

Charter Amendment Election Ballot Proposal

I. Modernization and Clarification of Language

Sections 1 (p. 2), 2 (p. 2), 7 (p. 4), 8 (p. 5), 10 (p. 6), 21a (p. 8), 36 (p. 12), 44 (p. 14), 46 (p. 14), 57 (p. 17), 64 (p. 19), 65 (p. 19), 66 (p. 20), 71 (p. 21), 72 (p. 21), 73 (p. 21), 75 (p. 22), 82 (p. 24), 91 (p. 27), 98 (p. 28), 106 (p. 30), 107 (p. 30)

II. Bringing into Harmony with Texas State law

Sections 3b (p. 3), 3c (p. 3), 20 (p. 7), 37 (p. 12), 67 (p. 20), 74 (p. 22), 75 (p. 22), 83 (p. 24), 102 (p. 29), 104 (p. 29), 130 (p. 32), 131 (p. 33)

III. Recall Election Clarification

Section 31 (p. 10)

IV. Administrative Code

Section 60 (p. 18)

V. Evidence Requirements in Tax Suits

Section 89 (p. 26)

VI. Long-Term Contracts

Section 103 (p. 30)

VII. Conflicts of Interest

Section 132 (p. 33)

VIII. Mayor Pro-Tem

Section 35 (p. 11)

IX. Terms of Office and related changes

Sections 12 (p. 7), 23 (p. 8), 32 (p. 10)

X. Mayor and Councilor Salaries

Section 38 (p. 12)

PART I - CHARTER¹

ESTABLISHMENT AND CORPORATE NAME

Sec. 1. - Incorporation.

Ballot Proposal I

The inhabitants of the City of Wichita Falls, within the boundaries herein stated, or within such boundaries as may hereinafter be established, shall be a body politic and corporate under the name of "The City of Wichita Falls," and as such shall have perpetual succession, may use a common seal, may sue and be sued, contract and be contracted with, may plea and be impleaded in all courts and places in all matters whatever.

The government for the City of Wichita Falls shall be known as the Council-Manager form of government.

All powers and authority, including determination of all matters of policy, which are expressly or by implication conferred on or possessed by the City, must be vested in and exercised by the City Council. The city council shall set policy for the city by the enactment of ordinances, the passage of resolutions, the adoption of a budget and the passage of such other rules as necessary to establish city policy under the laws and Constitution of the State of Texas.

The City Manager shall execute policy by serving as the chief city administrator and conducting the day-to-day operations of the city.

State Law reference— Home rule form of government, Texas Local Government Code § 26.001 et seq.

Sec. 2. - Boundaries.

Ballot Proposal I

The boundaries of the City of Wichita Falls, Texas, shall be the same as have ~~heretofore previously~~ been established, as of this date, which boundaries are more fully set out on an official map recorded in the official minutes of the city, to be kept in the office of the City Clerk, and here referred to for a more complete metes and bounds description.

¹ **Editor's note**— Printed herein is the Charter of Wichita Falls, Texas, as adopted by referendum on March 20, 1920 and subsequently amended by referendums on April 9, 1928; April 7, 1931; July 27, 1934; February 9, 1937; December 5, 1950; April 2, 1977; April 7, 1979; April 2, 1983; May 7, 1988, August 14, 1999 and May 13, 2006. Amendments to the Charter as amended through May 13, 2006, are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the Charter as amended through May 13, 2006. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citation to state statutes has been used. Additions made for clarity are indicated by brackets.

State Law reference— Home rule municipality, Texas Const. art. 16, § 5, Texas Local Government Code § 5.004.

The boundaries of the City may be altered by extension through annexation or contraction through disannexation by one of the methods described in the following section.

ANNEXATION AND DISANNEXATION²

Sec. 3a. - Annexation by action of the council.

Territory adjacent to the City may be annexed by ordinance with or without the consent of the owners or inhabitants thereof, subject to such procedural rules as may be prescribed by law.

Sec. 3b. - Annexation on petition of owners.

Ballot Proposal II

~~Upon presentation of a petition in writing signed by a majority of the owners of adjacent territory, the Council, after hearing arguments for and against such action, may by ordinance annex such territory into the city. Hearing on such petition must take place not less than five (5) nor more than thirty (30) days after the date of its filing. At any time within ninety (90) days after the public hearing, an ordinance may be introduced providing for the annexation of the territory described in such petition.~~

~~Territory may be annexed to the City upon presentation of a petition as authorized by the laws of the State of Texas.~~

State Law reference— Annexation, Texas Local Government Code § 43.021 et seq.

Sec. 3c. - Disannexation of territory.

Ballot Proposal II

~~Territory lying within the boundary limits of the City and adjacent to the outer limits may be disannexed from the City upon presentation to the Council of a petition in writing signed by a majority of the owners of land within the territory. Sparsely inhabited territory containing less than 100 residents may be disannexed by the Council, when the Council determines that such disannexation is for the best interests of the city.~~

~~The Council, after hearing the arguments for and against such proposed disannexation, may grant or deny the request; however, any territory so detached shall be liable for its prorata share of any debts incurred while it was a part of the City, and the City shall continue to levy and collect taxes on the property until such indebtedness has been discharged.~~

~~Territory lying within the boundary limits of the City may be disannexed from the City as authorized by the laws of the State of Texas.~~

[Secs. 4—6. - Reserved for future use.]

² **State Law reference**— Annexation, Texas Local Government Code § 43.001 et seq.

POWERS³

Sec. 7. - Express corporate powers.

Ballot Proposal I

The City of Wichita Falls shall have the power:

- (a) To acquire property, within or without the city, in fee simple or lesser interest or estate, by purchase, gift, devise appropriation, lease, or lease with privilege to purchase, for any municipal purpose and may sell, lease, hold, manage, and control such property as though a natural person;
- (b) To furnish all local public service of whatever nature;
- (c) To purchase, hire, construct, own, maintain, and operate or lease local public utilities, and to acquire by condemnation or otherwise, within or without the corporate limits, property necessary for any such purpose;
- (d) To grant local public utility franchises and regulate the exercise thereof;
- (e) To assess, levy and collect taxes for general and special purposes on all subjects or objects which the city may lawfully tax;
- (f) To borrow money on the faith and credit of the city by the issue or sale of bonds or notes of the city;
- (g) To appropriate the money of the city for all lawful purposes;
- (h) To create, provide for, construct, regulate and maintain all things in the nature of public work and improvements;
- (i) To levy and collect assessments for local improvements on property benefited thereby;
- (j) To license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade;
- (k) To define, prohibit, abate, suppress and prevent within the City, and for a distance of five thousand (5,000) feet outside its limits, all nuisances and causes thereof and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants;
- (l) To make all needful regulations, applicable within and without the city, for securing and preserving the purity of its water supply;
- (m) To provide for such inspection service within and without the city as may be necessary to ensure the purity and wholesomeness of food products sold within the city;

³ **State Law reference—** Municipal home rule powers, Texas Const., art. 16, § 5, Texas Local Government Code §§ 26.001 et seq., 51.001, 51.071 et seq.

- (n) To do all things necessary or desirable to secure and promote the public health;
- (o) To regulate the construction, location, height and material used in all buildings and the maintenance and occupancy thereof;
- (p) To regulate and control the use, for whatever purpose of the streets and other public places of the city;
- (q) To create, establish, organize and abolish departments and offices, and fix the salaries and compensation of all officers and employees;
- (r) To make and enforce local public safety, police, sanitary and other regulations;
- (s) To fund projects which promote the economic development of the city;
- (t) To pass such ordinances as may be expedient for maintaining and promoting the peace, safety, good government and welfare of the city and for the performance of the functions thereof;
- (u) To exercise in addition to the powers enumerated in this section, all powers that now are, or hereafter may be, granted to municipalities by the constitution or laws of the State of Texas; and all the powers of the city whether expressed or implied, shall be exercised and enforced in the manner prescribed in this Charter, or when not so prescribed then in such manner as may be provided by ordinance or resolution of the city council;
- (v) To have and exercise all of the powers, rights, privileges and immunities of every character and description whatsoever conferred upon and granted to cities of more than five thousand [5,000] inhabitants to adopt and amend their charters by Chapter 147, page 307, of the General Laws of Texas passed by the thirty-third Legislature of said State in 1913, and approved April 7th, 1913, as well as any and all amendments ~~thereof heretofore or~~ which may be ~~hereafter~~ adopted ~~thereto~~.

State Law reference— Home rule powers generally, Texas Local Government Code § 51.071 et seq.

Sec. 8. - Other corporate powers.

Ballot Proposal I

The enumeration of powers by this Charter shall not be held to be deemed to be exclusive but, in addition to the powers enumerated herein ~~implied thereby~~ or appropriate to the exercise thereof the city shall have, and may exercise, all other powers, which, under the constitution and laws of Texas, it would be competent for this Charter specifically to enumerate, it being the intention hereof that the powers of the City of Wichita Falls shall extend to all matters of local and municipal government.

CITY COUNCIL

Sec. 9. - Creation of city council.

All legislative and executive powers of the city shall be vested in a city council and shall be exercised in the manner provided by this Charter.

Sec. 9a. - Designation of council and councilors.

The name of the board of aldermen is changed to the city council. Any reference in this Charter or in any ordinances, resolutions or other documents to the board of alderman shall be construed as meaning the city council. Members of the city council shall be known as councilors.

Sec. 10. - Membership of the city council.

Ballot Proposal I

The city council shall consist of a mayor and six councilors, whose terms, qualifications, and method of election shall be prescribed in the Code of Ordinances, ~~Section 2-01 [2-26(a)]~~Chapter 2, Administration.

Sec. 11. - Candidacy for the city council.

