

**NOTICE OF GENERAL AND SPECIAL ELECTION TO  
ALL QUALIFIED VOTERS WITHIN THE CITY OF PALESTINE, TEXAS**

1. A general and special election will be held on May 5, 2018 for the purpose of electing a Councilmember from District #1, a Councilmember from District #3, a Councilmember from District #5, and submitting 12 propositions to the voters for the following amendments to the City Charter:

**AMENDMENT NO. 1**

*A change is proposed to Section 1.4, in Article I, to require a public hearing to be held prior to expanding the boundaries of the City:*

**Amended to read as follows:**

**Sec. 1.4 – Extension of Boundaries.**

The boundaries of the City of Palestine may be enlarged and extended by the annexation of additional territory by any of the methods hereinafter designated:

- (a) *Extending limits in accordance with V.T.C.A., Local Government Code § 43.021:* Where such additional territory adjoins the corporate limits of the city and contains three (3) or more inhabitants qualified to vote for members of the state legislature, such adjacent territory may be annexed to the city in the manner and in conformity with procedure set forth in V.T.C.A., Local Government Code § 43.021, as now or hereafter amended.
- (b) *Extension of limits by annexation:* The city council may, by ordinance, annex territory lying adjacent to the city, with or without the consent of the territory or the inhabitants annexed.
- (c) *Annexation of unoccupied lands on petition of owners:* The owners, or owner, of any land which is without residents, or on which fewer than three (3) voters reside, contiguous and adjacent to the city may, by petition in writing to the city council, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The city council shall thereafter hear such petition and arguments for and against the same, and grant or refuse such petition as the city council may see fit. If the city council grants such petition, it may by proper ordinance receive and annex such territory as a part of the city.
- (d) *Compliance:* Any proceeding for annexation under the provisions of this article shall comply with the terms and conditions of V.T.C.A., Local Government Code § 43.021 et seq., and also shall provide for a public hearing.
- (e) *Annexed territory to become part of the city:* Upon completion of any one of the procedures hereinafter [above] provided, the territory so annexed shall become a part of the city, and said land and its residents shall be entitled to all the rights and privileges of other citizens of the city and shall be bound by the acts, ordinances, resolutions, and regulations of the city.

**AMENDMENT NO. 2**

*Changes are proposed to Sections 2.10, 2.12, 2.16, 2.17, 2.19, 2.20, 2.23, 2.24, 2.25, 2.34, and 2.36 in Article II. A change is proposed to Section 2.10 to empower the city to utilize*

*the various methods of public financing permitted by state law for cities. State law and federal tax law changes can affect the options available to cities, and there is no apparent intent in the language of Section 2.10 to prevent the city from accessing available financing methods.*

*A change is proposed to Section 2.12 to update the types of public utilities that access public rights-of-way from “telegraph” companies to “telecommunications” companies, and to specifically list “cable television” companies as the sort of utilities that come within the scope of this section.*

*Changes are proposed to Section 2.16 and 2.17 to modernize and streamline methods for improving streets. The assessment of the cost of public street improvements was historically done by assessing the cost of those improvements against the owners of abutting property, but the use of such assessments is now much less common. The changes in the sections streamline the process and eliminate any suggestion that assessments are the only permissible financing method, while retaining the ability to use such assessments if and when they are deemed appropriate by the City Council.*

*Changes are proposed to Sections 2.19, 2.20, 2.23, 2.24, and 2.25 to modernize and simplify the language granting the City regulatory authority over businesses that may affect public health, and the operation of vehicles on the City’s streets.*

*A change is proposed to Section 2.34 to clarify that the city’s authority to address dilapidated and substandard buildings extends to structures that may not qualify as “buildings.”*

*A substantive change is proposed to Section 2.36 to permit the council to appoint a non-resident of the city to be municipal court judge, so long as the appointee is a qualified voter of Anderson County.*

**Amended to read as follows:**

**Sec. 2.10. - Control and management of city finances; prescribing fiscal year; issuance of bonds for public improvements.**

The power to control and manage the finances of the city; to prescribe its fiscal year and fiscal arrangements; the power to issue bonds upon the credit of the city for the purpose of making permanent public improvements or for other public purposes in the amount and to the extent provided by such charter, and consistent with the Constitution of the State of Texas, provided that said bonds shall have first been authorized by a majority vote by the duly qualified voters voting at an election held for that purpose; and to issue other types of debt as provided by the Constitution and laws of the State of Texas. Thereafter, all such bonds shall be submitted to the attorney general for his approval, and the comptroller for registration, as provided by law, provided that any such bonds, after approval, may be issued by the city, either optional or serial or otherwise as may be deemed advisable by the governing authority.

**Amended to read as follows:**

**Sec. 2.12. - Use of streets, alleys or city grounds by public utilities; limitation of franchises.**

To prohibit the use of any street, alley, highway or grounds of the city by any telecommunications, telephone, electric light, street railway, gas company, cable television company, or any other character of public utility without first obtaining the consent of the governing authorities expressed by ordinance and upon paying such compensation as may be

prescribed and upon such condition as may be provided by any such ordinance. To determine, fix, and regulate the charges, fares, or rates of any person, firm, or corporation enjoying, or that may enjoy, the franchise or exercising any other public privilege in the city; to prescribe the kind of service to be furnished by such person, firm, or corporation, and the manner in which it shall be rendered; and from time to time alter or change such rules, regulations, and compensation; provided that in adopting such regulations and in fixing or changing such compensation, or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying the franchise shall be considered unless on proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received in accordance with the laws and constitution of the state applicable thereto. In order to ascertain all facts necessary for the proper understanding of which is or should be a reasonable rate or regulation, the city shall have full power to inspect the books and compel the attendance of witnesses for such purpose.

**Amended to read as follows:**

**Sec. 2.16 – Exclusive jurisdiction over public streets and grounds; special assessments for street improvements.**

To have exclusive dominion, control, and jurisdiction in, over, and under the public streets, avenues, alleys, highways, and boulevards, and public grounds of the city; and to provide for the improvement of any public street, alleys, highways, avenues, or boulevards by paving, raising, grading, filling or otherwise improving the same, and to have the power to charge the cost of making such improvement against the abutting property, by fixing a lien against the same, and a personal charge against the owner thereof according to an assessment specially levied therefor in an amount not to exceed the special benefit any such property received in enhanced value by reason of making such improvement; and to provide for the issuance of assignable certificates covering the payments for said cost, provided that the council shall apportion the cost to be paid by the property owners and the amount to be paid by the city, and provided further, that all street railways, steam railways, or other railways may be required pay the cost of improving the said street between the rails and tracks of any such railway companies and for two feet on each side of the tracks. The city shall have the power to provide for the construction and building of sidewalks, including the curb, and to make a special charge against the owner of the abutting property for such cost and to provide by special assessment a lien against such property for such cost; to have the power to provide for the improvement of any sidewalk or the construction of any such curb by penal ordinance, and to declare defective sidewalks to be a public nuisance. The power herein granted for making street improvements and assessing the cost by special assessment in the manner herein stated shall be exercised in a manner consistent with state law, and shall not be exercised until a public hearing is held regarding the special assessment, but shall not be construed to prevent the city from adopting any other method or plan for improvement of its streets, sidewalks, alleys, curbs, or boulevards, as it may deem advisable by its council.

**Amended to read as follows:**

**Sec. 2.17 – Eminent domain to open, extend, straighten or widen streets and alleys; special assessments to improve streets and alleys.**

To open, extend, straighten, or widen any public street, alley, avenue, or boulevard; for such purpose to acquire the necessary land and to appropriate the same power of eminent domain in a manner consistent with state law and the federal and state constitutions; to provide that the cost of improving any such street, alley, avenue, or boulevard by opening, extending, and widening the same shall be assessed by special assessment against the owners of property lying in the territory of such improvement that is specially benefited; The city may adopt any other method for the opening, straightening, widening, or extending of its streets as herein provided for as may be deemed advisable, and any other method permitted by state law for financing such activities.

**Amended to read as follows:**

**Sec. 2.19. Definition and prohibition of nuisances; policing grounds and lakes; prohibiting pollution of water supply; inspection of processing plants and similar facilities.**

The city shall have the power to define all nuisances and prohibit the same within the city and outside the city limits for a distance of 5,000 feet; to have power to police all parks or grounds, lakes, and the land contiguous to and used in connection with such facilities, speedways or boulevards owned by the city and lying outside of the said city; to police and prohibit the pollution of any waterway, and any watershed of such waterway, which may constitute the source of water supply of any city; and to inspect dairies, slaughter pens and slaughterhouses inside the limits of the city, from which meat or milk is furnished to the inhabitants of the city or any other location.

**Amended to read as follows:**

**Sec. 2.20. Vehicle operation.**

To regulate, in a manner consistent with state law, the operation of motor vehicles and other vehicles on the public streets within the city.

**Amended to read as follows:**

**Sec. 2. 23. Licensing of businesses or occupations.**

To license, as permitted by state law, any lawful business or occupation that is susceptible to the control of the police power.

**Amended to read as follows:**

**Sec. 2.24. Signs or billboards.**

To license, regulate, control, or prohibit the erection of signs or billboards.

**Amended to read as follows:**

**Sec. 2.25. - Fire limits; condemnation of fire hazards.**

To provide for the establishment and designation of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and to provide for the erection of fire resistant buildings within certain limits, and to provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.

**Amended to read as follows:**

**Sec. 2.34. - Adoption of ordinance for demolition or repair of dilapidated, substandard or hazardous buildings.**

The city may adopt an ordinance which requires the demolition or repair of buildings or structures which are dilapidated, substandard, or unfit for human habitation, and which constitute a hazard to the health, safety, and welfare of the citizens. The ordinance must establish minimum standards for continued use and occupancy of structures, and these standards shall apply to buildings regardless of when they were constructed. The ordinance must provide for proper notice to the owner and a public hearing. After the hearing, if the building is found to be substandard, the city may direct that the building be repaired or removed within a reasonable time. After the expiration of the allotted time, the city has the power to remove the building at the expense of the city and assess the expenses on the land on which the building stood or to which it was attached and may provide for that assessment, the mode and manner of giving notice, and the means of recovering the removal expenses.

**Amended to read as follows:**

**Sec. 2.36. - Municipal court and judge.**

There shall be a court for the trial of misdemeanor offenses known as the municipal court, with such powers and duties as are defined and prescribed by statute. The presiding officer of said court shall be known as the judge of the municipal court, and shall be appointed by the city council, and shall be a qualified voter of Anderson County, and shall hold his office until removed. The municipal judge shall have the power to administer oaths, give certificates and keep the records of municipal court. The city council, by ordinance, may provide for additional associate judges and temporary or relief judges, as authorized by V.T.C.A., Government Code § 29.007, and as hereafter amended.

