; and
 - (e) A plan for annual oral and written evaluation based on a job description for all city employees by their immediate supervisor, including evaluation of the city manager by the city council.

ARTICLE V. - NOMINATIONS AND ELECTIONS

Sec. 5.01 - CITY ELECTIONS

(1) City elections shall be conducted in accordance with the Texas Election Code.

(Election of April 5, 1986)

(2) The regular city election shall be held annually on the uniform election date in May. The city council shall be responsible for specifying the location(s) where such election shall be held.

(Election of May 7, 1988; Election of May 13, 2006)

(3) The city council may, by resolution, order a special election for purposes consistent with this Charter and the laws of the State of Texas. The city council will fix the time and location(s) for such a special election, and provide all means for holding same.

(4) Municipal elections shall be conducted by election officials appointed by the city council. Sample ballots identical in format to those used in the specific election shall be posted in the voting place(s) for the purpose of voter orientation.

(5) All municipal elections shall be publicized in accordance with the Texas Election Code.

Sec. 5.02 - FILING FOR OFFICE

(1) Candidates for city offices shall file for office in accordance with the Texas Election Code.

(2) Candidates for elective city office shall meet the following qualifications:

(a) Shall be at least twenty-one (21) years of age at the time of the election for which they are filing;

(b) Shall be a qualified voter;

(c) Shall have resided within the corporate limits of the city, or annexed territory, for at least six (6) months prior to the filing deadline;

(d) Shall not, after notice of any delinquency, be in arrears in payment of taxes or other liabilities due the city;

(e) No candidate may file in a single election for more than one (1) office or position as provided by this Charter;

(Election of April 5, 1986)

(f) No employee, nor any member or volunteer with any board, commission, or department of the city, shall continue in such position upon election and acceptance of the elected position;

(g) No elected official of the city whose term is not expiring in that calendar year shall continue in such elective office after filing for any other elective office provided for in this Charter.

(Election of May 7, 1988)

Sec. 5.03 - OFFICIAL BALLOTS

- (1) The name of each candidate seeking elective office, except those who have withdrawn, died or become ineligible, shall be printed on the official ballot in the form designated by the candidate in accordance with the Texas Election Code.
- (2) The order of the names of the candidates on the ballot shall be determined by lot in a public drawing to be held under the supervision of the city secretary in accordance with the Texas Election Code.
- (3) Procedures for voting by absentee ballot shall be consistent with the Texas Election Code.
- (4) An ordinance, bond, issue or Charter amendment to be voted on by the voters of the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, approved by the city council, describing the substance of the measure without argument or prejudice.
- (5) Procedures for write-in votes shall be consistent with the Texas Election Code.

(Election of April 5, 1986)

Sec. 5.04 - OFFICIAL RESULTS

- (1) The candidates for election to the places for council members who receive the majority of the votes cast for each place, by the qualified voters at the election, shall be declared elected. Should a runoff election be necessary such election shall be held in accordance with the Texas Election Code and other applicable statutes.

(Election of May 7, 1988; Election of May 13, 2006)

- (2) The returns of every municipal election, both general and special, shall be made in accordance with the Texas Election Code, at which time the city council shall canvass the votes and declare the results of such election.

(Election of April 5, 1986; Election of May 13, 2006)

Sec. 5.05 - TAKING OF OFFICE

- (1) Each newly elected city council member shall be inducted into office at the first regular or specially called city council meeting following the city council meeting in which the election is canvassed and certified. Such induction into office shall be the first item of business, with consideration of approval of the minutes of the previous meeting being the second item of business.
- (2) At such meeting the oath shall be in accordance with the City Charter.

(Election of May 7, 1988; Election of May 11, 2013)

ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL

Sec. 6.01 - GENERAL AUTHORITY

- (1) Initiative: The qualified voters of the city shall have power to propose ordinances to the city council and if the city council fails to adopt an ordinance so proposed without any change in substance, the voters shall adopt or reject it at a city election. Such power shall not extend to the budget or capital program or any ordinance not subject to initiative as provided by state law, relating to appropriation of money, issuing of bonds, and levy of taxes or salaries of city officers or employees.

(Election of April 5, 1986)

- (2) Referendum: The qualified voters of the city shall have power to require reconsideration by the city council of any adopted ordinance or passed resolution and, if the city council fails to repeal an ordinance or resolution so reconsidered, the voters shall approve or reject it at a city election.

(Election of May 7, 1988)

- (3) Recall: The qualified voters of the city shall have power to remove any official serving in an elective office.

(Election of April 5, 1986)

Sec. 6.02 - PETITIONERS COMMITTEE

- (1) Any ten (10) qualified voters may commence proceedings contemplated by this Article by filing with the city secretary an affidavit stating that they will constitute the petitioners committee. They will be responsible for preparing, printing and circulating the petition. They will file it in proper form and specify the address to which all notices to the committee are to be sent. The affidavit shall set out in full the proposed initiative ordinance or cite the ordinance or resolution sought to be reconsidered, or in the case of recall, state the identity of the official whose recall is being sought.