Any qualified voter of the City of Wichita Falls may apply in writing for a place on the ballot for election to the city council, who:

- (1) Is at least twenty-one [(21)] years of age;
- (2) Has resided within the city and applicable district for twelve (12) months prior to filing deadline for that election;
- (3) Pays a filing fee of [one hundred dollars] (\$100.00) or presents a petition signed by [fifty] (50) or more qualified voters in the city and applicable district, in lieu of the filing fee; and
- (4) Meets all other eligibility requirements of the Texas election laws.

The written application (and petition in lieu of filing fee) shall be filed with the city clerk in accordance with state law.

(Ord. No. 14-2006, § 2, 2-21-2006, ref. 5-13-2006)

State Law reference— Qualifications generally, Texas Election Code § 141.001 et seq.

NOMINATIONS AND ELECTIONS

Ballot Proposal IX

Sec. 12. - Terms of office.

~~Members of the city council elected to office in November 2020 or thereafter will be elected for a term of three (3) years. A councilor or mayor can serve a maximum of three (3) successive two-year two (2) consecutive terms in the same office, provided that the term served in filling a vacancy or unexpired term shall not be considered as part of the three (3) successive terms of two (2) years each.~~ However, in no event shall an elected official of the city be eligible to be elected to more than three (3) ten (10) consecutive ~~terms years (exclusive of unexpired terms)~~ in any combination of elective office. After at least an 18-month two-year absence from office, the person will be eligible to hold an elective office with the city again.

~~Members of the City Council who are serving consecutive terms which include one or more two-year terms, set by the Charter at the time of their election, are authorized to serve a maximum of three (3) consecutive terms in the same office. In no event will such an elected official of the city be eligible to be elected to more than four (4) consecutive terms in any combination of elective office. After at least an 18-month absence from office, the person will be eligible to hold an elective office with the city again.~~

~~A council member who is appointed or elected to fill an unexpired term will not have that partial term of office counted against them for purposes of the term limits set out in this section. Council members elected to a city council office who then resign in order to take another elected city council office will be deemed to have fully served the term for the office from which they resigned.~~

(Ord. No. 32-2009, § 3, 5-19-2009, ref. 5-9-5009)

Sec. 13. - [Number and] gender references.

Unless the context requires otherwise, singular nouns and pronouns include the plural, and references to gender include both male and female.

Secs. 14—19. - Reserved.

(Repealed by Charter Amendment of 4-2-1977)

Sec. 20. - Notice of election by publication.

Ballot Proposal II

Notice of the election, and the polling places, shall be published by the city clerk ~~on election day, and~~ as ~~otherwise~~ specified in the Texas election laws.

Sec. 21. - Election by majority.

A candidate at an election for a place on the council or for mayor who shall receive a majority of all votes cast for the office for which he is a candidate shall be declared elected to such office. In the event any candidate for an office fails to receive a majority of all votes cast for all the candidates for such office at such election, the council shall order a runoff election, to be held in compliance with state law. The two (2) candidates receiving the highest number of votes for any such office in the first election shall be placed upon the ballot to be voted on in the runoff election.

(Ord. No. 14-2006, § 2, 2-21-2006, ref. 5-13-2006)

Sec. 21a. - Breaking tie votes.

Ballot Proposal I

If by reason of their having received the same number of votes, it cannot be determined which of two (2) or more candidates has been elected, a decision between them shall be made in their presence by ~~lot~~ a flip of a coin under the direction of the city clerk.

In the event a runoff is required, and it cannot be determined from the vote which two (2) candidates shall advance to a runoff, because of a tie vote, the decision shall be made by lot ~~as specified above~~.

(Ord. No. 14-2006, § 2, 2-21-2006, ref. 5-13-2006)

Sec. 22. - Procedure for holding elections.

All elections held under this Charter, whether for the choice of candidates or for the submission of questions to the electors, shall be conducted in accordance with the Texas election laws; and except as otherwise provided in this Charter such election laws shall be applicable to, and control all such elections.

Sec. 23. - City council vacancies.

Ballot Proposal IX

If a vacancy occurs in the office of mayor or in any other place on the city council for an unexpired term of 12 months or less, some eligible person shall may be chosen to fill the place by a majority vote of the remaining members. Any person chosen by the city council to fill a vacancy therein shall continue in office as a result of such choice only until the next regular municipal election, at which time some person shall be elected to fill the office ~~either for the regular term or for the unexpired term as the case may be. A place on the city council held, or which might be held, by a person chosen by the city council shall be regarded as a place to be filled at any regular municipal election. When at any such election, a person is to be chosen to fill out an unexpired term, candidates shall be~~

~~nominated for the position and the election shall be held as hereinbefore provided. All other vacancies must be filled by special election as set out by Texas law.~~

RECALL OF OFFICERS

Sec. 24. - Recall authorized.

The mayor or any other member of the city council may be removed from office in the following manner:

Any qualified voter of the city may make and file with the city clerk an affidavit containing the name of any member of the city council whose removal is sought and a statement of the grounds for removal, provided only qualified voters within a council district may make and file an affidavit for recall for that council position.

The city clerk shall thereupon deliver to the qualified voter making such affidavit copies of petition blanks for demanding such a removal, printed forms of which he shall keep on hand.

Such blanks shall be issued by the city clerk with his signature thereto attached, and they shall be dated, addressed to the city council, indicate the person to whom issued, and state the name of the member whose removal is sought.

A copy of the petition shall be maintained in the office of the city clerk in accordance with state law.

A recall petition to be effective must be returned and filed with the city clerk within thirty (30) days after the filing of the affidavit, and must bear the signatures of registered voters of the city equal in number to at least five (5%) percent of the registered voters at the date of the last regular municipal election for that position, whether opposed or unopposed. Only registered voters within a council district may sign a recall petition for that council position.

(Ord. No. 14-2006, § 2, 2-21-2006, ref. 5-13-2006)

Sec. 28. - Action on recall petition.

If a recall petition or amended petition shall be certified by the city clerk to be sufficient, he shall at once submit it to the city council with his certificate to that effect, and shall notify the member whose removal is sought of such action.

If the member whose removal is sought does not resign within five (5) days after such notice, the city council shall thereupon order and fix a day for holding a recall election. Any such election shall be held at the next uniform election day as specified by state law.

(Ord. No. 14-2006, § 2, 2-21-2006, ref. 5-13-2006)

Sec. 29. - Multiple recall.

The question of recalling any number of members of the city council may be submitted at the same election, but as to each member whose removal is sought a separate petition shall be filed and there shall be an entirely separate ballot.

Sec. 30. - The recall ballot.

The ballots used in a recall election shall submit the two following propositions in the order indicated:

"For the recall of (name of mayor or councilor)."

"Against the recall of (name of mayor or councilor)."

Except as provided in this section, ballots used in a recall election shall comply with the provisions of this Charter regarding ballots for a regular municipal election.

Sec. 31. - Council action on recall election.

Ballot Proposal III

If a majority of the votes cast on the question of recalling the mayor or a councilor be against his recall he shall continue in office for the remainder of his unexpired term, ~~but subject to recall as before~~. If a majority of such votes be for the recall of the officer designated on the ballot he shall, regardless of any defects in the recall petition, be deemed removed from office. When the mayor or a councilor is removed from office by the recall, the place thus made vacant shall be filled as hereinbefore provided for filling vacancies arising from other causes.

Sec. 32. - Resignation pending recall.

Ballot Proposal IX

If the mayor or a councilor in regard to whom sufficient recall petition is submitted to the city council shall resign within five (5) days after notice thereof, the place thus made vacant on the city council shall be filled ~~as set out Charter section 23 by the appointment of some eligible person by a majority vote of the remaining members, as hereinbefore provided for filling vacancies arising from other causes~~.

Sec. 33. - Limitation on recall.

No recall petition shall be filed against the mayor or a councilor within three (3) months after he takes office. A mayor or councilor may be subject to only one recall election during a term of office.

(Ord. No. 14-2006, § 2, 2-21-2006, ref. 5-13-2006)

PROCEDURE OF THE CITY COUNCIL

Sec. 34. - Meetings of the council.

At the next regular or special meeting following the regular municipal election, the city council shall meet at the usual place for holding such meetings at which time the first order of business shall be the canvassing of votes and swearing in of new members.

Thereafter the city council shall meet at such time and place as may be prescribed by ordinance, but not less frequently than once each month. Special meetings may be called by the mayor and shall be called by the city clerk upon the written request of three (3) councilors or the city manager.

All meetings of the city council, and of committees thereof except as hereinafter provided, shall be open to the public and the city council shall provide by its rules that citizens shall have an opportunity to be heard at any such meeting in regard to any matter considered, or to be considered, thereat.

Executive session of the city council may be held in accordance with state law.

The city council shall be the judge of the election and qualifications of its members, subject to review by the courts, but any councilor convicted of a felony while in office shall thereby immediately forfeit his office. The city council may determine its own rules of procedure, punish its members for disorderly behavior and, with the consent of five-sevenths (5/7) of all the members, may expel a council member.

A majority of all the members elected to the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

(Ord. No. 14-2006, § 2, 2-21-2006, ref. 5-13-2006)

State Law reference— Open Meetings Act, Texas Government Code § 551.001 et seq.

Sec. 35. - The mayor.

Ballot Proposal VIII

The mayor shall have all the powers and shall be subject to all the duties conferred on or required of other members of the city council by this Charter. He shall preside at meetings of the city council and perform such other duties consistent with his office as may be imposed thereby.

He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purposes of serving civil processes, and by the Governor for military purposes.

In time of public danger or emergency, he may, with the consent of the city council, take command of the police, maintain order and enforce laws.

During the absence or disability of the mayor, the mayor's duties shall be performed by the Mayor Pro-Tem, who shall be a councilor ~~appointed by the city council, following each year's election~~ as prescribed in Chapter 2, Administration, of the Code of Ordinances.