**AMENDMENT NO. 3.**

*Significant changes are proposed to Sections 3.5, 3.6, and 3.7 in Article III. The current conflict of interest provisions are based on the common law, but those provisions have proven elsewhere in Texas to be both too broad (not permitting, for example, a city official to take no part in the consideration or vote on a matter when the official is an employee of a potential contractor) and too narrow (permitting a city official to vote to award a contract, for example, to the officials parent or child or spouse).*

*These flaws in the common law rules were recognized years ago by the Texas Legislature when they amended the conflict of interest rules, to apply to spouses, relatives, and relatives of spouses, and to allow an official to recuse himself to avoid the conflict.*

*These rules are based, therefore, on state law, but extend the prohibitions to other city employees. Further, the rules on gratuities are revised to avoid harsh results from innocuous situations, such as the receipt of a pen or notepad or novelty from an entity doing business with the city. The prohibitions are revised to track the prohibitions in the Texas Penal Code.*

*Finally, Section 3.7 is revised to permit the City Council and the City Manager to punish violations by the Mayor and Council and City employees, respectively. Penalties can be as serious as removal from office or termination of employment.*

**Amended to read as follows:**

**Sec. 3.5. - Conflict of interest.**

- (a) This section applies to the Mayor, all members of council, and all Department Heads of the city.
- (b) A person subject to this section has a substantial business interest in a business entity if the person (or the person's parent, child, sibling, spouse, or spouse's parent, child, or sibling):
  - 1. owns 10% of the voting stock of the business entity;
  - 2. owns 10% of the value of the business entity;
  - 3. owns \$15,000 or more of the fair market value of the business entity;
  - 4. received more than 10 percent of the person's gross income for the previous year from the business entity; or
  - 5. received income of more than \$15,000 from the business entity for the previous year.
- (c) A person subject to this section has a personal business interest in a business entity if more than 50% of the voting stock or the value of the business entity is owned, cumulatively, by the person, the person's parents, the person's children, and the person's spouse.
- (d) A person subject to this section has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.
- (e) A conflicted matter is a decision that has a special economic effect on a business entity, or a special economic effect on the value of real property in which the person has a substantial interest.
- (f) A person subject to this section may not vote on or make a decision on a conflicted matter.
- (g) The Mayor or member of council shall not, with regard to a conflicted matter, take part in any discussion or debate on the matter.
- (h) An appointed officer of the city shall, with regard to a conflicted matter, record the nature of the conflict in a memorandum to the City Manager or, if the person with the conflict is the City Manager, to the Mayor. The person shall not participate in the conflicted matter in any way.
- (i) If a person votes on a conflicted matter, the decision of the council on the conflicted matter is not void unless, without the participation of the person or persons with the conflict, the decision of the council would have been different.
- (j) The City may not enter into a contract (other than a contract that directly relates to the performance of duties directly related to the position the person holds) that provides consideration to a person subject to this section or a business entity in which the person subject to this section has a personal business interest. This prohibition may not be waived.

**Amended to read as follows:**

**Sec. 3.6. – Receipt of gratuities prohibited.**

- (a) The mayor, city councilmembers, officers, or employees of the city may not accept or receive, directly or indirectly, from any person doing business with the city or seeking to do business with the city any cash, goods, or services with a value that can reasonably be expected to influence the actions, decisions, or votes of the mayor, city councilmember, officer, or employee.

- (b) It is presumed that a non-cash gift with a value of less than \$50 is not reasonably expected to influence the actions, decisions, or votes of the mayor, city councilmember, officer, or employee.
- (c) It is presumed that a non-cash gift with a value of \$50 or more is reasonably expected to influence the actions, decisions, or votes of the mayor, city councilmember, officer, or employee.
- (d) Gifts and exchanges of things of value between individuals with a preexisting business, professional, social, or familial relationship, independent of the recipient's status as mayor, city councilmember, officer, or employee, which are typical of such relationships, are presumed to not reasonably expected to influence the actions, decisions, or votes of the mayor, city councilmember, officer, or employee.

**Amended to read as follows:**

**Sec. 3.7 - Determination of violation.**

- (a) Decisions regarding whether there has been a violation by the Mayor or a City Councilmember, the City Manager, or the Municipal Judge of Section 3.5 or 3.6 will be made by the City Council. If the Council is determining whether a violation has been committed by the Mayor or a member of the Council, the Mayor or Councilmember whose guilt or innocence is being determined shall take no part in the deliberations or voting on the issue. The violation of Section 3.5 or 3.6 by the Mayor or City Council may be punished by censure, suspension, or removal from office.
- (b) Decisions regarding whether there has been a violation by a city employee (other than the employees listed in subsection (a)) of Section 3.5 or 3.6 will be made by the City Manager. A violation of Section 3.5 or 3.6 may be punished by written reprimand, suspension, or termination.

**AMENDMENT NO. 4**

*A change is proposed to Section 4.5 in Article IV to require candidates for Mayor to have been a resident of the City for 24 (rather than 12) months, and to require candidates for city council for 12 (rather than six) months.*

**Amended to read as follows:**

**Sec. 4.5. - Qualifications.**

- (a) The mayor shall be a resident citizen of the City of Palestine, at least twenty-one (21) years of age, and a qualified voter of the State of Texas and shall have been a resident of the City of Palestine for a period of not less 24 months immediately preceding his election.
- (b) Each councilmember shall be a resident citizen of the City of Palestine, at least twenty-one (21) years of age, and shall have been a resident of the City of Palestine and district for which he is running, for a period of 12 months immediately preceding the election, and shall be a qualified voter of the State of Texas.
- (c) If the mayor or any councilmember fails to maintain the foregoing qualifications, or whose indebtedness (or the indebtedness of an entity in which the mayor or councilmember holds a 50% or more interest) to the City of Palestine is delinquent, or shall be absent from three (3) consecutive regularly scheduled meetings without valid excuse, or shall move from the district in which he was elected, the city council must,

at its next regularly scheduled meeting, declare a vacancy to exist and shall fill said vacancy as set forth in Section 4.8 of this charter.

## **AMENDMENT NO. 5**

*A change is proposed to Sections 5.1, 5.3, and 5.7 of Article V.*

*Changes are proposed to Section 5.1 to revise the standard date for city elections to May in order to comport with state law and current practice, and to permit other election days in case the state law is changed again by the Legislature to require a different election day for municipalities. A change is also provided to remove the requirement that election notices be published in a newspaper, but instead to simply require publication as required by state law.*

*A change to Section 5.3 is recommended to eliminate specific requirements for filing for office, and instead to simply require filings to meet the requirements of state law.*

*A change to Section 5.7 is recommended to eliminate the specific time period for canvassing the ballots, because this time period can conflict with current state law, and instead to simply require the council to meet the deadlines established by state law.*

**Amended to read as follows:**

### **Section 5.1 – Elections Generally.**

The regular city election shall be held annually on the first Saturday in May or as required by state law, at which time officers will be elected to fill those offices which have become vacant that year. The city council shall fix the hours and place for holding same and provide all means for holding such special election. The city council may, by ordinance or resolution, order a special election, fix the time, day and place for holding same and provide all means for holding such special election. Notice of the election shall be published as required by state law.

**Amended to read as follows:**

### **Sec. 5.3. - Filing for office.**

Any person having the qualifications set forth for mayor or councilmember under the preceding Article IV, shall have the right to file an application to have his name placed on the official ballot as a candidate for mayor or councilmember respectively. Said application shall be filed with the city secretary as required by state law.

**Amended to read as follows:**

### **Sec. 5.7. - Conducting and canvassing elections.**

The election judges and other necessary election officials for conducting all such elections shall be appointed by the city council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of Texas. Within the time provided for by state law, the city council shall meet, open the returns, canvass and officially declare the results of the election as to candidates and/or questions submitted to the electorate.

**Amended to read as follows:**

### **Sec. 5.9. - Taking office.**

All elective officers shall qualify and take their respective seats at the first succeeding meeting of the city council after the general election day, or as soon thereafter as may be practicable.

## **AMENDMENT NO. 6**

*Changes are recommended to Sections 6.1, 6.3, 6.4, and 6.7 in Article VI.*

*A change is recommended to clarify the time period for a newly appointed city manager to become a city resident, establishing a set time period instead of an indefinite term (“immediately”). The provision allowing the city council to extend that time period or excuse the requirement is not changed.*

*A change is proposed to Section 6.3 to clarify that one of the primary duties that has generally been delegated to the city manager—the duty to execute contracts, and to clarify the city manager’s duty when expenditures are beginning to exceed projections.*

*A change is proposed to Section 6.4 to make the language used to describe a department director’s duties consistent with the title.*

*A change is proposed to Section 6.7 to make it clear that the traditional prohibition on council members’ interference in personnel matters extends to the mayor, as well.*

### **Amended to read as follows:**

#### **Sec. 6.1. - Appointment and qualifications of city manager.**

The council, by a majority vote of the entire council, shall appoint a city manager who shall be the chief administrative and executive officer of the city. He shall be chosen by the council solely on the basis of his executive and administrative training, experience, ability, character, and need not when appointed be a resident of the city. However, he shall become a resident of the city within 90 days of appointment unless otherwise specifically excused by the council.

### **Amended to read as follows:**

#### **Sec. 6.3. - Powers and duties of city manager.**

The city manager shall be responsible to the council for the proper administration of all the affairs of the city. The powers and duties herein conferred upon the city manager shall include, but shall not be limited to, the following:

- (a) To appoint and remove any officer or employee of the city except those officers and employees whose appointment or election is otherwise provided for by law or by this charter.
- (b) Prepare the budget annually, submit it to the council, and be responsible for its administration after its adoption.
- (c) Keep the council informed of the financial condition of the city and make recommendations of current and future needs of the city as may seem desirable.
- (d) 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.
- (e) To execute deeds, deeds of trust, easements, contracts, releases, and all other legal instruments on behalf of the city when authorized by ordinance or resolution of the city council.

- (f) To see to it that the city lives within its budget, or inform the council when it does not.
- (g) To perform such other duties as may be prescribed by this charter or by ordinance or resolution of the council.

**Amended to read as follows:**

**Sec. 6.4. - Directors of departments.**

At the head of each department there shall be a director who shall be appointed by the city manager and confirmed by a majority of the council, and who may be removed by the city manager, except the city attorney and the judge of the municipal court, who shall be appointed and removed by the city council. Such director shall have supervision and control over his/her respective departments. Two (2) or more departments may be directed by the same individual, and the city manager may direct one or more departments. In the event of a vacancy at the head of a department, the city manager shall appoint an acting director of such department who shall serve until such vacancy is filled.

