



CITY CHARTER

PART I
CHARTER*

Article I. Incorporation, Form of Government and Powers

- Sec. 1. Incorporation.
- Sec. 2. Form of government.
- Sec. 3. Powers of the city.
- Sec. 4. Streets and public property, generally.
- Sec. 5. Change of boundaries and annexation of territory.
- Sec. 6. Street development and improvement.
- Sec. 7. Urban development, redevelopment and renewal.

Article II. The Council

- Sec. 1. City divided into wards.
- Sec. 2. Number, selection, term of office and remuneration.
- Sec. 3. Qualifications.
- Sec. 4. The mayor.
- Sec. 5. Powers generally.
- Sec. 6. Vacancy.
- Sec. 7. City secretary.
- Sec. 8. Meetings of the council.
- Sec. 9. Council rules.
- Sec. 10. Annual audit.
- Sec. 11. Investigative body.
- Sec. 12. Code of ordinances.
- Sec. 13. Emergency powers of mayor.
- Sec. 14. Power to fix compensation of officers and employees.

Article III. City Manager

- Sec. 1. Qualifications.
- Sec. 2. Removal.
- Sec. 3. Council not to interfere with manager.
- Sec. 4. Powers and duties.

***Editor's note**—Printed herein is the Charter for the City of Texarkana, TX, as adopted by a majority of the qualified voters of the city at an election held April 5, 1960. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, and catchlines has been used. Additions made for clarity are indicated by brackets []. The original arrangement and numbering system has been retained.

State law reference—Adoption, amendment, etc., of Charter by home rule cities, Texas Local Government Code § 9.001 et seq.

TEXARKANA CITY CODE

Sec. 5. Absence of city manager.

Article IV. Administrative Organization

Sec. 1. Administrative departments.

Sec. 2. Directors of departments.

Article V. Elections

Sec. 1. General election.

Sec. 2. Regulation of elections.

Sec. 3. Filing of candidates.

Sec. 4. Canvassing election and declaring results.

Sec. 5. Notification and qualification of city officers.

Sec. 6. Special elections.

Article VI. Initiative, Referendum and Recall

Sec. 1. Power of initiative.

Sec. 2. Power of referendum.

Sec. 3. Form of petition; committee of petitioners.

Sec. 4. Filing, examination and certification of petitions.

Sec. 5. Amendment of petitions.

Sec. 6. Effect of certification of referendum petition.

Sec. 7. Consideration by council.

Sec. 8. Submission to electors.

Sec. 9. Form of ballot for initiated and referred ordinances.

Sec. 10. Results of election; publication.

Sec. 11. Recall of councilmembers; generally.

Sec. 12. Recall petitions; committee of petitioners.

Sec. 13. Filing and certification of petitions; recall election generally.

Sec. 14. Recall election ballots.

Sec. 15. Results of recall election.

Sec. 16. Limitations on recalls.

Sec. 17. District judge may order recall election.

Article VII. Finance Administration

Sec. 1. Department established; appointment of director.

Sec. 2. Qualifications of director.

Sec. 3. Bond of director.

Sec. 4. General powers and duties of director.

Sec. 5. Division of accounting supervision and control.

Sec. 6. Payment of claims.

Sec. 7. Disbursement of funds.

Sec. 8. Special audits.

Sec. 9. Purchasing office generally.

CHARTER

- Secs. 10—13. Reserved.
- Sec. 14. Emergency appropriations generally.
- Sec. 15. Borrowing to meet emergency appropriations.
- Sec. 16. Borrowing in anticipation of property taxes.

Article VIII. Budget

- Sec. 1. Fiscal year.
- Sec. 2. Preparation and submission of the annual budget calendar.
- Sec. 3. Budget.
- Sec. 4. Adoption of budget.
- Sec. 5. Transfer of appropriations.
- Sec. 6. Budget amendments.

Article IX. Tax Administration

- Sec. 1. Reserved.
- Sec. 2. Property tax.
- Sec. 3. Occupation tax and licenses.
- Sec. 4. When tax rate set.
- Sec. 5. When tax due; delinquencies.
- Sec. 6. Reserved.

Article X. Judiciary

- Sec. 1. Corporation court.
- Sec. 2. City attorney.
- Sec. 3. City judge.
- Sec. 4. Clerk of court.

Article XI. Ordinances

- Sec. 1. Enacting clause.
- Sec. 2. Acts of council to be by ordinance.
- Sec. 3. Procedure for adoption; effective date.
- Sec. 4. Recording.

Article XII. Bonds

- Sec. 1. Issuance.
- Sec. 2. Bond election.
- Sec. 3. Bonds; maturity.
- Sec. 4. Sinking funds.

Article XIII. Planning

- Sec. 1. Planning commission generally.

TEXARKANA CITY CODE

- Sec. 2. Powers and duties of planning commission.
- Sec. 3. Planning department; director of planning.
- Sec. 4. The city plan generally.
- Sec. 5. Compliance with city plan.
- Sec. 6. Zoning.

Article XIV. Public Property

- Sec. 1. Inalienability of control of public property.

Article XV. Franchises and Public Utilities

- Sec. 1. Power to grant or amend franchise; maximum term of franchise.
- Sec. 2. Ordinance granting franchise.
- Sec. 3. Transfer of franchise.
- Sec. 4. Forfeiture of franchise and regulation of holder thereof.
- Sec. 5. Regulation of rates.

Article XVI. Municipal Utilities

- Sec. 1. Power of city to own and operate utilities.
- Sec. 2. Revenue bonds.
- Sec. 3. Accounts.
- Sec. 4. Joint operation.

Article XVII. General Provisions

- Sec. 1. Effect of Charter on existing law.
- Sec. 2. Oath of city officers.
- Sec. 3. Public inspection of records.
- Sec. 4. Written notice of injury or damage.
- Sec. 5. City not liable to execution or garnishment.
- Sec. 6. City not required to give bond or security in judicial proceedings.
- Sec. 7. Remission of fines and penalties.
- Sec. 8. Officers and employees not to be interested in city contracts or act as surety on bonds.
- Sec. 9. Relatives of officers not to be appointed or employed.
- Sec. 10. Residence requirements for officers and employees.
- Sec. 11. Effect of Charter and judicial notice thereof.
- Sec. 12. Rearrangement and renumbering of Charter.
- Sec. 13. Construction of Charter.
- Sec. 14. Separability clause.
- Sec. 15. Effective date.
- Sec. 16. Consideration by Council of the necessity for revision of Charter.
- Sec. 17. Collective Bargaining Impasse.

Article XVIII. Reserved

CHARTER

Article XIX. Charter Election

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT AND POWERS**Sec. 1. Incorporation.**

The inhabitants of the City of Texarkana, Texas, within the corporate limits as now established or as hereafter established, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Texarkana, Texas," hereinafter referred to as the "city."

Sec. 2. Form of government.

The municipal government provided by this Charter shall be known as the "Council-Manager Form of Government." Subject only to the limitations imposed by the state constitution, the state laws and this Charter, all powers of the city shall be vested in and exercised by an elective council, hereinafter referred to as "the council," which shall enact local legislations, adopt budgets, determine policies and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by the laws of the State of Texas or by ordinance.

State law reference—Form of government in home-rule municipality, Texas Local Government Code § 26.021.

Sec. 3. Powers of the city.

The City of Texarkana shall have and may exercise all the powers granted to cities by the constitution or laws of Texas, including specifically those powers made available to cities of more than 5,000 inhabitants by what is known as the Home Rule Amendment to the Constitution of Texas (article XI, section 5) and the Home Rule Enabling Act (ch. 13, title 28 of the Revised Civil Statutes of the State of Texas, 1925), as now or hereafter amended, all of which are hereby adopted. The city may acquire property within or without its corporate limits for any municipal purpose; may cooperate with the government of Texas or any agency thereof, or with the federal government or any agency thereof, or with the government of any county, city or political subdivision to accomplish any lawful purpose for the advancement of the health, morals, safety, convenience or welfare of the city or its inhabitants; may sell, lease, mortgage, hold, manage and control such property as its interest may require; provided the city shall not sell, convey, lease, mortgage or otherwise alienate any public utility without prior approval by the qualified voters of the city; [and] may exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or the Constitution or laws of Texas. The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or

appropriate to the exercise thereof, the city shall have and may exercise all other powers which under the Constitution and laws of this state, as now or hereafter amended, it would be competent for this Charter to specifically enumerate.

State law reference—General powers of home-rule cities, Texas Local Government Code § 51.071 et seq.

Sec. 4. Streets and public property, generally.

The city shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, sidewalks, alleys, highways, public squares and public ways within the corporate limits of the city, and in, upon, over and under all public property of the city. With respect to each and every public street, sidewalk, alley, highway, public square, public park or other public way within the corporate limits of the city, the city shall have the power to establish, maintain, improve, alter, abandon or vacate the same; to regulate the use thereof; and to abate and remove in a summary manner any encroachment thereon.