Sec. 36. - The city clerk.

Ballot Proposal I

The city council shall choose a city clerk who shall also be clerk of the city council. The city clerk shall perform the duties imposed upon him by this Charter and such other duties ~~not inconsistent therewith,~~ as may be imposed by the city council.

Ballot Proposal II

Sec. 37. - Ordinances and resolutions.

Ballot Proposal II

Each proposed ordinance or resolution shall be introduced in written or printed form and except ordinances or resolutions making appropriations shall not contain more than one subject which shall be clearly expressed in the title.

The vote upon the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the minutes of the city council and every such ordinance or resolution shall require for passage the affirmative vote of a majority of all the members of the city council. No council member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved.

~~Upon the passage of any ordinance prescribing a penalty for the violation thereof, there shall be published at least one time in the official newspaper of the city a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof.~~

As soon as practical after the close of each fiscal year all ordinances passed during the previous year shall be compiled by the city clerk and printed in such form as may be directed by the city council.

~~State Law reference — Publication of ordinances, Texas Local Government Code § 52.013.~~

Sec. 38. - Mayor and councilor salaries.

Ballot Proposal X

The city council may, by ordinance, provide for the compensation of its members to be paid in equal monthly installments. The salary of the mayor shall in no event exceed the sum of one thousand five hundred dollars (~~\$1,000.00~~~~500.00~~) per month, and the salary of each council member shall in no event exceed three six hundred dollars (~~\$600.00~~~~300.00~~) per month.

The mayor or any council member absent from a regular or regularly called meeting of the city council, except on account of his own illness, or illness in his immediate family, or absence from the city where excused by the city council prior to such absence, shall forfeit two percent (2%) of his entire annual compensation for each such absence.

(Ord. No. 14-2006, § 2, 2-21-2006, ref. 5-13-2006)

Sec. 39. - Initiative.

The electors shall have power at their option to propose ordinances and resolutions, including ordinances granting franchises and privileges, and to adopt the same at the polls, such power being known as the initiative.

A petition meeting the requirements hereinafter provided and requesting the city council to pass an ordinance or resolution therein set forth shall be termed an initiative petition and shall be acted upon as hereinafter provided.

The term "measure" as used in this Charter shall include the terms "ordinance" and "resolution."

Sec. 40. - The initiative petition.

Signatures to initiative petitions need not all be on one paper, but the circulator of each such paper shall make an affidavit that the signatures appended thereto were made in his/her presence and are the genuine signatures of the persons whose names they purport to be.

For a petition signature to be valid, a petition must contain, in addition to the signature, the signer's printed name as it appears on his/her voter registration card, the signer's voter registration number, his/her residence address by street and number, and if there is no street number, such other description sufficient to identify the place and the date of the signing. The signature is the only information that is required to appear on the petition in the signer's own handwriting.

All such petition papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five (5) electors who shall be officially regarded as filing the petition, and who shall constitute a committee of the petitioners for the purposes hereinafter named. All petition papers relating to the same measure shall be assembled and filed in the office of the city clerk as one instrument.

If this section is in conflict with any state law, such state law shall prevail.

Sec. 41. - Certification of initiative petition.

An initiative petition to be sufficient shall be signed by registered voters of the city in a number equal to or greater than ten (10) percent of those who voted in the last preceding regular municipal election, and in no case by less than three thousand (3,000) voters.

Within forty-five (45) days after the filing of a petition, the clerk shall ascertain whether it is signed as provided in this section, and shall attach thereto a certificate showing the result of his examination.

If, by the clerk's certificate, of which notice in writing shall be given to the committee of the petitioners, the petition is shown to be insufficient, it may be amended within fifteen (15) days of the date of such certificate by filing supplementary petition papers with additional signatures. Within thirty (30) days after such an amendment, the clerk shall make an examination of the amended petition, and if his certificate shall show the same still to be insufficient, he shall file the petition in his office and notify each member of the committee of that fact.

The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

If this section is in conflict with any state law, such state law shall prevail.

(Ord. No. 14-2006, § 2, 2-21-2006, ref. 5-13-2006)

Sec. 42. - Council action on initiative.

If an initiative petition be found sufficient, the clerk shall so certify and shall submit the measure to the city council at its next meeting, and the city council shall at once read and refer it to an appropriate committee, which may be a committee of the whole. Provisions shall be made for public hearings upon the proposed measure before the committee to which it is referred.

Thereafter the committee shall report the measure to the city council, with its recommendation thereon, not later than sixty (60) days after the date upon which such measure was submitted to the board by the city clerk. Upon receiving the measure from the committee the city council shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date of such committee report.

Sec. 43. - Council refusal or modification of initiative.

If the city council shall fail to pass a proposed measure, or shall pass it in a form different from that set forth in the petition therefor, the committee of the petitioners may require that it be submitted to a vote of the electors either in its original form or with any change or addition presented in writing at a public hearing before the committee to which it was referred, or during its consideration by the city council.

If the committee of the petitioners require the submission of the measure to a vote of the electors they shall certify that fact to the clerk and file in his office a certified copy of the measure, in the form in which it is to be submitted, within ten (10) days after final action on such measure by the city council.

Sec. 44. - Initiative election.

Ballot Proposal I

Upon receiving the certificate and certified copy of the proposed measure, as provided in the foregoing section, the city clerk shall certify the fact to the city council at its next regular meeting.

The city council shall ~~forthwith~~ call an election on the measure at the earliest date authorized by the Texas election laws.

Any such measure approved by a majority of the electors voting thereon shall be considered adopted and shall take effect at the time indicated therein.

Sec. 45. - Abeyance of council action.

When a measure proposed by initiative petition is passed by the city council, but not in its original form, and is required by the committee of the petitioners to be submitted to a vote of the electors, the measure as passed by the city council shall not take effect until after such vote, and, if the measure so submitted be approved by a majority of the electors voting thereon, the measure as passed by the city council shall be deemed repealed.

Sec. 46. - Referendum.

Ballot Proposal I

The electors shall have power at their option to approve or reject at the polls any ordinance or resolution passed by the city council or submitted by such city council to a vote of the electors, such power being known as the referendum; provided, however, that such right of referendum

shall not apply to ordinances or resolutions passed by the city council authorizing the issuance of bonds ~~therefore~~ voted by the resident qualified ~~property taxpaying~~ voters of the city.

Measures submitted to the city council by initiative petition and passed by the city council without change or passed in an amended form and not required by the committee of petitioners to be submitted to a vote of the electors shall be subject to the referendum in the same manner as other measures.

Sec. 47. - Limitations on referendum.

No ordinance shall go into effect until thirty (30) days after its passage by the city council except ordinances authorizing the issuance of bonds ~~therefore~~ voted by the resident qualified property taxpaying voters of the city, unless it be declared an emergency measure on the ground of urgent public need for the preservation of the peace, health and safety of property of the city, the facts showing such emergency and need being stated specifically in the ordinance itself, and the ordinance being passed by a vote of a majority of all members of the city council.

No ordinance granting or amending any public utility franchise or amending or repealing any measure adopted by the electors at the polls or adopted by the city council in compliance with an initiative petition shall be regarded as an emergency measure.

Sec. 48. - Ordinance abatement on filing of referendum petition.

If within thirty (30) days after the passage of a measure by the city council a petition signed by the registered, qualified voters of the city in a number equal to or greater than ten percent (10%) of those who voted in the last preceding regular election and in no case by less than three thousand (3,000) voters be filed with the city clerk requesting that such measure or any part thereof be either repealed or submitted to a vote of the electors, it shall not, unless it be an emergency measure, become operative until the steps indicated herein have been taken. Provided that this section shall not apply to ordinances passed by the city council authorizing the issuance of bonds ~~therefore~~ voted by the qualified voters of the city.

If this section is in conflict with any state law, such state law shall prevail.

Sec. 49. - The referendum petition.

The signatures to a referendum petition need not all be on one (1) paper, but the circulator of each separate paper shall make affidavit that the signatures appended thereto were made in his/her presence and are the genuine signatures of the person whose name they purport to be.

For a petition signature to be valid, a petition must contain, in addition to the signature, the signer's printed name as it appears on his/her voter registration card, the signer's voter registration number, his/her residence address by street and number, and if there is no street number, such other description sufficient to identify the place and the date of the signing. The signature is the only information that is required to appear on the petition in the signer's own handwriting.

All such petition papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five (5) electors who shall be officially regarded as filing the petition, and who shall constitute a committee of the petitioners for the purposes hereinafter named. All petition papers relating to the same measure shall be assembled and filed in the office of the city clerk as one instrument.

If this section is in conflict with any state law, such state law shall prevail.

Sec. 50. - City clerk to review referendum petition.

Within forty-five (45) days after the filing of a referendum petition, the city clerk shall ascertain whether it is signed as provided in section 48 of this Charter and shall attach to the petition a certificate showing the result of such examination, and shall give notice thereof to the committee of the petitioners.

If by the city clerk's certificate, the petition is shown to be insufficient, it may be amended within fifteen (15) days from the date of such certificate by filing supplementary petition papers with additional signatures. The city clerk shall, within thirty (30) days after such an amendment, make a like examination of the amended petition and certify the result thereof.

(Ord. No. 14-2006, § 2, 2-21-2006, ref. 5-13-2006)

Sec. 51. - Certification of referendum petition.

If a referendum petition, or amended petition, be found sufficient that city clerk shall certify that fact to the city council at its next regular meeting, and unless the measure or part thereof specified in the petition be an emergency measure it shall not go into effect unless approved by the electors as hereinafter provided.