(Election of May 7, 1988)

- (2) In case of recall, the city secretary shall immediately notify in writing the officer(s) to be removed that the affidavit has been filed.

Sec. 6.03 - PETITION CIRCULATION

- (1) All petition blanks used for circulation by the members of the petitioners committee or their designees shall be numbered, dated and bear the signature of the city secretary.
- (2) No petition may be circulated and no signatures obtained until after the affidavit is filed.

(Election of April 5, 1986)

Sec. 6.04 - FORM OF PETITION

- (1) All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signer of a petition must be a qualified voter of the City of Sachse and shall personally sign his own name thereto in ink or indelible pencil, and shall write after his name his place of residence within the boundaries of the city, giving name of street and number, if any, and shall also write thereon the date, including the month, day and year his signature was affixed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or of the ordinance or resolution sought to be reconsidered, or in the case of a recall petition, the identity of the official whose recall is being sought.
- (2) Each page of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, the ordinance or resolution sought to be reconsidered, or the identity of the official whose recall is being sought.
- (3) Locations for twenty (20) signatures shall be provided on each blank petition.

(Election of May 7, 1988; Election of May 11, 2013)

Sec. 6.05 - PRESENTATION OF PETITIONS

- (1) A petition to the city council for initiative or referendum, containing the signatures of qualified voters equal in number to fifteen (15) percent of those who voted in the last general municipal election, or two hundred (200), whichever is greater, shall be filed with the city secretary not later than thirty (30) days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.
- (2) A petition to the city council for recall, containing the signatures of twenty (20) percent of the qualified voters registered to vote at the last regular city election, or three hundred (300), whichever is greater, shall be filed with the city secretary no later than thirty (30) days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

(Election of April 5, 1986)

Sec. 6.06 - SUSPENSION OF EFFECT OF ORDINANCE OR RESOLUTION FOR REFERENDUM PETITIONS

When a referendum petition is filed with the city secretary, the ordinance or resolution sought to be reconsidered shall be suspended from taking effect unless such suspension will create an immediate breach of public health and safety. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the petition; or
- (b) The city council repeals the ordinance or resolution; or
- (c) Upon the certification of election results by the election officials.

(Election of May 7, 1988)

Sec. 6.07 - CERTIFICATION OF PETITIONS AND PRESENTATION TO CITY COUNCIL

- (1) Within ten (10) days after the petition is presented, the city secretary shall complete a certificate of sufficiency or insufficiency. Sufficiency shall be determined by compliance with this Article.
- (2) If the petition is certified sufficient, the city secretary shall present the certificate to the city council at the next regular city council meeting. The city council shall verify determination of the sufficiency of the petition.
- (3) If a petition has been certified insufficient, the city secretary shall send the committee a Certificate of Insufficiency by registered mail which shall include the particulars in which the petition is defective. The committee may, within five (5) working days after receiving the copy of such certificate, file a request that it be reviewed by the city council. The city council shall review the certificate at its next regular meeting following such a request and approve or disapprove it. Such determination shall then be final. If no city council review is requested within five (5) working days, the city secretary's certificate is final.

(Election of April 5, 1986)

Sec. 6.08 - ACTION ON INITIATIVE AND REFERENDUM PETITIONS

- (1) When an initiative or referendum petition has been finally determined sufficient, the city council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance or resolution by voting its repeal. If the city council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal a referred ordinance or resolution within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance or the referred resolution to the voters of the city not less than thirty (30) days nor more than sixty (60) days following the failure of the city council to act as specified herein. Any election order so issued shall comply fully with the Texas Election Code.
- (2) The called election may coincide with a regular city election should such city election fall within the specified period. No ordinance substantially the same as an initiated ordinance which has been defeated or one substantially the same as a referred ordinance which has been approved at any election may be initiated by the voters within two (2) years from the date of such election. Copies of the proposed or referred ordinance or the referred resolution shall be made available at the polls and shall be published at least once in the official newspaper of the city not more than fifteen (15) days immediately prior to the date of the election.

(Election of May 7, 1988)

Sec. 6.09 - CALLING OF RECALL ELECTION

If the officer whose removal is sought does not resign, then the city council shall order an election and set the date for holding such recall election. The city council shall, not less than 25 days nor more than 35 days after the petition is presented to the city council, call a recall election for a date authorized by state law. If, after the recall election date is established, the officer vacates his position, the election shall be cancelled. Any election order so issued shall fully comply with the Texas Election Code.

(Election of May 11, 2013)

Sec. 6.10 - WITHDRAWAL OF PETITIONS

An initiative, referendum or recall petition may be withdrawn at any time prior to determination of sufficiency by filing with the city secretary a request for withdrawal signed by at least seven (7) members of the petitioners committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 6.11 - FORM OF BALLOTS

- (1) Initiative. Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two statements, one above the other, in the order indicated:

"For adoption of the Ordinance" and

"Against adoption of the Ordinance"

Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast his vote by making a mark.

