CITY OF COLLEGE STATION

Home of Texas A&M University®

CITY CHARTER

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12th Edition

ARTICLE I
INCORPORATION: FORM OF GOVERNMENT: TERRITORY

Incorporation
Section 1. The inhabitants of the City of College Station, within the corporate limits as now established or as hereafter established in the manner provided by this charter, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of College Station".

Form of Government
Section 2. The municipal government provided by this charter shall be known as the "council-manager government". Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the City shall be vested in an elective council, hereinafter referred to as 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.

Boundaries
Section 3. The bounds and limits of the City of College Station are hereby established and described as shown by the articles of incorporation, the several annexation ordinances and the official zoning map of said city.

Creation of Precinct Boundaries
Section 4. The City Council shall divide the City of College Station into precincts for voting purposes only, and when practicable they shall conform to the county voting precincts.

ARTICLE II
CORPORATE AND GENERAL POWERS

Powers of the City
Section 5. The City shall have all the powers granted to Home Rule Cities by the Constitution and laws of this State, as fully and completely as though they were specifically enumerated in this Charter, together with all the implied powers necessary to carry into execution such granted powers, and the powers are hereby adopted that are conferred upon cities by Article XI, Section 5, of the Constitution of the State of Texas (Home Rule Amendment). Among other powers, the City shall have the power to contract and be contracted with; to acquire property in fee simple within or without its corporate limits for any municipal purpose, or any lesser interest or estates, by purchase, gift, devise, lease, or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require, except as prohibited by the Constitution or restricted by this Charter. The City may use a corporate seal; may cooperate with the government of the State of Texas or any agency thereof, or any political subdivision of the State of Texas, or with the United States or any agency thereof, to accomplish any lawful purpose for

the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the City and its inhabitants; and may pass such ordinances and enact such regulations as may be expedient for the maintenance of good government order and peace of the City and the welfare, health, morals, comfort and safety of its inhabitants consistent with the provisions of this Charter.

The enumeration of particular powers by this Charter shall not be deemed to be exclusive; and in addition to the powers enumerated or implied herein, the City shall have all powers not prohibited by the Constitution or laws of this State.

Extension of City Limits Upon Petition
Section 6. The City Council may extend the City's boundaries by annexation petition in accordance with the provisions of the statutes of the State of Texas.

Extension of City Limits by the City Council
Section 7. The City Council shall have the power to fix, by ordinance, the boundary limits of the City of College Station, and to provide for the extension of such boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of such area to be annexed, in accordance with applicable state annexation laws. The City Council shall have the power to detach, by ordinance, any territory, with or without the consent of the inhabitants of such area to be detached, in accordance with applicable state annexation laws. When any territory shall be so annexed, the same shall be a part of the City and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City. When territory has been detached, the same shall no longer be a part of the City.

Eminent Domain
Section 8. The City shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the power conferred upon it by this charter or by the constitution or laws of the State of Texas. The City may also exercise the power of eminent domain in any other manner now or hereafter authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the City. The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated herein or in this charter.

Establishment and Control of Streets
Section 9. The City shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges and regulate the use thereof, and require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and encroachments of every nature or character upon any of said streets, alleys, sidewalks, and public property.

The City shall have exclusive domain, control and jurisdiction in and upon, and over and under the public streets, avenues, alleys, and highways of the City. The City's exclusive domain, control, and jurisdiction in, upon, over and under the public streets, avenues, alleys and highways of the City shall also include, but not be limited to, the right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes, lines or wires, or other property.

Street Improvements

Section 10. The City may provide for the improvements of public streets, avenues, alleys and highways by paving, repaving, raising, draining, or other improvements, and may assess the cost of such development and improvements partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof. If improvements be ordered constructed in any part of any area used or occupied by the tracks or facilities of any railway or public utility, then the City shall have the power to assess the whole cost of improvements in such area and the added costs of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railway or utility, and shall have the power, by ordinance, to provide for the enforcement of such assessments. As an alternative and cumulative method of developing, improving and paving any and all public streets, sidewalks, waterways, alleys, highways and other public ways, the City shall have the power and authority to proceed in accordance with V.T.C.A., Transportation Code, as amended.

Garbage Disposal

Section 11. The City Council shall have the right by ordinance to adopt and prescribe rules and regulations for the handling disposition of all garbage, trash and rubbish within the City of College Station, and shall further have the right to fix charges and compensation to be charged by the City for the removal of garbage, trash and rubbish, and to provide rules and regulations for the collection thereof.

Municipal Court

Section 12. There shall be a court for the trial of misdemeanor offenses known as the Municipal Court of the City of College Station, with such powers, procedures and duties as are given and prescribed by the laws of the State of Texas for a Municipal Court.

Sanitary Sewer System

Section 13. The City shall have the power to provide for a sanitary sewer system and to require property owners to connect their premises with such systems; to provide for fixing penalties for failure to make sanitary sewer connections; and to provide for fixing a lien against any property owner's premises who fails or refuses to make sanitary sewer connections and to charge the cost against said owner and make it a personal liability. The City shall further have the right to fix charges and compensation to be charged by the City for sewerage service, and to provide rules and regulations for the collection thereof.

Public Utilities; Powers of the City

Section 14. In addition to its power to buy, own, construct, maintain and operate utilities and to manufacture and distribute electricity, gas or anything else that may be needed or used by the

public, the City shall have such further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

Signs and Bill Boards
Section 15. The City shall have the power to license, regulate, control or prohibit the erection of signs or billboards.

Nuisances; Control and Policing
Section 16. The City shall have the power to define all nuisances and prohibit the same within the City and outside the City limits for a distance of five thousand (5000) feet; to have power to police all parks or grounds, speedways or boulevards owned by the City and lying outside the City; to prohibit the pollution of any stream, drain or tributaries thereof, which may constitute the source of water supply of the City and to provide for the policing of the same as well as to provide for the protection of any water sheds and the policing of same; to inspect dairies, slaughter pens and slaughter houses inside or outside the City limits, from which milk or meat is furnished to the inhabitants of the City.

ARTICLE III
THE CITY COUNCIL

Number, Selection, Term
Section 17. The City Council shall be composed of the Mayor and six (6) Council Members and be known as the "City Council of the City of College Station."

(a) The Mayor and other members of the City Council shall be elected from the City at large.

(b) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote on all matters under consideration by the City Council.

(c) Each Council Member, unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, beginning with the first meeting of the Council following their election, and ending with the first meeting of the Council three (3) years later, or until their successor has been elected and duly qualified. The Mayor, unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, beginning with the first meeting of the Council following their election and ending with the first meeting of the Council three (3) years later, or until their successor has been elected and duly qualified.

