

HOME RULE CHARTER
for the
CITY OF FREDERICKSBURG

ADOPTED MAY, 1991

PREAMBLE

WE, the citizens of Fredericksburg, Gillespie County, Texas, in order to establish a Home Rule Municipal Government, provide for the future progress of our City, maintain our heritage, and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with the statutes of the State of Texas, and do hereby declare that all the inhabitants of the City of Fredericksburg, Gillespie County, Texas, residing within the boundaries and limits of said City as are herein established or may hereafter be established, shall be a political subdivision of the State of Texas, incorporated under and to be known by the same and style of the "City of Fredericksburg" with such powers, rights, and duties as are herein provided.

Article I

Form of Government And Boundaries

Section 1.01 FORM OF GOVERNMENT: The municipal government provided by this charter shall be known as the "Council-Manager Government." Pursuant to its provision and subject only to the limitation imposed by the State Constitution and by this charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the "City Council" which shall enact local legislation, adopt budgets, determine policies, and employ the city manager, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance, the State Constitution or the laws of the State of Texas.

Section 1.02 BOUNDARIES: The boundaries of the City of Fredericksburg shall be the same as have heretofore been established and as they existed on the day of ratification of this charter, which boundaries are more fully set out and described by the official city map of the City of Fredericksburg.

Section 1.03 EXTENSION OF BOUNDARIES: The boundaries of the City of Fredericksburg may be enlarged and extended by the annexation of additional territory, regardless of the size and configuration, by any of the methods hereinafter designated:

(a) **ANNEXATION OF LANDS ON PETITION OF OWNERS:** The owner or owners of any land contiguous and adjacent to the City may, by petition in writing to the City Council, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The City Council shall thereafter hear such petition and the arguments for and against the same, and grant or refuse such petition as the City Council may

see fit. If the City Council grants such petition, it may by proper ordinance, under such procedural rules as may be prescribed by law, receive and annex such territory as a part of the City.

- (b) **ANNEXATION OF LANDS BY ORDINANCE:** The City Council may, by ordinance, annex territory contiguous and adjacent to the City subject to such procedural rules as may be prescribed by State Law, with or without the consent of the inhabitants or owners thereof.
- (c) **ANNEXED TERRITORY TO BECOME PART OF CITY:** Upon completion of any of the procedures hereinabove provided, the territory so annexed shall become a part of the City, and said land and its residents and future residents shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 1.04 **CONTRACTION OF BOUNDARIES:** Whenever there exists within the corporate limits of the City of Fredericksburg adjoining the outer boundaries thereof any territory not suitable or necessary for orderly planning and development of the City, the City Council may, if uninhabited, or if the same be inhabited, upon a petition signed by a majority of the qualified voters residing in such territory, by ordinance duly passed, de-annex such property as a part of said City; and from and after the entry of such ordinance said territory shall cease to be a part of said City.

Article II

Powers of The City

Section 2.01 **GENERAL POWERS:** The City shall have all powers possible for a city to have under the Constitution and laws of this State, as fully and completely as though they were especially enumerated in this Charter. All such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, and, when not prescribed herein, in such manner as may be provided by ordinance or resolution of the Council of the City of Fredericksburg.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the City may have and shall exercise all other powers which, under the Constitution of the State of Texas, it would be competent for the Charter specifically to enumerate. The City of Fredericksburg shall have and exercise all the powers conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas and the enabling act and all other laws passed or which may hereafter be passed by the Legislature in relation to such matter.

The City of Fredericksburg may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with the Government of Texas or agency thereof, or with the Federal Government or any agency thereof, or with the government of any county, city or political subdivision to accomplish any lawful municipal purpose.

Section 2.02 **EMINENT DOMAIN:** The City shall have the full power and right to exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of the State. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

Article III

The City Council

Section 3.01 **NUMBER, SELECTION AND TERM:** The legislative and governing body of the City shall consist of a Mayor and four (4) councilmembers and shall be known as the "City Council of the City of Fredericksburg." The Mayor and Councilmembers shall be elected from the City at large. The term for the Mayor and Councilmembers shall be two years. Each member of the City Council shall serve until his successor is elected and qualified. No Mayor or Councilmember may serve more than four (4) consecutive two (2) year terms in the same office.

The terms of the Councilmembers shall be staggered so that two (2) members will be elected to a regular term each year. All elections shall be held in the manner provided in Article VI of this Charter. Regular terms of office shall commence on May 15th of each year.

Section 3.02 **QUALIFICATIONS:** Each member of the City Council shall be a resident citizen of the City of Fredericksburg and shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of Fredericksburg for a period of not less than twelve months immediately preceding his election, and shall not be indebted to the City of Fredericksburg; provided, however, that any person with the above qualifications, except as to residence, who shall have been a resident for a period of not less than twelve months immediately preceding his election of any of the territory not formerly within the corporate limits of said City, but which is annexed under the provisions of this Charter, shall be eligible for said office. If any Councilmember fails to maintain the foregoing qualifications, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in Section 3.07 of this charter.

If any Councilmember shall be absent from three consecutive regular meetings without valid excuse, the City Council may declare a vacancy to exist and fill said vacancy as set forth in Section 3.07 of this Charter.