(Election of April 5, 1986)

- (2) Repeal. Ordinances or resolutions being considered for repeal shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such ordinance or resolution and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance or resolution. Immediately below the ballot title shall be printed the following two statements:

"For repeal of the Ordinance/Resolution" and

"Against repeal of the Ordinance/Resolution"

Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast his vote by making a mark.

(Election of May 7, 1988)

- (3) Recall. Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

"Shall (name of person) be removed from the office (name of office) by recall?"

Immediately below each question there shall be printed the two following statements, one above the other, in the order indicated.

"For the removal ofby recall"

"Against the removal ofby recall"

Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast his vote by making a mark.

Sec. 6.12 - RESULTS OF ELECTION

- (1) If a majority of qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results by the city secretary and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail.
- (2) An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two (2) years by a majority vote, or after one (1) year by unanimous vote, of all city council members.
- (3) If a majority of the qualified electors voting on a referred ordinance or resolution vote against the ordinance or resolution, it shall be considered repealed upon certification of the election results by the city secretary. If a majority of the qualified electors voting on a referred ordinance or resolution vote for the ordinance or resolution, the ordinance or resolution shall be considered in effect.
- (4) An ordinance or resolution repealed by referendum may be reenacted at any time after the expiration of two (2) years by a majority vote, or after one (1) year by unanimous vote, of all city council members.
- (5) If a majority of the votes cast on the question of recall at a recall election shall be against the removal of the elected official named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before within the limitations of Section 6.13 below. If a majority of the votes cast on the question of recall at a recall election shall be for the removal of the elected official named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office upon certification of the election results by the city secretary and the vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies.

(Election of May 11, 2013)

Sec. 6.13 - LIMITATIONS AND RESTRICTIONS

- (1) No recall petition shall be filed against any officer of the city within six (6) months after his election, or within six (6) months of such a petition being filed and found insufficient, or within one (1) year after an election for such officer's recall. No such limitations shall apply to appointed city council members.

(Election of April 5, 1986)

- (2) Unless withdrawn, no petition shall again be filed on a proposed or referred ordinance or referred resolution of substantially the same content within a period of two (2) years of the failure of the petition at a city election.

(Election of May 7, 1988)

Sec. 6.14 - FAILURE OF CITY COUNCIL TO CALL AN ELECTION

In case all of the requirements of this Charter have been met and the city council shall fail or refuse to receive an initiative, referendum or recall petition, or order such initiative, referendum or recall election, or discharge other duties imposed upon said city council by the provisions of this Charter with reference to initiative, referendum or recall, then the district judge may discharge any such duties herein provided to be discharged by the city secretary or by the city council. In addition, any qualified voter in the city may seek judicial relief to have any of the provisions of this Charter pertaining to initiative, referendum or recall carried out by the proper official.

ARTICLE VII. - BUDGET AND FINANCE

Sec. 7.01 - FISCAL YEAR

The fiscal year of the city shall begin on the first (1st) day of October and end on the last day of September of the next succeeding year. Such fiscal year shall also constitute the budget and accounting year.

Sec. 7.02 - SUBMISSION OF BUDGET AND BUDGET MESSAGE

The city manager, shall, not later than the 15th day of August of each year, or other date prescribed by state law, prepare and submit the proposed budget, covering the next ensuing fiscal year, to the city council. In preparing this budget, each employee, officer, board, and department shall assist the city manager by furnishing all necessary information. The city manager's budget document shall contain:

- (1) The city manager's budget message outlining the proposed financial policies for the next fiscal year with explanations of any changes from preceding years in expenditures and any major changes of policy and a complete statement regarding the financial condition of the city.
- (2) An estimate of all revenue from taxes and other sources, including the present tax structure rates and property evaluations for the ensuing year.
- (3) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures.
- (4) A description of all outstanding bonded indebtedness, showing amount, purchaser, date of issue, rate of interest, and maturity date, as well as any other indebtedness which the city has incurred and which has not been paid.
- (5) A statement proposing any capital expenditures necessary for undertaking during the next budget year and recommended provision for financing.
- (6) A list of capital projects which should be undertaken within the next five (5) succeeding years.

(Election of May 13, 2006; Election of May 11, 2013)

Sec. 7.03 - BUDGET MESSAGE

The city manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the city manager deems advisable and necessary to fully appraise the city council of the financial status of the city.

(Election of April 5, 1986)

Sec. 7.04 - BUDGET: A PUBLIC RECORD

The final budget, all supporting schedules and the budget message shall be filed with the city secretary when submitted to the city council and shall be opened to public inspection by anyone interested. The city manager shall provide copies of the final budget, at a reasonable charge, to all interested citizens.

(Election of May 7, 1988)

Sec. 7.05 - PUBLIC HEARING ON BUDGET

The city council shall conduct public hearings on the proposed budget as required by state law, and shall conduct at least one public hearing. Notice of the public hearing(s) shall be published in a newspaper of general circulation of the county in which the city is located, unless otherwise prescribed by state law, stating the date, time and place as required by state law. At this hearing, interested citizens may express their opinions concerning items of expenditures, giving their reasons for wishing to increase or decrease any items of expense.