(d) No person shall be deemed elected to an office unless that person receives a majority of all the votes cast for such office. The Council shall, upon declaring the official results of the election, order a run-off election for each office to which no one was elected. In the run-off election, the two candidates who received, in the preceding election, the highest number of votes for each office to which no one was elected, shall be voted on again by the qualified voters, and the candidate who receives the majority of the votes cast for such office in the run-off election shall be elected to such office.

(e) Beginning in 1999, there shall be no limit to the total number of terms served by the Mayor or Council Members; however, no person shall be eligible to be elected to serve in the capacity of the Council Members for consecutive regular terms totaling more than six (6) years; nor shall any person be eligible to be elected to serve in the capacity of Mayor for consecutive regular terms totaling more than six (6) years.

Qualifications

Section 18. The Mayor and Council Members shall be citizens of the United States and qualified voters of the State of Texas; shall have resided for at least one (1) year next preceding the election, at which they are candidates, within the corporate limits of the City of College Station; and shall not be disqualified by reason of any provision of any other section of this Charter. A member of the City Council ceasing to possess any of the qualifications specified in this section, or any other section of this Charter, or convicted of a felony while in office, or who is absent from three (3) consecutive regular Council meetings without consent of the Council, shall immediately forfeit the office of Mayor or Councilmember.

Compensation of Members

Section 19. Members of the City Council shall serve without pay or compensation; provided, however, they shall be entitled to all necessary expenses incurred in the performance of their official duties.

Presiding Officer; Mayor

Section 20. The Mayor shall preside at meetings of the City Council and shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote upon all matters considered by the City Council, but shall have no veto power. The City Council shall elect a Mayor Pro Tem from its membership who shall act as Mayor during the absence or disability of the Mayor.

Vacancies

Section 21. A vacancy in the City Council shall be filled by a special election which shall be called in accordance with state law. If any such vacancy shall occur within ninety (90) days preceding a general election, then no special election shall be called; provided, however, that the unexpired term shall be filled at the next general election. No such election shall be held sooner than thirty (30) days from the date it is called. In the event the Mayor is unable to order the election for any reason, the remaining members of the City Council are authorized and directed to order the election and perform all other required actions incident to the election. In the event of vacancies in the offices of Mayor and all members of the City Council for any reason, the following persons, in the order prescribed, are authorized and directed to order the election and perform all other required actions incident to the election:

1. City Manager
2. City Secretary
3. City Attorney
4. Presiding Judge of the Municipal Court

Powers

Section 22. All powers and authority, including the determination of all matters of policy which are expressly or by implication conferred upon or possessed by the City, shall be vested in and exercised by the Council; provided, however, that the Council shall have no authority to exercise those powers which are expressly conferred upon other City officers by this Charter.

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:

(1) To appoint and remove the City Manager.

(2) To establish administrative departments and establish the organization and functions of divisions.

(3) To adopt the budget of the City.

(4) To authorize the issuance of bonds by a bond ordinance.

(5) To inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs.

(6) To provide for a planning commission, a zoning commission and a zoning board of adjustment, and appoint the members of all such commissions and boards. The planning and zoning commissions may be combined. 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.

(7) To adopt plats.

(8) To adopt and modify the official map of the City.

(9) To adopt, modify and carry out plans proposed by the planning commission for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed.

(10) To adopt, modify and carry out plans proposed by the planning commission for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

(11) To 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 or the transportation of freight for hire on the public streets and alleys of the City.

(12) To provide for the establishment and designation of fire limits; to prescribe the kind and character of buildings, structures or improvements to be erected therein; to provide for

the erection of fireproof buildings within certain limits; and to provide for the condemnation of dangerous structures, buildings, dilapidated buildings or buildings calculated to increase the fire hazard and the manner of their removal or destruction.

(13) To prevent the construction and use of housing accommodations below standards fixed by the City Council as proper for the purpose of promoting the health, safety, morals or general welfare of the City.

Appointment and Removal of City Manager
Section 23. The City Council shall appoint an officer of the City who shall have the title of City Manager and serve at the pleasure of the Council. The City Manager shall have the powers and perform the duties set forth in this charter. No Councilmember shall be appointed to serve as City Manager during the term for which the Councilmember shall have been elected, nor within one year after the expiration of the Councilmember's term.

The salary of the City Manager shall be fixed by the City Council. If the City Manager is removed at any time after six (6) months following appointment, the City Manager may demand written charges and a public hearing thereon before the City Council prior to the date on which final removal shall take effect, but pending such hearing the City Council may suspend the City Manager from office. 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 for such suspension or removal in the City Council.

Council Not to Interfere In Appointments or Removals
Section 24. Neither the City Council nor any of its members shall direct the appointment or removal of any person from office by the City Manager or by any of the City Manager's subordinates; provided, however, that the appointment or dismissal of department heads shall be subject to the approval of the City Council. Except for the purpose of inquiry in accordance with Section 36 of this charter, the City Council and its members shall deal with the administrative service solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Rights of the City Manager and Other Officers in Council
Section 25. The City Manager, and such other officers of the City as the City Council may invite, shall be entitled to take part in all discussions of the City Council relating to their respective offices, departments or agencies.

Administrative Departments
Section 26. There are hereby created the following administrative departments: Finance, Police, Fire and Public Works. The City Council may, upon the advice of the City Manager, consolidate into one department not more than two of the departments hereby established; and by ordinance may create, change and abolish offices, departments or agencies other than the offices, departments and agencies established by this Charter.

City Secretary

Section 27. The City Council shall appoint an officer of the City who shall be the City Secretary, who may be removed from office by the Council. The City Secretary or Assistant City Secretary shall give notice of Council meetings, shall keep a journal of its proceedings, shall record in full in a book or books kept and indexed for that purpose all ordinances and resolutions, which are then authenticated by the signature of either the City Secretary or the Assistant City Secretary. The City Secretary shall perform such other duties provided in the Charter and assigned by the City Council.

The City Secretary shall have the power to appoint an assistant or assistants, if deemed necessary by the City Secretary, subject to the approval of and at such compensation as may be fixed by the City Council. Such assistant or assistants may be removed from office by the City Secretary.

Municipal Court Judge

Section 28. The City Council shall appoint an officer of the City who shall be the Municipal Court Judge, who may be removed from office by the Council. The City Council may appoint alternate Assistant Municipal Court Judges, who may be removed from office by the Council, who shall serve in the absence of or in addition to the Municipal Court Judge. All costs and fines imposed by the Municipal Court, or by any court in cases appealed from judgments of the Municipal Court, shall be paid into the City Treasury for the use and benefit of the City.