*A change is recommended to clarify the process of removing City Manager appointees and permitting such removed officers to appeal that removal. This clarifies that the employee is removed, but that the removal may be overturned by the Council based on the hearing on the appeal. The change would also restrict the appeal rights to employees who have been employed for at least 12 months.*

**Amended to read as follows:**

**Section 6.5 – Term of officers.**

All appointive offices and employment shall be for an indefinite period, but any appointive officer or employee may be removed or discharged at any time by the city manager, except for members of boards, commissions and committees appointed under Section 6.6 of the charter. If removed at any time after having served 12 months, the employee may, within ten (10) days after the order of removal, demand written charges, specifying the grounds for removal and the right to be heard thereon at a public meeting of the council. Such hearing shall be at a time and on a date set by the council within forty (40) days from the date of the issuance of the order of removal of such officer or employee. On the basis of the hearing, the city council may confirm or overrule the action of the city manager. All salaries and wages for appointive officers of the city, unless otherwise herein provided, shall be fixed by the city council, acting as a whole.

**Amended to read as follows:**

**Sec. 6.7. - Interference in personnel matters.**

Neither the mayor, the council, nor any of its members shall instruct or request the city manager or any of his subordinates to appoint to or remove from office or employment any person, except with respect to those offices which are to be filled by appointment by the council under the provision of this charter. Except for the purpose of inquiry and investigation, the mayor, the council, and its members shall deal with the administrative service of the city solely through the city manager, and shall not give orders to any of the city manager's subordinates either publicly or privately.

**AMENDMENT NO.7**

*Changes are proposed to Article VII. It is proposed to amend Sections 7.3, 7.8, 7.11, 7.13, 7.15, and 7.16, to repeal and replace Section 7.5, and to repeal Sections 7.6 and 7.7.*

*The amendments, repeals, and adoptions of 7.3, 7.5, 7.6, 7.7, 7.8, 7.11, 7.13, and 7.15 are proposed to permit the details of the budget preparation to be controlled by state law and the direction of the council, while ensuring an adequate role for public participation in the budget process. The budget hearing process is simplified from three sections to a single section which requires a fairly publicized single hearing, as well as such other hearings as required by state law. Finally, the section regarding publicizing the budget and making it available to citizens is modernized to more accurately reflect current methods of publicizing and providing access to such documents.*

*Section 7.16 is revised to eliminate the requirement that the depository bank be located in the City of Palestine, and to permit flexibility in the length of the agreement with a depository bank.*

**Amended to read as follows:**

**Section 7.3 – Preparation and submission of budget.**

The city manager shall submit to the council a proposed budget and an explanatory budget message as provided by state law and this Charter. The proposed budget shall be filed with the City Secretary and be available for public inspection according to state law.

~~**Section 7.5 – Notice of public hearing.**~~

~~At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget and shall cause to be published a notice of the place and time not less than ten (10) nor more than thirty (30) days prior to the hearing.~~

~~**Section 7.6 – Public hearing.**~~

~~At the time and place so advertised or at any time and place at which public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, to which all interested persons shall be given an opportunity to be heard, for or against the estimates or any items thereof.~~

~~**Section 7.7 – Adoption of budget.**~~

~~The budget shall be adopted by the favorable vote of at least a majority of the council as required by Texas state law.~~

**Amended to read as follows:**

**Sec. 7.5 – Public Hearings.**

The council shall hold at least one public hearing on the budget, and so many additional hearings as may be required by state law. Notice will be posted in the manner given for city council meetings, and as otherwise provided by state law. Persons shall be given the opportunity to be heard in favor of or in opposition to the budget or any part of the budget.

**Amended to read as follows:**

**Sec. 7.8 – Effective date of budget.**

Upon the final adoption, the budget shall be in effect for the budget year. A copy of the budget as finally adopted shall be filed with the City Secretary and the County Clerk of Anderson County. Copies as required by state law of the final budget shall be made available for the use of all offices, departments, and agencies, and for the use of interested persons and civic organizations.

**Amended to read as follows:**

**Sec. 7.11. - Budget message.**

The budget message submitted to the council shall be explanatory of the budget, and shall contain an outline of the proposed goals and objectives of the city for the budget year. It shall explain material changes from the previous year in expenditure and revenue.

**Amended to read as follows:**

**Sec. 7.13. - General budget items.**

- (a) The budget shall contain a complete financial plan for the fiscal year.
- (b) The total estimated expenditures of the various funds shall not exceed the total estimated resources of each fund (prospective income plus cash on hand).
- (c) Provisions shall be made in the annual budget ordinance authorizing the city manager to approve urgent and unforeseen emergency purchases, to be disclosed on the next regular City Council agenda.

**Amended to read as follows:**

**Sec. 7.15. - Audit.**

The city council shall cause an annual audit of the books of account and of all records and transactions of the administration of affairs of the city. Said audit shall be made annually embracing each fiscal year and shall be made by a public accountant licensed by the State of Texas. The duty of the accountant shall include the certification of all statements required by Section 7.14 herein; such statements shall include a general balance sheet showing summaries of income and expenditures and also comparisons, in proper classification, with the last previous audit; and such summaries shall be filed with the City Secretary within ten days after the completion of such audit. [Local Government Code §103.003]

**Amended to read as follows:**

**Sec. 7.16 – Depository.**

At the beginning of a fiscal year, the city council shall designate a bank as the city depository, which shall be selected for a period of two to five years. The bank that shall submit the most advantageous bid acceptable to the city council shall be selected, considering all community benefits. The city council shall have the right to reject any or all bids offered as city depository. The bank selected as such depository shall give adequate bond, or other security, as provided by law.

**AMENDMENT NO. 8**

*In Article VIII, changes are proposed to Sections 8.1, 8.5, 8.9, 8.14, 8.16, and 8.17, and a repeal of Section 8.10 is proposed.*

*Changes are proposed to Section 8.1 regarding compensation to the mayor and 8.2 regarding compensation for councilmembers to increase the compensation for the mayor to*

*\$2,400 per year and for councilmembers to \$1,600 per year, but to permit the mayor and councilmembers to decline their compensation. A change to Section 8.5 is recommended to make the charter consistent with state law.*

*Changes to the provisions regarding City officers were suggested. First, Sections 8.9, 8.14, and 8.16 are revised to recognize that these positions have been eliminated in current budgets, so the charter should be revised to ensure it is clear that there is no requirement that the position be filled. Section 8.10 regarding the "City depositor" is recommended to be repealed, as it is duplicative of Section 7.16. Finally, Section 8.17 is added to recognize the Director Development Services as a division director.*

**Amended to read as follows:**

**Sec. 8.1. - Compensation of mayor.**

The compensation of mayor shall be \$2,400 per year, payable in equal monthly installments. The mayor may decline the compensation.

**Amended to read as follows:**

**Sec. 8.2. - Compensation of councilmembers.**

The compensation of each councilmember shall be \$1,600 per year, payable in equal monthly installments. A Councilmember may decline the compensation.

**Amended to read as follows:**

**Sec. 8.5. - Residence requirement for city employees.**

City employees may be required to reside in the City only by a requirement enacted by the City Council that is consistent with state law.

**Amended to read as follows:**

**Sec. 8.9. - City tax assessor/collector.**

If the city council votes to have a city tax assessor/collector, the city tax assessor/collector shall be chosen solely on the basis of his training, ability, experience, and character. The city tax assessor/collector shall be directly responsible for the performance of all his duties including compliance with all controlling provisions of the state law bearing upon the functions of his office. The city tax assessor/collector shall give a corporate surety bond in the sum of not less than twenty-five thousand dollars (\$25,000.00), or such amount as may be prescribed by this charter or by the city council and payable to the City of Palestine. The council may require a new bond at any time, if in its opinion, the existing bond is insufficient. The city tax assessor/collector shall cause property holders to render their property for taxation in the manner prescribed by law or ordinance, except as otherwise provided by law.

**~~Section 8.10—City depositor.~~**

~~At the beginning of a fiscal year, the city council shall designate a bank in the City of Palestine as city depository which shall be let by contract as provided by Section 7.16. The city depositor shall be selected from the city depository for a period of not more than two (2) years.~~

**Amended to read as follows:**

**Sec. 8.14. - City engineer.**

If the city council votes to have a city engineer, the city engineer shall be a registered professional engineer and shall be chosen solely on the basis of his training, experience, ability

and character. The city engineer shall be appointed and removed from office by the city manager with the approval of the city council. He shall be responsible to the city manager for the performance of his duties, and shall perform such other duties of the city engineer as may be required of him by the city council.

**Amended to read as follows:**

**Sec. 8.16. - City physician.**

If the city council votes to have a city physician, the city physician shall be a licensed practicing physician. He shall be ex officio chairperson of all boards of health created by the city council.

**Amended to read as follows:**

**Sec. 8.17 – Director of Development Services**

The director of development services shall be chosen solely on the basis of knowledge, training, experience, ability, and character. The director of development services shall be appointed and removed from office by the city manager with the approval of the city council, shall be responsible to the city manager for the performance of the duties of the position, and shall perform such other duties as may be required by the city council.

**AMENDMENT NO. 9**

*Revisions are proposed to Sections 9.14 and 9.20 in Article IX.*

*The revision of Section 9.14 is proposed to make it consistent with state law on petitions and to make the language more understandable.*

*A change is proposed for Section 9.20 to eliminate a potential problem if the number of votes for recall equaled the number of votes opposing recall. The previous language stated the outcome if a majority were for or if a majority was against, but did not provide for a clear outcome if it was a tie. The changed language indicates that a majority is necessary to remove the candidate from office. If there is no majority in favor, the councilmember remains in office.*

**Amended to read as follows:**

**Sec. 9.14. - Form of recall petition.**

The recall petition mentioned above must be addressed to the City Council of Palestine and must distinctly and specifically point out the grounds for removal, and shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things supporting the charges. The petition shall be verified by oath in the following form:

THE STATE OF TEXAS )(   
 COUNTY OF ANDERSON )(

I, \_\_\_\_\_, being first duly sworn, on oath depose that I am one of the signers of the above petition, that the statements made therein are true, that each signature on the petition was made in my presence on the day and date it purports to have been made, that each signature is the genuine signature of the person whose name it purports to be.

SUBSCRIBED and SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D.  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Texas

**Amended to read as follows:**

**Sec. 9.20. - Result of recall election.**

If a majority vote of the votes cast at such election be "YES," that is, for the recall, the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as vacancies in the city council are filled. Otherwise, the officer shall continue in office for the remainder of the unexpired term, subject to further recall as permitted by Section 9.21.