The city council, subject to the provisions of this Charter, shall have the power to lay out, establish, open, restore, widen, extend, grade, narrow, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, squares, parks, public places and bridges and shall have exclusive power and control over the same and over such streets, alleys, sidewalks and public places and bridges that now or which shall hereafter exist in said city, and shall have the power to vacate and close them, and to regulate the use thereof, to prevent the construction on or to require the removal from the streets, alleys, highways, public places and sidewalks of said city of obstruction telegraph poles, telephone poles, street railway and other poles carrying electric current or wires, signs, fruit stands, showcases and encroachments of every kind and character upon said streets and sidewalks, provided the same does not interfere with or violate the provisions of any franchise heretofore granted by the City of Texarkana, Texas, or contracts now existing.

Annotation—In construing a provision of the former Charter similar to section 4 as it now reads, the court said: "This general authority was vested by the law in the city, as a municipal corporation, purely as the representative of the public and for the public benefit. The authority to vacate and close streets, as a necessary incident of control and maintenance thereof, was intended to empower the city only to relieve the public from the charge of maintaining a street in case it is no longer used by the public as a street, or is no longer useful and convenient to the public in general. The word 'close' is used in the sense of termination of maintenance and not in the sense of preventing ingress and egress by obstructions. In no wise is such authority intended to comprehend proprietary rights in the land, or exercise of proprietary rights in respect thereto. Streets are not owned by the public, but their uses are public. The city, as a municipal corporation, holds merely the right to the easement in such streets in trust for the public and in respect to the public interests. Therefore the authority of the city to vacate a street may be regarded as attaching at all only in case it is for the benefit of the public that such action be taken. The benefit may be either in relieving the public from the charge of maintaining a street that is no longer used by the public or is no longer useful or convenient to the public, or by laying out a new street in its place which will be more useful and convenient to the public in

general. A street may not in any event be vacated or discontinued for the purpose of devoting it to purely private and inconsistent uses, as without the authority of the municipal corporation, as a trustee, to do." *Texas Company v. Texarkana Mach. Shops*, 1 S.W. (2d) 928 (1928), holding that an ordinance of the city purporting to vacate a street and relinquish the city's rights therein to the owner of the fee and directing the mayor to execute a quitclaim deed to the owner of the fee did not divest the owners of abutting property of their rights in the street and did not authorize the owner of the fee to obstruct the street and the abutting owners' right of ingress and egress.

State law reference—Authority of city relative to streets and other public property, Texas Transportation Code § 311.001.

Sec. 5. Change of boundaries and annexation of territory.

The city council shall have power, by ordinance, to fix the boundary limits of the City of Texarkana; and to provide for the alteration and extension of said boundary limits, and the annexation of additional territory lying adjacent to the city, with or without the consent of the territory and inhabitants annexed. Upon the introduction of any ordinance annexing additional territory, such ordinance shall be published in the form in which it may be finally passed, in the official newspaper of said city at least one time; and upon the final passage of any such ordinance, the corporate limits of the city shall thereafter include the territory so annexed; and when any additional territory has been so annexed, same shall be a part of the City of Texarkana, Texas, and the property situated therein shall bear its pro rata part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens, and shall be bound by the acts and ordinances, resolutions and regulations of the city.

(Ord. No. 136-2000, § 3, 5-11-2000)

State law references—Municipal boundaries and annexation generally, Texas Local Government Code § 41.001 et seq.; authority of home-rule municipality to annex area and take other actions regarding boundaries, Texas Local Government Code § 43.021.

Sec. 6. Street development and improvement.

The city shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways and other public ways within the corporate limits of the city by laying out, opening, narrowing, widening, straightening, extending, lighting and establishing building lines along the same; by purchasing, condemning, and taking property therefor; by filling, grading, raising, lowering, paving, re-paving, and repairing, in a permanent manner, the same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove, or any combination or parts thereof. The cost of such development and improvement may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof, and such assessments may be levied in any amounts

and under any procedure not prohibited by state law; provided, that no assessment shall be made against such land or owners in excess of the enhancement in value of such property occasioned by such improvement.

If improvements be ordered constructed in any part of any area used or occupied by the tracks or facilities of any railway or public utility, then the city council shall have power to assess the whole cost of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railway or utility, and shall have power, by ordinance, to provide for the enforcement of such assessment.

As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways and other public ways within its corporate limits, the city shall have the power and authority to proceed in accordance with chapter 106, page 489, Acts 1927, Fortieth Legislature, First Called Session, and now or hereafter amended, the same being article 1105b of the Revised Civil Statutes of Texas, 1925.

State law reference—Authority of city to develop and improve streets, Vernon's Ann. Civ. St. art. 1175.

Sec. 7. Urban development, redevelopment and renewal.

The city shall have the power to carry out slum clearance, public housing, and urban redevelopment and renewal projects. For these purposes it may acquire land by eminent domain, may contract or cooperate with the state or federal governments or any agency thereof, may invest its funds, and borrow or accept money.

ARTICLE II. THE COUNCIL

Sec. 1. City divided into wards.

The city shall be divided into six wards. The territory included in such wards shall be as heretofore and hereafter established by ordinances of the City of Texarkana, and may be changed from time to time by ordinance as the interests of the city may demand, having regard to the number of persons residing in each ward as shown by the last preceding census or other reliable population estimate and fixing ward boundaries so that each ward shall contain, as nearly as possible, the same number of persons. In the event the limits of the city are extended, annexed territory shall become a part of the ward to which it adjoins until changed by the council; and in the event any annexed tract adjoins two or more wards, the ward line or lines intersecting the city limit line immediately preceding such annexation shall be considered extended so that such annexed territories shall become parts of such adjoining wards until changed by the council.

(Ord. No. 244-83, § 1(a), 9-12-1983)

State law reference—Authority of city council to establish election precincts identified by specific name or number for municipal elections, Texas Election Code §§ 42.061, 42.064.

Sec. 2. Number, selection, term of office and remuneration.

(a) *Council composition.* The council shall be composed of seven members, consisting of six ward councilmembers and a mayor. Candidates for mayor shall be voted on by the qualified voters of the city at large. Candidates for ward councilmember shall be voted on only by the qualified voters residing in the ward from which the candidate seeks election.

(b) *Term of office.* Each ward councilmember and the mayor shall serve for a three-year term, which term shall begin on the day of the next regular council meeting following the canvass of the regular election in which the ward councilmember or mayor was elected.

(c) *Transition from two-year to three-year terms.* The following election schedule and process is established to transition from a two-year term to a three-year term:

- (1) The three councilmembers elected in the 2017 election year shall, upon taking the oath of office, collectively draw to determine which one shall have a transitional term of office for four years, with the other two having a term of office of three years; and
- (2) The mayor and three councilmembers elected in the 2018 election year shall, upon taking the oath of office, collectively draw to determine which two shall have a transitional term of office for four years, with the other councilmember having a term of office of three years; and
- (3) There will be no regular election for councilmembers in the 2019 election year.
- (4) The following table provides an example of the transition from two-year terms to three-year terms, utilizing Ward 5 as the hypothetical draw for the four-year transitional term under subsection (c)(1), and Wards 3 and 6 as the hypothetical draws for the four-year transitional terms under subsection (c)(2):

<i>Office</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>
Mayor		3-year			3-year		
Ward 1		3-year			3-year		
Ward 2	3-year			3-year			3-year
Ward 3		4-year				3-year	
Ward 4	3-year			3-year			3-year
Ward 5	4-year				3-year		
Ward 6		4-year				3-year	

(d) The mayor shall receive remuneration in the amount of \$400.00 monthly, and councilmembers shall receive remuneration in the amount of \$300.00 monthly. (Ord. No. 244-83, § 1(a), 9-12-1983; Ord. No. 136-2000, § 2, 5-11-2000; Ord. No. 2017-126, § 9, 11-20-2017)

Sec. 3. Qualifications.

At the time of his election to office each member of the council, including the mayor, shall be a citizen and qualified voter of the State of Texas and the City of Texarkana, shall be a taxpayer in the city, and, except the mayor, a resident of the ward from which he is elected. Each member of the council, including the mayor, shall have resided in the City of Texarkana, Texas, for 12 months next preceding the general or special election in which he is elected; and each councilman shall have resided in the ward from which he is elected for six months next preceding the general or special election in which he is elected. No member of the council, either councilman or the mayor, shall hold any other office or employment under the city government while he is a member of said council, nor shall he hold any paid employment under the city government within two years thereafter. If a member of the council shall cease to reside in the city, or a councilman shall cease to reside in the ward from which he is elected, his office shall be deemed vacant.

Sec. 4. The mayor.

The mayor shall preside at meetings of the council, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The person holding the office of mayor shall cast a vote in the council in the event of a tie vote, a vacancy in council membership, or a Councilmember not voting or absent, but otherwise shall have all the duties and powers conferred on the mayor by this Charter. The council shall elect a mayor pro tem who shall act as mayor during the absence or disability of the mayor. The mayor pro tem shall be elected from among the councilmen.

(Ord. No. 2017-126, § 6, 11-20-2017)

Sec. 5. Powers generally.

All powers of the city and the determination of all matters of policy shall be vested in the council.

Sec. 6. Vacancy.

(a) The City Council shall order a special election to fill a vacancy in council membership in the event the unexpired term of the vacant office, including the office of Mayor, is greater than twelve (12) months.

(b) In the event the unexpired term of a vacant office, including the office of Mayor, is twelve (12) months or less, the City Council may, by majority vote of the Mayor and the remaining councilmembers, either fill the vacancy by appointment, defer filling the vacancy until the next regular city election, or order a special election to fill the vacancy.