City Attorney

Section 29. The City Council shall appoint an officer of the City who shall be the City Attorney, who may be removed from office by the Council. The City Attorney shall be a competent and duly licensed attorney, who shall reside in the City of College Station.

The City Attorney shall represent the City in all litigation. The City Attorney shall be the legal advisor of and attorney and counsel for the City and all officers and departments thereof.

The City Attorney shall have power to appoint an assistant or assistants, if the City Attorney deems necessary, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Attorney.

City Internal Auditor

Section 30. The City Council may appoint an officer of the City to be the City Internal Auditor, who may be removed from office by the Council. The City Internal Auditor shall carry out the audit functions and shall perform such other duties assigned by the City Council. The City Council may also enter into a contract for the duties of City Internal Auditor, to be carried out by an outside firm, if it so chooses.

The City Internal Auditor shall have the power to appoint an assistant or assistants, if they deem necessary, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Internal Auditor.

Induction Into Office; Meetings

Section 31. The induction into office date shall be set by ordinance by the City Council, or as otherwise provided by law, following each regular municipal election held under this Charter, or any special election for the purpose of filling vacancies in the City Council. The City Council shall meet at the usual place for holding meetings and the newly elected members shall qualify and assume the duties of office. Thereafter, the City Council shall meet regularly at such times as may be prescribed in the rules, but not less frequently than once each month. Special meetings shall be called upon request of the Mayor or a majority of the members of the City Council. All meetings shall be subject to the provisions of the Texas Open Meetings Act, V.T.C.A., GOVERNMENT Code, Ch. 551, Open Meetings, as amended.

City Council to be Judge of Qualification of its Members

Section 32. The City Council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but its decision in any such case shall be subject to review by the courts.

Rules of Procedure; Journal

Section 33. The City Council shall determine its own rules and order of business. It shall keep an indexed journal of its proceedings and the journal shall be open to public inspection.

Ordinances

Section 34. In addition to such acts of the City Council required by statute or by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or providing for the creation of public debt as that term is used in the Texas Constitution, shall be by ordinance. All other official acts may by resolution, ordinance, or order duly entered in the minutes. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION."

Procedure for Passage of Ordinances

Section 35. Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided, however, that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its passage. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, to be published in the official newspaper of the City of College Station at least twice within ten (10) days after the passage of such ordinance. The City Secretary shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, however, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City for publication in book or pamphlet form. Except as may be otherwise provided by this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the City Council, but it

shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The City Council shall have power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as it deems advisable, and such printed code, when adopted, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

Investigation by City Council

Section 36. The City Council shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs, and for 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 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 ($100.00) dollars.

Independent Annual Audit

Section 37. Not less than thirty (30) days prior to the end of each fiscal year, the City Council shall designate a qualified public accountant or accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the City government and shall submit the report to the City Council. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government. They shall not maintain any account or record of the City business, but, within specifications approved by the City Council, shall post-audit the books and documents kept by the City and any separate or subordinate accounts kept by any other office, department or agency of the City government.

Housing Authority

Section 38. The City Council may create a housing authority of such number and terms of members and may delegate to that authority such powers relating to the planning, construction, reconstruction, alteration, repair, maintenance or operation of housing projects and housing accommodations consistent with state law.

Disabled Employees; Pensions and Insurance

Section 39. The City Council shall have authority to provide for rules and regulations for maintaining employees when injured and disabled while performing their duties, and it may provide for such plan of insurance as it deems proper. The City Council shall also have authority to establish and to do all other proper things necessary for the effective administration of a pension and retirement system for any or all groups of officers and employees on such basis as it may determine consistent with or authorized by state laws. Such system may be in cooperation with or participation in any district or statewide pension or retirement system which has been or which may be hereafter authorized or established by the legislature of the State of Texas.

ARTICLE IV
THE CITY MANAGER

Qualifications

Section 40. The City Manager shall be chosen by the City Council solely on the basis of the prospective City Manager's executive and administrative qualifications with special reference to

the applicant's actual experience, knowledge, and accepted practice in respect to the duties of the office as hereinafter set forth. At the time of appointment the City Manager need not be a resident of the City or State, but during tenure as the City Manager, the new City Manager must establish residence within the City.

Powers and Duties

Section 41. The City Manager shall be the chief executive officer and the head of the administrative branch of the city government and shall be responsible to the City Council for the proper administration of all affairs of the City. To that end the City Manager shall have power and shall be required to:

(1) Appoint and, when necessary for the good of the service, remove all officers and employees of the City except as otherwise provided by this Charter and except as the City Manager may authorize the head of a department to appoint and remove subordinates in such department.

(2) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.

(3) Prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.

(4) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable and proper.

(5) Perform such other duties as may be prescribed by this charter or required by the City Council.

Absence of City Manager

Section 42. To perform the City Manager's duties during a temporary leave of absence or disability, the Mayor may designate by letter filed with the City Secretary a qualified administrative officer of the City to serve for the City Manager. Concerning out of town business, illness, or vacation the City Manager may be delegated authority to designate an individual to serve in the absence of the City Manager.

Director of Departments

Section 43. At the head of each administrative department there shall be a director who shall be an officer of the City and shall have supervision and control of the department subject to the City Manager.

Two or more departments may be headed by the same individual; the City Manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Departmental Divisions

Section 44. The work of each administrative department may be distributed among the divisions thereof subject to approval of the City Manager.

ARTICLE V
THE BUDGET

Fiscal Year
Section 45. The fiscal year of the City of College Station shall be determined by ordinance of the Council. Such fiscal year shall also constitute the budget and accounting year.

Preparation and Submission of Budget
Section 46. The City Manager, between thirty (30) and ninety (90) days prior to the beginning of each fiscal year, shall submit to the City Council a proposed budget which shall provide a complete financial plan for the fiscal year.

Proposed Expenditures Compared With Other Years
Section 47. The City Manager shall, in the preparation of the budget, place in parallel columns opposite the various items of expenditures the actual amount of such items of expenditures for the last completed fiscal year, the estimated for the current fiscal year, and the proposed amount for the ensuing fiscal year.

Budget a Public Record
Section 48. The budget and all supporting schedules shall be filed with the City Secretary when submitted to the City Council and shall be a public record for inspection by anyone. The City Manager shall cause copies to be made for distribution to all interested persons.