**AMENDMENT NO. 10**

*Changes to Sections 10.3, 10.5, and 10.6, and a new Section 10.15, are proposed.*

*Section 10.3 is proposed to be revised to recognize that the revenue collected from users of the right of way is typically referred to as a franchise fee.*

*Section 10.5 is proposed to be revised to eliminate a deadline for completion of the tax rolls, when such completion is not within the control of the city and is subject to state law.*

*Section 10.6 is proposed to be revised to make the provisions regarding tax liens and foreclosures consistent with current practice and state law.*

*New Section 10.15 is proposed to ensure that the City is authorized to collect any taxes, such as the hotel occupancy tax, that is permitted by state law. The Texas Legislature revises tax laws constantly, and had recently focused on local government taxation. This section would give the city necessary flexibility if a traditional revenue source is eliminated and replaced with some new revenue source that is currently unknown and therefore not provided for in the charter.*

**Amended to read as follows:**

**Sec. 10.3. - Franchise Fee.**

The city shall have the right and power to levy and collect annually a franchise fee from any utility corporation using and occupying the public streets and grounds of the city, separately from the tangible property of such corporations, and to levy annually upon the property and shares of corporations, companies and corporate institutions as the same are now, or may be, assessed hereafter by the state laws, and shall have full power to enforce the collection of such taxes.

**Amended to read as follows:**

**Sec. 10.5. - Taxes, when due and payable.**

All taxes due the City of Palestine, shall be payable to the office of the city tax assessor/collector or the officer empowered to collect taxes, and may be paid at any time after the tax rolls for the year have been completed and approved. Taxes shall be paid on or before January 31st, and all such taxes not paid prior to such date shall be declared delinquent and shall

be subject to such penalty and interest as may be provided by state law. The city council may by ordinance provide that all taxes, either current or delinquent due the city, may be paid in installments.

*A revision of Section 10.6 is recommended to eliminate language that is inconsistent with current law and to reflect current practice.*

**Amended to read as follows:**

**Sec. 10.6. – Seizure and sale of personal property.**

The assessor/collector of taxes, or any other officer empowered by law and, if required, by interlocal agreement to collect taxes, shall have the power and authority to seize and sell personal property subject to ad valorem taxation, if the tax owed is delinquent, under the provisions of Chapter 33, Subchapter B, of the Texas Tax Code, or any successor state law.

**Amended to read as follows:**

**Sec. 10.15. – Other taxes.**

The city council shall have the authority to assess and collect such other taxes as are authorized by state law.

**AMENDMENT NO. 11**

*A revision to Section 11.5 and a new Section 11.12 are proposed in Article XI. The revision to section 11.5 to reflect current methods of publicizing city actions. A new section 11.12 is recommended to require more frequent reviews than have been historically done.*

**Amended to read as follows:**

**Sec. 11.5 – Publication of Ordinances; codification exempt.**

Every ordinance imposing a penalty, fine, imprisonment or forfeiture for violation of the provisions thereof shall, after the passage of the same be published on the City's website and printed in a daily paper published in the city two (2) times within ten (10) days, and shall not take effect until ten (10) days after such publication has been completed. The city secretary shall note on such ordinances as are required to be published the fact that the same have been published as required by the charter, and the date of such publication, which shall be prima facie evidence of such publication, provided that the provisions of this section shall not apply to zoning laws or revision and codification of the ordinances of the city as the council may from time to time adopt.

*A new section 11.12 is recommended to require more frequent reviews than have been historically done.*

**Amended to read as follows:**

**Sec. 11.12 – Periodic Review of Charter.**

The City Council shall provide for a review of the Charter no later than 5 years following the most recent review. For the purposes of this section, a review of the Charter means a comprehensive article-by-article review of the Charter by the City Council with a vote on whether to refer amendments to the citizens, or the appointment by the City Council of a charter review committee and the receipt of a report by the Council of a review from that committee.

**AMENDMENT NO. 12**  
**TECHNICAL NON-SUBSTANTIVE AMENDMENTS**

*A large number of changes throughout the charter are recommended for the purpose of clarity, eliminating arcane language and jargon, eliminating gender-specific language, and avoiding confusion. The changes in Amendment 12 are not intended to be substantive changes. The nonsubstantive changes in Amendment 12 are not reflected in proposed Amendments 1 through 11, and the proposed changes in Amendments 1 – 11 are not reflected in Amendment 12. If both amendments pass, both changes will be made.*

**ARTICLE I. - NAME, FORM OF GOVERNMENT AND BOUNDARIES**

**Sec. 1.3. - The boundaries.**

The boundaries of the City of Palestine, Texas, shall be the same as have been established and as they existed on the day of ratification of this charter.

**Sec. 1.4. - Extension of boundaries.**

The boundaries of the City of Palestine may be enlarged and extended by the annexation of additional territory by any of the methods hereinafter designated:

- (a) Extending limits in accordance with Chapter 43 of the Texas Local Government Code: Where such additional territory adjoins the corporate limits of the city and contains 3 or more inhabitants qualified to vote for members of the state legislature, such adjacent territory may be annexed to the city in the manner and in conformity with procedure set forth in Chapter 43 of the Texas Local Government Code, as now or hereafter amended.
- (b) Extension of limits by annexation: The city council may, by ordinance, annex territory lying adjacent to the city, with or without the consent of the territory or the inhabitants annexed.
- (c) Annexation of unoccupied lands on petition of owners: The owners, or owner, of any land which is without residents, or on which fewer than 3 voters reside, contiguous and adjacent to the city may, by petition in writing to the city council, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The city council shall thereafter hear such petition and arguments for and against the same, and grant or refuse such petition as the city council may see fit. If the city council grants such petition, it may by proper ordinance receive and annex such territory as a part of the city.
- (d) Compliance: Any proceeding for annexation under the provisions of this article shall comply with the terms and conditions of Chapter 43 of the Texas Local Government Code.
- (e) Upon completion of any one of these procedures, the annexed territory shall become a part of the city, and its residents shall be entitled to all the rights and privileges of other citizens of the city and shall be bound by the acts, ordinances, resolutions, and regulations of the city.

**Sec. 1.5. - Rules for contraction of boundaries.**

Whenever there exists within the corporate limits of the City of Palestine adjoining its outer boundaries any territory not suitable or necessary for orderly planning and development of the city, the city council may, upon a petition signed by a majority of the qualified voters residing in

such territory, if the same be inhabited, or upon a petition of the owner or owners, if same be uninhabited, by ordinance duly passed, deannex such property as a part of said city; from and after the entry of such ordinance, said territory shall cease to be a part of said city.

## ARTICLE II. - ENUMERATED POWERS

### **Sec. 2.2. - Boundaries of city.**

To fix the boundary limits of said city, to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, to provide for the disannexation of territory within such city, and to provide for the exchange of territory with other cities or towns, according to such rules as may be provided by said charter not inconsistent with the procedural rules prescribed by the Municipal Annexation Act, Chapter 43 of the Texas Local Government Code.

### **Sec. 2.10. - Control and management of city finances; prescribing fiscal year; issuance of bonds for public improvements.**

To control and manage the finances of the city; to prescribe its fiscal year and fiscal arrangements; to issue bonds upon the credit of the city for the purpose of making permanent public improvements or for other public purposes in the amount and to the extent provided by such charter, and consistent with the Constitution of the State of Texas, provided that said bonds shall have first been authorized by a majority vote by the duly qualified voters voting at an election held for that purpose. Thereafter, all such bonds shall be submitted to the attorney general for approval, and the comptroller for registration, as provided by law, provided that any such bonds, after approval, may be issued by the city, either optional or serial or otherwise as may be deemed advisable by the governing authority.

### **Sec. 2.11. - Ownership, erection, maintenance and operation of waterworks and waterworks systems.**

To have the exclusive right to own, erect, maintain, and operate waterworks and waterworks system for the use of any city and its inhabitants, to regulate the system and have power to prescribe rates for water furnished and to acquire by purchase, donation, or otherwise, suitable grounds within and without the limits of the city on which to erect any such works and the necessary right-of-way, and to do and perform whatsoever may be necessary to operate and maintain the waterworks or waterworks system and to compel the owners of all property to pay all charges for water furnished upon such property and to fix a lien upon such property for any such charges; to provide that all receipts from the waterworks may, in its discretion, constitute a separate or sacred fund, which shall be used for no other purpose than the extension, improvement, operation, maintenance, repair and betterment of said waterworks system or waterworks supply, and to provide for the pledging of any such receipts and revenues for the purpose of making any such improvements, and the payment of the principal and providing an interest and sinking fund for any bonds issued therefor under such regulations as may be provided by the charter adopted by the city.

### **Sec. 2.12. - Use of streets, alleys or city grounds by public utilities; limitation of franchises.**

To prohibit the use of any street, alley, highway or grounds of the city by any telegraph, telephone, electric light, street railway, gas company, or any other character of public utility without first obtaining the consent of the governing authorities expressed by ordinance and upon paying such compensation as may be prescribed and upon such condition as may be provided by

any such ordinance. To determine, fix, and regulate the charges, fares, or rates of any person, firm, or corporation enjoying, or that may enjoy, the franchise or exercising any other public privilege in the city; to prescribe the kind of service to be furnished by such person, firm, or corporation, and the manner in which it shall be rendered; and from time to time alter or change such rules, regulations, and compensation; provided that in adopting such regulations and in fixing, changing, or determining the reasonableness of such compensation, no stock or bonds authorized or issued by any corporation enjoying the franchise shall be considered unless on proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received in accordance with the laws and constitution of the state. In order to ascertain all facts necessary for the proper understanding of which is or should be a reasonable rate or regulation, the city shall have full power to inspect the books and compel the attendance of witnesses for such purpose.

**Sec. 2.16. - Exclusive jurisdiction over public streets and grounds; special assessments for street improvements.**

To have exclusive dominion, control, and jurisdiction in, over, and under the public streets, avenues, alleys, highways, and boulevards, and public grounds of the city; and to provide for the improvement of any public street, alleys, highways, avenues, or boulevards by paving, raising, grading, filling or otherwise improving the same, and to have the power to charge the cost of making such improvement and fix a lien against the abutting property, and to make a personal charge against the owner of the abutting property according to an assessment specially levied in an amount not to exceed the special benefit any such property received in enhanced value by reason of making such improvement; and to provide for the issuance of assignable certificates covering the cost to the city, provided that the charter shall apportion the cost to be paid by the property owners and the amount to be paid by the city, and provided further, that all street railways, steam railways, or other railways may be required pay the cost of improving the said street between and for two feet on either side of the rails and tracks of any such railway companies. The city shall have the power to provide for the construction and building of sidewalks, including the curb, and to make a special charge against the owner of the abutting property for such cost and to provide by special assessment a lien against such property for such cost; to have the power to provide for the improvement of any sidewalk or the construction of any such curb by penal ordinance and to declare defective sidewalks to be a public nuisance. The power herein granted for making street improvements and assessing the cost by special assessment in the manner herein stated shall be exercised in a manner consistent with state law, and shall not be exercised until a public hearing is held regarding the special assessment, but shall not be construed to prevent the city from adopting any other method or plan for improvement of its streets, sidewalks, alleys, curbs, or boulevards, as it may deem advisable by its charter.