(Election of May 11, 2013)

Sec. 7.06 - PROCEEDING ON ADOPTION OF BUDGET

After public hearing, the city 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 the full membership of the city council. Should the city council take no final action on or prior to such day, the current budget shall be in force on a month-to-month basis until a new budget is adopted.

Sec. 7.07 - BUDGET, APPROPRIATION AND AMOUNT TO BE RAISED BY TAXATION

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the city council shall constitute the official appropriations as proposed by expenditures for the current year and 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. Unused appropriations may be transferred to any item required for the same general purpose.

Sec. 7.08 - CONTINGENT APPROPRIATION

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than seven (7) percent of the total general fund expenditures. This contingent appropriation shall apply to current operating expenses and shall not include any reserve funds of the city. Such contingent appropriation shall be under the control of the city manager and distributed by him only after prior approval by the city council. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriation, the spending of which shall be charged to the departments or activities which the appropriations are made.

Sec. 7.09 - AMENDING THE BUDGET

Under conditions which may arise and which could not reasonably have been foreseen in the normal process of planning the budget, the city council may, by a majority vote of the full membership, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance, and shall become an attachment to the original budget.

Sec. 7.10 - CERTIFICATION: COPIES MADE AVAILABLE

A copy of the budget, as fully adopted, shall be filed with the city secretary and such other places required by state law and as the city council may designate. The final budget shall be printed, and copies shall be made available for the use of all offices, agencies, and for the use of interested persons and civic organizations.

(Election of May 11, 2013)

Sec. 7.11 - CAPITAL PROGRAM

The city manager shall submit a five-year capital program, in keeping with the city's then current Master Plan, as an attachment to the annual budget. The program as submitted shall include:

- (a) A clear general summary of its contents;
- (b) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements;
- (c) Cost estimates, method of financing and recommended time schedules for each improvement;
- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

Sec. 7.12 - DEFECT SHALL NOT INVALIDATE THE TAX LEVY

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

Sec. 7.13 - LAPSE OF APPROPRIATIONS

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if

three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

Sec. 7.14 - BORROWING

- (1) Power to Borrow. The city shall have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.
- (2) Tax Obligation Bonds—General.
 - (a) The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or any other public purpose not prohibited by law of [or] this Charter, and to issue refunding bonds to refund outstanding bonds previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for purposes for which they were issued.
 - (b) Any bonds issued under the provisions of this section shall not be issued without an election. The city council shall prescribe the procedure for calling and holding such elections, shall define the voting precincts and shall provide for the return and canvass of the ballots cast at such elections.
 - (c) If at such elections a majority of the vote shall be in favor of creating such a debt or refunding outstanding valid bonds of the city, it shall be lawful for the city council to issue bonds as proposed in the ordinance submitting same. If, however, a majority of the vote polled shall be against the creation of such debt or refunding such bonds, the city council shall be without authority to issue the bonds. In all cases when the city council shall order an election for the issuance of bonds of the city, it shall, at the same time, submit the question of whether or not a tax shall be levied upon the property within the city for the purpose of paying the interest on the bonds and to create a sinking fund for their redemption.
- (3) Revenue Bonds. The city shall have the power to borrow money for the purpose of any self-liquidating municipal function not prohibited by the Constitution and the laws of the State of Texas. With an affirmative vote of at least five (5) members of the city council, it shall have the power to issue revenue bonds and to evidence the obligation created thereby. Such bonds shall be in charge upon and payable from the properties, or interest therein pledged, or the income therein gained from, or both. The holder(s) of the revenue bonds shall never have the right to demand payment thereof out of the monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.

(Election of April 5, 1986)

- (4) Emergency Funding. In any budget year, the city council may, by affirmative vote of a majority of the city council, authorize the borrowing of money for emergency situations as defined in Section 11.05(4) of Article XI of this Charter.

(Election of May 5, 1990)

Sec. 7.15 - PURCHASING

- (1) The city council may, by ordinance, give the city manager authority to contract for expenditure without further approval of the city council for all budgeted items not exceeding limits set by the city council. All contracts for expenditures involving more than the set limits must be expressly approved in advance by the city council. All contracts or purchases involving more than the limits set by the city council shall be let to the lowest bidder or the bidder that provides the best value as allowed by state law, whose submittal is among those responsive to the needs of the city after there has been opportunity for competitive bidding as provided by law or ordinance, unless competitive bidding is prohibited or not required by state law. The city council, or the city manager as he is authorized to act for the city, shall have the right to reject any and all bids.
- (2) Emergency contracts as authorized by law and this Charter may be negotiated by the city council, or the city manager if given authority by the city council, without competitive bidding. Such emergency shall be declared by the city manager and approved by the city council, or may be declared by the city council.

(Election of May 11, 2013)

Sec. 7.16 - ADMINISTRATION OF BUDGET

- (1) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made unless the city manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.
- (2) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such debt or obligation, and he shall also be liable to the city for any amount so paid.
- (3) This prohibition shall not be construed to prevent the making or authorizing of payments, or making contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.
- (4) The city manager shall submit to the city council each month a report covering revenues and expenditures of the city in such form as requested by the city council.