Upon receipt of the city clerk's certificate of sufficiency the city council shall proceed to reconsider the measure and its final vote upon such reconsideration shall be upon the question "shall the measure, (or part of the measure) as specified in the referendum petition, be repealed?" If upon such reconsideration the measure, or part thereof, be not repealed it shall be submitted to the electors at the next municipal election held not less than thirty (30) days after such final vote by the board.

The city council by a four-fifths (4/5) vote of its members may submit the measure to the electors at a special election to be held not sooner than the time aforesaid. If when submitted to the electors any such measure, or part thereof, be not approved by a majority of those voting thereon it shall be deemed repealed.

Sec. 52. - The referendum ballot form.

Measures proposed by initiative petition, or required by referendum petition or by the city council to be submitted to the electors, shall be submitted by ballot title.

There shall appear upon the official ballot a ballot title, which may be distinct from the legal title of any such proposed or referred measure, and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such measure.

The ballot title shall be prepared by the committee of the petitioners if for an initiative or referred measure, and by a committee of the city council when submitted by such city council. The ballots used when voting upon any such measure shall have below the ballot title thereof the two (2) propositions in order herein indicated: "For the Measure" and "Against the Measure."

Sec. 53. - The referendum ballot issues.

Any number of measures may be voted on at the same election and may be submitted on the same ballot, but the ballot used for voting on measures shall be for that purpose only.

Sec. 54. - Referendum of emergency measures.

Measures passed as emergency measures other than ordinances authorizing the issuance of bonds shall be subject to referendum but they shall not be suspended from going into operation while referendum proceedings are pending.

If when submitted to a vote of the electors, such emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed and any further action thereunder and all rights and privileges conferred by it shall thereafter be null and void; but any such measure so repealed shall be deemed sufficient authority for any payments made or any indebtedness incurred in accordance therewith prior to the vote thereon.

Sec. 55. - Conflicting referendum measures.

If two or more measures adopted or approved at the same election conflict in respect to any of their provisions they shall go into effect in respect of such of their provisions as are not in conflict, and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict.

Except as otherwise provided in this Charter, measures adopted or approved by the electors shall be subject to amendment or repeal by the city council as in the case of measures.

ADMINISTRATIVE SERVICE

Sec. 56. - City manager.

The city council shall appoint a city manager who shall have the powers and perform the duties herein conferred on and required of the city manager by this Charter.

Sec. 57. - City manager appointment and dismissal.

Ballot Proposal I

The city manager shall be chosen solely on the basis of his executive and administrative qualifications, and need not, when appointed be an inhabitant of the city or state.

The city manager shall not be appointed for a definite term, but shall be removable at the pleasure of the city council. If removed at any time after he has served six (6) months he may demand written charges and the right to be heard ~~thereon~~ at a public meeting of the city council prior to the date on which his final removal shall take effect. ~~but p~~ Pending and during such hearing the city council may suspend him 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 any such suspension or removal wholly in the city council.

In case of the absence or disability of the manager, the city council shall designate some qualified person to perform the duties of the office. The city manager shall receive such compensation as may be fixed by the city council.

Sec. 58. - City manager's authority.

The city manager shall be responsible to the city council for the proper administration of all affairs of the city placed in his charge and to that end shall appoint all officers and employees of the city except as otherwise provided in this Charter.

Neither the city council nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager or in any manner interfere with him or

prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the city council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such city manager, and neither the city council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.

Sec. 59. - City manager service to the council.

Except when his removal is being considered, the city manager shall have the right to be present at all meetings of the city council and of its committees and to take part in their discussions. He shall prepare and submit the annual budget estimate and may make such other recommendations to the city council concerning the affairs of the city as may seem to him desirable.

Sec. 60. - Administrative code.

Ballot Proposal IV

There shall be a department of law, a department of finance, a department of health, and such other departments and offices as may be established by ordinance.

Except as otherwise provided in this Charter, the city council shall by ordinance prescribe and define the functions of all departments and offices and may abolish any department or office established by ordinance or transfer its duties in whole or in part to any other department or office. In establishing departments and offices, providing for their organization and defining and distributing their functions, the city council shall pass a general ordinance with the title "An ordinance to establish an administrative code." After the passage of such ordinance, which shall thereafter be known as "The Administrative Code," all subsequent changes made by the city council in the number, functions and organization of departments and offices, shall be in the form of amendments or additions thereto. The purpose of the foregoing requirements is that the city council shall provide a comprehensive and systematic plan of administrative organization for the city, and that all facts of the city council relating thereto may be found in one ordinance.

~~The city clerk shall prepare and keep constantly revised at least three copies of the administrative code. One such copy shall be kept on file in the office of the city clerk, one shall be for the use of the city manager and one for the city attorney. The administrative code shall be printed in pamphlet form immediately upon its passage, and it shall be reprinted in revised form at least once every two (2) years if changes have been made therein since it was last printed. The copy of the administrative code for printing, as herein provided, shall be prepared under the direction of the city attorney.~~

Sec. 61. - Department directors and officers.

A city attorney and a city clerk shall be appointed by the city council, without definite term, and may be removed at the pleasure of such council. Each shall appoint, and may remove, such assistants and subordinates as the city council may authorize each to employ.

All other directors and heads of departments and officers shall be appointed by the city manager on the basis of executive and administrative ability, and education, training and experience in the work which they are to administer. All such officers shall be immediately responsible to the city manager, and may be removed by him at any time. In the case of the removal, if the officer so demands, a written statement shall be made by the city manager of the reasons therefor, and the officer shall be given a public hearing by the city manager before the

order of removal is made final. The statement of the city manager and the written reply of the officer thereto shall be filed as a public record in the office of the city clerk.

All other employees of the city, unless otherwise provided herein, shall be appointed by, or under the direction and supervision of the city manager, who shall have authority to discharge any such employee with or without cause at any time.

Sec. 62. - Employment preferences.

In making appointments the city manager shall give preference to [the] citizens of Wichita Falls, provided any citizen thus considered is qualified by education, training, or experience to perform the duties of the position to which he/she, is to be appointed. The city manager shall have the authority to determine the qualifications of all such appointees.

Sec. 63. - Investigation of internal affairs.

The city council, city manager, and any officer or committee authorized by either of them, shall have the power to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books and papers, and it shall be the duty of the city manager to designate a police officer to serve such subpoena.

Sec. 64. - Department of law—city attorney.

Ballot Proposal I

The city attorney shall have practiced as an attorney at law for at least two (2) years in the State of Texas. He shall be chief legal advisor of, and attorney for the city.

He shall attend all meetings of the city council, and when so requested, shall give advice in writing to the city council, the city clerk, the city assessor and collector and all other officers of said city and the city manager. He shall prosecute or defend, as the case may be, all suits or cases to which the city is a party. He shall attend sessions of the municipal court, either in person or by deputy, and prosecute all persons charged with offenses ~~therein~~. He shall approve the form of all official bonds, and of all contracts to which the city is a party, and render such other professional legal service as may be required by the city council.

FINANCIAL PROVISIONS⁴

Sec. 65. - Department of finance.

Ballot Proposal I

The city manager shall have the power to appoint a chief financial officer and director of finance to have supervision over the department of finances and to administer the financial affairs of the city, including the levy, assessment and collection of taxes, or other revenues, and the custody and disbursement of city funds and money.

⁴ **State Law reference—** Financial matters, Texas Local Government Code § 101.001.

Sec. 66. —Chief financial officer and Director of finance.

Ballot Proposal I

The chief financial officer and director of finance shall keep accounts showing the financial transactions for all city departments, divisions and offices.

Forms for such accounts shall be prescribed by the director of finance and shall be adequate to record all cash receipts and disbursements, all revenues accrued and liabilities incurred, and all transactions affecting the acquisition, custody and disposition of values, and to make such reports of the financial condition and transactions of the city as may be required by the city manager or city council.

Sec. 67. - Submission of annual budget.

Ballot Proposal II

Prior to the end of each fiscal year the city manager shall prepare and submit to the city council a budget of the expenditures and revenues of all city departments, divisions, and offices for the next ensuing fiscal year. In the preparation and submission of such budget the city manager shall be governed by the general laws of the State of Texas, relating to the preparation and submission of budgets by cities and towns of the State.

The city council shall provide a reasonable number of copies of the budget for distribution to citizens who may request copies thereof. Copies shall be furnished ~~to the newspapers of the city and to each public library of the city~~ in accordance with the laws of the State of Texas.

Sec. 68. - Council action on budget.

Upon receipt of the budget estimate the city council shall prepare an appropriation ordinance using the manager's estimate as a basis. Provision shall be made for public hearings on the proposed appropriations ordinance before the city council sitting as a committee of the whole.

State Law reference— Budgets, Texas Local Government Code § 102.001 et seq.

Sec. 69. - Annual appropriation ordinance.

Before the annual appropriation ordinance has been passed the city council may make appropriations for current expenses of the city, chargeable to the appropriations of the year when passed to an amount sufficient to cover the necessary expenses of various departments, divisions and offices until the annual appropriation ordinance is in force.

No other liabilities shall be incurred by any officer or employee of the city, except in accordance with the provisions of the annual appropriation ordinance, or under continuing contracts and loans authorized under the provisions of this Charter.

Sec. 70. - Transfer of unencumbered balances.

The city council may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient or may authorize a transfer to be made between items appropriated to the same office, department or divisions, where not in contravention of the constitution and laws of this State or other provisions of this Charter.

Sec. 71. - Non-appropriated revenues.

Ballot Proposal I

Any accruing revenue of the city, not appropriated as hereinbefore provided and any balance ~~at any time~~ remaining after the purposes of the appropriation shall have been satisfied or abandoned, may ~~from time to time~~ be appropriated by the city council to such uses as will not conflict with any uses for which specifically such revenues accrued, and where not in conflict with the constitution and laws of this State, or other provisions of this Charter.

Sec. 72. - Unauthorized expenditures.

Ballot Proposal I

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the city council.