Notice of Public Hearing on Budget
Section 49. At the meeting at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published a notice of the hearing setting forth the time and place thereof at least five (5) days before the date of the hearing.

Public Hearing on Budget
Section 50. At the time and place set for a public hearing on the budget, or at any time and place to which such public hearing shall from time to time be adjourned, 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.

Proceedings on Budget After Public Hearing Amending or Supplementing Budget
Section 51. After the conclusion of such public hearing, the City Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. Before inserting any additional item or increasing any item of appropriation which will increase the total budget by three (3%) percent or more, it must cause to be published a notice setting forth the nature of the proposed increases and fixing a place and time, not less than five (5) days after publication, at which the City Council will hold a public hearing thereon.

Proceedings on Adoption of Budget

Section 52. After such further hearing, the City Council may insert the additional item or items, and make the increase or increases, to the amount in each case indicated by the published notice, or to a lesser amount; but where it shall increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such total proposed expenditures.

Vote Required for Adoption
Section 53. The budget shall be adopted by the favorable vote of a majority of the members of the entire City Council.

Date of Final Adoption; Failure to Adopt
Section 54. The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year. Should the City Council take no final action on or prior to such day, the budget as submitted by the City Manager shall be deemed to have been finally adopted.

Effective Date of Budget; Certification; Copies Made Available
Section 55. Upon final adoption, the budget shall be filed with the City Secretary and such other officials as may be designated by state law. The final budget shall be printed, or otherwise reproduced, and a reasonable number of copies shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations.

Budget Establishes Appropriations
Section 56. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

Budget Establishes Amount to be Raised by Property Tax
Section 57. From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year.

Contingent Appropriation
Section 58. Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three (3) percent of the total budget expenditure, to be used in case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of, and distributed by, the City Manager, after approval by the City Council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported. 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 for which the appropriations are made.

Estimated Expenditures Shall Not Exceed Estimated Resources
Section 59. The total estimated expenditures of the general fund and debt fund shall not exceed the total estimated resources of each fund.

The City Council may by ordinance amend the budget during a fiscal year if one of the following conditions exists:

1. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess. Before approval, the Council shall hold a public hearing on the proposed budget amendment. A notice of the time and place of a public hearing on the supplemental appropriation shall be published in the official newspaper of the City of College Station. The notice shall be placed in the newspaper at least five (5) business days before the date of the hearing.

2. To meet a public emergency affecting life, health and property of the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any such notes made during a fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

3. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to meet the amounts appropriated, the City Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

Lapse of Appropriation
Section 60. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

ARTICLE VI
CITY BONDS AND TIME WARRANTS

General Obligation Bonds
Section 61. The City of College Station 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 such bonds shall be issued in conformity with the laws of the State of Texas.

Revenue Bonds

Section 62. The City of College Station 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 revenue bonds to evidence the obligation created thereby, and to issue revenue refunding bonds to evidence the obligation created thereby; and to issue revenue refunding bonds to refund outstanding revenue bonds previously issued. Such bonds shall be a charge upon and payable solely from the properties, or interest therein, pledged, or the income there from, or both, and shall never be a debt of the City. All such bonds shall be issued in conformity with the laws of the State of Texas.

Incontestability of Bonds
Section 63. All bonds of the City, having been issued and sold and having been delivered to the purchasers thereof, shall thereafter be incontestable; and all bonds issued to refund outstanding bonds shall, after such issuance, be incontestable.

Time Warrants
Section 64. The City shall have the authority to issue time warrants, certificates of obligation or other forms of public debt allowed by state law and to issue refunding warrants, certificates, or bonds to refund outstanding warrants or certificates previously issued. All such time warrants, certificates of obligation, and bonds shall be issued in conformity with the laws of the State of Texas.

Investments
Section 65. Any surplus in any fund may be invested, upon approval of the City Council, in any lawful securities, accounts, certificates, or investments. Any such surplus may be used for the purchase and retirement of bonds, time warrants, or certificates not yet due.

ARTICLE VII
FINANCE ADMINISTRATION

Financial Department; Appointment
Section 66. The City Manager may appoint a chief financial officer.

Fees Shall be Paid to City
Section 67. All fees received by any officer or employee of the City shall belong to the City and shall be handled pursuant to the City's rules, regulations and policies.

Contracts for Improvements
Section 68. The City shall make expenditures to promote the best interests of the citizens of College Station. The City shall encourage free and unrestricted competition on all bids and purchases, ensuring the taxpayers the best possible return on and use of their tax dollars. It shall be the policy of the City to fully comply with and make all purchases or expenditures pursuant to the City's policies, rules, regulations, procedures, and state and federal law.

Disbursement of Funds

Section 69. All checks and vouchers or warrants for the withdrawal of money from the City accounts shall be handled pursuant to the City's rules, regulations, policies, and state and federal laws.

Borrowing in Anticipation of Property Taxes
Section 70. In any fiscal year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the City Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City, each of which shall be designated "tax anticipation note for the year _____" (stating the budget year). Such notes shall mature and be payable not later than the end of the fiscal year in which the original notes have been issued.

Borrowing in Anticipation of Other Revenues
Section 71. In any fiscal year, in anticipation of the collection or receipt of other revenues of the budget year, the City Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City, each of which shall be designated "special revenue note for the year _____" (stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.

ARTICLE VIII
TAX ADMINISTRATION

Power to Tax
Section 72. The City Council shall have the power under the provisions of state law to levy, assess and collect an annual tax upon taxable property within the city to the maximum provided by the constitution and general laws of the State of Texas.

Property Subject to Tax; Method of Assessment
Section 73. All property, real, personal, or mixed, lying and being within the corporate limits of the City of College Station on the first day of January in each year, not expressly exempted by law, shall be subject to annual taxation according to the procedures set forth in the constitution or general laws of the State of Texas.

Taxes; When Due and Payable
Section 74. All taxes due to the City of College Station shall be payable to the City of College Station or such other person or entity as may be designated by the City Council, and may be paid at any time after they fall due. Taxes shall be due and shall become delinquent as provided in the TEXAS TAX CODE, as amended, which code further provides for delinquent taxes, interest, and procedures for the collection of taxes.

Seizure and Sale of Personal Property
Section 75. The seizure and sale of personal property for taxes due shall be accomplished according to the provisions of the TEXAS TAX CODE, as amended.

Tax Liens

Section 76. The tax levied by the City shall be a first and prior lien upon the property upon which the tax is due, which lien may be enforced and foreclosed according to the provisions of the TEXAS TAX CODE, as amended.