Sec. 7.17 - DEPOSITORY

All monies received by any person, department or agency of the city for or in connection with the affairs of the city shall be deposited promptly in the city depository or depositories. City depositories shall be designated by the city council in accordance with such regulations and subject to the requirements established by ordinance and law. Procedures for withdrawal of money or the disbursement of funds from the city depositories shall be as prescribed by ordinance.

Sec. 7.18 - INDEPENDENT AUDIT

At the close of each fiscal year, and at such other times as may be deemed necessary, the city council shall call for an independent audit to be made of all accounts of the city by a certified public accountant. No more than five (5) consecutive annual audits shall be completed by the same firm unless no other certified public accountants have submitted a proposal to provide audit services for the city, in which event the existing certified public accountant may be retained for an additional one (1) year period(s) until another certified public accountant is available and selected by the City. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. The report of the audit, with the auditor's recommendations will be made to the city council. Upon completion of the audit, copies of the audit will be placed on file in the city secretary's office as a public record.

(Election of May 13, 2006; Election of May 11, 2013)

Sec. 7.19 - POWER TO TAX

- (1) The city shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas as now written or hereafter amended.
- (2) The city shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.

Sec. 7.20 - OFFICE OF TAX COLLECTOR

There shall be established an office of taxation to collect taxes, the head of which shall be the city tax collector.

Sec. 7.21 - TAXES: WHEN DUE AND PAYABLE

- (1) All taxes due in the City of Sachse shall be payable at the office of the city tax collector, or at such location or locations as may be designated by the city council, and may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year shall be paid before February 1st of the next succeeding year, and all such taxes not paid prior to that date shall be deemed delinquent, and shall be subject to penalty and interest as the city council shall provide by ordinance. The city council may provide discounts for the payment of taxes prior to January 1st in amounts not to exceed those established by the laws of the State of Texas.
- (2) Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question,

Sec. 7.22 - TAX LIENS, LIABILITIES AND SUITS

- (1) All taxable property located in the City of Sachse on January 1st of each year shall stand charged from that date with special lien in favor of the city for taxes due. All persons

purchasing any such property on or after January 1st of any year shall take the property subject to the liens provided above. In addition to the liens herein provided, on January 1st of any year, the owner of property subject to taxation by the city shall be personally liable for the taxes due for that year.

- (2) The city shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the city appraisal rolls is insufficient to identify such property, the city shall have the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

ARTICLE VIII. - BOARDS AND COMMISSIONS

Sec. 8.01 - AUTHORITY, COMPOSITION AND PROCEDURES

- (1) The city council shall create and establish or abolish as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the city council, such boards, commissions and committees as it deem necessary to carry out the functions and obligations of the city. The city council shall, by ordinance or resolution, prescribe the purpose, composition, functions, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.
- (2) Individuals who are qualified voters in the city may be appointed by the city council to serve on one (1) or more boards, commissions or committees. Such appointees shall be subject to removal from office by the city council for any cause deemed by the city council sufficient for their removal in the interest of the public service, but only after a public hearing before the city council on charges publicly made if demanded by such member(s) within ten (10) days after receipt of written notification by such member(s). Each appointee will be mailed an official statement of intent to remove by the city council prior to any vote being taken by the city council on said removal. An eighty (80) percent vote of the full membership of the city council is necessary for removal of any appointee to any board, commission or committee. After the vote for removal is made, the city council shall notify each removed appointee by official statement in writing. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation but may be reimbursed for actual expenses as approved by the city council.
- (3) All boards, commissions and committees of the city shall keep and maintain minutes of any proceedings held and shall submit the minutes to the city council no more than two (2) weeks after approval of the minutes of each such meeting. All meetings of any board, commission or committee created, established or appointed by this Charter or the city council shall be open to the public, unless otherwise permitted by law, and shall be subject to the laws of this state, as amended, concerning public meetings.
- (4) No officer of the city nor any person who holds a compensated appointive position with the city shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity, except as otherwise provided by state law.
- (5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings may be removed by the City Council from such position on the board, commission or committee and his position shall be filled by the city council.
- (6) At the first meeting following annual appointments each board, commission or committee shall elect its officers for the ensuing year.

(Election of April 5, 1986; Election of May 7, 1988; Election of May 5, 1990; Election of May 13, 2006; Election of May 11, 2013)

Sec. 8.02 - BOARDS AND COMMISSIONS ENUMERATED

- (1) Planning and Zoning Commission. There is hereby established a planning and zoning commission, whose purpose, composition, function, duties, and tenure shall be as set out in Article IX of this Charter.