At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations; ~~but~~ ~~a~~ appropriations may be made in furtherance of improvements or other objects or works of the city which will not be completed within the current year.

Sec. 73. - Ordinance to levy taxes.

Ballot Proposal I

Not later than one (1) week after the passage of the appropriation ordinance the city council shall by ordinance levy such taxes as may be necessary to meet the appropriations made (less the estimated amount of revenue from other sources), and to provide all sums required by this Charter to be raised on account of the bonded indebtedness of the city and for all other purposes. In fixing such tax rate the city council shall designate what portion of the total is for such bonded indebtedness, and shall also designate what portions of the total are levied for other specific purposes.

The portion of the tax rate designated for the city's bonded indebtedness shall be adequate to provide sufficient revenue to meet the requirements of interest and provide the necessary sinking fund to pay the principal of such bonds at maturity.

Any tax payer of the city or holder of any bonds of said city may file suit in the district court of Wichita County to enforce the foregoing requirements, and, if upon such suit, it be found that the portion of the tax rate for the bonded indebtedness is inadequate the court shall order and fix an adequate rate as ~~hereinbefore~~ provided. If in any year the revenue from taxation shall be inadequate to meet the requirements of interest and provide the necessary sinking fund of such bonded indebtedness for such year, the city council shall by revision of its appropriations for general city purposes provide sufficient funds to meet any such deficiency, and any taxpayer or holder of any of its bonds may file suit in the court above mentioned to compel the city council to carry out this requirement.

AUTHORIZED TAXATION⁵

Sec. 74. - Ad valorem taxes.

Ballot Proposal II

The city council shall have the power and is hereby authorized to assess, levy and collect ad valorem taxes on each one hundred dollars (\$100.00) of assessed valuation of property situated in the city not exempt from taxation by the Constitution and the laws of the State of Texas, in the amounts and for the purposes as follows:

- (a) To pay the general governmental operation expenses of the city for general improvements of the city and its property, including a public library, roads, bridges, streets, public parks, cemeteries, and other governmental purposes authorized by state law.
- (b) To pay the principal of and interest on bonds of the city hereto authorized, and hereafter authorized, by the qualified voters of the city, or as otherwise authorized by state law.

Providing that the total amount of ad valorem taxes thus authorized to be levied shall never exceed in any one year ~~an amount as authorized by the laws of the State of Texas. two dollars and twenty five cents (\$2.25) on the one hundred dollars (\$100.00) of assessed value of property situated in the city not exempt from taxation by the Constitution and laws of the State of Texas.~~

State Law reference— Property taxation, Texas Tax Code § 1.01 et seq.

Sec. 75. - Borrowing of money.

Ballot Proposal I

The city council shall have the authority by ordinance to borrow money on the credit of the city and issue bonds therefor for permanent improvements and for any other lawful municipal purpose, including the purchase of fire fighting equipment, as may be determined by the city council, providing that no bonds shall be authorized unless the proposition for the issuance thereof has been approved by the majority of the qualified voters of the city voting at an election held for said purpose. Such election shall be ordered by the city council and notice thereof shall be given in the manner and for the length of time provided by the general laws of Texas applicable to cities and towns. Except as otherwise provided by laws relating to the issuance of bonds by cities and towns such election shall be held and conducted in accordance with the laws of the State of Texas governing general elections. The foregoing provisions requiring an election on the proposition for the issuance of bonds shall not apply to funding or refunding bonds issued or to be issued for the purpose of funding or refunding any valid indebtedness or any valid outstanding bonds of the City of Wichita Falls provided that such refunding bonds shall not bear interest at a rate exceeding the rate borne by the bonds thus refunded. All such bonds shall be issued in the manner provided by the general laws of Texas applicable to cities and towns.

⁵ **State Law reference**— Taxation, Texas Tax Code § 1.01 et seq.

The city council is authorized to issue, by ordinance, such other bonds, notes and obligations for municipal purposes as are authorized by the Constitution and laws of the State of Texas, subject to the procedures and limitations established thereby.

State Law reference— Authority to issue bonds, Texas Ann. Civ. St. arts. 701 et seq., 823 et seq.; authority to issue bonds for public improvements, Texas Ann. Civ. St. art. 1175(1).

Sec. 76. - Restriction of funds.

Whenever the city council, in fixing the general tax rate for the city, shall designate any portion of such rate to be levied for a specific purpose, a corresponding part of the revenue of the city derived from such general tax shall be set aside as a fund to be used only for the purpose so specified. No payments shall be made out of such special funds except for the satisfaction of the purpose for which it was established; but any such fund created for the payment of principal or interest of the bonded indebtedness of the city may be invested in any valid interest-paying bonds of the City of Wichita Falls, the United States, the State of Texas or in any legally issued bonds of any county, city or school district in Texas, as the city council may determine.

When so invested the bonds purchased and the interest thereon shall be held in trust for the particular fund from which the money was taken and shall not be sold or otherwise used except for the benefit of such fund.

Any balance remaining in any such special fund, after the purpose for which it shall have been created has been satisfied or abandoned, shall revert to the general fund of the city and shall be subject to appropriation by the city council for other municipal purposes.

ASSESSMENT AND COLLECTION OF TAXES

Sec. 77. - Property tax appraisals.

The mode and manner of making out tax list inventories and appraisals of property for taxation purposes shall be in accordance with state law.

Sec. 78. - Reserved.

(Repealed by Charter Amend. of 4-2-1983)

Sec. 79. - Delinquent tax seizures.

The city council shall have full power and authority to provide by ordinance for the seizure and sale of a sufficient amount of personal property of any delinquent taxpayer to pay all taxes due on said personal property by said delinquent to the city, together with all interest, penalties and costs, which seizure and sale shall be made without necessity of any writ, and by virtue of the tax rolls of said city, which shall be sufficient warrant for said purpose, and such sale shall be conducted and notice given in the same manner now provided by law for the sale of personal property, and at such sale the purchaser shall acquire absolute title to the property sold.

ADVERTISEMENT AND SALE OF PROPERTY DELINQUENT TAXES

Sec. 80. - Sale of delinquent tax seizures.

The city council shall have full power and authority to pass all ordinances necessary to regulate advertisements and sales, by the assessor and collector, of personal property upon which taxes may be unpaid, and to provide for the perpetuation of all proceedings with reference

to such advertisements and sale; and to pass all ordinances necessary to enforce the collection of such taxes.

TAXES WHEN DUE AND PAYABLE INTEREST AND PENALTIES

Sec. 81. - The payment of taxes.

All taxes due the City of Wichita Falls shall be payable in accordance with, and as permitted by, the applicable provisions of the Texas tax laws, as to the dates of payment, interest rates, collection fees, creation of tax liens, and other applicable procedures.

PROPERTY OF RAILROAD COMPANIES

Sec. 82. - Assessment of railroad property.

Ballot Proposal I

All property of railroad companies of whatever description lying and being within the City of Wichita Falls on the first day of January of each year shall bear its proportionate share of municipal taxation, and, if any such property shall not have been ~~heretofore~~ rendered for taxation for any year, the same shall be assessed and taxes collected thereon in the same manner as ~~herein~~ provided for other unrendered property of previous years.

Sec. 83. - Tax liens.

Ballot Proposal II

The annual assessment of taxes made by the City of Wichita Falls upon landed property shall be a special lien ~~thereon~~, and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all taxes and penalties due by such delinquent; provided that the homestead of such delinquent shall only be liable for the taxes due thereon.

All real property in the City of Wichita Falls on the first day of January of each year and subject to taxation by said city, shall stand charged with a special lien in favor of the city for all taxes levied against the owner ~~thereof~~ during the year, superior to all mortgages and other liens, ~~thereupon~~, except the liens for the state and county taxes, and all persons purchasing the same after the first day of January of any year shall take the same subject to such lien, and the city may intervene in any suit for the foreclosure of any other lien and assert its right or may institute an independent suit and make all mortgages and lien holders and subsequent purchasers parties for the purpose of enforcing its lien, or recovering personal judgment for its taxes; and the said city shall be authorized and it is hereby made the duty of the city assessor and collector to file the proper statement of the taxes in any court of bankruptcy administering the estate of any bankrupt taxpayer.

In all cases where a taxpayer makes an assignment of his property for the payment of his debts, or where his property is levied upon by creditors by writs of attachment or otherwise, or where the estate of a decedent has become insolvent and the taxes assessed against such in whole, the amount of such unpaid taxes shall be paid pursuant to the laws of the State of Texas. ~~a first lien upon all such property; provided that when taxes are due upon the estate of the deceased person the lien herein provided for shall be subject to the allowances to widows and minors, funeral expenses and expenses of last sickness, and such unpaid taxes shall be paid by~~

~~the assignee when said property has been assigned, by the sheriff out of the proceeds of sale in case such property has been seized by attachment or other writ, and by the administrator or other legal representative of decedents, and if said taxes shall not be paid, all said property may be levied on by tax collector and sold for such taxes in whomsoever's hands it may be found.~~

PERSONAL PROPERTY REMOVAL PROCEDURE

Sec. 84. - Removal of taxable property.

If it comes to the knowledge of the city assessor and collector at any time after the levy of taxes for the year that any personal property subject to taxation in the city is about to be removed from the city, and the owner of such property has no other tangible property in the city sufficient to satisfy all assessments against him, the assessor and collector shall, if said property has not been assessed, proceed at once to assess the same and he shall thereupon levy upon a sufficiency of such property to satisfy such taxes and all costs and sell the same as provided in the preceding section; and the ordinance levying taxes for the year and the assessment made upon such property shall be sufficient warrant for so doing and to vest title in the purchaser.

Sec. 85. - Tax foreclosure, sale and redemption.