Section 3.03 COUNCIL TO BE JUDGE OF ELECTION, QUALIFICATIONS: The City Council shall be the judge of the election and qualifications of its own members.

Section 3.04 COMPENSATION: Compensation shall be set by municipal ordinance. The first City Council to take office shall receive the following compensation: Mayor, \$400.00 per month; each Councilmember, \$250.00 per month. In addition, each shall be paid for any actual and necessary expenses incurred while in the discharge of duties of the office, upon presentation of an itemized statement of such expense to the City Council and approved by the City Council. Any adjustments to salary compensation shall be by municipal ordinance. Any increase in salary compensation by ordinance shall not become effective until the date of commencement of terms of office of the Councilmembers or Mayor elected at the next scheduled regular election.

Section 3.05 MAYOR PRO TEM: At its first regular meeting after election each year, the City Council shall elect from among its members a Mayor Pro Tem who shall serve at the pleasure of the City Council. In the absence or inability of the Mayor to perform the duties of office, the Mayor Pro Tem shall perform the duties of office and in this capacity shall be vested with all of the powers conferred on the Mayor.

Section 3.06 EMERGENCY POWER OF MAYOR: In time of danger or emergency, the Mayor may, with the consent of the City Council, take command of the police and govern the City by proclamation and maintain order and enforce all laws.

Section 3.07 VACANCIES: When a vacancy occurs in the City Council, the remaining members of the Council shall, within thirty (30) days, appoint a qualified person to fill the vacancy until the next regular City election, at which time the unexpired term of such vacancy shall be filled by election.

Section 3.08 POWERS OF THE CITY COUNCIL: All powers and authority which are expressly or impliedly conferred on or possessed by the City shall be vested in and exercised by the City Council.

Section 3.09 CITY COUNCIL NOT TO INTERFERE IN APPOINTMENTS: Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City Administrative Officers or Employees whom the City Manager or any of his subordinates are empowered to appoint, unless otherwise provided in this Charter, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

Section 3.10 MEETINGS OF THE CITY COUNCIL: City Council meetings shall be held at City Hall or at such place as the City Council shall designate and the City Council shall meet regularly at least once in every month at such time as the City Council may prescribe by rule. Special meetings may be on the call of the Mayor or two Councilmembers and whenever practicable upon not less than twelve hours notice to each

Councilmember; provided, however, that all meetings shall be open to the public, except for closed and/or executive meetings and sessions as provided and authorized by the Statutes of the State of Texas, as now or hereafter amended, and written public notice thereof given as required by the Statutes of the State of Texas, as now or hereafter amended.

Section 3.11 **RULES OF PROCEDURE:** The City Council shall determine its own rules and order of business and shall provide for keeping of minutes of its proceedings. These minutes shall be a public record. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Three members of the City Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the City Council. At the beginning of each term of office the City Council shall adopt Rules of order which shall govern all meetings of the City Council. No action of the City Council, except as otherwise provided in the preceding sentence, and Section 3.02 of this Charter shall be valid or binding unless adopted by the affirmative vote of a majority of the entire City Council. Copies of the rules of order adopted by the City Council shall be available in the office of the City Secretary for examination by interested persons. The Mayor shall be a voting member of the City Council.

Section 3.12 **PROCEDURE FOR PASSAGE OF ORDINANCES:** The City Council shall legislate by ordinance, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Fredericksburg." The City Attorney shall approve all ordinances adopted by the City Council, as to the legality thereof, or shall file with the City Secretary his written legal objections thereto. Evidence of the approval of an ordinance by the City Attorney may be by notation on the ordinance itself, or by separate paper or instrument. Every ordinance enacted by the City Council shall be signed by the Mayor, Mayor Pro Tem or two Councilmembers and shall be filed with and recorded by the City Secretary. All proposed ordinances shall be read in open meeting of the City Council, provided that all readings of any ordinance may be by descriptive caption only, except that one member of the council may require a complete reading of any ordinance upon the reading thereof, and all ordinances shall be posted at City Hall.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by law or this Charter to be published, by causing the said ordinance, or its caption and penalty, to be published at least one time within ten (10) days after final passage thereof in a newspaper of general circulation of the City of Fredericksburg. The affidavit of such publication by the publisher of such newspaper taken before any officer authorized to administer oaths and filed with the City Secretary, shall be conclusive proof of the legal publication and promulgation of such ordinance in all courts. Such ordinance shall take effect ten (10) days after the date of such publication, provided that any ordinance passed as an emergency measure as prescribed in this section shall take effect immediately on its publication.

Section 3.13 OFFICIAL BONDS FOR CITY EMPLOYEES: The City Manager and the City Secretary and such other City officers and employees as the City Council may require, shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council, payable to the City of Fredericksburg and conditioned upon a faithful discharge of the duties of such persons and upon a faithful accounting for all monies, credits and things of a value coming into the hands of such persons, and such bonds shall be signed as surety by some company authorized to do business under the laws of the State of Texas, and the premium of such bonds shall be paid by the City of Fredericksburg, and such bonds must be acceptable to the City Council.