- (2) Board of Adjustment. There is hereby established a board of adjustment and appeals which shall consist of at least five (5) members and may include four (4) alternates, appointed by a majority of the city council for a term of two (2) years. The city council shall, by ordinance, provide standards and procedures for such board to hear and determine appeals of administrative decisions, petition for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land and such other matters as may be required by the city council or by Chapter 211 of the Local Government Code, as amended. Each case before the board must be heard by at least seventy-five percent (75%) of the members and the concurring vote of at least seventy-five percent (75%) members of the board present shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass or to affect any variance in the zoning ordinance. Removal of members of the board of adjustment shall be by the city council for cause on a written charge after a public hearing for the unexpired term by the city council. Alternate board members will be appointed by the city council in the same manner as regular members. Vacancies and removals shall follow the same procedures as for regular members.
- (3) Parks and Recreation. The city council shall appoint a parks and recreation board consisting of seven (7) members who are qualified voters of the City of Sachse. These members shall serve for two (2) year terms. The parks and recreation board will work in an advisory capacity to the city council in the planning and developing of parks and recreation facilities and regulations governing their use. Meetings will be held monthly and shall be conducted at a time, date, and place designated by the chairman.
- (4) Library Board. The city council shall appoint a library board consisting of seven (7) members who are qualified voters of the City of Sachse. Members of the library board shall hold office for two (2) year terms. Meetings of the library board will meet at least once each calendar quarter, at a time, date, and place designated by the chairman. The board will work as an advisory board to the city council relating to the establishment and use of the library, the nature of the services rendered or to be rendered by the library, the manner in which the library service may be coordinated with the services of other libraries which render services to the city and such other matters as the city council may deem beneficial to the City of Sachse.

(Election of May 13, 2006; Election of May 11, 2013)

Sec. 8.03 - APPEALS TO CITY COUNCIL

Subject to the provisions of any law of the State of Texas, an appeal may be taken to the city council from any decision of any board, commission, committee, or other body except from decisions of the planning and zoning commission and the board of adjustment, unless otherwise provided by ordinance. Such appeals shall be perfected by filing a sworn notice of appeal with the city secretary within thirty (30) days from the rendition of the decision of the board, commission, committee or other body. Prior to the institution of any appeal in a court of law by the aggrieved person from a decision of such board, commission, committee or other body, appeal must be first perfected to the city council.

(Election of May 7, 1988; Election of May 11, 2013)

ARTICLE IX. - PLANNING AND ZONING COMMISSION, MASTER PLAN, BOARD OF ADJUSTMENT

Sec. 9.01 - ORGANIZATION

- (1) The city council shall create and establish a Planning and Zoning Commission which shall consist of seven (7) members, and may include alternates, who shall be appointed by the city council to staggered, overlapping two (2) year terms. The commission members shall be qualified voters in the city. Any vacancy occurring during the unexpired term of a member shall be filled by the city council. A majority of the members shall constitute a quorum. Removal of members of the planning and zoning commission shall be in accordance with the provisions of Article VIII, Section 8.01(2) of this Charter.
- (2) The commission shall meet at least once a month. The commission shall keep minutes of its proceedings which minutes shall be maintained as a public record by the city secretary. The commission shall serve without compensation.

(Election of April 5, 1986; Election of May 13, 2006; Election of May 11, 2013)

Sec. 9.02 - DUTIES AND POWERS

- (1) The commission, while considering matters relating to zoning, shall act as an advisory board to the city council, and be responsible to the city council.
- (2) The commission, while considering matters relating to planning, shall act as an independent authority responsible for approving plats, replats, and subdivision proposals in territories within the city limits and its extraterritorial jurisdiction. The city council may, by ordinance, require the approval of the council in addition to that of the planning commission.
- (3) The planning and zoning commission shall have full power to:
 - (a) Exercise the authority of the planning and zoning commission as provided in Chapters 211 and 212 of the Local Government Code, as amended, this Charter and city ordinances; and
 - (b) Submit annually to the city manager, not later than July 1st of each year, a list of recommended capital improvements to be considered by the city council for construction during the forthcoming two-year period.

(Election of May 7, 1988)

Sec. 9.03 - PROCEDURE

All rules and regulations adopted by the planning and zoning commission shall be forwarded to the city manager who shall submit them to the city council with his recommendations. The city council may adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the planning and zoning commission may modify them and submit such modified rules and recommendations to the city council.

Sec. 9.04 - THE MASTER PLAN: PROCEDURE AND LEGAL EFFECT

Sec. 9.04 - THE COMPREHENSIVE PLAN: PROCEDURE AND LEGAL EFFECT

- (1) The existing comprehensive plan for the physical development of the city contains recommendations for the growth, development and beautification of the city and its extraterritorial jurisdiction. Additions to and amendments of the comprehensive plan shall be by resolution, but before any such revision, the commission shall hold at least one (1) public hearing on the proposed action.
- (2) A copy of the proposed revisions to the comprehensive plan shall be forwarded to the city manager who shall submit the proposal to the city council, together with his recommendations, if any. The city council, after a public hearing, shall adopt or reject such proposed revision or any part thereof as submitted within sixty (60) days following its submission by the city manager. If the proposed revisions or part thereof should be rejected by the city council, the planning and zoning commission may make modifications and again forward it to the city manager for submission to the city council.
- (3) Following the adoption of the comprehensive plan by the city council, it shall serve as a guide to all future city council action concerning land use and development regulations and expenditures for capital improvements.