ARTICLE IX
NOMINATIONS AND ELECTIONS

Municipal Elections
Section 77. Regular municipal elections shall be held on a uniform election date set out in state law. Special elections shall be ordered in compliance with applicable state law.

Regulation of Elections
Section 78. The City Council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities, who shall also have power to make such regulations not inconsistent with this charter, with any regulations made by the city council or the laws of the State of Texas.

How to Get Name on Ballot
Section 79. Any qualified person who desires to become a candidate in a general election to a place on the City Council, shall file with the City Secretary an application for that person's name to appear on the ballot in accordance with the Texas Election Code. Such application shall clearly designate the place on the Council to which the candidate seeks election. The application must also contain the candidate's sworn statement of compliance with the qualifications for holding the office sought under the laws of Texas and the provisions of the Charter.

Council Ballots
Section 80. The full names of all candidates for the city council as hereinbefore provided, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballot without party designation. If two candidates with the same surnames, or with names so similar as to be likely to cause confusion, are nominated, the addresses of their places of residence shall be placed with their names on the ballot. The order of the names on the ballot shall be determined by lot.

Laws Governing City Elections
Section 81. All City elections shall be governed by the constitution of the State of Texas, general laws of the state, this charter, and ordinances of the City, in the order named.

Canvassing Election
Section 82. Returns of elections, general and special, shall be made by the election officers to the City Council on any date permitted by the Texas Election Code, at which time the City Council shall canvass the returns and declare the results of the election.

Oath of Office
Section 83. Every officer of the City shall, before entering upon the duties of their office, take and subscribe to an oath or affirmation, similar to that required by the Texas Constitution for state officers, before entering upon the duties of the office.

The oath or affirmation shall be in a form provided by the City Secretary, shall be given before a person authorized to administer oaths, and shall be filed and kept in the office of the City Secretary.

ARTICLE X
INITIATIVE, REFERENDUM AND RECALL

Power of Initiative
Section 84. The electors shall have power to propose any ordinance, except land use ordinances including but not limited to zoning or rezoning property; or ordinances appropriating money, authorizing the issuance of bonds, or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the City Council by a petition signed by qualified electors of the City equal in number to at least twenty-five (25) percent of the number of voters voting at the last regular municipal election.

Power of Referendum
Section 85. The electors shall have power to approve or reject at the polls any ordinance passed by the City Council, or submitted by the City Council to a vote of the electors, such power being known as the referendum, except in the case of land use ordinances including but not limited to zoning or rezoning property; or ordinances appropriating money, authorizing the issuance of bonds, or making the annual tax levy. Ordinances submitted to the City Council by initiative petition and passed by the City Council without charge shall be subject to the referendum in the same manner as other ordinances. Within thirty (30) calendar days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of voters voting at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Form of Petitions; Committee of Petitioners
Section 86. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Any initiative petition paper shall include each petitioner's signature in ink or indelible pencil and shall indicate after each petitioner's signature the petitioner's place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that the circulator, and only the circulator, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in the circulator's presence, and that the

circulator believes them to be the genuine signatures of the persons whose names they purport to be.

Filing; Examination and Certification of Petitions
Section 87. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within ten (10) business days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Secretary shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After the City Secretary has completed the examination of the petition, the City Secretary shall certify the result thereof to the city council at its next regular meeting. If the City Secretary certifies that the petition is insufficient, the City Secretary shall set forth in the certificate of insufficiency the particulars in which the petition is defective and shall at once notify the committee of the petitioners of the findings.

Amendment of Petitions
Section 88. An initiative or referendum petition may be amended at any time within fifteen (15) business days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within five (5) business days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, the City Secretary shall file a certificate to that effect in the City Secretary's office and notify the committee of petitioners of the findings. No further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Effect of Certification of Referendum Petition
Section 89. When a referendum petition, or amended referendum petition, has been certified as sufficient by the City Secretary, the ordinance specified in the petition shall not go into effect, or further action there under shall be suspended if it shall have gone into effect, until and unless approved by the electors, as hereinafter provided.

Consideration by City Council
Section 90. Whenever the City Council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The City Council shall take final action on the ordinance not later than sixty (60) calendar days after the date on which such ordinance was submitted by the City Secretary. A referred ordinance shall be reconsidered by the City Council and its final vote upon such reconsideration shall be upon the question. "Shall the ordinance specified in the referendum petition be repealed?"

Submission to Electors
Section 91. If the City Council shall fail to pass an ordinance proposed by the initiative petition, or shall pass it in a form different from that set forth in the petition therefor; or if the City Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors at an election to be held on the next uniform election date authorized by state law for municipal elections.

Form of Ballot for Initiated and Referred Ordinances
Section 92. Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this charter 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 shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance; and if a paper ballot, shall have to the left of the ballot title the following propositions, one above the other in the order indicated: "FOR" and "AGAINST" and shall otherwise comply with state law. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have to the left of the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

Results of Election
Section 93. If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Repealing Ordinances; Publication
Section 94. Initiative and referendum ordinances adopted or approved by the electors shall be published, and may be amended or repealed by the City Council, as in the case of other ordinances.

Recall; General
Section 95. Any member of the City Council may be removed from office by recall on grounds of incompetency, official misconduct or malfeasance in office.

Recall Procedure
Section 96. Any elector of the City of College Station may make and file with the City Secretary an affidavit containing the name or names of the officer or officers whose removal is sought and setting out distinctly and specifically the ground or grounds upon which such removal is sought with such certainty as to give each officer sought to be removed notice of the matters and things with which the officer is charged. The City Secretary shall as soon as reasonable deliver to the elector making such affidavit copies of petition blanks demanding such removal. The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution.

Such blanks when issued by the City Secretary shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The City Secretary shall enter in a record to be kept in the City Secretary's office the name of the elector to whom the petition blanks were issued and the number issued to said person.

Recall Petitions

Section 97. The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) calendar days after the filing of the affidavit required in Section 96 of this Article. Each separate petition paper must set out distinctly and specifically the ground or grounds upon which removal is sought and the matters and things with which the officer is charged. The petition must be signed by qualified electors of the City equal in number to at least forty (40) percent of the total number of votes cast for the office in question at the last regular municipal election at which the office in question was filled and must conform to the provisions of Section 86 of this Article. No petition papers shall be accepted as part of the petition unless they bear the signature of the City Secretary as required in Section 96 of this Article.