The City of Wichita Falls shall be authorized and it is hereby given the right to institute suit in any court in Wichita County having jurisdiction under the constitution and laws of the state at any time after taxes become due and are delinquent as herein provided, and recover personal judgment for the amount of taxes remaining unpaid by any person, firm or corporation, together with all interest, penalties and costs, and if any part of such delinquent tax shall be due upon any landed property, the city shall have the right in the same or any subsequent writ to have its lien thereon foreclosed and such property sold as provided by law for the foreclosure and sale of property under mortgage or other liens; provided that in all cases where the lands are sold, the owner shall have the right of redemption as may be specified by the Texas tax laws, and failing to do so, the title of the purchaser shall become absolute without further act or proceeding.

Sec. 86. - Process and notice in nonresident tax suits.

In all suits for the foreclosure of a lien upon lands or lots by the city, if the defendants or any of them be alleged to reside in any county of the State of Texas, service shall be had as required by law in civil suits. And if the defendants or any of them be alleged to be nonresidents, or if the residences of such defendants are unknown, or the owner or owners of said land or lots are unknown and the city tax assessor and collector or city attorney shall make oath to that effect at the time of filing the petition, or at any time subsequent thereto, then citation shall issue and service shall be had as is now required by law in suit for the collection of state and county taxes in like cases.

Sec. 87. - Procedure in nonresident tax suits.

In case the service of citation provided in the preceding section be by publication the case shall stand for trial at the time and manner now provided by the Statutes of this State in similar cases. The suit shall be held in all respects to be a proceeding in rem, and the court shall hear proof and render judgment in favor of the City of Wichita Falls against each parcel of land for the amount of tax, interest, penalty and costs legally chargeable against the same, and shall foreclose the lien of the city thereon and condemn the land to be sold under execution for the purpose of satisfying such judgment, provided that for the purpose of foreclosing the lien of the city on all lands and lots where the owners thereof are alleged to be unknown, it shall not be necessary to institute a separate suit against each piece of property, and all such property may be embraced

in one suit and judgment entered against each parcel and condemning the same to be sold as aforesaid; and provided further, that in all cases where lands are sold under judgment based upon service by publication, the owner shall have the right of redemption as may be specified by the Texas tax laws, and upon failure to do so the title of the purchaser shall become absolute without further act or proceeding.

The privilege of redemption herein given shall constitute a part of the judgment and deed made to the purchaser in such case and need not be inserted therein. In such sales each lot or parcel of land shall be sold separately and the purchase price shall be stated in the deed.

TAX SUITS PROCEDURE

Sec. 88. - Property description in tax suits.

It shall be competent in all cases to supplement the description contained in the assessment rolls with full proof of the identity of the whole tract or parcel of land therein assessed, and in suits to enforce collection of taxes by the city, such additional matters may be inserted in the petition and reference may be made to any map, plat or survey of said city or any addition or subdivision made thereto or to any deed or decree or other instrument describing the same, which shall be on file or of record in the General Land Office of Texas or in the office of the District or County Clerk of Wichita County, and such reference shall constitute part of such petition and all proceedings had in said suit.

Sec. 89. - Evidence requirements in tax suits.

Ballot Proposal V

In all suits for the collection of taxes which have been ~~heretofore~~ or which may ~~hereafter~~ be levied upon the tax rolls of said city a certified statement made ~~therefrom~~ by the assessor and collector shall be prima facie evidence of the truth of all recitation and facts shown by said rolls and shall be held to be sufficient proof (subject to rebuttal only by pleading and proof by defendant) of the following facts, ~~viz:~~

- (a) That the person, firm or corporation ~~therein~~ shown to be a taxpayer was such and owned the property ~~therein~~ listed; for each year shown on the statement if the suit seeks to enforce personal liability or is the current owner if the suit seeks to foreclose the tax lien and that such property was subject to taxation in said city, ~~and was rendered by such person, firm or corporation or by his or its agent at the value placed thereon in such rolls, or was unrendered and placed on the unrendered rolls.~~
- (b) That the taxes due upon such property were duly and legally levied for the purpose shown in such rolls and that the same are valid and unpaid.
- (c) That all acts and proceedings required by law or by ordinance of said city in the manner for rendering, appraising and fixing the values upon said property and the giving of all notices to such taxpayers have each and all been performed and complied with at the time and in the manner and form required and that all things that might be construed as conditions precedent to the lawful demand upon such taxpayers to pay the amount of taxes in such rolls shown to be due by him or them have been performed at the time and in the manner required by law, provided that in the event that defendant shall show that his property was voluntarily rendered by him, and that the valuation of the same was subsequently changed by the assessor or board of equalization without notice to him or his agent, or shall show that the said rate of taxation for any purpose was to any extent illegal, judgment shall thereupon be rendered against him for the proper

amount due based upon the value of his property as rendered by him and the amount of tax which is found to be legal.

Sec. 90. - Court costs in tax suits.

In all suits for the collection of taxes the costs of such proceedings shall be collected in the same manner provided by law for the collection of costs in suits for taxes by the state and county.

Sec. 91. - Tax sales purchases.

Ballot Proposal I

When any property, real or personal, is sold to enforce the collection of taxes the City of Wichita Falls shall not become the purchaser ~~thereof~~ unless no one else is present who will purchase the same and pay the full amount due the city, including all costs and penalties, and it is hereby made the duty of the city attorney or the person acting as such to attend all sales and bid therefor for the city, and upon such sale the officer making the same shall execute to the city or other purchaser proper evidence of the title and place the purchaser of personal property in possession ~~thereof~~.

Sec. 92. - Assessment of taxes—supplemental.

If the city assessor and collector shall discover any property, real or personal, which was subject to taxation for any year heretofore and which from any cause had escaped taxation, he shall require the same to be listed and assessed according to the rate of taxation levied for the year or years it was omitted and enter the same as a supplement to his next roll, stating the year, and the taxes thereon shall be collected in the same manner as other assessments; providing that such supplemental rolls shall be due at once upon the approval of such rolls by the city council, and if not paid within sixty (60) days thereafter shall bear a penalty and interest as authorized by the Texas tax laws, and may be collected by seizure and sale or suit as herein provided for the collection of other taxes.

Sec. 93. - Unrendered property—unknown owners.

The city assessor shall list all property which for any cause has not been rendered to him for taxation in such form as may be prescribed by the city council, such valuation thereon as he may deem just, provided same shall not be higher than rendered property of like character. If the owners of such property are unknown to the assessor he shall so state, and such assessments shall be sufficient warrant for the collection of taxes due upon said property by seizure and sale or suit as herein provided for the collection of taxes or other property.

Sec. 94. - Statute of limitations—irregularities.

No taxes due the City of Wichita Falls shall ever be held to be barred by any statute of limitation and no irregularities in the time and manner of making the annual levy of taxes or in making any inventory, list or appraisal, or in making or returning the city assessment rolls or the approval thereof shall ever be held to invalidate any assessment, and all taxes heretofore levied by the city council of said city and which are unpaid, are hereby continued in force and may be collected by seizure and sale of the property of the person owning the same or by suit as herein provided.

Sec. 95. - Property subject to taxation.

All property, real or personal or mixed, made taxable by the laws of the State of Texas, which is situated in the City of Wichita Falls on the first day of January of each year, and all personal

property owned and controlled by persons residing herein and taxable by law at the place where the owner or agent in charge may reside, shall be subject to taxation by said city for all purposes provided in this Charter.

Sec. 96. - Occupation tax.

The city council shall have the power to levy and collect an annual occupation tax on all occupations, callings, business and professions in the amount and to the extent now and hereafter permitted by the Constitution and laws of the State of Texas, and shall provide by ordinance means for enforcing the collection of such tax. No personal tax or poll tax shall ever be levied.

State Law reference— Occupation tax, Texas Tax Code §§ 301.004, 302.101.

Sec. 97. - Application of other laws.

All laws and parts of laws now in force providing for the levy and collection of taxes not in conflict with this Charter relating to the City of Wichita Falls are hereby continued in full force and effect.

State Law reference— Local taxes authorized, Texas Tax Code § 301.001 et seq.

Sec. 98. - Council's failure to levy taxes.

Ballot Proposal I

If the city council shall fail, refuse, or neglect to pass an ordinance levying the taxes for any year, the ordinance last passed levying taxes shall be considered in force and a failure to pass such ordinance shall ~~in no wise~~not invalidate the collection of any taxes.

Sec. 99. - Reserved for future use.

Sec. 100. - Borrowing in anticipation of tax revenue.

Money may be borrowed, in anticipation of the receipts from taxes during any fiscal year, by the issue of notes, certificates of indebtedness, or revenue bonds; but the aggregate amount of such loans at any time outstanding shall not exceed fifty percent (50%) of the receipts from taxes during the preceding fiscal year. All such loans shall be paid out of the receipts from taxes for the fiscal year in which they are issued.

A vote of authorization of the qualified property taxpaying electors shall not be necessary to validate any such temporary loan; but no temporary loan authorized by this section shall be made without public notice of at least two (2) weeks before final action by the city council and the approval of four-fifths (4/5) of the members of such board.

Any ordinance providing for a temporary loan shall be subject to a referendum as in the case of other ordinances.

Sec. 101. - Limitation on city borrowing.

No money shall be borrowed by the city except by the issue of bonds or temporary loans, as authorized by section 100 of this Charter; and the credit of the city shall not in any manner be given or loaned to or in aid of any individual, association or corporation.

Sec. 102. - Collection and deposit of city monies.

Ballot Proposal II

All taxes, special assessments, license fees and other revenues accruing to the city shall be collected ~~by the city assessor and collector, unless otherwise provided by the city council pursuant to the laws of the State of Texas.~~ All money received by any officer or employee of the city for or in connection with the business of the city shall be paid promptly into the city treasury and shall be deposited with the depository of said city as provided by the laws of this state. All interest on money so deposited shall accrue to the benefit of the city and shall be paid into the general fund of said city. The city council shall provide by ordinance for the prompt and regular payment and deposit of all city monies as required by this action.