Section 3.14 INVESTIGATION BY THE CITY COUNCIL: The City Council shall have the power to inquire into the conduct of any office, department, agency, officer or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce such books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed two hundred (\$200.00) dollars and/or cancellation of a faithful performance bond.

Section 3.15 AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS: The City Council shall cause an annual audit to be made of the books and accounts of each and every department of the City. A complete audit in accordance with standards set by the American Institute of Certified Public Accountants shall be made at the end of each fiscal year, and at such other times as may be necessary, by an Independent Certified Public Accountant who shall be selected by the City Council. The audit report shall be filed with the City Council and shall be available for public inspection and a summary thereof shall be published in a newspaper of general circulation of the City of Fredericksburg. The auditor selected shall not maintain or keep any of the City accounts or records.

Article IV

Administrative Services

Section 4.01 CITY MANAGER

- (a) **APPOINTMENT AND QUALIFICATION:** The City Council shall appoint a City Manager who shall be the chief administrative officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He shall be chosen by the City Council solely on the basis of his executive and administrative training, experience, ability and character. No member of the City Council shall, during the time for which he is elected and for one (1) year thereafter, be appointed City Manager.

- (b) **TERM AND SALARY:** The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire Council. The action of the City Council in suspending or removing the City Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the City Council. In case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the City Council.
- (c) **POWERS AND DUTIES:** The powers herein conferred upon the City Manager shall include but shall not be limited to the following:
- (1) to effectively enforce all State laws and City Ordinances.
 - (2) to appoint and remove any officer or employee of the City and establish compensation for officers and employees except those officers and employees whose appointment or election is otherwise provided for by law or this charter.
 - (3) to prepare and submit the annual budget and a five (5) year capital improvement program to the City Council.
 - (4) to submit to the City Council monthly a report on the finances and administrative activities of the City and a complete report as of the end of each fiscal year.
 - (5) to perform such other duties as may be prescribed by this Charter or required of him by the City Council, not inconsistent with the provisions of this Charter.

Section 4.02 **OTHER DEPARTMENTS:** The City Council may create, abolish or consolidate such offices and departments as it may deem to be to the best interest of the City and may divide the administration of any such departments and may discontinue any offices or departments at its discretion, except those established by this Charter.

Article V

Municipal Court

Section 5.01 **MUNICIPAL COURT:** There shall be established and maintained a court designated as a "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by laws of the State of Texas.

Section 5.02 JUDGE OF THE MUNICIPAL COURT:

- (a) The Judge of the Municipal Court shall hold his office at the pleasure of the City Council, and shall receive such salary as may be fixed by ordinance of the City Council.
- (b) In the case of the disability or absence of the Judge of the Municipal Court, the City Council shall appoint a qualified successor.

Section 5.03 CLERK OF THE MUNICIPAL COURT:

- (a) The City Secretary or an Assistant City Secretary shall be ex-officio Clerk of the Municipal Court.
- (b) The Clerk of the Municipal Court and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said Court thereto, and generally do and perform any and all acts usual and necessary by the Clerk of said Court in issuing process of said court and conducting the business thereof.

Article VI

Elections

Section 6.01 ELECTIONS: The regular City election shall be held annually on the first Saturday in May or at such other times as may be specified by State Law, at which time officers will be elected to fill those offices which become vacant that year. The City Council shall fix the place for holding such election. The City Council may, by ordinance or resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election. Notice of the election shall be published in a newspaper of general circulation of the City of Fredericksburg, such publication to be not less than thirty (30) days before the election.

Section 6.02 REGULATION OF ELECTIONS: All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the City Council for the conduct of elections. The City Council shall appoint the election judges and other election officials.

Section 6.03 FILING FOR OFFICE: Any person having the qualifications set forth for councilmember under Section 3.02 of this Charter shall have the right to file an application to have his name placed on the official ballot as a candidate for any elective office, and such application in writing signed by such candidate, filed with the City Secretary not less than forty-five (45) days prior to the date of election, shall entitle such applicant to a place on the official ballot.

Section 6.04 THE OFFICIAL BALLOT: The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be printed on official ballots without party designations in the order determined in a drawing of lots (for each position) conducted by the City Secretary. All official ballots shall be printed at least twenty (20) days prior to the date of any general or special election, and shall provide a space for write-in candidates. Absentee voting shall be governed by the general election laws of the State of Texas.

Section 6.05 CANDIDATES ELECTED:

- (a) The candidate in the regular City election who receives the greatest number of votes cast for the office of Mayor shall be declared elected. In the event of a tie vote between the candidates receiving the highest number of votes cast for the office of Mayor, the City Council shall within five (5) days order a special election between the tied candidates to be held between thirty (30) and forty-five (45) days after the said election at which the tie vote was cast.
- (b) The candidates in the regular City election who receive the greatest and second greatest number of votes cast for the office of Councilmember shall be declared elected. In the event there is a tie vote between candidates to that two candidates for Councilmember do not receive the greatest and second greatest number of votes, the City Council shall within five (5) days order a special election between the tied candidates to be held between thirty (30) and forty-five (45) days after the said election at which the tie vote was cast.
- (c) The candidate in the regular City election who receives the greatest number of votes cast for the unexpired term of any office shall be declared elected. In the event of a tie vote between the candidates receiving the highest number of votes cast for such office, the City Council shall within five (5) days order a special election between the tied candidates to be held between thirty (30) and forty-five (45) days after the said election at which the tie vote was cast.