(Election of April 5, 1986; Election of May 11, 2013)

Sec. 9.05 - RESERVED

Editor's note— Election of May 11, 2013, repealed § 9.05, which pertained to board of adjustment and derived from an election of May 7, 1988.

ARTICLE X. - UTILITY AND PUBLIC SERVICE FRANCHISES AND LICENSES

Sec. 10.01 - AUTHORITY

The city shall have the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such services and utility operations. The city shall not supply any utility service outside the city limits, except by a written contract. The city shall have such regulatory and other power as may now or hereafter be granted by the Constitution and laws of the State of Texas.

(Election of April 5, 1986)

Sec. 10.02 - ORDINANCE GRANTING FRANCHISE

(1) A summary of an ordinance granting, renewing, extending or amending a public service or utility franchise, shall be read at one meeting of the city council and also be available for public review at one additional meeting and shall not take effect until thirty (30) days after the second meeting. Within fifteen (15) days following the first reading of the ordinance summary, the ordinance summary shall be published once in a newspaper of general circulation in the city. The expense of such publication shall be borne by the prospective franchisee.

(Election of May 7, 1994)

- (2) No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of any franchise.
- (3) No franchise may be exclusive.

Sec. 10.03 - TRANSFER OF FRANCHISE

No public service or utility franchise is transferable, except with the approval of the city council. However, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

Sec. 10.04 - FRANCHISE VALUE NOT TO BE ALLOWED

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

Sec. 10.05 - RIGHT OF REGULATION

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

- (a) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;
- (b) To require all extensions of service within the city limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension shall be considered part of the original grant and is terminable at the same time and under the same conditions as the original grant;
- (c) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;
- (d) To require reasonable standards of service and quality of product and prevent rate discrimination;
- (e) To impose reasonable regulations and restrictions to insure the safety and welfare of the public;
- (f) To examine and audit accounts and records and to require annual reports on local operations of the public service and utility;
- (g) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good or better than before disturbed by the franchisee for construction, repair or removal;
- (h) To require the franchisee to furnish to the city, from time to time and within a reasonable time following request of the city, at franchisee's expense, a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the city and its extraterritorial jurisdiction;
- (i) To require compensation, rent or franchise fees to be paid to the city as may be permitted by the laws of the State of Texas.

Sec. 10.06 - REGULATION OF RATES

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

Sec. 10.07 - LICENSES, LEVIES AND COLLECTIONS

The city shall have the power to license, levy and collect fees in order to license, any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas, or for any other purpose not contrary to the Constitution and/or laws of the State of Texas.

ARTICLE XI. - GENERAL PROVISIONS

Sec. 11.01 - PUBLIC RECORDS

All records of the city shall be open to inspection except those that are closed to the public by law. The records may be examined and copied in the city offices during normal office hours at a nominal charge established by the city manager.

Sec. 11.02 - OFFICIAL NEWSPAPER

(Provision designating official newspaper deleted by election of May 5, 1990)

Sec. 11.03 - OATHS

All elected and appointed officers of the city shall take and sign an oath of office based on those prescribed for state elective and appointive offices, respectively, in the Constitution of the State of Texas.

Sec. 11.04 - SEPARABILITY

If any section or part of this Charter is held invalid by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of this Charter.

Sec. 11.05 - WORDING INTERPRETATION

- (1) The gender of the wording throughout this Charter shall always be interpreted to mean either sex. All singular words shall include the plural and all plural words shall include the singular. All references to state law and laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or hereafter amended." The use of the word "city" in this Charter shall mean the City of Sachse, Texas.
- (2) The term city council shall include the mayor and all other city council members.

(Election of April 5, 1986)

- (3) The word "officers" as used in this Charter shall include all elected officials and all appointees.
- (4) The word "emergency" as used in this Charter means situations arising from circumstances involving imminent threats to public health and safety or sudden unforeseeable situations mandating immediate action by the governing body.
- (5) If any person has been appointed to "fill a vacancy for the remainder of the term," that period of time shall not be calculated when counting consecutive terms unless such period of time is greater than fifty (50) percent of the length of such term.

(Election of May 7, 1988)

Sec. 11.06 - AMENDMENT OF CHARTER

Amendments to this Charter may be framed and submitted to the qualified voters of the city in the manner provided by the Constitution and the laws of the State of Texas as presently enacted or hereafter amended.

Sec. 11.07 - CHARTER REVIEW COMMISSION

- (1) The city council may appoint a Charter Review Commission of at least fourteen (14) citizens of the city who shall:

(Election of May 13, 2006)

- (a) Inquire into the operation of the city government under the Charter and determine whether any provisions require revision. To this end, public hearings may be held. The commission may compel the attendance of any officer or employee of the city and require submission of any city records;
 - (b) Propose any recommendations it deems desirable to insure compliance with the Charter of the city government;
 - (c) Report its findings and present its recommendations to the city council.
- (2) The city council shall receive and have published in the official newspaper of the city a comprehensive summary of the report presented by the commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the city in the manner provided by state law as now written or hereafter amended.
- (3) The term of office of the commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the city council and all records of proceedings of the commission shall be filed with the city secretary and become a public record.