(c) A person filling a vacancy in council membership shall serve for the remainder of the unexpired term of the vacated office.

(d) If the membership of the City Council is reduced to less than a quorum (that is, less than five councilmembers), the following persons, in the order of succession listed, may appoint additional councilmembers to raise the membership to a quorum: (1) the Mayor; (2) the Mayor Pro Tempore if the office of Mayor is vacant; (3) a unanimous vote of the remaining councilmembers, with the Charter's quorum requirement suspended for such vote, if the offices of both the Mayor and Mayor Pro Tempore are vacant; (4) the Governor, upon the petition of any remaining councilmember or any five registered voters of the city, provided the preceding methods have failed to raise the membership to a quorum.

(Ord. No. 2014-135, § 3, 11-17-2014; Ord. No. 2017-126, § 9, 11-20-2017)

Sec. 7. City secretary.

The city secretary shall be appointed by the city manager subject to the approval of the council. he shall serve as clerk of the council, give notice of its meetings, keep the journal of its proceedings, authenticate by his signature, and record in full in a book kept for the purpose all ordinances and resolutions, and perform such other duties as this charter may provide or as the city manager may assign him.

Sec. 8. Meetings of the council.

(a) *General.* The City Council shall meet at least once per month. Meeting dates, times, and locations shall be specified by resolution. A newly-elected Councilmember (including the Mayor) shall assume the duties of office on the next regular council meeting day immediately following the canvass of the election.

(b) *Special Meetings.* The Mayor, the Mayor Pro Tempore, any two Councilmembers, or the City Manager may at any time call a special council meeting by submitting to the City Secretary a signed statement specifying the time and place of the meeting and the subjects to be considered. The meeting notice shall be prepared and posted by the City Secretary and shall contain for City Council deliberation only the subjects specified in the signed statement. Councilmembers shall be informed of the meeting in any manner consistent with state law or as otherwise approved by resolution of the City Council.

(c) *Emergency Meeting.* The Mayor or City Manager may call an Emergency Meeting of the City Council as allowed by law.

(d) *Public Meetings.* All meetings of the City Council, boards, and commissions shall be open to the public and noticed as provided by law. The City Council, boards, and commissions may adopt rules of procedure consistent with the city charter and state law.

(e) *Public Participation.* The Council shall adopt rules and procedures for public comment during regular Council meetings.

(f) *Attendance of City Manager.* The City Manager shall attend all meetings of the City Council and may take part in the discussion of all matters coming before the Council but shall have no vote.

(Ord. No. 244-83, § 1(b), 9-12-1983; Ord. No. 136-2000, § 5, 5-11-2000; Ord. No. 2017-126, § 2, 11-20-2017)

Sec. 9. Council rules.

The council shall be the judge of the election and qualifications of its members, and for such purpose shall have the power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts. It shall determine its own rules and order of business and keep a bound record of its proceedings. Five members of the council shall constitute a quorum. Unless otherwise specifically provided for in this Charter, city ordinance, or state law, the affirmative vote of a majority of the members present and voting shall be necessary to adopt any ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and the vote of each member shall be recorded in the minutes. A member intending to abstain from voting shall abstain from participation in the matter and shall notify the Mayor of such intention prior to the first presentation of the matter to the council.

(Ord. No. 136-2000, § 6, 5-11-2000; Ord. No. 2017-126, § 8, 11-20-2017)

Sec. 10. Annual audit.

The council shall cause to be prepared an independent audit annually by a certified public accountant covering all of the city's financial affairs as soon after the close of the fiscal year as practicable. The completed audit report shall be posted to the city's website.

(Ord. No. 2017-126, § 5, 11-20-2017)

Sec. 11. Investigative body.

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

Sec. 12. Code of ordinances.

The council shall have the power to cause all general ordinances of the city to be compiled and printed in code form. The council shall cause all general ordinances to be codified, recodified and reprinted whenever in its discretion such is deemed desirable, or when such

codification or recodification is required by law. When adopted by the council, the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when they are published as a code.

State law reference—Authority to adopt a civil and criminal code of ordinances, Texas Local Government Code § 53.001.

Sec. 13. Emergency powers of mayor.

Whenever the mayor shall deem it necessary in order to enforce the laws of the city, or to avert danger, or to protect life or property, in case of riot, outbreak, calamity or public disturbance, or when he has reason to fear any serious violation of law or order, outbreak, or any other danger to the City of Texarkana or the inhabitants thereof, he shall summon into service as a special police force, all or as many of the citizens as in his judgment and discretion may be necessary and proper; and such a summons may be made by proclamation or orders addressed to the citizens generally, or those of any ward of the city or subdivision thereof, or such summons may be by personal notification. Such summons shall be made pursuant to a proclamation by the mayor that an emergency exists in the City of Texarkana. During such emergency, the police department of the City of Texarkana, and such special police as have been summoned by the mayor, shall be subject to the orders of the mayor, and shall perform such duties as he may require, and shall have the same power while on duty as the regular police of the City of Texarkana. The mayor shall have authority during the continuance of such emergency to make and enforce such rules, regulations, and orders as are necessary to preserve the public health, safety, and welfare from the threatened danger. During such emergency, such rules, regulations and orders shall have the force and effect of law. The mayor shall have authority in case of riot or other unlawful assemblage, to order and enforce the closing of any theater, picture show, or other place of public amusement or entertainment, ballroom, bar-room, or other place of resort, or public room or building, and may order the arrest of any person violating in his presence any of the penal laws of the state, or any ordinance of the city; and he shall perform such other duties and possess and exercise such other power and authority as may be prescribed by law or by ordinance.

Sec. 14. Power to fix compensation of officers and employees.

The council shall fix the compensation to be paid to the city manager; and unless otherwise specifically provided by this Charter, the council shall fix the compensation to be paid all other city officers and employees after first receiving the recommendations of the city manager as to such compensation.

ARTICLE III. CITY MANAGER**Sec. 1. Qualifications.**

The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office, as hereinafter set forth, provided that any person who is appointed city manager must have had at least two years of experience as a city manager or assistant city manager, or two years of comparable professional engineering or administrative experience within the last five years. At the time of his appointment he need not be a resident of the city or state but during his tenure of office he shall reside within the city, and no person shall be eligible for such appointment who has held any elective office of the city within the two years preceding such appointment.

Sec. 2. Removal.

The Council may remove the City Manager by a majority vote of its members. At least thirty (30) days before such removal shall become effective, the Council shall by a majority vote of its members adopt a preliminary resolution stating reasons for the removal. The Manager may, within ten (10) days after the adoption of a preliminary resolution, reply in writing and may request a public hearing, which shall be held and a final resolution of removal or reinstatement adopted not later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Council, by majority vote of its members, may adopt a final resolution of removal. By the preliminary resolution, the Council may suspend the Manager from duty, but shall in any case cause to be paid the Manager forthwith any unpaid balance of the Manager's salary accrued to date thereof and the Manager's salary for the next calendar month following adoption of the preliminary resolution.

(Ord. No. 2017-126, § 10, 11-20-2017)

Sec. 3. Council not to interfere with manager.

Neither the council nor any of its members shall direct or order the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any members thereof shall give orders to any subordinates of the city manager, either publicly or privately. Any member of the council violating the provisions of this section shall be subject to removal from office in accordance with the provisions of and under the procedures set forth in Articles 5991-5994 inclusive, Civil Statutes of Texas, as amended from time to time, which are hereby incorporated herein by reference.

Sec. 4. Powers and duties.

The powers and duties of the city manager shall be as follows:

- (a) To see that all laws and ordinances are enforced.
- (b) Except as otherwise provided by the laws of the State of Texas or the Charter of the City of Texarkana, Texas, to appoint and remove all heads of departments and all subordinate officers and employees of the city.
- (c) To exercise control over all departments and subdivisions thereof created by the Charter, or that may hereafter be created by the council, except as herein provided.
- (d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and, upon knowledge of any violation thereof, to call the same to the attention of the city attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.
- (e) To attend all meetings of the council with the right to take part in the discussion, but having no vote. He shall be entitled to notice of all special meetings.
- (f) To recommend to the council for adoption such measures as he may deem necessary or expedient.
- (g) To keep the council at all times fully advised as to the financial condition and needs of the city.
- (h) [To] prepare the annual budget and submit it to the council and be responsible for its administration after adoption.
- (i) To execute deeds when authorized by ordinance duly passed as provided herein, and to make and execute all contracts on behalf of the city when authorized by ordinance or resolution of the council.
- (j) To perform such other duties as may be prescribed by this Charter, or by ordinance or resolution of the council.

Sec. 5. Absence of city manager.

To perform his duties during his temporary absence or disability, the city manager shall designate by letter filed with the city secretary a qualified administrative officer of the city. The administrative officer thus designated shall perform the duties of the manager until he shall return or his disability shall cease or until the council, by resolution, designates another officer of the city to perform such duties.

ARTICLE IV. ADMINISTRATIVE ORGANIZATION

Sec. 1. Administrative departments.

All administrative departments shall be under the control and direction of the City Manager. The City may abolish or combine one or more departments created by it, and may assign or transfer duties of any departments of the City from one department to another.