**Sec. 2.18. - Removal of obstructions on streets or alleys; altering or abandoning streets or alleys; control of building moving on streets.**

To control, regulate, and remove all obstructions or other encroachments or encumbrances on any public street, alley, or ground, and to narrow, alter, widen, or straighten any such streets, alleys, avenues, or boulevards, and to vacate and abandon and close any such streets, alleys, avenues, or boulevards, and to regulate and control the moving of buildings or other structures over and upon the streets or avenues of the city.

**Sec. 2.30. - Extension of franchises.**

To require waterworks corporations, gas companies, streetcar companies, telephone companies, telegraph companies, electric light companies, or other companies or individuals enjoying a franchise now or hereafter from the city, to make and furnish extensions of their service to such territory as may be required by the charter.

**Sec. 2.31. - Acquisition of public utility.**

To acquire any public utility using and occupying its streets, alleys, and avenues, to obtain funds for the purpose of acquiring the public utility by issuing bonds, notes, or other evidence of indebtedness and securing the indebtedness by fixing a lien only upon the properties constituting the public utility so acquired, and to adopt further regulations for the proper financing of the acquisition.

**Sec. 2.33. - Energy conservation standards for construction of buildings.**

To require all buildings to be constructed in accordance with energy conservation standards included in the building code, if any.

**Sec. 2.34. - Adoption of ordinance for demolition or repair of dilapidated, substandard or hazardous buildings.**

To adopt an ordinance which requires the demolition or repair of buildings which are dilapidated, substandard, or unfit for human habitation, and which constitute a hazard to the health, safety, and welfare of the citizens. The ordinance must establish minimum standards for continued use and occupancy of structures, and these standards shall apply to buildings regardless of when they were constructed. The ordinance must provide for proper notice to the owner and a public hearing. After the hearing, if the building is found to be substandard, the city may direct that the building be repaired or removed within a reasonable time. After the expiration of the allotted time, the city has the power to remove the building at the expense of the city and assess the expenses on the land on which the building stood or to which it was attached and may provide for that assessment, the mode and manner of giving notice, and the means of recovering the removal expenses.

**Sec. 2.35. - Enforcement of ordinances by fine.**

To enforce its ordinances by a fine not to exceed that allowed by the State of Texas.

**Sec. 2.36. - Municipal court and judge.**

There shall be a court for the trial of misdemeanor offenses known as the municipal court, with such powers and duties as are defined and prescribed by statute. The presiding officer of said court shall be known as the judge of the municipal court, shall be appointed by the city council, shall be a qualified voter of the city, and shall hold office until removed. The municipal judge shall have the power to administer oaths, give certificates, and keep the records of municipal court. The city council, by ordinance, may provide for additional associate judges and temporary or relief judges, as authorized by Section 29.007 of the Texas Government Code, and as hereafter amended.

**ARTICLE III. - LEGISLATIVE PROCEDURE**

**Sec. 3.5. - Conflict of interest.**

Neither the mayor nor any member of the city council, nor any elective or appointive officer of the city, shall be directly or indirectly interested in any work, business, or contract, the

expense, price, or consideration of which is paid by the city or any of its departments, or by any assessment levied by ordinance or resolution of the council, nor be the surety of any person having any contract, work, or business with the city, for the performance of which security may be required, nor be the surety on the official bond of any other officer of the city. All contracts in violation of the provisions of this section shall be voidable and any violator of the provisions of this section shall be subject to removal from office.

**Sec. 3.6. - Receipt of gratuities prohibited.**

The mayor, city councilmembers, officers, or employees of the city shall not accept or receive, directly or indirectly, from any person operating within the territorial limits of the city, or from any public utility or other business using or operating under a public franchise, any special privileges, free ticket, or free service, or accept or receive, directly or indirectly, from any such person, any service upon terms more favorable than is granted to the public generally. Any violation of the provision of this section shall render vacant the office of the person violating it.

**ARTICLE IV. - THE CITY COUNCIL; ORGANIZATION, POWERS**

**Sec. 4.1. - Number.**

The legislative and governing body of the city shall consist of a mayor and six councilmembers and shall be known as the "City Council of the City of Palestine."

**Sec. 4.2. - Selection.**

- (a) The mayor shall be elected from the city at large.
- (b) Each councilmember shall be elected from one of six districts. The boundaries of the six districts shall be shown by plat and made a part of this charter. The city council may change the boundaries of any district to conform with any state and federal laws concerning voting rights.
- (c) In each even-numbered year, councilmembers shall be elected from Districts 1, 3 and 5. In each odd-numbered year, councilmembers shall be elected from Districts 2, 4, and 6 and a mayor shall be elected from the city at large.

**Sec. 4.3. - Presiding officer.**

The mayor shall be the presiding officer of the city council and shall be recognized as head of the city government for all ceremonial purposes. The mayor shall perform such other duties as may be prescribed and conferred by law or the city council. The mayor may vote for or against every measure coming before the council, and the same as any other member of the council, except as herein otherwise provided. The mayor shall have no power to veto any measure, but every resolution or ordinance passed by the council must be signed by the mayor, or by two councilmembers, and be recorded, before the same shall be in force.

**Sec. 4.4. - Term.**

The mayor and each councilmember shall hold office for a period of two years and serve until a successor is elected and qualified. All elections shall be held in the manner provided in Article V of this charter. The mayor or councilmembers shall take office at the next regular meeting of the council after they are elected or appointed.

**Sec. 4.5. - Qualifications.**

- (a) The mayor shall be a resident citizen of the City of Palestine, at least 21 years of age, and a qualified voter of the State of Texas and shall have been a resident of the City of Palestine for a period of not less than twelve months immediately preceding the election.
- (b) Each councilmember shall be a resident citizen of the City of Palestine, at least 21 years of age, shall have been a resident of the City of Palestine and the applicable district for a period of six months immediately preceding the election, and shall be a qualified voter of the State of Texas.
- (c) If the mayor or any councilmember fails to maintain the foregoing qualifications, or has delinquent indebtedness to the city, or shall be absent from three consecutive regularly scheduled meetings without valid excuse, or shall move from the district the councilmember represents, the city council must, at its next regularly [scheduled] meeting, declare a vacancy to exist and shall fill said vacancy as set forth in Section 4.8 of this charter.

**Sec. 4.7. - Mayor pro tem.**

The city council, at its first regular meeting after election of councilmembers, shall elect one of its members mayor pro tem, who shall perform all the duties of the mayor in the absence or disability of the mayor.

**Sec. 4.8. - Vacancies.**

When a vacancy occurs in the city council or mayor, the remaining members of the council shall, within ten days, appoint a qualified person from the vacated district to fill the unexpired term. In case a vacancy has been filled by the city council within 12 months prior to the subsequent vacancy, or occurs at the same time, or before a prior vacancy has been filled, the city council shall call a special election within ten days from the date of the last vacancy occurring, to be held on the first day as provided by the Texas Election Code for the purpose of electing the successors to the office or offices vacated as stipulated by the State of Texas.

**Sec. 4.9. - Rules of procedure.**

The city council shall determine its own rules of procedure and may compel the attendance of its members. A majority of the members of the city council shall constitute a quorum to do business and the affirmative vote of four members of the city council shall be necessary to adopt any ordinance, resolution, appointment or other official action and this provision shall control over any other provisions in the charter to the contrary. Minutes of the proceedings of all meetings of the city council shall be kept, to which any citizen may have access at all reasonable times. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the city secretary.

**ARTICLE V. - ELECTIONS**

**Sec. 5.2. - Regulation of elections.**

The city council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by election authorities appointed by the

council who shall also have power to make regulations not inconsistent with this charter or with any regulations made by the council or the laws of the State of Texas.

**Sec. 5.3. - Filing for office.**

Any person having the qualifications set forth for mayor or councilmember under the preceding Article IV, shall have the right to file an application to be placed on the official ballot as a candidate for mayor or councilmember respectively. The application shall be in writing signed by such candidate and accompanied by the loyalty affidavit prescribed by § 141.031(4)(k) of the Texas Election Code, and shall be filed with the city secretary not less than 30 days before the election. In computing the 30 days, the date of filing and the date of the election shall not be counted prior to the date of election. This shall entitle such applicant to a place on the official ballot.

**Sec. 5.4. - The official ballot.**

The names of all candidates for office, except such as may have withdrawn, died, or become ineligible, shall be printed on the official ballots without party designations in the order determined in a drawing of lots conducted by the city secretary under the direction of the council. All official ballots shall be printed at least 20 days prior to the date of any general or special election, and absentee voting shall be governed by the general election laws of the State of Texas. Above the names of the candidates for mayor there shall be printed the words "Vote for one only" and above the names of the candidates for councilmember, there shall appear "Vote for one only."

**Sec. 5.5. - Election by majority.**

At any regular or special municipal election, the candidate who shall have received the majority of votes cast for any office in such elections shall be declared elected. In the event there is no majority or a tie makes it impossible to determine the winning candidate or candidates, the council shall cause to be held a runoff election between the two candidates receiving the most votes, not more than 30 days after canvass of the special or regular election. The candidates can agree on an alternate method in case of a tie vote.

**Sec. 5.7. - Conducting and canvassing elections.**

The election judges and other necessary election officials for conducting all such elections shall be appointed by the city council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of Texas. Within five days, or as soon as practical after an election, the city council shall meet, open the returns, canvass, and officially declare the results of the election.

**Sec. 5.8. - Oath of office.**

Every officer of the city shall, before entering upon the duties of office, take and subscribe to the oath of office as provided by the laws and statutes of the state.

**ARTICLE VI. - COUNCIL-MANAGER FORM OF GOVERNMENT**

**Sec. 6.1. - Appointment and qualifications of city manager.**

The council, by a majority vote of the entire council, shall appoint a city manager who shall be the chief administrative and executive officer of the city. The City Manager shall be chosen by the council solely on the basis of executive and administrative training, experience, ability, character, and need not when appointed be a resident of the city. However, the City Manager shall become a resident of the city immediately after appointment unless otherwise specifically excused by the council.