Section 6.06 FIRST ELECTION OF MAYOR AND COUNCILMEMBERS: The existing Mayor and Councilmembers shall continue to hold office until their terms expire on May 15, 1992. On the second Saturday in August, 1991, a special election shall be held to elect two (2) additional Councilmembers. The two (2) Councilmembers elected on the second Saturday in August, 1991 shall serve a term which shall expire on May 15, 1993. Each Mayor and Councilmember, with the exception of the two (2) Councilmembers elected on the second Saturday of August, 1991, shall be held on the first Saturday in May of each year or such dates as may be prescribed by State law.

Section 6.07 LAWS GOVERNING CITY ELECTIONS: All City elections shall be governed by the laws of the State of Texas governing general and municipal elections.

Article VII

Recall of Officers

Section 7.01 **SCOPE OF RECALL:** Any person holding an elected office, whether elected to office by the qualified voters of the City or appointed by the City Council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the City.

Section 7.02 **PETITIONS FOR RECALL:** Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters of the City equal in number at least thirty percent (30 percent) of the number of votes cast at the last regular election of the City, but in no event less than two hundred (200) such petitioners. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number of place of residence, and shall also write thereon the day, the month and year his signature was affixed.

Section 7.03 **FORM OF RECALL PETITION:** The recall petition mentioned above must be addressed to the City Council of the City of Fredericksburg, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and if there be more than one ground, shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which he is charged. The signature shall be verified by oath in the following form:

"State of Texas
County of Gillespie

"I, _____ being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature was made in my presence on the day and date it purports to have been made, and that each voter is a resident and qualified voter within the City of Fredericksburg, and I solemnly swear that the same is the genuine signature of the person whose name is purports to be.

Signed: _____

Sworn to and subscribed before me, this the _____ day of _____,
19_____.

Notary Public, Gillespie County, Texas

Section 7.04 **VARIOUS PAPERS CONSTITUTING PETITION:** The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures

thereto may be upon the papers or paper containing the form of petition, or upon any other papers attached thereto. Verifications provided for in the preceding section of this article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of the City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing, the office so sought to be removed, by mailing such notice to his Fredericksburg address.

Section 7.05 PRESENTATION OF PETITION TO CITY COUNCIL: Within ten (10) days after the date of the filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City of Fredericksburg, Texas.

Section 7.06 PUBLIC HEARING TO BE HELD: The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

Section 7.07 ELECTION TO BE CALLED: If an officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be not less than twenty-five (25) nor more than forty-five (45) days from the date such petition was presented to the City Council, or from the date of the public hearing if one was held.

Section 7.08 BALLOTS IN RECALL ELECTION: Ballots used at recall election shall conform to the following requirements:

- (a) With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (name of office) by recall?"
- (b) Immediately below each such question there shall be following words, one above the other, in the order indicated:

"Yes"

"NO"

Section 7.09 RESULT OF RECALL ELECTION: If a majority of the votes cast at a recall election shall be "NO", that is, against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be "YES", that is, for the recall of the person named in the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy filled as provided in Section 3.07 of this Charter.

Section 7.10 **RESTRICTIONS ON RECALL:** No recall petition shall be filed against any officer of the City of Fredericksburg within three (3) months after his election, nor within three (3) months after an election for such officer's recall.

Section 7.11 **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 the recall petition, or order such a recall election, or discharge any other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, then the County Judge of Gillespie County, Texas, shall discharge any of the duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

Article VIII

Legislation by the People, Initiative and Referendum

Section 8.01 **GENERAL POWER:** Qualified voters of the City of Fredericksburg shall have the power to direct legislation by initiative and referendum as provided by the City Charter.

Section 8.02 **INITIATIVE:** Qualified voters of the City of Fredericksburg may initiate legislation by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to thirty percent (30 percent) of the number of votes cast at the last regular municipal election of the City or two hundred (200), whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed, as provided in this Charter, and shall be verified by oath in the manner and form provided for recall petitions in this Charter. The petition may consist of one or more copies as permitted for recall petitions. Such petition shall be filed with the person performing the duties of City Secretary. Within ten (10) days after the filing of such petition, the person performing the duties of City Secretary shall present petition and proposed ordinance or resolution to the City Council. Upon presentation to the City Council of the petition and draft of the proposed ordinance or resolutions, it shall become the duty of the City Council, within ten (10) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held within forty- five (45) days thereafter at which the qualified voters of the City of Fredericksburg shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within ninety (90) days after the filing of the petition, the question may be voted on at such election.