Recall Election

Section 98. The City Secretary shall within fifteen (15) business days from the date of its filing, examine the recall petition to determine that the petition; sets out distinctly and specifically the ground or grounds upon which removal is sought and the matters and things with which the officer is charged, is signed by a sufficient number of electors, and is in compliance with the procedural requirements of this article of the charter, and if finding the petition sufficient the City Secretary shall submit it to the city council at the next regularly scheduled meeting with the City Secretary's certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within seven (7) calendar days after such notice the city council shall thereupon order and fix a date for holding a recall election to be held at the next uniform election date authorized by state law for municipal elections.

Ballots in Recall Election

Section 99. Ballots used at recall elections shall conform to the following requirements.

(1) With respect to each person whose removal is sought the question shall be submitted "Shall (name of person) be removed from the office of councilman by recall?"

(2) Immediately to the left of such question there shall be printed the two following responses, one above the other, in the order indicated:

"FOR"
"AGAINST"

Results of Recall Election

Section 100. If a majority of the votes cast at a recall election shall be against the recall of the officer named on the ballot, that officer shall continue in office for the remainder of that officer's unexpired term, subject to recall as before. If a majority of the votes cast at such an election be

for the recall of the officer named on the ballot, that officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as in other vacancies.

Limitations on Recalls
Section 101. No recall petition shall be filed against a Council Member within six (6) months after the City Manager takes office, nor in respect to an officer subjected to a recall election and not removed thereby, until at least six (6) months after such election.

District Judge May Order Election
Section 102. Should the City Council fail or refuse to order any of the elections as provided for in this article when all the requirements for such elections have been complied with by the petitioning electors, then it shall be the duty of the District Judge, upon proper application being made therefor, to order such elections and to enforce the carrying into effect of the provisions of this article of the charter.

ARTICLE XI
FRANCHISES AND PUBLIC UTILITIES

Control Over and Powers With Reference to City Property
Section 103. The ownership, right of control and use of streets, highways, alleys, parks, public places and all other real property of the City of College Station is hereby declared to be inalienable to the city, except by ordinances passed by vote of the majority of the governing body of the City, as hereinafter provided; and no franchise or easement involving the right to use same, either along, across, over or under the same, shall ever be valid, unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the City, its governing body, officers or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise or easement not expressly granted by ordinance.

The City of College Station shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person or corporation, the franchise or right to use the property of the city, as defined in the preceding paragraph, for the purpose of furnishing to the public any general public service whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to use the streets, highways or other property of the City is necessary or proper; and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of College Station consistent with state law.

Limitations
Section 104. No exclusive franchise or privilege shall ever be granted; nor a franchise, nor a privilege to commence at any time after six (6) months subsequent to the taking effect of the ordinance granting the same; and no franchise shall be directly or indirectly extended beyond the term originally fixed by the ordinance granting the same, except as provided by the terms of this charter.

Procedure

Section 105. The City of College Station shall have the power by ordinance to grant any franchise or right mentioned in the preceding sections hereof, which ordinance, however, shall not be passed finally until it shall have been read at two (2) separate regular meetings of the City Council. No ordinance granting a franchise shall pass any reading except by a vote of the majority of the City Council, and such ordinance shall not take effect until sixty (60) days after its adoption on its second and final reading; provided, however, that if at any time before such ordinance shall finally take effect a petition shall be presented to the City Council signed by not less than ten (10) percent of the registered voters of the City, then the City Council shall submit the question of the granting of such franchise to a vote of the qualified voters of the City at the next uniform election date prescribed by state law that allows sufficient time to comply with other requirements of law, provided that notice thereof shall be published in at least twenty (20) successive issues of the official newspaper of the City of College Station prior to the holding of such election. The ballot shall briefly describe the franchise to be voted on and the terms thereof and contain the words, "For", and "Against" to the left of the language and shall otherwise comply with state law. The vote shall be canvassed by the city council, and should it result that a majority of those voting thereon cast their votes "For" the granting of a franchise, then by order entered in its minutes, the city council shall so declare and such franchise shall at once take effect. But should a majority of the votes be cast "Against" granting a franchise, then the City Council by order entered in its minutes shall so declare and such franchise shall not take effect. In case a franchise is refused by the City Council, then the matter may be submitted to the qualified voters on petition, and an election held under the procedures as hereinbefore provided. A failure of the City Council to finally pass on an application within six (6) months after the filing of such application shall be construed as a refusal. The City Council in passing an ordinance granting a franchise may provide therein that it shall not take effect until the same shall have been submitted to and approved by a majority of the qualified voters voting therein at a general election. All expenses of publication as it relates to this section shall be borne by the petitioner, who shall make a deposit in advance to cover the estimated cost of publication, the amount of the deposit to be determined by the City Manager.

Term and Conditions

Section 106. No determinate or fixed-term franchise shall ever be granted for a longer term than twenty-five (25) years; nor shall any right, privilege or franchise now in existence be extended beyond the period now fixed for its termination, directly or indirectly, or through any means whatsoever, and any ordinance in violation or evasion of this prohibition shall be absolutely void; provided, however, that any corporation, person or association of persons now holding any franchise under any charter, charters or ordinances of the City of College Station may, with the consent of the city council surrender such franchise or franchises, subject to the provisions of the City Charter then in force. No holder of a franchise heretofore or hereafter granted shall have a right (unless such right is granted in the franchise) to transfer or assign its properties and franchise to any other person, firm or corporation without the consent of the city council by ordinance, and such consent when given shall not operate as the granting of a franchise or as a new franchise.

The City Council shall have the power to compel all persons, firms or corporations operating any public utilities in the city, whether operating under existing franchises, or franchises that may be

hereafter granted, to extend their service, lines, pipes, etc., if the person to be benefited by such extension will pay the cost thereof, or if it can be shown that the revenue resulting from such extension will, within a reasonable time after same is made, pay a reasonable return on the investment, after making the customary allowance for depreciation.

All public utility franchises in the City of College Station shall be held whether expressed in the ordinance or not, subject to the right of the city, each of the following being a condition:

(1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.

(2) To require an adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency.

(3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(4) To prescribe the form of accounts kept by such utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, their successor or successors, this shall be deemed sufficient compliance with this paragraph.

(5) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on local operations by each such public utility.

(6) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.

(7) To fix and regulate the price and rates for the service to be performed under the franchise as may be permitted by state law.

(8) To require such compensation and rental as may be permitted by the laws of the State of Texas.

Every public utility franchise hereafter granted shall be subject to the terms and conditions of this charter, whether such terms and conditions are specifically mentioned in the franchise or not.