**Sec. 6.3. - Powers and duties of city manager.**

The city manager shall be responsible to the council for the proper administration of all the affairs of the city. The powers and duties herein conferred upon the city manager shall include, but shall not be limited to, the following:

- (a) To appoint and remove any officer or employee of the city except those officers and employees whose appointment or election is otherwise provided for by law or by this charter.
- (b) To prepare the budget annually, submit it to the council, and be responsible for its administration after its adoption.
- (c) To keep the council informed of the financial condition of the city and make recommendations of current and future needs of the city as may seem desirable.
- (d) To attend all meetings of the council, with the right to take part in the discussion, but having no vote. The city manager shall be entitled to notice of all special meetings.
- (e) To execute deeds, deeds of trust, easements, releases, and all other legal instruments on behalf of the city when authorized by ordinance or resolution of the city council.
- (f) To see to it that the city lives within its budget.
- (g) To perform such other duties as may be prescribed by this charter or by ordinance or resolution of the council.

**Sec. 6.4. - Directors of departments.**

At the head of each department there shall be a director who shall be appointed by the city manager and confirmed by a majority of the council, and who may be removed by the city manager, except the city attorney and the judge of the municipal court, who shall be appointed and removed by the city council. Such director shall have supervision and control over the department. Two or more departments may be headed by the same individual, and the city manager may head one or more departments. In the event of a vacancy at the head of a department, the city manager shall appoint an acting director of such department who shall serve until such vacancy is filled.

**Sec. 6.5. - Term of officers.**

All appointive offices and employment shall be for an indefinite period, but any appointive officer or employee may be removed or discharged at any time by the city manager, except for members of boards, commissions and committees appointed under Section 6.6 of the charter. If removed at any time after having served six months, the employee may, within ten days after the order of removal, demand written charges, specifying the grounds for removal and the right to be heard thereon at a public meeting of the council. Such hearing shall be at a time and on a date set by the council within 40 days from the date of the issuance of the order of removal of such officer or employee. On the basis of the hearing, the city council may confirm or overrule the action of the city manager. All salaries and wages for appointive officers of the city, unless otherwise herein provided, shall be fixed by the city council, acting as a whole.

**Sec. 6.6. - Boards, commissions and committees.**

The mayor, with advice of the city council, shall submit all appointments of members of boards, commissions, or committees of the City of Palestine, whether the same are created by this charter, ordinance, or state law, and such appointments shall be subject to confirmation of the city council.

**Sec. 6.7. - Interference in personnel matters.**

Neither the council nor any of its members shall instruct or request the city manager or any other city employee to appoint to or remove from office or employment any person, except with respect to those offices which are to be filled by appointment by the council under the provision of this charter. Except for the purpose of inquiry and investigation, the council and its members shall deal with the administrative service of the city solely through the city manager, and shall not give orders to any of the city manager's subordinates either publicly or privately.

ARTICLE VII. - BUDGET

**Sec. 7.9. - Budget establishes appropriations.**

From the effective date of the budget, the proposed expenditures shall be appropriated to the objects and purposes named in the budget. The city council may amend the budget to provide for the appropriation of additional funds received by the city which were not taken into consideration in the original budget, or to remove funds from one section of the budget to another.

**Sec. 7.11. - Budget message.**

The budget message submitted to the council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the city for the budget year, and shall describe the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in expenditure and revenue items and shall explain any major changes in financial policy.

**Sec. 7.14. - Accounting procedure.**

An accounting procedure shall be devised and maintained for the city adequate to record in detail all transactions affecting the acquisition, custodianship, and disposition of anything of value, including cash receipts, credit transactions, and disbursements, and the recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules in detail as shall be necessary to show the full effects of such transactions for each fiscal year upon the finances of the city and in relation to each office, department, or agency of the city government including distinct summaries and schedules for each public utility owned and operated.

**Sec. 7.15. - Audit.**

The city council shall cause a continuous audit of the books of account and of all records and transactions of the administration of affairs of the city. Said audit shall be made annually embracing each fiscal year and shall be made by a public accountant licensed by the State of Texas. The duty of the accountant shall include the certification of all statements required by Section 7.14; such statements shall include a general balance sheet showing summaries of income and expenditures and also comparisons, in proper classification, with the last previous

audit; and such summaries shall be published in the official newspaper of the city one time within ten days after the completion of such audit.

**Sec. 7.17. - Control of finances.**

The council shall have the management and control of the finances of the city, except as otherwise herein provided. The city council shall have the power to appropriate money and provide for the payment of debts and expenses of the city, to provide by ordinance special funds for special purposes, and to make the same disbursable only for such purposes, and to impose proper penalties for enforcing the same, and to this end, the council is authorized and empowered to receive gifts of donations from individuals, firms, or corporations for streets and other public improvements or for any other legitimate purpose, and such gifts or donations shall not be used for any other purpose than that for which they were given, unless authorized by the donor or the donor's representative in writing.

ARTICLE VIII. - OFFICERS AND EMPLOYEES

**Sec. 8.1. - Compensation of mayor.**

The compensation of mayor shall be \$1,200.00 per year, payable in equal monthly installments.

**Sec. 8.2. - Compensation of councilmembers.**

The compensation of each councilmember shall be \$800.00 per year, payable in equal monthly installments.

**Sec. 8.3. - Appointive officers.**

The following officers shall be appointed by the city council to serve until removed from office by a majority vote of the city council: city manager, city attorney and the judge of the municipal court. All salaries and wages for the appointive officers and employees of the city, unless otherwise provided in the charter, shall be fixed by a majority vote of the city council. The salaries of such officers and employees may be increased or decreased at any time by a majority vote of the council.

**Sec. 8.4. - Creation of new positions.**

The city council shall have the right to create such new offices or employment as may in their opinion be necessary for the welfare of the city, and impose such duties upon the holders of such offices as they may see proper; and the city council may abolish at any time any office or employment so created by them.

**Sec. 8.5. - Residence requirement for city employees.**

All appointed officers, directors of departments and city employees need not, when appointed by the city council or city manager, be residents of the city. However, they shall become residents of the City of Palestine immediately after appointment, unless otherwise specifically excused by this charter or ordinance of city council.

**Sec. 8.7. - City attorney.**

The city attorney shall be a regularly licensed by the State of Texas attorney at law. The city attorney shall represent the city in all litigation and controversies, pass upon all proposed ordinances granting franchises of any kind, and in the event the city attorney disapproves of any

such ordinances, it shall be the city attorney's duty to file legal written objections with the city council. It shall be the duty of the city attorney to inspect and pass upon all papers, documents, contracts, and other instruments in which the city might be interested. The city attorney shall be the legal advisor of the mayor, and of the city council, or any committee of the council, and of all city officers and employees with respect to any legal question involving an official duty or any other matter pertaining to the affairs of the City of Palestine. The city attorney shall perform such other duties as the city council may direct. Whenever it shall be brought to the city attorney's knowledge through the affidavits of 10 creditable persons that any persons, firms or corporations exercising or enjoying any franchise or privilege from the City of Palestine have been guilty of a breach of any condition of such franchise or privilege, or have failed to comply in any material manner with the terms and stipulations of such franchise or privilege, it shall be the city attorney's duty to report the breach or failure to comply to the city council, together with all relevant facts. If the city council shall determine that the complaints are well founded, it shall be the city attorney's duty to take such actions as may be necessary, and in the event the offending corporation, firm, or person shall fail or refuse to conform to the orders of the council, it shall be the duty of the council to direct the city attorney to institute suit in the court having jurisdiction against such corporation, firm, or person, for a judgment of forfeiture of franchise or privilege, or any other proper judgment. It shall be the city attorney's duty to see that all penal ordinances of the city are impartially enforced. Whenever deemed expedient, the city council may employ other attorneys.

**Sec. 8.8. - City secretary.**

The city secretary shall be appointed by the city manager and confirmed by a majority vote of the council, and may be removed by the city manager with the approval of the city council. It shall be the city secretary's duty to attend all meetings of the city council, and to keep accurate minutes of the proceedings, and to record the same in a book or books provided for that purpose, to prepare and keep in order all books, papers and documents, records, and files of the council, to countersign all commissions and licenses issued by the mayor, and to keep a record of such. The city secretary shall perform such other and further duties as may be required by law or by the city manager, by ordinance or otherwise. The city secretary shall have custody of all ordinances of the city and of papers and records of the city council and of the seal of the corporation and shall affix the same to only documents and obligations of the city as may be legally authorized.

**Sec. 8.9. - City tax assessor/collector.**

The city tax assessor/collector shall be chosen solely on the basis of training, ability, experience, and character. The city tax assessor/collector shall be directly responsible for the performance of all official duties including compliance with all controlling provisions of the state law bearing upon the functions of the office. The city tax assessor/collector shall give a corporate surety bond in the sum of not less than twenty-five thousand dollars (\$25,000.00), or such amount as may be prescribed by the city council payable to the City of Palestine. The council may require a new bond at any time, if in its opinion, the existing bond is insufficient. The city tax assessor/collector shall cause property holders to render their property for taxation in the manner prescribed by law or ordinance, except as otherwise provided by law.

**Sec. 8.10. - City depositor.**

At the beginning of a fiscal year, the city council shall designate a bank in the City of Palestine as city depository which shall be let by contract as provided by Section 7.16. The city depositor shall be selected from the city depository for a period of not more than two years.

**Sec. 8.11. - Director of finance.**

There shall be a department of finance, the head of which shall be the director of finance. The director of finance shall have knowledge of municipal accounting, banking, and municipal bonds and shall have had at least four years' experience gained through employment in budgeting, accounting, taxation, and financial control. The city director of finance shall provide a corporate surety bond in the sum of not less than twenty-five thousand dollars (\$25,000.00), or as may be prescribed by the city council and payable to the City of Palestine.

**Sec. 8.12. - Chief of police.**

The chief of police shall be the chief administrative officer of the department of police, shall preserve order within the city and make secure the residents of the City of Palestine, shall perform such duties as may be required by the city council, and shall, with the approval of the city manager, appoint and remove the employees and police personnel of said department. The chief of police shall be appointed by the city manager with the approval of the city council for an indefinite term, as provided by § 341.001 et seq. of the Texas Local Government Code. The chief of police shall meet the standards of § 143.001 et seq. of the Texas Local Government Code and shall be responsible to the city manager for the administration of the department and the carrying out of the directives of the city council. The chief of police may be removed from office by the city manager with the approval of the city council.