(Ord. No. 2017-126, § 3, 11-20-2017)

State law references—Authority of home rule municipality to provide for police department, Texas Local Government Code § 341.003; authority of home rule municipality to provide for fire department, Texas Local Government Code § 342.011.

Sec. 2. Directors of departments.

At the head of each department there shall be a director who shall be appointed, and who may be removed, by the city manager. Such directors shall have supervision and control over their respective departments, and may serve as chiefs of divisions within their respective departments. Two or more departments may be headed by the same individual, and the city manager may head one or more departments.

ARTICLE V. ELECTIONS

Sec. 1. General election.

The regular election of members of the council to the places on the council occupied by members of the council whose terms are expiring shall be held on the first Saturday in May of each year. In every such election each qualified voter shall vote for not more than one candidate for each council place to be filled. Such election shall be ordered by the council, and in case of its failure to order the same, the mayor of the city shall make such order. In the case of the inability of the council or the mayor to act, the election may be called by the city secretary, and in case of his inability to act, by the county judge of Bowie County, Texas, and in case of his inability to act, by the governor of the State of Texas. The city secretary shall give notice of such election by causing said notice to be published at least 30 days previous to the day of such election in the official newspaper of the city.

(Ord. No. 136-2000, § 7, 5-11-2000)

Sec. 2. Regulation of elections.

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the council for the conduct of elections. The council shall appoint the election judges and other election officials and shall provide for the compensation of all election officials in the city elections, and for all other expenses of holding such elections.

Sec. 3. Filing of candidates.

Any qualified person who desires to become a candidate for election to a place on the council shall file with the city secretary at least 30 days prior to the election day an application for his name to appear on the ballot. Such application shall clearly designate the office and the ward if the office be other than for mayor to which the candidate seeks election and shall contain a sworn statement by the candidate that he is fully qualified under the laws of Texas and the provisions of this Charter to hold the office he seeks.

Sec. 4. Canvassing election and declaring results.

The returns of every municipal election shall be delivered forthwith by the election judges to the city secretary. The council shall canvass the returns, investigate the qualifications of the candidates, and declare the official results of the election not later than the first regular meeting following the delivery of the votes to the city secretary. The returns of every municipal election shall be recorded in the minutes of the council by precinct totals. The qualified person receiving the highest number of votes cast for any office shall thereupon be declared by said council elected. The decision of the council as to qualification of candidates shall be conclusive and final for all purposes.

Sec. 5. Notification and qualification of city officers.

It shall be the duty of the city secretary to notify all persons elected or appointed to office of their election or appointment and all the newly elected or appointed officers may enter upon their duties. Any officer elected or appointed must qualify by taking and subscribing his oath of office within 30 days; otherwise the office may be deemed vacant.

Sec. 6. Special elections.

The council may, by ordinance or resolution, call such special elections as are authorized by the state law and this Charter, fix the time and place of holding same, and provide all means for holding such special elections, provided that every special election shall be called and held as nearly as practicable according to the provisions governing general elections.

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL**Sec. 1. Power of initiative.**

The electors shall have power to propose any ordinance (except an ordinance appropriating money or authorizing the levy of taxes), and to adopt or reject the proposed ordinance at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the council by a petition signed by qualified voters of the city equal in number to at least 25 percent of the total number of votes cast at the last preceding regular municipal election for the office for which there were cast the greatest number of votes at such election.

Sec. 2. Power of referendum.

The electors shall have power to approve or reject, at the polls, any ordinance passed by the council or submitted by the council to a vote of the electors, except an ordinance appropriating money, issuing bonds or authorizing the levying of taxes, such power being known as the referendum. Within 20 days after the enactment by the council of any ordinance which is subject to referendum, a petition signed by qualified voters of the city equal in number to at least 25 percent of the total number of votes cast at the last preceding regular municipal election for the office for which there were cast the greatest number of votes at such election may be filed with the city secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Sec. 3. Form of petition; committee of petitioners.

Initiative petition papers shall contain the full text of the proposed ordinance. Referendum petition papers shall contain the full text of the ordinance which they propose to repeal. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer shall sign his name in ink or indelible pencil and shall give after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of the same five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all the signatures were appended thereto in his presence and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Sec. 4. Filing, examination and certification of petitions.

All papers comprising an initiative or referendum petition shall be assembled and filed with the city secretary as one instrument. Within 20 days after a petition is filed, the city secretary

shall determine whether each paper of the petition bears the required affidavit of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the city secretary shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

Sec. 5. Amendment of petitions.

An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been sent by the city secretary, by filing a supplementary petition upon additional papers signed and filed as provided in the case of an original petition. The city secretary shall within five days after such an amendment is filed, examine the amended petition and, if the petition is still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The findings of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Sec. 6. Effect of certification of referendum petition.

When a referendum petition, or amended petition as defined in section 5 of this article, has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors as hereinafter provided.

Sec. 7. Consideration by council.

Whenever the council receives a certified initiative or referendum petition from the city secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The council shall take final action on the ordinance within 60 days after the date on which such ordinance was certified to the council by the city secretary. A referred ordinance shall be reconsidered by the council and its final vote upon such reconsideration shall be upon the question: "Shall the ordinance specified in the referendum petition be repealed?"

Sec. 8. Submission to electors.

If the council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the council shall fail to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than 30 days nor more than 60 days from the date the council takes its final vote thereon. If no regular election is to be held within such period the council shall provide for a special election.

Sec. 9. Form of ballot for initiated and referred ordinances.

Ordinances submitted to a vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. If a paper ballot is used it shall have below the ballot title the following propositions, one above the other, in the order indicated: "For the Ordinance" and "Against the Ordinance." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title shall have below it the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for or against the ordinance.

Sec. 10. Results of election; publication.

(a) If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed.

(b) Initiative ordinances adopted and referendum ordinances approved by the electors shall be published, and may be amended or repealed by the council in the same manner as other ordinances.

Sec. 11. Recall of councilmembers; generally.

Any member of the city council may be removed from office by a recall election.

Sec. 12. Recall petitions; committee of petitioners.

Recall petition papers shall contain the name of the member of the council (or names of the members of the council) whose removal is sought, and a clear and concise statement of the grounds for his (or their) removal. There shall appear at the head of each petition the names and addresses of five electors, who, as a committee of the petitioners shall be regarded as responsible for the circulation and filing of the petition. Each signer of any petition paper shall sign his name in ink or indelible pencil and give after his name his place of residence by street and number, or other description sufficient to identify the place, and the date his signature was affixed. No signature to such petition shall remain effective or be counted which was placed thereon more than 45 days prior to the filing of such petition with the city secretary. The signatures to a recall petition need not all be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator thereof that he, and he only,

personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures were appended thereto in his presence and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Sec. 13. Filing and certification of petitions; recall election generally.

(a) All papers comprising a recall petition shall be assembled and filed with the city secretary as one instrument. Within seven days after a petition is filed, the city secretary shall determine whether each paper bears the names of the five electors who constitute the committee of the petitioners, and the required affidavit of the circulator thereof, and whether the petition is signed by qualified electors of the city equal in number to at least 25 percent of the total number of votes cast at the last preceding regular municipal election for the office for which there were cast the greatest number of votes at such election.

(b) If the city secretary finds the petition insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings. A recall petition may be amended at any time within ten days after the notification of insufficiency has been sent by the city secretary, by filing a supplementary petition upon additional papers signed and filed as provided in the case of an original petition. The city secretary shall within five days after such amendment is filed, examine the amended petition, and if the same is still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition, which action shall be without prejudice to the filing of a new petition based upon new and different grounds, but not upon the same grounds. If the city secretary finds the petition sufficient and in compliance with the provisions of this article of the Charter, he shall submit the petition and his certificate of its sufficiency to the council at its next regular meeting and immediately notify the member of the council whose removal is sought of such action.

(c) If the member of the council whose removal is sought does not resign within seven days after such notice the city council shall thereupon order and fix a date for holding a recall election not less than 30 nor more than 60 days after the petition has been presented to the council. If no general election is to be held within this time the council shall provide for a special election.

Sec. 14. Recall election ballots.

Ballots used at recall elections shall conform to the following requirements:

- (a) With respect to each person whose removal is sought the question shall be submitted: "Shall (name of person) be Removed From the City Council by Recall?"
- (b) Immediately below each such question shall be printed the two following propositions, one above the other in the order indicated) "Yes" [and] "No."

(c) No other question or proposition shall be stated on such ballots.

Sec. 15. Results of recall election.

If a majority of the votes cast at a recall election shall be against the recall of the member of the council named on the ballot, he shall continue in office. If a majority of the votes cast at a recall election be for the recall of the member of the council named on the ballot, he shall be deemed removed from office and the vacancy shall be filled in the manner prescribed in article II, section 6 of this Charter.

Sec. 16. Limitations on recalls.

No petition shall be filed against a member of the council within six months after he takes office, nor against a member of the council who has been subjected to a recall election and not removed thereby until at least six months after such election.

Sec. 17. District judge may order recall election.

Should the city council fail or refuse to order any recall election when all of the requirements for such election shall have been complied with by the petitioning electors in conformity with this article of the Charter, then upon proper application therefor a district judge of Bowie County, Texas, may order such election and effectuate the provisions of this article of the Charter.

(Ord. No. 136-2000, § 8, 5-11-2000)

ARTICLE VII. FINANCE ADMINISTRATION*

Sec. 1. Department established; appointment of director.