Utility Rates and Charges

Section 107. Consistent with state law, the City Council shall have the power by ordinance to fix and regulate the price, rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of College Station that are subject to this Article.

Applicable to Streets and Highways
Section 108. The right to the use of the public streets, highways, alleys and thoroughfares of this city which necessitates the digging up, or displacement thereof, for the installation of equipment, appliances or appurtenances, either on, above or below the surface of same to make the intended use thereof practicable, shall be deemed and considered "a franchise", the granting of which shall be governed and controlled in the manner herein provided.

The use of such public streets, highways, alleys and thoroughfares of this city which does not require the digging up or similar interference with said streets, alleys or highways for the installation of equipment, appliances or appurtenances to make the intended use possible, shall be treated and considered as "a privilege", subject to the control and disposition of the city council; and such privilege over and upon the public streets, alleys, highways and thoroughfares of the city shall not be granted to any person or corporation except when public necessity and convenience may require such use, and then only by ordinance passed by the city council.

All franchises for the use and occupancy of public streets, highways, alleys and thoroughfares of this city shall, in event public necessity and convenience so require, be subject to cancellation by the city council; and the City reserves the right to require all public utilities holding franchises from the City of College Station to conform to street grades, and alter or lower their underground structures to meet changing conditions.

Public Service Corporation to File Annual Reports
Section 109. It shall be the duty of the City Council to pass an ordinance requiring each public service corporation operating within the corporate limits of the city to file a sworn annual report of the receipts from the operation of such business for the current year showing how such receipts were expended, how much thereof for betterments or improvements, the rate of tolls or charges for services rendered to the public; and any other facts or information that the City Council may deem pertinent for its use in intelligently passing upon any questions that may arise between the City and the said public service corporations; all reports to be filed with the City Secretary and preserved for the use of the City Council.

Option to Purchase
Section 110. Any public utility franchise may be terminated by ordinance after ten (10) years after the beginning of operation, whenever the City Council shall determine to acquire by condemnation or otherwise the property of such utility necessarily used in or conveniently useful for the operation of the city within the city limits.

Consent of Property Owners
Section 111. 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 there under shall ever be construed to deprive any such property owner of any right of action for damage or injury to his property as now or hereafter provided by law.

Extensions

Section 112. All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, and shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in this charter. In case of an extension of a public utility operated under a franchise hereafter granted such right shall be terminable at the same time and under the same conditions as the original grant.

Other Conditions

Section 113. All franchises heretofore granted are recognized as contracts between the City of College Station and the grantee, and the contractual rights as contained in any such franchises shall not be impaired by the provisions of this charter, except that the power of the City of College Station 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, which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereinafter granted shall be held subject to all the terms and conditions contained in the various sections of this article, whether or not such terms are specifically mentioned in the franchise. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the City Council or the voters of the City in imposing terms or conditions as may be reasonable in connection with any franchise grant.

Franchise Records

Section 114. The City shall maintain a public record of public utility franchises.

ARTICLE XII
GENERAL PROVISIONS

Publicity of Records

Section 115. Records and accounts of every office, department, or agency of the City shall be open for inspection and copying as provided by V.T.C.A., GOVERNMENT CODE, CH. 552, Public Information, as amended.

Personal Interest

Section 116. Members of the City Council and officers and employees of the City shall comply with state law pertaining to conflicts of interest of local government officials, including TEXAS LOCAL GOVERNMENT CODE, Chapter 171.

No Officer or Employee to Accept Gifts

Section 117. No officer or employee of the City of College Station shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying the grant of any franchise, privilege or easement from the city during the term of office of such officer, or during the employment of such employee, except as may be authorized by law or ordinance; provided, however, that policemen and firemen in uniform or wearing their official badges may accept such free services where the same is permitted by ordinance. Any officer or

employee of the City who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and shall forthwith be removed from office.

Relatives of Officers Shall Not be Appointed or Employed
Section 118. No person related within the second degree of affinity, or within the third degree of consanguinity, to members of the City Council or the City Manager shall be appointed or employed to any office, position or service in the City.

Calendar Day and Business Day
Section 119. "Business day" as used in this Charter means Monday through Friday, except for federal or State of Texas holidays. "Calendar day" as used in this Charter means a 24-hour period (midnight to midnight) as denoted on the calendar. Any reference in the Charter to "day" without specifying calendar day or business day shall mean calendar day unless otherwise expressly provided in this charter.

Notice of Injury or Damage
Section 120. The City shall never be liable for any personal injury, whether resulting in death or not, unless the person(s) injured, or someone in behalf of the injured or deceased person(s), or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall file a notice in writing with the City Secretary within ninety (90) days after the same has occurred, stating specifically in such notice when, where and how the exact injury occurred, the full extent of the injury, the amount of damages claimed or asserted, and a list of persons, if known, who witnessed the injury. The City shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in behalf of the person whose personal property has been injured or damaged, shall file a claim in writing with the City Secretary within ninety (90) days after said damage or injury occurred, stating specifically when, where and how the damage or injury was sustained. The person giving notice under this Section shall subscribe that person's name to the notice under oath that the statements and facts contained in said notice are true and correct.

Power to Settle Claims
Section 121. 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.

Service of Process Against the City
Section 122. Legal process against the City shall be served upon the Mayor or Mayor Pro Tem.

City Not Required to Give Security or Execute Bond
Section 123. It shall not be necessary in any action, suit or proceeding in which the City of College Station is a party, for any bond, undertaking or security to be demanded or executed by or on behalf of the city in any of the state courts; but in all such actions, suits, appeals or proceedings, the same shall be conducted in the same manner as if such bond, undertaking or

security had been given as required by law, and the City shall be just as liable as if security of bond had been duly executed.

Liens Against City Property
Section 124. No lien of any kind shall ever exist against any property, real or personal, owned by the City except that same be authorized by law, and created pursuant to an ordinance providing for such lien.

Provisions Relating to Assignment, Execution and Garnishment
Section 125. Property, real and/or 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 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 any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Power to Remit Penalties
Section 126. The City Council shall have the right to remit in whole or in part any fine or penalty belonging to the City which may be imposed under any ordinance or resolution passed in pursuance of this Charter.

Church and School Property Not Exempt From Special Assessments
Section 127. No property of any kind, church, school or otherwise, in the City of College Station shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements unless the exemption is required by state law.