Sec. 103. - Long term contracts.

Ballot Proposal VI

No continuing contract (which involves the payment of money out of the appropriations of more than two (2) years), except public utility franchises, shall be made ~~unless approved by the city council by a vote of at least four-fifths (4/5) of the members of the Council or by submission to the voters for a period of more than ten (10) years, and no such continuing contract shall be valid without public notice at least two (2) weeks before final action thereon by the city council and the approval of four-fifths (4/5) of the members of such board, or submission to the electors~~ of the city at a regular or special election and the approval of a majority of those voting thereon.

Sec. 104. - Awarding public works contracts.

Ballot Proposal II

Any public work or improvement may be executed either by contract or by direct labor as may be determined by the city council. Before authorizing the direct execution of any work or improvement, detailed plans and estimates thereof shall be available to the city council; and there shall be separate accounting as to each work or improvement so executed.

All such contracts for any public work or improvement for an amount more than the amount specified by state law for the taking of sealed competitive bids, shall be awarded ~~to the lowest responsible bidder pursuant to state law,~~ after public advertisement and competition as required by state law; but the city manager or the city council shall have power to reject all bids and to advertise again.

All advertisements as to contracts shall contain a reservation of the foregoing right. Contracts for public works and improvements shall be signed by the city manager after approval by the city council.

Sec. 105. - Modification of public works contracts.

Modifications in a contract for any public work or improvement shall be made only when authorized by the city council and upon the written recommendation of the city manager, if there be a city manager. No such alteration shall be valid unless the price to be paid for the work, or material, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the city manager or mayor prior to such authorization by the city council.

Sec. 106. - Payment of city monies.

Ballot Proposal I

No claim against the city shall be paid except upon a voucher certified by the head of the appropriate department, division or office of the city government, and by means of a warrant on the city treasury, issued by the chief financial officer and director of finance and countersigned by the city manager.

The chief financial officer and director of finance shall examine all payrolls, bills, and other claims and demands against the city, and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and duly certified; that an appropriation has been made therefore [therefor] which has not been exhausted; that the payment has been otherwise legally authorized, and that there is money in the city treasury to make payment. He may require any claimants to make oath to the validity of a claim. He may investigate any claim, and for such purposes may examine witnesses under oath. If he finds a claim to be fraudulent, erroneous, or otherwise invalid, he shall not issue a warrant therefor.

Sec. 107. - Annual audit.

Ballot Proposal I

The city council may at any time provide for an examination or audit of the accounts of any officer or department of the city government. The city council shall provide for an independent annual audit of all city accounts and may provide for ~~such~~ more frequent audits as it deems necessary. Such independent audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. If the state makes such an audit, the city council may accept it as satisfying the requirements of this section.

State Law reference— Annual audit required, Texas Local Government Code § 103.001 et seq.

Secs. 108—120. - Reserved.

Sec. 120a. - Incorporation of state law.

The authority, powers, and procedures specified by Texas Local Government Code § 402.001 et seq., are hereby incorporated herein and made a part of this charter for all purposes.

State Law reference— Utility services, Texas Local Government Code § 402.001 et seq.

Sec. 121. - Public utility franchises.

All public utility franchises and all renewals, extensions and amendments thereof shall be granted or made only by ordinance. No such proposed ordinance shall be adopted by the city council until it has been printed in full and until a public written report containing recommendations thereon shall have been made to the council by the city manager, or by the mayor if there be no city manager, until adequate public hearings have thereafter been held on such ordinance and until at least two (2) weeks after its official publication in final form.

No public utility franchise shall be transferable except with the approval of the city council expressed by ordinance and copies of all transfers and mortgages or other documents effecting

the title or use of public utilities shall be filed with the city clerk within ten (10) days after the execution thereof.

Sec. 122. - Public utility termination.

Any public utility franchise hereafter granted may be terminated by ordinance at specified intervals of not more than five (5) years after the beginning of operation, whenever the city shall determine to acquire by condemnation the property of such utility, necessarily used in or conveniently useful for the operation thereof. In the event of such condemnation, the procedure to be used shall be that set forth in Texas Property Code § 21.001 et seq.

Sec. 123. - Public utility grants, renewals, extensions or amendments.

All grants, renewals, extensions, or amendments of public utility franchises whether it be so provided in the ordinance or not, shall be subject to the right of the city.

- (a) To repeal the same by ordinance at any time for misuse or nonuse, or for failure to begin construction within the time prescribed.
- (b) To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency.
- (c) To establish reasonable standards of service and quality of products and to prevent unjust discrimination in service or rates.
- (d) To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility; but if a public service commission or any other authority shall be given the power by law to prescribe the form of accounts for public utilities throughout the state, the forms so prescribed shall be controlling so far as they go but the city council may prescribe more detailed forms for the utilities within their jurisdiction.
- (e) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

Sec. 124. - [Consent of adjacent property owners not required.]

The consent of abutting or adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but any property owner shall be entitled to recover from the owner of such public utility the actual amount of damage to such property on account thereof less any benefits received therefrom, provided suit is commenced within two years after the damage is begun.

Sec. 125. - Temporary public utility permits.

Permits revocable at the will of the city council for such minor or temporary public utility privileges as may be specified by general ordinances may be granted and revoked by the city council from time to time in accordance with the terms and conditions to be prescribed thereby, and such permits shall not be deemed to be franchises as the term is used in this Charter.

Sec. 126. - [Public utilities extensions.]

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility to which they relate, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in the original franchise grant.

The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in section 122 of this Charter. In case of an extension of a public utility operated under a franchise hereafter granted, such extension shall be terminable at the same time and under the same conditions as the original grant.

Sec. 127. - [Franchise subject to terms.]

Every public utility franchise hereafter granted shall be held subject to all the terms and conditions in sections 121 to 126 hereof inclusive whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way, except as specifically stated, the discretion of the city council or the electors of the city in imposing terms and conditions in connection with any franchise grant.

Sec. 128. - [Franchise filed with city; public record.]

Within six (6) months after this Charter takes effect, every public utility and every owner of a public utility franchise shall file with the city clerk certified copies of all franchises owned or claimed or under which such utility is operated. The city shall compile and maintain a public record of all public utility franchises, and of all public utility fixtures in the streets or other public places of the city.

Sec. 129. - [Utility accounts.]

Accounts shall be kept for each public utility owned or operated by the city, distinct from other accounts, and in such manner as to show the true and complete financial result of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. These accounts shall show the actual cost to the city of each public utility owned; the cost of all extensions, additions and improvements; all expenses maintenance; the amount set aside for sinking fund purposes; and, in case of city operation, all operating expenses of every description. They shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. They shall also show a proper allowance for depreciation, insurance, interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned.

The city council shall annually cause to be made and printed for public distribution a report showing the financial results of such city ownership or ownership and operation, which report shall give the information specified in this section and such other information as the city council shall deem expedient.

Sec. 130. - Municipal court.

Ballot Proposal II

~~A city recorder [municipal judge] and a clerk of the municipal court shall be appointed by the city council to serve a term of two (2) years, and until their successors are appointed and have qualified, but subject to removal by the city council at any time.~~

~~The city clerk may be appointed clerk of the municipal court and he may be authorized by the city council to serve in that capacity either in person or by deputy.~~

~~The recorder and the clerk of the municipal court shall receive such compensation as may be fixed by ordinance. The recorder shall be the judge of the municipal court, which shall have the jurisdiction and shall be conducted in the manner prescribed and authorized by law.~~

~~All costs and fines imposed by the municipal court, or by any other 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.~~

~~The City Council may create, maintain, and abolish such municipal courts, including municipal courts of record, as authorized by the laws of the State of Texas.~~

State Law reference— Municipal court, Texas Government Code § 29.001 et seq.

MISCELLANEOUS PROVISIONS

Sec. 131. - Open records.

Ballot Proposal II

~~Subject to the provisions of Texas Government Code Chapter 552 and any successors, All accounts and records of every office and department of the city shall must be open to the public at all reasonable times, except records and documents from which Texas Government Code Chapter 552 and any successor may allow to be withheld, might be secured information which might defeat the lawful purpose of the officer or department withholding them from access of the public.~~

Sec. 132. - Conflicts of interest.

Ballot Proposal VII

~~No member of the city council or any officer or employee of the city shall have financial interest, direct or indirect, in any contract with the city, be an employee of any person or corporation holding a utility franchise from the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or services, except on behalf of the city as an officer or employee or as a member of the city council.~~

~~The ownership of less than five percent (5%) of the stock of a corporation or association, other than a corporation holding a public utility franchise from the city, with which a contract may be made shall not be considered as involving an interest in the contract within the meaning of this section.~~

~~Should any member of the City Council have a conflict of interest pursuant to any State laws or municipal ordinances regulating conflict of interest of municipal officers, with an agenda item then before the City Council, he will openly declare same before discussion proceeds, and he will be prohibited from discussing the item or voting on the question if such is required by State law. Said member of the City Council will also file the appropriate conflict of interest paperwork prior to said meeting with the City Clerk as required by State law.~~

~~No member of the City Council shall enter into a written contract with the city where the city council member will receive a financial benefit, nor will the city enter into a written contract~~

with a company owned wholly, or in part, by a member of the city council or that employs a member of the city council.

Any willful violation of this section shall constitute malfeasance in office, and any member of the city council, officer, or employee found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with the city, shall render the contract involved voidable by the city manager or city council.

State Law reference— Conflict of interest, Texas Local Government Code § 171.001 et seq.

Sec. 133. - Political patronage.