There shall be a department of finance, the director of which shall be appointed by the city manager.

Sec. 2. Qualifications of director.

The director of finance shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control.

Sec. 3. Bond of director.

The director of finance shall provide a bond with such surety and in such amount as the council may require, except that such bond shall be for not less than \$10,000.00.

***State law reference**—Power of home-rule city to control and manage its finances, Texas Local Government Code § 101.022.

Sec. 4. General powers and duties of director.

The director of finance shall have charge of the administration of the financial affairs of the city. He shall perform, or supervise and be responsible for the performance of, the following functions:

- (a) Compile the estimates of revenues and expenditures for the budget as directed by the city manager;
- (b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (c) Submit to the council through the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;
- (d) Prepare at the end of each fiscal year a complete financial statement and report;
- (e) Reserved;
- (f) Supervise and be responsible for the collection of all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible, and performance of other duties as therein specified;
- (g) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds, notes and other securities belonging to or under the control of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange;
- (h) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government;
- (i) Approve all proposed expenditures; unless he shall certify that there is an unencumbered balance of appropriated and available funds, no appropriation shall be encumbered and no expenditure shall be made (except for emergencies) as provided for in article VII, section 14; and
- (j) Perform the duties hereinafter assigned to the following offices until any or all of such duties have been assigned to some other person or persons:
 - (1) The division of accounting supervision and control;
 - (2) The purchasing office.

(Ord. No. 136-2000, §§ 9—11, 5-11-2000)

Sec. 5. Division of accounting supervision and control.

There shall be established in the department of finance, a division of accounting supervision and control. This division shall:

- (a) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government;

- (b) Examine and approve all contracts, orders and other documents by which the city government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations become due and payable;
- (c) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and, with the advice of the city attorney, determine the regularity, legality and correctness of such claims, demands or charges;
- (d) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept by the director of finance; and
- (e) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance, require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient.

Sec. 6. Payment of claims.

No claim against the city shall be paid unless it is evidenced by a voucher approved by the head of the department or office for which the indebtedness was incurred; and each director or officer and his surety, if any, shall be liable to the city for all loss or damages sustained by the city by reason of his negligent or corrupt approval of such claim.

Sec. 7. Disbursement of funds.

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the director of finance, or his deputy, and countersigned by the city manager. In the event the city manager is the director of finance, all checks, vouchers or warrants shall be signed by him and countersigned by the city secretary.

Sec. 8. Special audits.

Upon the death, resignation, removal or expiration of the term of any officer of the City whose duties have included the receipt, disbursement or custody of public funds the City Manager shall have the accounts of such officer audited and transmit the auditor's report to the Council. In case of the death, resignation or removal of the City Manager, the Council shall

cause an audit to be made of his accounts. If, as a result of any such audit, an officer be found indebted to the City, the City Attorney shall, as directed by the Council, forthwith proceed to collect such indebtedness.

Sec. 9. Purchasing office generally.

There shall be established in the Department of Finance a Purchasing Office. The Purchasing Office, pursuant to rules and regulations established by this Charter and by ordinance, shall purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the City Government. The Director of Finance shall follow policies adopted by the council or as provided by state law with respect to sale of property belonging to the city and purchase of supplies, materials and equipment by the city.

(Ord. No. 136-2000, § 12, 5-11-00)

Sec. 10. Reserved.

Editor's note—Ord. No. 136-2000, § 13, adopted May 11, 2000, repealed former Art. VII, § 10 in its entirety which pertained to sale and purchasing procedures. Former § 10 derived from the Charter of 1960 and Ord. No. 244-83, § 1(c), adopted Sept. 12, 1983.

Secs. 11—13. Reserved.

Editor's note—Ord. No. 136-2000, §§ 14—16, adopted May 11, 2000, respectively repealed sections 11—13 of Art. VII which pertained to the City Treasurer and derived from the Charter of 1960. Former section 11 was entitled, City Treasurer generally; former section 12 was entitled, Treasurer's bond; former section 13 was entitled, Duties of the Treasurer.

Sec. 14. Emergency appropriations generally.

At any time in any fiscal year, the Council may, pursuant to the laws of the State of Texas and this section, make emergency appropriations to meet a pressing need for public expenditure, for other than regular or recurring requirements, to protect the public health, safety or welfare. Such appropriations shall be by ordinance adopted by the favorable votes of five (5) members of the Council qualified and serving, and shall be made only upon recommendation of the City Manager. The total amount of all emergency appropriations made in any fiscal year shall not exceed two and one-half percentum (2 1/2%) of the tax levy for that fiscal year. Should the unappropriated and unencumbered, revenues, income and available funds of the City for such fiscal year be not sufficient to meet the expenditures under the appropriation authorized by this Section, thereby creating a deficit, it shall be the duty of the Council to include the amount of such deficit in its budget for the following fiscal year, and said deficit shall be paid off and discharged during the said following fiscal year.

Sec. 15. Borrowing to meet emergency appropriations.

In the absence of unappropriated available revenues or other funds to meet emergency appropriations under the provisions of the next preceding Section, the Council may by resolution authorize the borrowing of money to meet such deficit by the issuance of notes, each of which shall be designated "Emergency Note" and may be renewed from time to time, but all such notes of any such fiscal year and any renewals thereof shall mature and be payable not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made, as provided in the last preceding Section.

Sec. 16. Borrowing in anticipation of property taxes.

In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten per cent (10%) of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated "tax anticipation note for the year _____" (stating the tax year). Such notes shall mature and be payable not later than the end of the fiscal year in which issued, and may be secured by the pledge of the ad valorem property taxes for such year.

ARTICLE VIII. BUDGET**Sec. 1. Fiscal year.**

The fiscal year of the City shall begin on the first day of October and end on the last day of September of each calendar year. The fiscal year established by this Charter shall also constitute the budget and accounting year.

(Ord. No. 2014-135, § 2(1), 11-17-2014)

Sec. 2. Preparation and submission of the annual budget calendar.

The City Manager shall prepare and submit a budget development calendar for the City Council's review and approval. The budget development calendar shall show the key dates of budget preparation including, but not limited to, the dates of budget preparation, proposed budget presentation, public hearing, and adoption by the City Council.

(Ord. No. 2014-135, § 2(2), 11-17-2014)

Sec. 3. Budget.

The budget shall provide a complete financial plan for the fiscal year. It shall include, but not be limited to, the following:

- (a) The City Manager's budget message which shall explain the budget, include an outline of the proposed financial objectives of the City for the budget year, and describe in connection therewith the important features of the budget plan;

- (b) A statement of all anticipated receipts and all proposed expenditures by department, office, and/or agency of the City displayed in a manner that shows prior year actual values, current year estimates, and budget year estimates and appropriations;
 - (c) A contingent appropriation not to exceed three percent (3%) of the total general fund expenditure. Expenditures from this fund shall be used only in cases of unforeseen items of expenditures or established emergencies. This fund shall be under the control of the City Manager, and shall be disbursed only by transfer to other departmental appropriations;
 - (d) An analysis of the tax rate;
 - (e) A table showing the tax levies and tax collections by years for the past five (5) years;
 - (f) A description of all bond issues and other debt instruments outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued, and amount outstanding;
 - (g) A special funds section that describes fully the status of any existing special fund; and
 - (h) A list of capital projects which should be undertaken within the budget year and also within the next five (5) succeeding years.
- (Ord. No. 2014-135, § 2(3), 11-17-2014)

Sec. 4. Adoption of budget.

The budget shall be finally adopted by the favorable votes of at least a majority of all members of the Council before the end of the current fiscal year.
(Ord. No. 2014-135, § 2(4), 11-17-2014)

Sec. 5. Transfer of appropriations.

The City Manager may at any time transfer any unencumbered appropriated balance or portion thereof between general classifications of expenditures within and/or across any office, department or agency of the City.
(Ord. No. 2014-135, § 2(5), 11-17-2014)

Sec. 6. Budget amendments.

The City Manager may submit requests for budget amendments at any time provided the total city budget remains balanced, that is, total expenditures shall equal total revenues (unassigned fund balance may be designated as a revenue). Budget amendments may be approved in the same manner as the budget is approved.
(Ord. No. 2014-135, § 2(6), 11-17-2014)

ARTICLE IX. TAX ADMINISTRATION**Sec. 1. Reserved.**

Editor's note—Ord. No. 136-2000, § 18, adopted May 11, 2000, repealed former art. IX, § 1, in its entirety which pertained the Division of Taxation within the Department of Finance and derived from the Charter of 1960.

Sec. 2. Property tax.

The city council shall have the power within the city annually to levy and collect taxes not to exceed the rate allowed by state law, on all real estate and personal property within the city on the first day of January of the current year not exempt from taxation by the Constitution and laws of Texas. The city council of the City of Texarkana shall have the power by ordinance, in accordance with the laws of the State of Texas, to provide for the rendering and assessing of property for taxation, and for the collection of taxes. A modern plat system of all property within the city may be maintained.

State law references—Authorization for the levy and collection of ad valorem property taxes, Tex. Const., art. XI, § 5; Texas Tax Code § 302.001.

Sec. 3. Occupation tax and licenses.

The council shall have power annually to assess and collect such occupation taxes and licenses as may be authorized by the laws of the State of Texas.