**Sec. 8.13. - Fire chief.**

The fire chief shall perform duties such as may be required by the city council, plan, organize, and coordinate the prevention and suppression of structural and brush fires and provision of rescue services, take command of major fires, oversee the maintenance of fire stations and equipment, and develop and conduct training programs for fire personnel. The fire chief shall be chosen solely on the basis of comprehensive knowledge of the principles and practices of modern firefighting, of the law, ordinances, rules, and regulations pertaining to the operation of a municipal fire department, of operation and maintenance of firefighting equipment, and of first aid. The fire chief shall be appointed by the city manager with the approval of the city council for an indefinite term, as provided by § 341.001 et seq. of the Texas Local Government Code. The fire chief shall meet the standards of § 143.001 et seq. of the Texas Local Government Code, and shall be responsible to the city manager for the administration of the department and the carrying out of the directives of the city council. The fire chief may be removed by the city manager with the approval of the city council.

**Sec. 8.14. - City engineer.**

The city engineer shall be a registered professional engineer and shall be chosen solely on the basis of training, experience, ability, and character. The city engineer shall be appointed and removed from office by the city manager with the approval of the city council, shall be responsible to the city manager for the performance of the duties of the position, and shall perform such other duties of the city engineer as may be required by the city council.

**Sec. 8.15. - Director of public works.**

The director of public works shall be chosen solely on the basis of knowledge, training, experience, ability, and character. The director of public works shall be appointed and removed from office by the city manager with the approval of the city council, shall be responsible to the

city manager for the performance of the duties of the position, and shall perform such other duties of the director of public works as may be required by the city council.

**Sec. 8.16. - City physician.**

The city physician shall be a licensed practicing physician, and shall be ex officio chairperson of all boards of health created by the city council.

**ARTICLE IX. - INITIATIVE, REFERENDUM AND RECALL**

**Sec. 9.1. - Power of initiative.**

The electors shall have the power to propose any ordinance except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. An initiative petition is valid only if it is signed by registered and qualified electors of the city equal in number to or greater than 20 percent of the votes cast for governor by registered and qualified voters of the City of Palestine in the most recent general election at which that office was filled. Each signer must enter the date the petition is signed next to the signature. A signature may not be counted if the signer fails to date it or if the date of signing is earlier than 90 days before the date the petition is submitted. In addition to the signature and date, the current voter registration number, printed name, and residence address must also appear by each name. There must be no less than 300 signatures on the petition.

**Sec. 9.2. - 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, such power being known as the referendum, except in cases of bond, warrant and note ordinances, and ordinances making the annual tax levy. Ordinances submitted to the council by initiative petition and passed by the council without change shall be subject to the referendum in the same manner as other ordinances. Ordinances subject to a referendum may be challenged by submitting a petition to the city secretary. The referendum petition is valid only if signed by registered and qualified voters of the city in a number equal to or greater than 20 percent of the number of votes cast for governor by registered and qualified voters of the City of Palestine in the most recent general election at which that office was filled. Each signer must enter the date the petition is signed next to the signature. A signature may not be counted if the signer fails to date it or if the date of signing is earlier than 90 days before the date the petition is submitted. In addition to the signature and date, the current voter registration number, printed name, and residence address must also appear by each name. A petition may be submitted to the city secretary concerning any ordinance subject to a referendum and the ordinance must be either repealed or submitted to the vote of the electors. There must be no less than 300 signatures on the petition.

**Sec. 9.3. - Form of petition, committee of petitioners.**

Initiative petition papers shall contain the full text of the proposed ordinance. The signatures of initiative or referendum petitions need not all be appended to one paper, but to each separate petition, there shall be attached an affidavit of the circulator that the petition was circulated only by the circulator, that it bears a stated number of signatures, that all signatures that appear thereto were made in the presence of the circulator, and that the circulator believes them to be the genuine signatures of the persons whose names they purport to be.

#### **Sec. 9.4. - Filing, examination and certification of petitions.**

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city secretary as one instrument. Within 10 days after the petition is filed, the city secretary shall determine whether the petition is signed by a sufficient number of registered and qualified voters. The city secretary shall declare any petition paper entirely invalid which does not have an affidavit signed by the circulator attached. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing the examination of the petition, the city secretary shall certify the result of the examination to the council at its next regular meeting. If the city secretary shall certify that the petition is insufficient, the reason for the insufficiency shall be set forth in the certification of the city secretary, stating the particulars in which the petition is defective and the city secretary shall at once notify the circulator of such findings.

#### **Sec. 9.5. - 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 which additional papers signed and filed, as provided in case of an original petition. The city secretary shall, within five days after such an amendment is filed, make examination of the amended petition and, if the petition is still insufficient, a certificate shall be filed to that effect in the office of the city secretary and the circulator shall be notified of findings of the city secretary and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

#### **Sec. 9.6. - Consideration by council.**

Whenever the council receives a certified initiative or referendum petition from the city secretary, it shall proceed at its next regular scheduled meeting to consider said petition. A proposed initiative ordinance shall be read and provisions shall be made for a public hearing upon the proposed ordinance. The council shall take final action on the ordinance not later than 30 days after the date on which such ordinance was submitted 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. 9.7. - Submission to electors.**

If the council shall fail to pass an ordinance proposed by the initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors at the next authorized election date that is more than 30 days after the passage by the council.

#### **Sec. 9.9. - Results of election.**

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

#### **Sec. 9.12. - Petitions for recall of mayor.**

Before the question of recall of the mayor shall be submitted to the registered and qualified voters of the city, a petition demanding such question to be submitted shall first be filed with the city secretary. Said petition shall be signed by qualified voters of the city equal in number to (20 percent or more of the number of votes cast for governor by registered and qualified voters of the city in the most recent general election at which that office was filled. Each signer must enter the date the petition is signed next to the signature. A signature may not be counted if the signer fails to date it or if the date of signing is earlier than 90 days before the date the petition is submitted. In addition to the signature and date, the current voter registration number, printed name, and residence address must also appear by each name. There must be no less than 300 signatures on the petition.

**Sec. 9.13. - Petitions for recall of councilmembers.**

In each case where the recall of a councilmember is sought, the sections of this article, insofar as applicable, shall apply to the district from which the councilmember was elected or appointed, rather than the city as a whole. That is, the petition must be signed by 10 percent of the registered and qualified voters, but in no event less than 50 such petitions from the district which the councilmember serves. Any such recall election shall be held only in the district which the councilmember represents.

**Sec. 9.15. - Various papers constituting petition.**

The petition may consist of one or more copies or subscription lists circulated separately and the signatures on the petition may be upon the paper or papers containing the form of petition, or upon any other papers attached to the petition. Verifications provided for in this charter may be made by one or more petitions, and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than 60 days prior to the filing of such petition or petitions with the city secretary. All papers comprising a recall petition shall be filed with the city secretary on the same day, and the city secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to the councilmember's Palestine address.

**Sec. 9.16. - Presentation of petition to city council.**

After the filing of the papers constituting the recall petition, the city secretary will present such petition to the city council at their next regular meeting in Palestine, Texas.

**Sec. 9.17. - Public hearing to be held.**

The officer whose removal is sought may, within five days after such recall petition has been presented to the city council, request that a public hearing be held. In this event, the city council shall order such public hearing to be held, not less than 10 days nor more than 20 days after receiving the request, and shall publish notice of the hearing in a paper of general circulation within the city at least one time before such public hearing.

**Sec. 9.21. - Recall, restrictions thereon.**

No recall petition shall be filed against any officer of the City of Palestine within three months after the officer's election, nor within 3 months after an election for such officer's recall.

**Sec. 10.1. - Ad valorem tax.**

The city council shall have power to assess, levy, and collect an annual tax upon taxable property not expressly exempted by law within the city, not to exceed the maximum provided by the constitution and laws of the State of Texas.

**Sec. 10.3. - Street rental charge and gross receipts tax.**

The city shall have the right and power to levy and collect annually a street rental charge and a gross receipts tax against any utility corporation using and occupying the public streets and grounds of the city, separately from the tangible property of such corporations, and to levy annually upon the property and shares of corporations, companies, and corporate institutions as the same are now, or may in the future be, assessed by the state laws, and shall have full power to enforce the collection of such taxes.

**Sec. 10.4. - Occupation tax.**

The city shall have the right to assess and collect such occupational, license, and franchise taxes upon trades, professions, occupations, and any business transactions carried on in said city as may be authorized by the laws of the State of Texas, but the amount so levied and collected shall not exceed one-half of the amount levied by the State of Texas for the same trades, professions, occupations, vocations, or businesses.

**Sec. 10.5. - Taxes, when due and payable.**

All taxes due the City of Palestine shall be payable to the office of the city tax assessor/collector or the officer empowered to collect taxes, and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October 1st. Taxes shall be paid on or before January 31st following said date of October 1st, and all such taxes not paid prior to such date shall be declared delinquent and shall be subject to such penalty and interest as may be provided by state law. The city council may by ordinance provide that all taxes, either current or delinquent due the city, may be paid in installments.

**Sec. 10.6. - Seizure and sale of personal property.**

The assessor/collector of taxes or the officer empowered to collect taxes, shall by virtue of the tax rolls, have the power and authority to fix and levy upon all personal property, and sell the same to satisfy all taxes together with all penalties, interest and costs due on all said personal property, by said delinquent rolls to the city. When he seizes personal property for such purposes, he shall keep the same at the expense of the owner until the sale is made, and shall give notice of the time and place of sale by posting a written notice at the city hall door and at one other public place within the city at least 10 days before the date of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, costs, and expenses of caring for said property, and shall make an entry in the book of sales of the amount realized. All such sales shall be made at the front door of the city hall. A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

**Sec. 10.7. - Tax liens.**

The tax levy by the city is hereby declared to be a lien, charge, or encumbrance upon the property which the tax is due, which lien, charge, or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction; and the lien, charge or encumbrance on the property in favor of the city for the amount of the taxes due on such property gives the state

courts jurisdiction to enforce and foreclose the liens on the property on which the taxes are due, not only as against any resident of the state or person whose residence is unknown, but also as against nonresidents. All taxes upon real estate shall specifically be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction.

**Sec. 10.9. - Tax suits.**

The city shall have full power to provide for the prompt collection, by suit or otherwise, of delinquent taxes assessed, levied, and imposed, and is hereby authorized and empowered to sell or cause to be sold all property, real and personal, and shall make such laws and regulations and enact all such ordinances as are deemed necessary for collection of any taxes provided in this charter. The city may employ an attorney other than the city attorney to assist in, and file suits for, the collection of the delinquent taxes.

**Sec. 10.10. - Description of property in tax suits.**

In any suit by the city for the collection of any delinquent taxes where it shall appear that the description of property upon which taxes are due is not sufficient upon the assessment rolls to identify such property, the city shall have the right to set upon its pleadings a good sufficient description of such property, to prove that it is the property upon which such taxes are due, and to have its judgment foreclosing its taxes the same as if such property were fully described upon the assessment rolls.