Sale or Lease of Property Other Than Public Utilities or Acquired by Tax Sale
Section 128. Any real property owned by the City may be sold by the City Council when in its judgment such sale will be in the best interest of the City, subject to the provisions of V.T.C.A., LOCAL GOVERNMENT CODE, Chapter 272, Sale or Lease of Property by Municipalities, Counties, and Certain Other Local Governments, as amended, and such other laws as are applicable for Home Rule Cities pertaining to the necessity for public bids. The sale of land may be subject to referendum or initiative for a thirty-day period after the sale and shall not be effective until the expiration of said thirty-day period. If during such thirty-day period a referendum or initiative petition is presented to the City Secretary, which in all respects conforms to the referendum or initiative provisions of Article X of this Charter and the same is found sufficient, then the City Secretary shall certify the sufficiency of the same to the City Council and an election shall be called submitting the question of the sale of the property to the voters. This right of referendum or initiative shall not apply to public utilities or to property sold by the City at tax sales.

Effect of This Charter on Existing Law
Section 129. All ordinances, resolutions, rules and regulations now in force under the city government of the City of College Station 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; and all rights of the City of College Station under existing franchises and contracts are preserved in full force and effect to the City. When adopted, this Charter shall become the law of the City of College Station.

Continuance of Contracts and Succession of Rights
Section 130. All contracts entered into by the City of College Station prior to the taking effect of this charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances.

All suits, taxes, penalties, forfeitures and all other rights, claims and demands which have accrued under the laws heretofore in force governing the City of College Station, shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the corporation hereby created, and shall not in anywise be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

Gender Neutrality
Section 131. The wording of this charter should be regarded as and is intended to be gender neutral.

Construction and Separability Clause
Section 132. This Charter shall be liberally construed to carry out its intents and purposes. If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Amending the Charter
Section 133. This Charter may be amended in accordance with the provisions of the statutes of the State of Texas.

Submission of the Charter to Electors
Section 134. The Charter commission in preparing this charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the Charter commission directs that the Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of College Station at an election to be held for that purpose on January 8, 1952. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter it shall become the charter of the City of College Station, and after the returns have been canvassed the same shall be declared adopted.

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

In not less than thirty (30) days prior to such election the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of College Station as appears from the Tax Collector's roll for the year ending January 31 preceding said election.

Rearrangement and Renumbering

Section 135. The City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter or any amendments thereto; and upon the passage of any such ordinance, a copy thereof, certified by the City Secretary, shall be forwarded to the Secretary of State for filing.

We, the undersigned members of the Charter Commission of the City of College Station, do hereby certify that this publication constitutes a true copy of the proposed charter of the City of College Station, Texas.

(Signed) Chairman
Ernest Langford, Chairman

(Signed) Secretary
J.A. Orr, Secretary

J.H. Sorrels	A.P. Boyett	H.E. Burgess	J.W. Barger
S.A. Lipscomb	D.B. Cofer	Ray Oden	S.R. Wright
J.C. Culpepper	G.W. Black	Truman H. Jones	R.B. Halpin
L.S. Richardson	Charles LaMotte	W.D. Fitch	A.A. Price

SUBSEQUENT REVISIONS OF ORIGINAL CHARTER ADOPTED JANUARY 8, 1952

Those serving on the Commission which made recommendations approved by the public at a special election held on April 2, 1963 included:

J.A. Orr	Bardin Nelson	C.W. Landiss	Marion Pugh
D.A. Anderson	John W. Hill	J.H. Sorrels	Charles LaMotte
A.L. Rosprim	Col. Frank H. Mathews	A.P. Boyett	William A. Smith

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Members of the Commission which made recommendations for Charter changes approved by the public in a special election held on January 13, 1968 were:

John S. Denison Jr.	Edwin S. Holdredge	Phillip B. Goode	Phillip H. Steen,
Bardin Nelson	John W. Hill	Codie D. Wells	Carl W. Landiss
Ewing E. Brown	Wilbert Beck		

Members of the Commission which made recommendations for Charter changes approved by the public in a special election held on April 4, 1972 were:

O.M. Holt	Dorsey McCrory	John S. Denison	Joe R. Sawyer
James H. Dozier	Robert F. White	John B. Longley	

Members of the Commission which made recommendations for Charter changes approved by the public in a special election held on April 3, 1976 were:

Dr. W.E. Benton	Steven Eberhard	Earl Bennett	J.B. (Dick) Hervey
M.L. Cashion	Mae Holleman	Jerry Cooper	Neely Lewis
James Dozier	W.W. Scott, Jr.		

Members of the City Council which sat as the Charter Revision Commission to make recommendations for Charter changes approved by the public in a special election held on April 1, 1978 were:

Mayor Lorence Bravenec	Anne Hazen	James Dozier	Larry Ringer
James Gardner	Lane Stephenson	Gary M. Halter	

Members of the City Council which sat as the Charter Revision Commission to make recommendations for the Charter changes approved by the public in a special election held on August 13, 1983 were:

Mayor Gary Halter	Robert Runnels	Vicky Reinke	Patricia Boughton
Alvin Prause	Lynn McIlhaney	Gary Anderson	

Members which sat as the Charter Review Committee to make recommendations for the Charter changes approved by the public in a municipal election held on May 2, 1992 were:

Chris Kling	Robert Bednarz	Terri Tongco	J.B. (Dick) Hervey
Lorence Bravenec	Ann Jones	Gene Benton	

College Station City Council members who made recommendations for the Charter change approved by the public in a municipal election held on May 2, 1998 were:

Lynn McIlhaney, Dick Birdwell, Larry Mariott, Steve Esmond, Swiki Anderson, David Hickson, Hubbard Kennady

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College Station City Council members who made recommendations for the Charter change approved by the public in a municipal election held on November 4, 2003 were:

Ron Silvia, Anne Hazen, James Massey, John Happ, Robert Wareing, Scott Mears, Dennis Maloney

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College Station City Council members who made recommendations for the Charter change to add new Section 30, Article III, The City Council: Creation of City Internal Auditor approved by the public in a municipal election held on May 13, 2006 were:

Ron Silvia, John Happ, Chris Scotti, Ben White, Susan Lancaster, Nancy Berry, Ron Gay

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College Station City Council members who made recommendations for the Charter change to Article XII General Provisions Section 115 Personal Interest approved by the public in a municipal election held on November 4, 2008.

Ben White, Lynn McIlhaney, James Massey, Dennis Maloney, David Ruesink, John Crompton, Larry Stewart

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Members of the Commission which made recommendations for Charter changes approved by the public in a special election held on November 6, 2012 were:

Brian Bochner, Terry Childers, Chuck Ellison, Patrick Gendron, Paul Greer, Gary Halter, Tony Jones, Lynn McIlhaney, Buck Prewitt

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