Sec. 4. When tax rate set.

All taxes for the current year shall be set by the council at the time of the adoption of the budget under the provisions of article VIII of this Charter, or at least 30 days prior to the end of each fiscal year.

Sec. 5. When tax due; delinquencies.

All taxes shall be due October first of the year of the levy and shall be delinquent after January 31 next following. All delinquent taxes shall bear interest at the rate of six percent per annum. Provided, however, that any taxpayer shall have the privilege of paying one-half of such taxes assessed against any property in any one year before the first day of December after the same shall have become due, in which event no penalty shall be added, provided the other one-half shall be paid on or before the June 30 next following.

Sec. 6. Reserved.

Editor's note—Ord. No. 136-2000, § 19, adopted May 11, 2000, repealed former section 6 of art. IX in its entirety which pertained to a board of equalization and derived from the Charter of 1960.

ARTICLE X. JUDICIARY

Sec. 1. Corporation court.

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

For cases involving appeals from the corporation court under a former charter provision, see *Bennett v. State*, 83 Tex. Cr. R. 523, 204 S.W. 333 (1918); *Ex Parte Bennett*, 85, Tex. Cr. R. 315, 211 S.W. 934 (1919).

State law reference—Municipal courts generally, Texas Government Code § 29.001 et seq. Annotation—For cases involving the jurisdiction of the corporation court under the former charter provisions, see *Ex Parte Bennett*, 85 Tex. Cr. R. 315, 211 S.W. 934 (1919); *Ex Parte Norton*, 21 S.W. (2d) 663 (1929).

Sec. 2. City attorney.

The Council shall appoint a city attorney to serve at its pleasure and to be its legal adviser. (Ord. No. 136-2000, § 20, 5-11-2000; Ord. No. 2017-126, § 4, 11-20-2017)

Sec. 3. City judge.

There shall be a magistrate of said corporation court known as the city judge who shall be elected at a regular or special meeting held in May of each even year by a majority vote of the council for a term of two years beginning on the first day in June after such election. He shall be a resident of the City of Texarkana, Texas, for at least one year preceding his appointment. His compensation shall be fixed by the council and shall not be decreased during the term for which appointed. He may be removed by the council for incompetency, misconduct or malfeasance, under the terms and procedures provided in article III, section 2, as for the city manager. In the event of failure of the city judge to act for any reason, the mayor shall designate the person to act in the place and stead of the city judge, with such compensation as shall be fixed by the city council.

State law reference—City judge in home-rule cities, Texas Government Code § 29.004.

Sec. 4. Clerk of court.

The clerk of the corporation court shall be appointed by the city judge. He and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto and generally do and perform any and all acts usual and necessary by clerks of courts in issuing processes of said courts and conducting the business thereof.

(Ord. No. 136-2000, § 21, 5-11-2000)

ARTICLE XI. ORDINANCES**Sec. 1. Enacting clause.**

The enacting clause of all ordinances shall be: "Be it Ordained by the City Council of the City of Texarkana, Texas."

Sec. 2. Acts of council to be by ordinance.

In addition to such acts of the council as are required by statute or by this Charter to be by ordinance, every act of the council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance except as otherwise specifically provided in this Charter.

Sec. 3. Procedure for adoption; effective date.

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided that no ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective less than ten days from the date of its passage and upon publication as hereafter provided. The city secretary shall give notice of the passage of every ordinance imposing a penalty, fine, imprisonment or forfeiture for a

violation of its provisions by causing a descriptive caption or title of same to be published within ten days after the passage thereof for three successive days in some newspaper of general circulation in the City of Texarkana.

Sec. 4. Recording.

Upon final passage, an ordinance or resolution shall be recorded in an ordinance book approved by the council and shall be authenticated by the signature of the mayor and the city secretary. The city secretary shall note on every ordinance the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the Charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance.

ARTICLE XII. BONDS

Sec. 1. Issuance.

The city may issue bonds to pay for any property or public improvement which it may legally acquire or construct, or to refund any outstanding indebtedness. No bonds shall ever be issued to pay current expenses.

Sec. 2. Bond election.

All general obligation bonds of the city shall be authorized by special election called for that exclusive purpose by the council. On the ballot in such bond election there shall be printed concerning the proposed bond issue the purpose, the amount, the maximum rate the bonds shall bear, and that said bonds shall mature serially [and] not to exceed 30 years from their date. The affirmative majority vote of those eligible to vote and voting in a bond election shall authorize the council to issue the proposed bonds.

(Ord. No. 136-2000, § 21, 5-11-2000)

Sec. 3. Bonds; maturity.

Bonds issued under this article XII may be made to mature serially or otherwise and to contain such call provisions as the council may determine, however, the final maturity of any such bond issue shall not be later than 30 years from the date of issue.

(Ord. No. 19-67, § 1, 3-3-1967)

Amendment note—Section 1 of Ord. No. 19-67, adopted March 3, 1967, ordered an election to be held in the City of Texarkana, Texas on April 4, 1967, submitting an amendment to section 3 of article XII of the Charter. Ord. No. 36-67, § 1, adopted April 4, 1967, amended § 2 of said Ord. No. 36-67 ratified and affirmed all other portions of Ord. No. 19-67. By Resolution No. 38-67, passed and approved April 6, 1967, canvassing returns and declaring the result of the election, the amendment to section 3, article XII of the city Charter was declared duly adopted. The effect of the amendment was to revise said section 3, which prior to

amendment read as follows: "All bonds issued shall be serial bonds, the last maturity of which shall not be later than 30 years from date of issue, and shall be callable at the will of the council at any time after five years from date of issue."

Sec. 4. Sinking funds.

(a) *Generally.* A sinking fund for each issue of bonds shall be provided out of which to pay the principal and interest when it matures. The cash and securities to the credit of any sinking fund shall be kept in the city depository and shall be kept separate from the cash and securities of any other city fund. Any officer or employee of the city who shall divert or use the cash and securities of any sinking fund for any purpose other than the purpose for which the sinking fund was created shall be subject to prosecution under the laws of the State of Texas. When an issue of bonds has been retired in full its respective sinking fund shall be abolished and any remaining balance shall be divided pro rata among any remaining sinking funds.

(b) *Investment.* The investment of any cash of any sinking fund shall be made in accordance with state law.

(Ord. No. 136-2000, § 23, 5-11-2000)

ARTICLE XIII. PLANNING

Sec. 1. Planning commission generally.

There shall be a city planning commission which shall consist of seven citizens of the City of Texarkana, Texas, and such other ex-officio members as are provided herein. The members of said commission, except the ex-officio members, shall be appointed by the council for a term of three years. Vacancies will be filled for the unexpired term by the council. The ex-officio members shall include the city manager, the city engineer, the director of planning, and such other ex-officio members as the council shall by ordinance or resolution provide. Ex-officio members shall participate in the work of the commission, but shall not have a vote in its official actions.

The commission shall elect a chairman from among its appointed members. Five of the appointed members shall constitute a quorum.

The council may provide by ordinance for the appointment of subcommittees from the membership of the commission who shall have the power to hold hearings, make recommendations to the commission, and otherwise carry on the work of the commission. In the absence of such provision the commission may authorize and empower such subcommittees. The final action taken by the commission with regard to any matter before it, however, shall be by the commission as a whole.

The commission shall keep minutes of its proceedings, which shall be a public record.
(Ord. No. 136-2000, § 24, 5-11-2000)

Sec. 2. Powers and duties of planning commission.

The city planning commission shall:

- (a) Recommend a city plan for the physical development of the city and amendments thereto;
- (b) Serve as the zoning commission of the city, and recommend to the council approval or disapproval of proposed changes in the zoning plan;
- (c) The planning commission shall adopt regulations governing the platting or subdividing of property within the city or within five miles of the corporate limits of the city, and the owner of every such subdivision shall comply with all of the provisions of articles 974a and 6626, Vernon's Texas Civil Statutes, 1958, as now or hereafter amended. Such regulation may provide for the harmonious development of the city within the subdivided land with other existing or planned streets and ways or for conformance with the master plan or official map, for adequate open spaces, spaces for traffic, utilities, recreation, light and air for the avoidance of congestion of population. Such regulations may include requirements as to the extent to which and the manner in which streets and other ways shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of a subdivision. The commission shall be responsible to and act as an advisory body to the council and shall have and perform such additional duties as may be prescribed by ordinance.

Sec. 3. Planning department; director of planning.

There shall be a city planning department to be headed by the director of planning. The director of planning shall serve as the regular technical adviser of the city planning commission, and shall have such other duties and responsibilities as the council may establish.

Sec. 4. The city plan generally.

The city plan for the physical development of the City of Texarkana, Texas, shall contain the commission's recommendation for the growth, development and beautification of the city. Before recommending to the council a city plan, or any part thereof, or any amendment thereto, the commission shall hold a public hearing thereon after having given notice of such hearing by causing notice thereof to be published one time at least 15 days before such hearings in the official newspaper of the city. A copy of the city plan, or any part thereof, shall be forwarded to the city manager who shall thereupon submit such plan, or part thereof, to the council with his recommendations thereon. The council may adopt the plan or partial plan so submitted as a whole or in parts. If such plan or part thereof should be rejected by the council the city planning commission may modify such plan, or part thereof, and again forward it to the city manager for submission to the council. All amendments to the city plan shall be recommended by the

planning commission and submitted in the same manner as that outlined above to the council for approval, and the council may adopt or reject the same in the same manner as above specified. All recommendations to the council from any city department affecting the city plan must be accompanied by a recommendation from the commission.