**Sec. 10.11. - Payment of taxes.**

All moneys arising from the collection of taxes levied for the payment of interest and sinking funds on bonded indebtedness shall be maintained in a separate fund to be designated as the "Interest and Sinking Fund," and a separate account kept of the funds applicable to each bond issue, and all moneys arising from the collection of taxes for general purposes shall be maintained in a separate fund to be designated as the "General Fund."

**Sec. 10.13. - Correction of assessments.**

The city council shall have the power to appoint a board of equalization to hear complaints about and correct erroneous assessments and to readjust any assessment found to be erroneous, except as where otherwise provided by law.

**Sec. 10.14. - Property tax code.**

The assessment, equalization, and collection of taxes shall be governed by the laws of the State of Texas.

**ARTICLE XI. - MISCELLANEOUS PROVISIONS**

**Sec. 11.1. - Power to enact rules, regulations, ordinances.**

The city council shall have power, subject to the restrictions herein contained, to make all rules, regulations, and ordinances which may be necessary and proper for carrying into effect the powers specified herein.

**Sec. 11.2. - Continuation of laws.**

All rules, regulations, and ordinances of the city, or of the city council and other departments of the city which shall be in force when this charter takes effect, and which are not

in conflict with this charter, shall remain in full force and effect until amended, altered, or repealed by the city council.

**Sec. 11.3. - Proof of ordinance; ordinance book.**

The ordinances, resolutions, rules, and bylaws of the city council may be proved as prima facie by a book of printed ordinances of the city, purporting to be printed by authority of the city, or by copies of the ordinances, resolutions, rules, or bylaws certified by the city secretary to be a true record of the ordinances, resolutions, rules, or bylaws.

**Sec. 11.5. - Publication of ordinances; codification exempt.**

Every ordinance imposing a penalty, fine, imprisonment or forfeiture for its violation shall after passage be published on the city's website and printed in a daily paper published in the city two times within ten days, and shall not take effect until ten days after such publication has been completed. The city secretary shall note on such ordinances as are required to be published the fact that the same have been published as required by the charter, and the date of such publication, which shall be prima facie evidence of such publication, provided that the provisions of this section shall not apply to zoning laws or revision and codification of the ordinances of the city as the council may from time to time adopt.

**Sec. 11.6. - Conflict with state penal laws.**

Nothing herein contained shall ever be construed, in any manner, to suspend, modify, or abridge any penal law of the State of Texas, and the penal laws of the state shall ever be in full force and effect and in no manner repealed or suspended by any provision of this charter; but the city council may enact any ordinance not in conflict with the penal laws of the state.

**Sec. 11.8. - Contracts.**

The city council shall prescribe in the procedure manual the method to be followed in requesting, receiving, opening, and awarding contracts. Any bid involving an anticipated outlay in excess of one-tenth percent of the annual city budget shall be opened at a city council meeting where a majority of the council is present; however, the council may establish a lesser limit than one-tenth percent of the annual city budget by so prescribing in the procedure manual. The bids shall remain on file, open for inspection, in the city secretary's office at least 48 hours before the contract may be awarded. The procedure manual shall include rules permitting emergency expenditures which might exceed one-tenth percent of the annual budget. It shall include rules concerning bonding requirements. No contract shall be binding upon the city unless it has been signed by the mayor, or by the city manager if authorized by the council, and countersigned by the city secretary.

**Sec. 11.9. - Areas where sale of alcoholic beverages permitted.**

It shall be unlawful to locate, maintain, or conduct any place where spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication are sold at retail within the corporate limits of the City of Palestine, Texas, as they are now, or as they may hereafter be established, except on the following streets: Spring Street between Tennessee Avenue and Houston Street; Main Street, between Tennessee Avenue and where it intersects with Avenue A; Oak Street, between Tennessee Avenue and where it intersects with Avenue A; Sycamore Street, between the Missouri-Pacific Railroad and where it intersects with Spring Street; Avenue A, and

that portion of Church Street, between its intersection with Avenue A and its intersection with Lacy Street.

**Sec. 11.10. - This charter to be controlling.**

The jurisdiction and power conferred on the City of Palestine by this charter shall supersede the authority of each and all other municipal corporations previously existing by the name of the City of Palestine, and exercising any authority over any parts of the territory included within the boundaries of the City of Palestine, as prescribed by this charter.

2. The ballots will include the following propositions:

PROPOSITION A

FOR/AGAINST      Shall Section 1.4, in Article I of the Palestine City Charter be amended to require a public hearing to be held prior to expanding the boundaries of the City.  
FISCAL IMPACT: NONE

PROPOSITION B

FOR/AGAINST      Shall Sections 2.10, 2.12, 2.16, 2.17, 2.19, 2.20, 2.23, 2.24, 2.25, 2.34, and 2.36 in Article II of the Palestine City Charter be amended to:

- empower the city to utilize the various methods of public financing permitted by state law for cities;
- update the types of public utilities that access public rights-of-way from “telegraph” companies to “telecommunications” companies, and to specifically list “cable television” companies as the sort of utilities that come within the scope of this section;
- modernize and streamline methods for improving streets
- modernize and simplify the language granting the city regulatory authority over businesses that may affect public health, and the operation of vehicles on the city’s streets
- clarify that the city’s authority to address dilapidated and substandard buildings extends to structures that may not qualify as “buildings.”; and  
    permit the council to appoint a non-resident of the city to be municipal court judge, so long as the appointee is a qualified voter of Anderson County.

FISCAL IMPACT: NONE

PROPOSITION C

FOR/AGAINST      Shall Section 3.5, 3.6, and 3.7 in Article III of the Palestine City Charter be amended to extend conflicts of interest provisions to family members of elected and appointed officials, to allow conflicts to be avoided by the self-recusal of an official, to make the prohibition against gratuities consistent with state law, and to

empower the city council to determine and punish violations of the prohibitions

FISCAL IMPACT: NONE

PROPOSITION D

FOR/AGAINST

Shall Section 4.5, in Article IV of the Palestine City Charter be amended to require candidates for Mayor to have been a resident of the city for 24 (rather than 12) months, and to require candidates for city council for 12 (rather than six) months

FISCAL IMPACT: NONE

PROPOSITION E

FOR/AGAINST

Shall Sections 5.1, 5.3, and 5.7 in Article V of the Palestine City Charter be amended to revise the standard date for city elections to May in order to comport with state law and current practice, and to permit other election days in case the state law is changed again by the Legislature to require a different election day for municipalities; to eliminate specific requirements for filing for office, and instead to simply require filings to meet the requirements of state law; and to eliminate the specific time period for canvassing the ballots, because this time period can conflict with current state law, and instead to simply require the council to meet the deadlines established by state law.

FISCAL IMPACT: NONE

PROPOSITION F

FOR/AGAINST

Shall Sections 6.1, 6.3, 6.4, and 6.7 in Article VI of the Palestine City Charter be amended to clarify the time period for a newly appointed city manager to become a city resident; to clarify the delegation of one of the primary duties that has generally been delegated to the city manager—the duty to execute contracts; to clarify the city manager’s duty when expenditures are beginning to exceed projections; to make the language used to describe a department director’s duties consistent with the title; and to make it clear that the traditional prohibition on councilmembers’ interference in personnel matters extends to the mayor as well.

FISCAL IMPACT: NONE

PROPOSITION G

FOR/AGAINST

Shall Sections 7.3, 7.8, 7.11, 7.13, 7.15, and 7.16 in Article VII of the Palestine City Charter be amended, Section 7.5 be repealed and replaced, and Sections 7.6 and 7.7 be repealed, to:

- permit the details of the budget preparation to be controlled by state law and the direction of the council, while ensuring an adequate role for public participation in the budget process;

- simplify the budget process from three sections to a single section which requires a fairly publicized single hearing and such other hearings as required by state law;
- modernize the requirements for publicizing the budget and making it available to citizens; and eliminate the requirement that the depository bank be located in the City of Palestine and allow flexibility regarding the length of the depository agreement.

FISCAL IMPACT: NONE

PROPOSITION H

FOR/AGAINST

Shall Sections 8.1, 8.5, 8.9, 8.14, 8.16, and 8.17 in Article VIII of the Palestine City Charter be amended, and Section 8.10 be repealed, to increase the compensation of the Mayor and Councilmembers, to permit the Mayor and Councilmembers to decline the compensation, to give the Council discretion on whether to create and fill certain positions, to provide for a Development Services Director, and to eliminate the duplicative provision providing for a City Depositor.

FISCAL IMPACT: NONE

PROPOSITION I

FOR/AGAINST

Shall Sections 9.14 and 9.20 in Article IX of the Palestine City Charter be amended to make the requirements for citizen petitions consistent with state law, and to clarify what happens if a recall election results in a tie.

FISCAL IMPACT: NONE

PROPOSITION J

FOR/AGAINST

Shall Sections 10.3, 10.5, and 10.6 in Article X of the Palestine City Charter be amended, and new Section 10.15 be adopted, to revise the term used to describe revenue collected from entities that occupy the public right-of-way, to eliminate a deadline for completing tax rolls when such task is performed by entities other than the city and is controlled by state law, and to ensure that the City Council is empowered to adopt such revenue sources as are provided by state law.

FISCAL IMPACT: NONE

PROPOSITION K

FOR/AGAINST

Shall Section 11.5 in Article IX of the Palestine City Charter be amended, and new Section 11.12 be adopted, to modernize methods of publishing ordinances adopted by the Council and to require periodic review of the charter.

FISCAL IMPACT: NONE

PROPOSITION L

FOR/AGAINST      Shall technical and non-substantive amendments to sections in all Articles of the Palestine City Charter be adopted, to increase clarity, eliminate arcane and confusing language and jargon, and eliminate gender-specific language.

FISCAL IMPACT: NONE

3. The polling locations for each precinct are as follows:  
District 1 – Freedom Fellowship Church, 125 Kickapoo Street  
District 2 – New Fellowship Christian Church, 1500 W. Reagan Street  
District 3 – Washington Early Childhood Center, 1020 Hamlett Street  
District 4 – Westwood Jr. High School, 1801 Panther Drive  
District 5 – Palestine ISD Administrative Offices, 1007 E. Park Avenue  
District 6 – Palestine High School, 1600 South Loop 256
4. The polls will be open from 7:00 a.m. to 7:00 p.m. on election day.
5. Early Voting by personal appearance will be conducted each weekday at City Hall, 504 N. Queen Street, Palestine, Texas, between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 23, 2018, and ending on May 1, 2018, with extended hours between 7:00 a.m. and 7:00 p.m. on April 24, 2018, and May 1, 2018.

Requests for application to vote by mail can be made by contacting the Early Voting Clerk at the following address: Teresa Herrera, City Secretary, 504 N. Queen Street, Palestine, Texas, 75801.

/s/ Teresa Herrera  
City Secretary