Sec. 11.08 - REPEALED

Editor's note— Ord. No. 2220, § 1, adopted on election date May 13, 2006, repealed § 11.08, which pertained to submission of Charter to electors.

ARTICLE XII. - LEGAL PROVISIONS

Sec. 12.01 - ASSIGNMENT, EXECUTION AND GARNISHMENT

- (1) Property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill. Funds belonging to the city in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration; nor shall the city be liable to garnishment, attachment or sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand owing to any person. Neither the city nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatsoever.
- (2) The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors, except as provided by the laws of this state presently existing or as hereinafter enacted.

Sec. 12.02 - SECURITY AND BOND

It shall not be necessary in any action, suit or proceeding in which the city is a party for any bond, undertaking or security to be demanded or executed by or on behalf of the city. All such actions shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

Sec. 12.03 - NOTICE OF CLAIM

The city shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within one hundred eighty (180) days after the time at which it is claimed such damages were inflicted upon such person or property, file with the city a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the conditions causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

Sec. 12.04 - POWER TO SETTLE CLAIMS

The city council shall have the power 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.

Sec. 12.05 - SERVICE OF PROCESS AGAINST THE CITY

All legal process against the city shall be served upon both the mayor and the city manager.

Sec. 12.06 - JUDICIAL NOTICE

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

Sec. 12.07 - PENDING MATTERS

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this Charter.

ARTICLE XIII. - TRANSITIONAL PROVISIONS

Sec. 13.01 - EFFECTIVE DATE

This Charter shall take effect immediately following adoption by the voters.

Sec. 13.02 - CONTINUATION OF ELECTIVE OFFICES

Upon adoption of this Charter, the present members of the city council filling elective offices will continue to fill those offices for the terms for which they were elected. If this Charter is adopted, the city council shall, by majority vote, at its first regular meeting after the adoption of this Charter, appoint one (1) additional councilman to serve for a term to coincide with the terms of the councilmen who are elected in the odd numbered years, or until his successor is elected and qualified. Thereafter, the city council shall be elected as provided in this Charter. Persons who, on the date this Charter is adopted, are filling appointive positions with the city which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the city council or by other means provided in this Charter.

Sec. 13.03 - CONTINUATION OF OPERATIONS

All city ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended, or repealed by the city council, and all rights of the city under existing franchises and contracts are preserved in full force and effect.

Sec. 13.04 - OFFICERS AND EMPLOYEES

Except as specifically provided, nothing in this Charter shall affect or impair the rights or privileges of person who are city officers or employees at the time of its adoption.

ARTICLE XIV. - NEPOTISM, PROHIBITIONS AND PENALTIES

Sec. 14.01 - NEPOTISM

No person related within the second degree of affinity or within the third degree by consanguinity to the mayor or any city council member or the city manager shall be employed by or contracted with for the city. This shall not apply to any person continuously employed prior to the election or appointment of the person related in the above degree.

Sec. 14.02 - EQUALITY OF RIGHTS

Equality of rights under the law shall not be denied or abridged with respect to appointment to or removal from any position because of race, gender, age, national origin, political or religious opinions or affiliations.

Sec. 14.03 - WRONGFUL INFLUENCE

No person who seeks appointment or promotion with respect to any city position shall, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his test, appointment or promotion.

Sec. 14.04 - WRONGFUL INTERFERENCE

No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment or attempt to commit any fraud preventing the impartial execution of the personnel provisions, rules and regulations of this Charter.

Sec. 14.05 - EMPLOYEE'S POLITICAL ACTIVITIES

No person who holds any compensated non-elective city position shall make, solicit or receive any contribution for any candidate for public office in the city, or take part in the management, affairs or political campaign of such candidate. He may exercise his rights as a citizen to express his opinion and cast his vote.

Sec. 14.06 - PENALTIES

Any person who willfully engages in any of the activities prohibited in Sections 14.02, 14.03, 14.04 or 14.05 of this Article shall be ineligible for appointment or election to a position in the city for a period of five (5) years from that time. If he is an officer or employee of the city at the time of the violation, he shall immediately forfeit his office or position.

Sec. 14.07 - INDEBTEDNESS TO CITY

No person who, after notice of any delinquency, shall be in arrears in the payment of taxes or any other liabilities due the city, shall be qualified to hold an appointive or compensative position of the city.

(Election of April 5, 1986)

Sec. 14.08 - CONFLICT OF INTEREST

No officer of the city, whether elected or appointed, or any employee, whether full or part time, shall have a substantial financial interest, direct or indirect, in any contract or other procurement process, a substantial financial interest, direct or indirect, in the sale to or purchase from the city of any land, materials, supplies or services, except on behalf of the city as an officer or employee. The words "substantial interest" as used herein shall be defined in Chapter 171 of the Local Government Code, as amended. Any willful violation of this section shall constitute malfeasance in office and any officer or employee found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, express or implied, of the person or the corporation contracting with or involved in any other procurement process with the city shall render the contract or other procurement process involved voidable by the city manager or a majority vote of the full membership of the city council.

(Election of May 7, 1988)