Sec. 5. Compliance with city plan.

Upon adoption of the city plan by the council, no subdivision, and no structure, whether constructed by a public utility or otherwise, which is in conflict with the city plan, shall be authorized, and no street, park, public way, ground or space, public building, public structure, or public utility which is in conflict with the city plan shall be authorized, purchased, or constructed by the city until and unless the location, extent and character thereof shall have been submitted to and approved or disapproved by the commission. In case of disapproval, the commission shall communicate its reasons to the council in writing. The council shall have the power to overrule such disapproval and upon such overruling the council or the appropriate persons, city office, department or agency shall have the power to proceed. The failure of the commission to act within 30 days after the date of official submission to the commission shall be deemed approval, unless a longer period be granted by the council or the submitting official. The widening, narrowing, relocating, vacating or change in the use of any street, river or watercourse, or other public way or ground or the sale of any public building or real property shall be subject to similar submission and approval, and failure to approve may be similarly overruled by the council. Provided, that a certificate by the city manager executed under the seal of the city that a public project or improvement is not in conflict with the city plan, or that the location, character and extent of such public project or improvement have been approved by the city planning commission or if such public project or improvement has been disapproved by the city planning commission that the council has overruled such disapproval, shall be conclusive as to such facts. Provided, that the sale of any land or building owned or held by the city, not for public use and not included in the city plan as city land for public use, shall not be subject to the provisions of this section; and provided further, that a certificate by the city manager as to such facts, shall be conclusive as to any purchaser of such land or building from the city.

Sec. 6. Zoning.

All powers granted by ch. 283 of the General and Special Laws of the Fortieth Legislature of the State of Texas, as amended, relating to zoning in cities, are hereby adopted and made a part of this Charter.

ARTICLE XIV. PUBLIC PROPERTY

Sec. 1. Inalienability of control of public property.

The right of control and use of the public streets, highways, sidewalks, alleys, parks, public squares, and public places of the city is hereby declared to be inalienable by the city, except by

ordinances not in conflict with the provisions of this Charter. No act or omission by the council or any officer or agent of the city shall be construed to grant, renew, extend, or amend, expressly or by estoppel or implication any right, franchise or easement affecting said public streets, highways, sidewalks, alleys, parks, public squares, public places and other real property, except as provided in this Charter.

ARTICLE XV. FRANCHISES AND PUBLIC UTILITIES*

Sec. 1. Power to grant or amend franchise; maximum term of franchise.

The Council shall have the power by ordinance to grant, renew, and extend all franchises of all public utilities of every character operating within the City, and, with consent of the franchise holder, to amend the same. Provided, however, that no franchise shall be granted for a term of more than twenty-five (25) years.

Sec. 2. Ordinance granting franchise.

Every ordinance granting, renewing, extending, or amending a public utility franchise shall be read at three (3) regular meetings of the Council, and shall not be finally acted upon until thirty (30) days after the first reading thereof. Within ten (10) days following the first reading of the ordinance, the full text thereof shall be published one time in the official newspaper of the City, and the expense of such publication shall be borne by the prospective franchise holder.

Sec. 3. Transfer of franchise.

No public utility franchise shall be transferred by the holder thereof except with the approval of the Council expressed by ordinance.

Sec. 4. Forfeiture of franchise and regulation of holder thereof.

Every grant, renewal, extension, or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the right of the Council:

- (1) To forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise. Such power shall be exercised only after written notice to the franchise holder stating wherein the franchise holder has failed to comply with the terms of the franchise and setting a reasonable time for the correction of such failure, and shall be exercised only after hearing and after such reasonable time has expired.
- (2) To impose reasonable regulations to insure safe, efficient and continuous service to the public.

***State law reference**—Grant of franchise by home rule cities, Texas Local Government Code § 282.003.

- (3) To require such expansion, extension, enlargement and improvements of plants and facilities as are necessary to provide adequate service to the public.
- (4) To require every franchise holder to furnish to the City, without cost to the City, full information regarding the location, character, size, length and terminals of all facilities of such franchise holder in, over and under the streets, alleys, and other public property of the City; and to regulate and control the location, relocation, and removal of such facilities.
- (5) To collect from every public utility operating in the City such proportion of the expense of excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping, and sprinkling the streets, alleys, bridges, culverts, viaducts, and other public places of the City as represents the increased cost of such operations resulting from the occupancy of such public places by such public utility, and such proportion of the costs of such operations as results from the damage to or disturbance of such public places caused by such public utility; or to compel such public utility to perform, at its own expense, such operations as above listed which are made necessary by the occupancy of such public places by such utility or by damage to or disturbance of such public places caused by such public utility.
- (6) To require every franchise holder to allow other public utilities to use its poles and other facilities, including bridges and viaducts, whenever in the judgement of the Council such use shall be in the public interest, provided that in such event a reasonable rental shall be paid such owner of facilities for such use. Provided further, that inability of such public utilities to agree upon rentals for such facilities shall not be an excuse for failure to comply with such requirement by the Council.
- (7)
 - a. To require the keeping of accounts in such form as will accurately reflect the value of the property of each franchise holder which is used and useful in rendering its service to the public and the expenses, receipts and profits of all kinds of such franchise holder.
 - b. To examine and audit at any time during business hours the accounts and other records of any franchise holder.
 - c. To require reports on the operations of the utility, which shall be in such form and contain such information as the Council shall prescribe.

Sec. 5. Regulation of rates.

The Council shall have full power, to the extent and in the manner authorized by state and federal law, after notice and hearing to regulate by ordinance the rates, charges, and fares of every public utility franchise holder operating in the City and of any other person, firm or corporation exercising any public privilege in the City.

Every such utility or person, firm or corporation who shall request an increase in rates, charges or fares, shall have, at the hearing of the Council called to consider such request, the burden of establishing by clear, competent and convincing evidence, the value of its investments properly allocable to service in the City, and the amount and character of its expenses and revenues connected with the rendering of such service. Such hearing of the Council shall be held not later than thirty (30) days from the date of the filing of a written request for an increase in rates, charges, or fares. If, upon such hearing, the Council is not satisfied with the sufficiency of the evidence so furnished, it shall be entitled to call upon such utility, person, firm, or corporation, for the furnishing of additional evidence at a subsequent date, to which said hearing may be adjourned, which adjourned hearing shall be held not later than thirty (30) days from the date of such original hearing. Upon calling for the furnishing of such additional evidence at such adjourned hearing the Council shall have the right to select and employ, then and later, rate consultants, auditors, and attorneys to conduct investigations, present evidence, advise the Council, and conduct litigation on such requested increase in rates, charges or fares; and said utility, person, firm, or corporation shall reimburse the City for its reasonable and necessary expenses so incurred. Such rate consultants, auditors and attorneys shall be qualified, competent, and of good standing in their professions. The Council shall within one hundred eighty (180) days after the date of said adjourned hearing determine and fix by ordinance the rates, charges, or fares to be charged by the applicant filing such request for an increase in rates, charges, or fares. No such utility, person, firm or corporation shall institute any legal action to contest any rates, charges or fares until the rates, charges or fares have been fixed by the Council in accordance with the procedures herein contained, provided however, the failure of the Council to make determination of rates, charges of [or] fares by ordinance within the one hundred eighty (180) day period herein specified shall be deemed a denial of the application for increase theretofore filed. Any time or times prescribed herein may be extended by resolution of the Council and written agreement of the applicant. Upon failure of the Council to hold any hearings or make determination of rates, charges, or fares by ordinance within the times or extended times as herein provided, the request for increase shall be deemed denied, and no further action shall be prerequisite to institution of legal action by the applicant to contest such rates, charges, or fares as theretofore fixed by the Council.

(Ord. No. 136-2000, § 25, 5-11-2000)

ARTICLE XVI. MUNICIPAL UTILITIES

Sec. 1. Power of city to own and operate utilities.

The City shall have the power to own and operate whatever public utilities the Council may deem wise, provided that before any public utility shall be acquired or constructed to be owned or operated by the City the resident qualified electors shall at an election give a favoring majority vote of those voting in such an election.

Sec. 2. Revenue bonds.

The City shall have the right to issue revenue bonds as is now or may be provided by the statutes and Constitution of the State of Texas.

Sec. 3. Accounts.

Accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such city ownership and operation.

Sec. 4. Joint operation.

The City shall have the right jointly to operate any utility system or sewer system with any adjoining City, whether located within Texas or Arkansas.

ARTICLE XVII. GENERAL PROVISIONS**Sec. 1. Effect of Charter on existing law.**

All ordinances, resolutions, rules and regulations in force in the City of Texarkana, Texas, on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed by the Council. All taxes, assessments, liens, encumbrances and demands of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established, either under the law in force at the time of the beginning of such proceedings, or under the law after the adoption of this Charter.

Sec. 2. Oath of city officers.

All officers of the City of Texarkana, Texas, shall before entering upon the duties of their respective offices, take and subscribe the official oath prescribed in the Constitution of the State of Texas.