Section 8.03 **REFERENDUM:** Qualified voters of the City of Fredericksburg may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes

or appropriating money, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after its publication. Said petition shall be addressed, prepared, dated, signed and verified as required for petitions initiating legislation as provided in this Charter and shall be submitted to the person performing the duties of City Secretary. Within ten (10) days after the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon the City Council shall within ten (10) days reconsider such ordinance or resolution, and if it does not entirely repeal same, shall submit it to popular vote as provided in Section 8.02 of this Charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

Section 8.04 VOLUNTARY SUBMISSION OF LEGISLATION BY THE COUNCIL: The City Council, upon its own motion and by a majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure or may submit for repeal any existing ordinance, resolution or measure, in the same manner and with the same force and effect as provided in this Article for submission on petition, and may at its discretion call a special election for this purpose.

Section 8.05 FORM OF BALLOTS: The ballots used when voting upon such proposed and referred ordinances, resolutions, or measures, shall set forth their nature sufficiently to identify them and shall set forth upon separate lines the words:

"FOR THE ORDINANCE", and
"AGAINST THE ORDINANCE", or
"FOR THE RESOLUTION", and
"AGAINST THE RESOLUTION."

Section 8.06 PUBLICATION OF PROPOSED AND REFERRED ORDINANCES: The person performing the duties of City Secretary shall publish at least once in a newspaper of general circulation of the City the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling such election.

Section 8.07 ADOPTION OF ORDINANCES: If a majority of the qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective as a law or as a mandatory order of the City Council.

Section 8.08 INCONSISTENT ORDINANCES: If the provisions of two or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the greatest number of votes shall prevail.

Section 8.09 ORDINANCES PASSED BY POPULAR VOTE, REPEAL OR AMENDMENT: No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed

or amended except by the City Council in response to a referendum petition or by submission to popular vote as provided in Section 8.04 of this Charter.

Section 8.10 FURTHER REGULATIONS BY CITY COUNCIL: The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article consistent within.

Section 8.11 FRANCHISE ORDINANCES: Nothing contained in this Article shall be construed to conflict with any of the provisions of Article XI of this Charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

Article IX

Municipal Planning and Zoning

Section 9.01 PLANNING AND ZONING COMMISSION: There shall be a City Planning and Zoning Commission which shall consist of nine (9) members.

Section 9.02 COMPREHENSIVE CITY PLAN: The Comprehensive City Plan for the physical development of the City of Fredericksburg shall contain the Planning and Zoning Commission's recommendations for growth, development and beautification of the City.

Article X

Municipal Finance

Section 10.01 FISCAL YEAR: The fiscal year of the City of Fredericksburg shall begin the first day of October and shall end the last day of September of each calendar year.

Section 10.02 PREPARATION AND SUBMISSION OF BUDGET: The City Manager shall submit a proposed budget containing a complete financial plan for each fiscal year. Such a budget shall be submitted to the City Council not more than one hundred twenty (120) days but not less than thirty (30) days prior to the beginning of each fiscal year. The budget shall contain the following:

- (a) A budget message shall outline the proposed financial policies of the City for the fiscal year, shall set forth the reasons for any major changes in expenditure and revenue items from the previous fiscal year, and shall explain any major change in financial policies.

- (b) Revenue Summary
- (c) Departmental Expenditure Summary
- (d) Departmental Budget
- (e) Schedule of Outstanding Bonded Debt
- (f) Schedule of Capital Outlays by Department
- (g) Review of Property Valuations
- (h) An analysis of tax rates.
- (i) Tax levies and tax collection by year for the last three (3) years.
- (j) The appropriation ordinance.
- (k) The tax levying ordinance.
- (l) A provision for financing the current capital improvement program.

Section 10.03 ANTICIPATED REVENUES AND EXPENDITURES COMPARED WITH OTHER YEARS: In preparing the budget, the City Manager shall place in parallel columns opposite the several items of revenues and expenditures, the actual amount of each item for the last complete fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

Section 10.04 BUDGET - A PUBLIC RECORD: The budget and all supporting schedules shall be a public record. It shall be filed with the person performing the duties of City Secretary, and it shall be submitted to the City Council. The City Council shall make copies available for all interested persons.

Section 10.05 PUBLIC HEARING ON BUDGET: The City Council shall fix the time and place for a public hearing on the budget, and shall cause to be published in an newspaper of general circulation of the City of Fredericksburg, at least fifteen (15) days before the date of such hearing, a notice of the hearing setting forth the time and place thereof. At any time and place set forth in the notice required by this section, or at any time and place to which such public hearing shall from time to time be convened, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

Section 10.06 PROCEEDINGS ON BUDGET AFTER PUBLIC HEARING: After the conclusion of such public hearing, the City Council may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. If the City Council increases the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.