No person in the administrative services of the city shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or purpose whatever. No person shall orally or by letter solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose from any person holding a position in administrative service of the city.

No person shall use or promise to use his influence or official authority to secure any appointment, or prospective appointment, to any city position as a reward or return for personal or partisan political service. No person shall take a part in preparing any political assessment, subscription or contribution with the intent that it shall be sent or presented to or collect from any person in the service of the city and no person shall knowingly send or present, direct or indirectly, in person or otherwise, any political assessment, subscription or contribution to, or request its payment by any person in such service.

Sec. 134. - Political partisanship.

No person about to be appointed to any position in the service of the city shall sign or execute a resignation, dated or undated, in advance of such appointment. No person in the service of the city shall discharge, suspend, lay off, reduce in grade or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so, for withholding or neglecting to make any contribution of money or service, or any other valuable thing, for any political purpose.

No person in the service of the city shall use his official authority or influence to coerce the political action of any person or body, or to interfere with any nomination or election to public office.

No person holding an appointive office or place under the provisions of this Charter shall act as an officer of a political organization or take any active part in a political campaign, or service as a member of a committee of any such organization, or circulate or seek signatures to any petition provided for by this Charter, or by the primary or election laws of the state, other than an initiative or referendum petition, or act as a worker at the polls in favor of or opposed to any candidate for nomination or election to a public office, whether federal, state, county or municipal.

Sec. 135. - Penalties for sec[tions] 133 and 134.

Any person who shall willfully or through culpable negligence violate any of the provisions of sections 133 and 134 of this Charter shall be guilty of a misdemeanor and shall on conviction, be punished by a fine of not more than two hundred dollars (\$200.00). No such person shall be

appointed to any position in the service of the city and if he be an officer or employee of the city he shall immediately forfeit his office or employment.

Sec. 136. - Dual office holding.

No member of the city council shall, during the term for which he is elected, be appointed to any city, county, or state office or employment for which he would be paid compensation or which would create the possibility and/or appearance of conflicts of interest, which would be determined by the city council.

Any appointive officer or employee of the city (except policemen and firemen), shall forfeit his office or employment if he shall be elected to any public office, if his holding of the elective office could create the possibility and/or appearance of conflicts of interest, or if it might materially interfere with his loyalty, efficiency and effectiveness as an officer or employee of the city, which would be determined by the city manager.

Sec. 137. - Condemnation of railroad property.

Whenever the city shall seek to exercise the power of eminent domain it shall be controlled, as nearly as practicable, by the law governing the condemnation of property of railroad corporations in this State, the city taking the position of the railroad corporations in any such case.

Sec. 138. - Garnishment.

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill.

The funds belonging to the city in the hands of any person, firm or corporation, shall not be liable to garnishment; 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 of garnishment on any account whatever.

State Law reference— Garnishment, Texas Local Government Code §§ 51.076(b), 101.023.

Sec. 139. - Notice of claims.

Except as provided by state law now or hereafter enacted, before the City of Wichita Falls shall become potentially liable for damages for personal injury of any kind, or damage to or destruction of property of any kind, the person injured or the owner of the property damaged or destroyed or someone in his behalf, shall give the city notice as prescribed in the Code of Ordinances.

State Law reference— Tort claims, Texas Civil Practice and Remedies Code § 101.101 et seq.

Sec. 140. - City staff bonds.

The city council, in fixing the salary of any officer or employee, shall determine whether such officer or employee shall give a bond, and the amount thereof, which bond shall be given with surety approved by the city council. Premiums on such bonds may be paid by the city.

Sec. 141. - Oath of office.

Every officer of the city shall, before entering upon the duties of office, take and subscribe to an oath of affirmation to be filed and kept in the office of the city clerk, that he will in all respects faithfully discharge the duties of his office.

State Law reference— Oath, Texas Const., art. 16, § 1.

Sec. 142. - Fines for ordinance violations.

The city may enforce its ordinances by fines not exceeding those authorized by the laws of the State of Texas, and may also provide by ordinance for the commutation of such fines by labor on any public work or place of the city; but no ordinance shall provide a lesser penalty than is prescribed for a like offense by the laws of the State. Provision may also be made by ordinance for the collection of fines imposed and executions issued in civil cases.

State Law reference— Penalty, Texas Local Government Code § 54.001.

Sec. 143. - Employment saving clause.

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made, in accordance with the provisions thereof, for the performance of such duties or the discontinuance of such office.

The powers conferred and the duties imposed by law upon any office, commission, board or department of the city abolished by this Charter shall, upon the taking effect thereof, be exercised and discharged by the office or department designated by the city council unless otherwise provided herein.

Sec. 144. - Invalidity of specific sections.

The finding of the invalidity of any provision of this Charter shall not be deemed to invalidate the remaining provisions thereof.

Sec. 145. - Repealer of prior charter.

For the purpose of nominating and electing members of the city council this Charter shall be in effect from and after its adoption, and in all other respects it shall be in effect from and after the twelfth day of April, 1920. Upon taking effect of any part of this Charter, the provisions of any ordinance or of the city charter previously adopted in conflict with such part be deemed repealed; and from and after the twelfth day of April, 1920, all provisions of the present city charter shall be deemed repealed.

Sec. 146. - General grant of authority.

The city council shall have power by ordinance to prescribe rules and regulations for the dedication of additions and subdivisions of tracts of land within the City of Wichita Falls, and no such subdivisions or additions shall be dedicated except in accordance with such rules and regulations.

The city council may further prescribe such rules and regulations relative to additions and subdivisions without the City of Wichita Falls before and as a condition precedent to the bringing into the city of any such addition or subdivision. Said city council shall have power to establish a

city plan relative to additions, streets, alleys, parks and the like, and require all such additions and subdivisions, either within or without the city, to be in accordance with such city plan before such dedication of any such subdivision shall ever be valid as to the tracts of land within the city, or before such additions and subdivisions without the city shall ever be admitted into the city, and said city council shall have the right to enforce said ordinances by injunction, mandamus or any other legal process appropriate thereto.

Sec. 147. - Nuisances.

The city council shall have the right by ordinance to prescribe rules and regulations for the extermination of bag worms on trees or other injurious insects or pests injuring or likely to injure the trees or shrubs of said city, and shall have the right to require owners to spray their trees and shrubs or take other necessary precaution to exterminate bag worms and the like, or to prevent the extension of spreading of such pests, and to prescribe a penalty for failure by the owner so to do after due notice has been given of such requirements, and shall further have the right to prescribe rules and regulations for causing said work to be done by the city where the owner fails so to do, and to make the same a personal obligation of the owner, and prescribing methods for the collection of the same.

The city council shall also have the right to require all weeds to be cut on vacant or improved property, and to provide penalties for the failure or refusal of the owners to so cut said weeds and keep the same cut, and providing that the city may cause same to be cut where the owners fail so to do after reasonable notice, and making the same a personal obligation of the owners of any such lot or tract of land, and prescribing methods for the collection of same.

Said city council shall also have the right by any and all of the methods hereinabove provided to prescribe by ordinance, rules and regulations, penalties and the like for trimming of trees, shrubs, or the prevention of other nuisances of a similar nature.

State Law reference— Nuisances, Texas Health and Safety Code § 342.001 et seq.

Sec. 148. - Solid waste.

The city council shall further have the right by ordinance to adopt and prescribe rules and regulations for the handling and disposition of all garbage, trash, and rubbish within the City of Wichita Falls, and shall further have the right to prescribe that the city alone shall remove all such garbage, trash, and rubbish, and shall have the right to fix charges and compensation to be charged by the city for the removal of the same, providing rules and regulations for the collection thereof, making the same a personal obligation of the person for whom the same is hauled and disposed of, and providing penalties against all other persons hauling such garbage, trash or rubbish, and providing for a full and adequate system of covering the City of Wichita Falls or such portions thereof as the city council may determine for the removal and disposition of all such garbage, trash and rubbish.

CONTINUANCE OF PRESENT ORDINANCES AND LAWS

Sec. 149. - Savings clause.

Nothing in this Charter shall be taken to in anywise effect or repeal any ordinance, order or law heretofore legally passed by the city council of the City of Wichita Falls, nor in anywise effect any franchise heretofore legally granted, nor any other act of the mayor, council or other office of the City of Wichita Falls, legally done and performed under which any rights have vested and all ordinances, orders, laws, grants and franchises shall be continued in full force and effect, except

that this clause shall not be taken as limiting the effect of this Charter in regard to the regulations of public utilities or corporations doing business in the City of Wichita Falls.

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

Sec. 150. - Incorporation of state law.

All questions arising in administering said city government and not provided for in this Charter shall be governed by the state laws in such cases made and provided.

Sec. 151. - Judicial notice.

This Charter shall be determined a public act and judicial notice shall be taken hereof in all courts and pleadings without the same having been pleaded or read in evidence.

Sec. 152. - Reserved.

(Repealed by Charter Amend. of 4-2-1983)

Sec. 153. - Police department staffing levels.

Staffing levels of the Wichita Falls Police Department shall be a minimum of one hundred sixty-five (165) commissioned police officers by October 1, 1991; a minimum of one hundred seventy-five (175) commissioned police officers by October 1, 1992; and a minimum of one hundred eighty (180) commissioned police officers by October 1, 1993.

Sec. 154. - Minimum wages for listed positions of Wichita Falls police officers.

Effective October 1, 1999, minimum wages for the following listed positions of Wichita Falls police officers shall be as follows:

Police Officer	\$3,109[.00] per month after one year of service
Police Sergeant	\$3,606[.00] per month
Police Lieutenant	\$3,884[.00] per month
Police Captain	\$4,395[.00] per month

The City shall not reduce or diminish any economic benefit or emolument being received by Wichita Falls police officers as a direct or indirect result of the implementation of this minimum wage requirement.