Sec. 3. Public inspection of records.

All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that police records and vital statistics records, and any other records closed to the public by law shall not be considered public records for the purpose of this section.

Sec. 4. Written notice of injury or damage.

Before the City of Texarkana, Texas, shall be liable for personal injuries or for property damages of any kind, the person injured or the owner of the property alleged to be damaged, or someone in their behalf, shall give the City Council notice in writing of such injury or

damage within sixty (60) days after the same has been sustained, stating specifically in such notice when, where and how the injury or damage occurred and the extent thereof, giving the name and address of the person or describing generally the property alleged to be damaged, and the names and addresses of any person or persons, if any, witnessing the same, if the names or addresses of any such person or persons are known to person sustaining such injury or damage. No officer or employee of the City shall have authority to waive any of the provisions of this Section as to notice, but the same may be waived only by a resolution of the Council made and passed before the expiration of the period herein provided and evidenced by the Minutes of the Council.

Annotation—For a case relating to the necessity of notice of property damage under a former Charter, see *Texarkana v. Roberts*, 27 S.W. (2d) 551 (1930).

Sec. 5. City not liable to execution or garnishment.

The property, real and personal, belonging to the City of Texarkana, Texas, shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said City, in the hands of any person, firm or corporation, be liable to garnishment on account of any debt it may owe, or funds it may have on hand due any person, nor shall the City or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever; nor shall said City be liable to the assignee of any wages of any officer, agent or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City, such assignment shall be absolutely void.

Sec. 6. City not required to give bond or security in judicial proceedings.

It shall not be necessary in any action, suit or proceedings in which the City shall be a party, for any bond, undertaking, or security, to be executed in behalf of the City; but all actions, suits and proceedings shall be conducted in the same manner as if bond undertaking or security had been given. The City shall have all remedies of appeal provided by law to all courts of this State without bond or security of any kind. For all the purposes of such action, suits, proceedings and appeals, the City shall be liable in the same manner and to the same extent as if the bond, undertaking or security in ordinary cases had been given and executed.

Sec. 7. Remission of fines and penalties.

The City Council shall have the power to remit in whole or in part, on such conditions as it may deem proper, by a vote of five (5) members of the Council, any fine or penalty belonging to the City which may be imposed or incurred under any penal ordinance of the City, or any penalties and/or interest incurred or accrued on delinquent taxes.

Sec. 8. Officers and employees not to be interested in city contracts or act as surety on bonds.

No member of the City Council, or other officer or employee of the City of Texarkana, Texas, shall be directly or indirectly interested in any work, business or contract, the expense,

price or consideration of which is paid from the City Treasury, or by an assessment levied by an ordinance or resolution of the City Council, nor be the surety on the official bond of any officer of the City, or for any person having a contract, work or business with said City, for the performance of which security may be required, except on behalf of the City as an officer or employee. Any wilful violation of this Section shall constitute malfeasance in office, and any officer or employee guilty thereof shall be subject to removal from his office or position. Any violation of this Section with the knowledge, express or implied, of the person or corporation contracting with the City, shall render the contract involved voidable by the Council.

Sec. 9. Relatives of officers not to be appointed or employed.

No person related within the second degree of affinity, or within the third degree of consanguinity, to the members of the City Council or the City Manager, shall be appointed to any office, position or service in the City, but this provision shall not affect officers or employees who were already employed by the City at the time when an officer who may be related within the named degree takes office.

Sec. 10. Residence requirements for officers and employees.

The City Manager appointed under the terms of this Charter shall, upon commencing such employment, be or within 90 days of commencement of such employment shall become, a resident of the City of Texarkana, Texas, and shall remain a resident of the City of Texarkana, Texas, so long as employment continues.

(Ord. No. 244-83, § 1(d), 9-12-1983)

Sec. 11. Effect of Charter and judicial notice thereof.

This Charter shall be deemed a public act, and shall have the force and effect of a general law, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places without further proof.

Sec. 12. Rearrangement and renumbering of Charter.

The Council shall have the power by ordinance, as it shall deem appropriate, to renumber and rearrange all Articles, Sections, and Paragraphs of this Charter, or any amendments thereto, or to substitute appropriate terms to bring the Charter into conformity with state or federal law or to eliminate gender references, and upon the passage of any such ordinance a copy thereof, certified by the City Secretary, shall be forwarded to the Secretary of State of the State of Texas for filing.

(Ord. No. 136-2000, § 26, 5-11-2000; Ord. No. 2017-126, § 7, 11-20-2017)

Sec. 13. Construction of Charter.

This Charter shall not be construed as a mere grant of enumerated powers but shall be construed as a general grant of power, and as a limitation of power on the Government of the City of Texarkana, Texas, in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of the State of Texas, which it would be competent for the people of the City of Texarkana, Texas, to grant expressly to the City, shall be construed to be granted to the City by this Charter.

Sec. 14. Separability clause.

If any Section or part of a Section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not invalidate or impair the validity, force or effect of any other Section or part of a Section of this Charter.

Sec. 15. Effective date.

On the first weekday in May following the adoption of this Charter by a majority of the qualified voters voting at said election, the City Council shall file or cause to be filed a copy or copies of this Charter as required by law, and shall enter upon the records of the City an official order declaring the same adopted, and this Charter shall take effect immediately upon such entry.

Sec. 16. Consideration by Council of the necessity for revision of Charter.

The City Council shall at intervals not exceed five (5) years examine and consider the necessity to revise this Charter.
(Ord. No. 136-2000, § 27, 5-11-2000)

Sec. 17. Collective Bargaining Impasse.

If the City and the International Association of Fire Fighters, Local 367 have reached an impasse regarding the negotiation of a collective bargaining agreement, as determined by the Association through written notice to the City:

- (a) The Association, after written notice to the City containing specifications of the issues in dispute, may request arbitration and, in such event, the City and the Association shall submit all issues in dispute to arbitration within 45 days of the City's receipt of the Association's written arbitration request. The arbitration ruling shall be final, binding, and enforceable against both parties.
- (b) Both parties shall select one arbitrator within 15 days of the Association's original request to arbitrate and provide written notification to the other party of the name and contact information for the selected arbitrator. The selected arbitrators shall attempt to

select a third (neutral) arbitrator within 10 days of their selection in order to form a three-person Arbitration Board. If the arbitrators are unable to agree on a third arbitrator, either party may request that the American Arbitration Association select the third arbitrator, according to its fair and regular procedures. The third arbitrator shall preside over the Board. Any decisions made by the Board at any stage of the arbitration process will be determined by simple majority vote of the selected arbitrators.

- (c) Arbitration shall be conducted by the City and the Association pursuant to the procedures, timelines, duties, requirements, and rights as set forth in Texas Local Government Code §§ 174.155, 174.157-174.162, 174.J 64, and 174.253, or any successor to these statutory provisions.
- (d) In making its decision, the Board may consider only the following:
 - (1) Compensation and conditions of employment that prevail in comparable public sector employment in other cities;
 - (2) The rate of increase or decrease in the cost of living for the Texarkana area as determined by the Consumer Price Index;
 - (3) Any of the following conditions:
 - a. Hazards of employment;
 - b. Physical qualifications;
 - c. Educational qualifications;
 - d. Mental qualifications;
 - e. Job training;
 - f. Skills, and
 - g. Any other factors the Board determines to be relevant to the issues raised by the parties; and
 - (4) Revenues available to the City and the impact of any arbitration ruling on the taxpayers of the City.

(Ord. No. 2020-139, § 1, 11-23-2020)

ARTICLE XVIII. RESERVED*

ARTICLE XIX. CHARTER ELECTION

The Charter Commission finds and declares that it is impractical to segregate each subject treated in this Charter so as to permit a vote of "Yes" or "No" on the same, for the reason that

***Editor's note**—Ord. No. 136-2000, § 28, adopted May 11, 2000 repealed former Art. XVIII, §§ 1—3 in its entirety. Former Art. XVIII pertained to Interim Government and derived from Ord. No. 244, § 1(a), adopted Sept. 12, 1983 and approved by the electorate on Nov. 8, 1983.

the Charter is so construed that in order to enable it to work and function, it is necessary that it should be adopted as an entirety. For these reasons the Charter Commission directs that said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Texarkana, Texas, at an election to be held for that purpose on the 5th day of April, 1960.

We, the undersigned members of the Texarkana, Texas, Charter Commission do hereby submit the above and foregoing proposed Charter for the City of Texarkana, Texas, by a majority vote of this Commission, and recommend its submission to the qualified voters of said City as provided by law.

Dated this the 16th day of February, 1960.

/s/ _____
Troy A. Womack

/s/ _____
Richard Brunazzi

/s/ _____
C. B. Graves

/s/ _____
N. F. Patterson

/s/ _____
John G. Calhoun

/s/ _____
John E. Platz, Jr.

/s/ _____
Don Green

/s/ _____
George Quillin

/s/ _____
T. E. Wreyford

/s/ _____
Bruce Cunningham

/s/ _____
Richard R. Burgdorf

/s/ _____
Lynn X. Prud'homme

/s/ _____
Emmitt C. Barrow

/s/ _____
W. C. Dudley, Jr.

*Dr. James E. Coggin

*Moved from City of Texarkana, Texas, prior to the completion of the work by the Charter Commission.