- Section 10.07 ADOPTION OF BUDGET:** The budget shall be adopted by the affirmative vote of a majority of the entire City Council.
- Section 10.08 DATE OF FINAL ADOPTION:** The budget shall be finally adopted not later than the beginning of the fiscal year, and should the City Council fail to so adopt a budget, the then existing budget together with its tax-levying ordinance and, its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it provided accordingly, until such time as the Council adopts a budget for the balance of the fiscal year.
- Section 10.09 EFFECTIVE DATE OF BUDGET, CERTIFICATION, COPIES MADE AVAILABLE:** Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget as finally adopted shall be filed with the person performing the duties of the City Secretary and the County Clerk of Gillespie County. The final budget shall be printed, mimeographed, or otherwise reproduced, and copies shall be made available for the use of all offices, departments and agencies for the use of interested persons and civic organizations.
- SECTION 10.10 BUDGET ESTABLISHED APPROPRIATIONS:** From the effective date of the budget, the several amounts therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein stated.
- Section 10.11 BUDGET ESTABLISHES AMOUNT TO BE RAISED BY TAXATION:** From the effective date of the budget, the amount stated therein as the amount to be raised by taxation shall constitute a determination of the amount of levy for the purposes of the City in the corresponding tax year; provided however, that in no event shall such levy exceed the legal limit provided by the laws and Constitution of the State of Texas.
- Section 10.12 ESTIMATED EXPENDITURES SHALL NOT EXCEED ESTIMATED RESOURCES:** The total estimated expenditures of the general fund, available utility fund, and debt service shall not exceed the total estimated resources (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform to the uniform classification as promulgated by the American Institute of Certified Public Accountants or some other nationally accepted classification.
- Section 10.13 OTHER NECESSARY APPROPRIATIONS:** The City budget may be amended and appropriations altered in accordance therewith in case of public necessity, the actual fact of which shall have been determined and declared by the City Council.
- Section 10.14 GENERAL OBLIGATION BONDS:** The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All bonds shall be issued in conformity with the laws of the State of Texas.
- Section 10.15 REVENUE BONDS:** The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by

the Constitution, and laws of the State of Texas and to issue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties, or interest therein pledged, or the income therefrom or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised to or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas.

SECTION 10.16 SALES OF BONDS AND BONDS INCONTESTABLE: No bond (other than refunding bonds issued to refund and in exchange for previously issued outstanding bonds) issued by the City shall be sold for less than par value and accrued interest. All bonds of the City, having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable, and all bonds issued to refund in exchange for outstanding bonds previously issued shall, after said exchange, be incontestable.

Section 10.17 COMPETITIVE BIDDING: The City of Fredericksburg shall take competitive bidding in accordance with Section 252.01 of the V.T.C.A. Local Government Code.

Article XI

Franchises and Public Utilities

Section 11.01 POWERS OF THE CITY: The City of Fredericksburg shall have the full power, to the extent the same is conferred by the Constitution and laws of the State of Texas, to own, lease, operate, prohibit, regulate and control any public utility within or without the limits of the City and to provide for the compensation and rental to be paid to the City by any public utility for the use of its streets, highways and public areas.

In addition to the City's power to buy, construct, lease, maintain, operate, and regulate public utilities and to manufacture, distribute, and sell the output of such utility operations, the City shall have such regulatory and other powers as may now or hereafter be granted under the Constitution of the State of Texas.

Section 11.02 FRANCHISE POWER OF THE CITY COUNCIL: The City Council shall have the power by ordinance to grant, amend, renew, and extend all franchises of all public utilities of every character, including cable television, operating within the City of Fredericksburg. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two (2) separate regular meetings of the City Council and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until thirty (30) days after its final passage; and, pending such time, the full text of such ordinance shall be published once a week for three (3) consecutive weeks in a newspaper for general circulation of the City of Fredericksburg and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be granted for a term of more than twenty (20) years

(or ten (10) years in the case of cable television franchise) nor be transferred except with the approval of the City Council expressed by ordinance.

Section 11.03 FRANCHISE VALUE NOT TO BE ALLOWED: Franchises granted by the City under this Charter shall be considered to be of no value in fixing reasonable rates and charges for utility service within the City, and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise.

Section 11.04 RIGHT OF REGULATION: All grants, renewals, extensions, or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the City Council:

- (a) To repeal the same by ordinance at any time upon the failure of the grantee to comply with the terms of the franchise, the ordinance, this Charter, any applicable statute of the State of Texas, or the rule of any applicable governmental body, such power to be exercised only after written notice to the franchise holder stating wherein the franchise holder has failed to comply with the terms of the franchise, and setting a reasonable time for correction of such failure, and such power shall be exercised only after the grantee has been given the opportunity for hearing.
- (b) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (c) To require such expansion, extension, and improvements of plants and facilities as are necessary to provide adequate service to the public; and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency.
- (d) To prescribe the accounts and accounting system to be used by a public utility so that they will accurately reflect the value of the property used in rendering its service to the public; and the expenses, receipts, and profits of all kinds of such franchises. It shall be deemed sufficient compliance with this paragraph if the franchise keeps its accounts in accordance with the uniform system established by an applicable Federal or State agency for such service. To examine and audit, at any time, the accounts and other records of any utility; and to require annual and other reports including reports on operations within the City of Fredericksburg.
- (e) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the health, safety, welfare, and accommodation of the public.
- (f) To require such compensation and rental as may be permitted by the laws of the State of Texas.
- (g) To require the franchise holder to restore, at his expense, all public or private property to an equal or better condition than before damaged or

destroyed by construction, maintenance, or removal by such franchise holder.

Section 11.05 GRANT NOT TO BE EXCLUSIVE: No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of such grant shall be exclusive.

Section 11.06 CONSENT OF PROPERTY OWNERS: The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance, or operation of any public utility; but nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his property as is now or hereafter may be provided by law.

Section 11.07 EXTENSIONS: All extensions of public utility service within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter. The extension of any public utility shall be considered as a part of the original grant and shall be terminable at the same time and under the same conditions as the original grant.

Section 11.08 OTHER CONDITIONS: All franchises heretofore granted are recognized as contracts between the City of Fredericksburg and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this Charter, except that the power of the City to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved; and except the general power of the City, heretofore existing and herein provided for to regulate the rates and services of a grantee, shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and equipment at the highest reasonable standard of efficiency. All franchises hereafter granted shall be held subject to all terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchise.

Section 11.09 ACCOUNTS OF MUNICIPALLY-OWNED UTILITIES: Accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of each such City ownership and operation. The accounts shall show the actual capital cost to the City of each public utility owned, the cost of all extensions, additions, and improvements; and the source of the funds expended for such capital purposes. The accounts shall also show all assets and all liabilities of each utility appropriately subdivided by classes, depreciation reserve, other reserves and surplus, and revenues, operating expenses including depreciation, interest payments, rentals, and other disposition of annual income including the cost of any service furnished to any other City department. The City Council shall annually cause an audit report to be made, by a Certified Public Accountant, and shall publish in a newspaper of general circulation of the City of Fredericksburg, a summary of such report showing the financial results of such City ownership and operation, giving the information specified in this section and any other date the Council shall deem to be pertinent.

Section 11.10 SALES OF ELECTRICITY, WATER, SEWER AND ANY OTHER SERVICES: The City Council shall have the authority and power to sell and provide electricity, water, sewer and/or other utility services to persons for firms outside the City limits of Fredericksburg and permit them to connect with City systems under contract with the City, under terms as are fair and reasonable and for the best interests of the City. The Council shall have the authority to prescribe the kind of materials used where it furnishes such services, to inspect same and require them to be kept in good condition, at all times, and to make such rules and regulations as shall be necessary and proper, and to prescribe penalties for non-compliance.

Section 11.11 REGULATIONS OF RATES AND SERVICES: The City Council shall have full power, after due notice and hearing, to regulate by ordinance the rates, charges, and fares of every public utility franchise holder operating in the City. Every franchise holder who shall request an increase in rates, charges or fares shall have, at a hearing of the Council called to consider such request, the burden of establishing by clear, competent, and convincing evidence the value of its investment property allocable to service in the City, the amount and character of its expenses and revenues connected with the rendering of such service, and any additional evidence required by the Council. If no agreement between the Council and the franchise holder can be reached on such request for an increase in rates, charges, or fares, the Council may select and employ rate consultants, auditors and attorneys to investigate and, if necessary, litigate such request. The franchise holder shall reimburse the City for its reasonable and necessary expenses so incurred.

Article XII

General Provisions

Section 12.01 PUBLICITY OF RECORDS: All records and accounts of every office, department or agency of the City shall be open to inspection at the City Hall by any citizen or by any representative of the press at all reasonable times and under such reasonable regulations as may be established by the City Council, provided that police records, vital statistics and other records closed to the public by law shall not be considered records for the purpose of this section.

Section 12.02 PERSONAL FINANCIAL INTEREST:

- (a) Any City officer, appointee, or employee who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of land, material, supplies, or services to the City or to a contractor supplying the City shall make known that interest to the City Council and refrain from voting upon or otherwise participating in his capacity as a City officer, appointee, or employee in the making of such sale or in the making or performance of such contract. Any City officer, appointee, or employee who conceals such

a substantial financial interest or violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making sale to the City shall render the contract or sale voidable.

- (b) Where ownership of stock in corporation is involved, such stock ownership in an amount in excess of ten (10) percent of the stock of such corporation shall constitute substantial financial interest.

Section 12.03 PROHIBITIONS:

(a) ACTIVITIES PROHIBITED:

- (1) In appointments to and removal from any City office or employment, persons shall not be favored or discriminated against because of race, sex, political or religious opinions, or religious affiliations.
- (2) No person who seeks appointment or promotion with respect to any City position or appointive City Administrative office 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, proposed appointment, promotion or proposed promotion.
- (3) No City official or employee, elected or appointed, shall orally, by letter, or otherwise solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose whatever from any subordinate City official or employee holding any compensated City position.
- (4) No person who holds any compensated City position shall solicit or receive any contribution to the campaign funds of any candidate for municipal office or take any part in the management, affairs, or political campaign of any municipal candidate.

- (b) **PENALTIES:** Any person who by himself or with others violates any of the provisions or paragraphs (1) through (3) of the preceding subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person who by himself or with others violates any of the provisions of paragraph (4) of the preceding subsection (a) shall be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than one hundred dollars (\$100.00). Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position.

Section 12.04 NEPOTISM: No person related within the second degree of affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager,

shall be appointed to any office, position or clerkship or other service of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City prior to and at the time of the election of the Councilman or appointment of the City Manager so related to him.

Section 12.05 PROVISIONS RELATING TO ASSIGNMENT, EXECUTION AND GARNISHMENT: The 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. The 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 on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment on account whatever.

Section 12.06 CITY NOT REQUIRED TO GIVE SECURITY OR EXECUTE BOND: It shall not be necessary in any action, suit or proceeding in which the City of Fredericksburg is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of said City in any of the State Courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if such bond, undertaking or security has been given as required by law.

Section 12.07 SPECIAL PROVISIONS COVERING DAMAGE SUITS: Before the City shall be liable to damage claim or suit, for personal injury, or damage to property, the person who is injured or whose property is damaged, or someone in his behalf, shall give the City Manager or the person performing the duties of City Secretary, notice in writing, duly verified, within thirty (30) days after the occurrence of the alleged injury or damage, stating specifically in such notice when, where, and how the injury or damage was sustained and setting forth the extend of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for personal injury or damage to property prior to the expiration of thirty (30) days after the notice herein before described has been filed with the City Manager or the person performing the duties of City Secretary, and no later than two (2) years after the occurrence of the injury or damage to property. In case of injuries resulting in death, before the City shall be liable in damages therefor, the person or persons claiming such damages shall, after the death of the injured person, give notice as above required in case of personal injury, provided, however, that nothing contained shall be construed to mean that the City of Fredericksburg waives any rights, privileges, defense or immunities in tort actions which are provided under the common law, the Constitution and general laws of the State of Texas.

Section 12.08 INSURANCE AND/OR PENSION PLAN FOR CITY EMPLOYEES: The City Council shall have the power to make available a group insurance and/or a pension plan for any or all City employees as prescribed by the Texas Municipal Retirement System authorized by Tex. Rev. Civ. Stat. Ann., Title 110, Subtitle G, as now existing, or as may hereafter be amended.

Section 12.09 SEPARABILITY CLAUSE: If any section or part of a section of this Charter shall be invalid by a Court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so

held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

Section 12.10 EFFECT OF CHARTER ON EXISTING LAW: All ordinances, resolutions, and contracts now in force under the City Government of Fredericksburg and not in conflict with the provisions of this Charter shall remain in force under this Charter until altered, amended or repealed by the City Council after this Charter takes effect. All rights of the City under existing franchises and contracts and all existing authority for the issuance of bonds, not in conflict with the provisions of this Charter, shall be preserved in full force and effect.

Section 12.11 INTERIM MUNICIPAL GOVERNMENT:

- (a) Upon the adoption of this Charter, those persons holding elective offices shall continue to serve until the expiration of their present terms and thereafter shall be elected as provided in Article VI of this Charter.
- (b) During such interim, persons, who on the date this Charter is adopted are employed or filling appointive positions with the City of Fredericksburg which are retained under this Charter, may continue to fill those positions for the term for which they were employed or appointed.
- (c) All rights, claims, 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.
- (d) The budget in effect immediately preceding the adopting of this Charter shall remain in effect for the balance of the fiscal year and until such time as a new budget is adopted for the next succeeding year.

Section 12.12 APPLICABILITY OF GENERAL LAWS: The Constitution of the State of Texas, the statutes of said State applicable to home-ruled municipal corporations, as now or hereafter enacted or amended, this Charter and ordinances enacted pursuant thereto shall, in the order mentioned, be applicable to the City of Fredericksburg. The City shall also have the power to exercise any and all powers conferred by laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said home-rule statutes, charter or ordinances. The exercise of any such powers by the City of Fredericksburg shall be optional, and the City shall not be required to conform to the law governing any other cities, towns or villages unless and until by ordinance it adopts same.

Section 12.13 AMENDING THE CHARTER: Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided in Section 9.004 of V.T.C.A., Local Government Code, as now existing or as may hereafter be amended.

Section 12.14 CONSTRUCTION OF CHARTER: This Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as

a limitation of power on the government of the City of Fredericksburg in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Fredericksburg to expressly grant to the City, shall be construed to be granted to the City by this Charter.

Section 12.15 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.

Section 12.16 REVIEW OF CHARTER: This Charter shall be reviewed at five (5) year intervals after the date of passage by the City Council. If, in their opinion, any changes are necessary, such changes shall be submitted to the voters in accordance with Section 12.13 of this Charter.

Section 12.17 GRAMMATICAL CONSTRUCTION: Whenever in this Charter the singular is used, the plural shall be included; whenever the masculine gender is used, the feminine and neuter shall be included.

Section 12.18 SUBMISSION OF CHARTER TO VOTERS: The Home Rule Charter Commission in preparing this Charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Fredericksburg at an election to be held for that purpose on the 20th day of January, 1990. Not less than thirty (30) days prior to such election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Fredericksburg as appears on the latest voter registration roll. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Home Rule Charter of the City of Fredericksburg and after the returns have been canvassed, the same shall be declared adopted, and the City Secretary shall file an official copy of the Charter with the records of the City. The City Secretary shall furnish the Mayor with a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

Charter Amendment - May 10, 2014

The City of Fredericksburg shall not use proceeds or reserves from an Enterprise Fund (including by not limited to the Electric, Water and Sewer, Solid Waste, and Drainage funds) except for expenditures within the purpose of the fund unless approved by the voters in elections that specify the amount and the fund from which the money will be withdrawn.

THE END