

HOME RULE CHARTER



SAGINAW, TEXAS

**Adopted original City of Saginaw Home Rule Charter at
January 16,1988 Election.**

**Amended City of Saginaw Home Rule Charter at
May 4, 2019 Election**

CHARTER OF THE CITY OF SAGINAW, TEXAS

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CHARTER

ARTICLE I CORPORATE NAME

Sec. 1.01. - Corporate name.

All the citizens of the City of Saginaw, Tarrant County, Texas, as the boundaries and limits of said city are herein established, shall be a municipality, incorporated under and to be known by the name and style of the City of "Saginaw" with such powers, rights and duties as are herein provided.

ARTICLE II BOUNDARIES

Sec. 2.01. - Boundaries.

The City Council may by ordinance, resolution or agreement with adjoining cities fix the boundaries in compliance with state law. The City Council may exchange territory with other cities and towns and disannex territory and annex territory. Residents of annexed territory shall be entitled to all rights and privileges of citizens who reside in the City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City. The boundaries and limits of the City of Saginaw, until changed in the manner herein provided, shall be the same as have heretofore been established and as exist on the date of the adoption of this charter.

ARTICLE III FORM OF GOVERNMENT

Sec. 3.01. - Form of government.

The municipal government provided by this charter shall be known as the "council-manager government" pursuant to its provisions and subject only to the limitations imposed by the state constitution and statutes, all powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed then in such manner as may be prescribed by ordinance.

ARTICLE IV GENERAL POWERS

Sec. 4.01. - Enumerated powers.

A. Powers of the city. The city shall have the powers granted to municipal corporations by the constitution and laws of the State of Texas, including the implied powers necessary to execute the powers granted. The specific mention of a particular power shall not be construed as limiting in any way the general powers granted herein. These powers include, but are not limited to:

- (1) the acquisition of property inside or outside the city for any municipal purpose;
- (2) the sale, lease, management, and control of city property as the best interests of the city require;
- (3) the establishment and use of a corporate seal;
- (4) the right to sue and be sued in the courts (provided this right is not a waiver of sovereign immunity, and shall never be so construed);
- (5) the right to enter into contracts;
- (6) the right to cooperate with state, federal, and other local governments to accomplish any lawful purpose in the best interest of the city and its inhabitants; and
- (7) the adoption of ordinances for maintaining and promoting the peace and welfare of the city and for executing the functions of government.

B. Eminent domain. The city has the power of eminent domain to take private and public property, in or outside the city, for any public purpose, when necessary or desirable to carry out the powers conferred upon the city by this Charter or state law. This power of eminent domain includes the right of the city to take full title or an easement in land.

C. Zoning and appeals.

(1) *Zoning.* The city council has the authority to zone the city and to pass necessary ordinances and regulations to implement zoning in accordance with state law, or ordinance of the city.

(2) *Board of adjustment.* The city council shall create a board of adjustment as provided by state law which shall hear appeals from administrative decisions concerning the zoning ordinance, decide applications for variances, and perform other functions assigned by ordinance.

D. Establishment and maintenance of streets and other public places. The city has the inalienable power to establish, lay out, open, close, abandon, maintain, improve, regulate, and supervise the streets, bridges, alleys, sidewalks, parks, squares, and other public places of the city.

E. Authority over use of streets. The city has inalienable and exclusive authority and jurisdiction over the uses in, upon, over, and under the streets, alleys, and other rights-of-way of the city. This exclusive authority includes, but is not limited to, the right to regulate, locate, relocate, remove, or prohibit the location of, all utility pipes, lines, wires, or other property.

F. Garbage disposal. The city has the authority to provide a solid waste system for the city. The city council may by ordinance adopt regulations for the handling of all garbage, trash, and rubbish in the city and fix charges for its removal. Any contract or license permitting or authorizing garbage or solid waste removal service within the city shall be subject to the provisions of Article VIII of this charter.

G. Sanitary sewer system. The city has the authority to provide a sanitary sewer system and to require property owners to connect their premises to the sewer system. The city council may by ordinance provide penalties for failure to make sanitary sewer connections, adopt regulations for the protection of the sewer system, and fix charges for sanitary sewer service.

H. Water system. The city has the authority to provide for a water system and its management. The city council may by ordinance prescribe charges and regulations, for water connections, turn-on, cut-off, consumption, use, and waste, and prescribe penalties for violation of these regulations.

I. Public library. The city has the authority to establish and maintain a public library free to residents within the city and to cooperate with any person or other entity, under terms the city council may prescribe, for the establishment or maintenance of the public library.

J. Public parks. The city has authority to provide and control city parks. Pursuant to this authority, the city may install improvements in the parks, including, but not limited to, landscaping, amusements, recreational facilities, buildings, playgrounds, walkways, and driveways.

K. Cemeteries. The city has the authority to:

- (1) regulate burial grounds, cemeteries, and crematories owned by any person, firm, or corporation;
- (2) condemn and close a burial ground, cemetery, or crematory when the public interest or public health demands it; and
- (3) purchase, establish, own, regulate and maintain one or more cemeteries.

ARTICLE V CITY COUNCIL

Sec. 5.01. - City officials.

The municipal government of the city shall consist of a city council composed of a mayor and six councilmembers. Said mayor and council shall be elected from the city at large. The city councilmembers and mayor each shall be allowed a minimum of \$25.00 dollars per meeting, provided that the total salary paid during any year to the entire (7 member) city council in the aggregate shall not exceed the annual compensation of the lowest paid permanent full-time city employee; and such designated actual expenses supported in writing.

Sec. 5.02. - Qualifications.

Each of the six councilmembers and mayor shall on the date of the election, be at least 21 years of age, a citizen of the United States of America and a registered, qualified voter of the City of Saginaw, shall reside and shall have resided for at least one year preceding the election date at which he is a candidate, within the corporate limits of Saginaw; and shall not be in arrears in the payment of any taxes due the city; meeting all other qualifications

prescribed by article 1.05 of the Texas Election Code and any amendment thereof. A member of the council ceasing to possess any of the qualifications specified in this section, or any other sections of this charter, or convicted of a felony while in office, shall immediately forfeit his office.

Sec. 5.03. - Date of election; candidates to run for places; places designated; terms of office.

The regular municipal elections of the City of Saginaw shall be held every year for the election of mayor and councilpersons on the first Saturday of May, and the same shall be conducted and the results canvassed and announced by the election authorities prescribed by the Election Code of the State of Texas, and said code shall control in all municipal elections except as otherwise herein provided.

The mayor and councilmember place 2 will be elected in 1988 for three year terms. Councilmembers place 4 and place 6 will be elected in 1988 for two year terms until 1990. Thereafter, places 4 and 6 will be three year terms. Three councilmembers, places 1, 3, and 5 will be elected for three year terms in 1989. Terms of office for mayor and council after 1993 will be three year terms.

Sec. 5.04. - Hours of election.

The polls shall be open at each election from 7:00 a.m. until 7:00 p.m.

Sec. 5.05. - Official ballot.

The official ballot shall be drawn up by the city secretary and approved by the city attorney and will contain the names of all qualified candidates for office, except those who may have been withdrawn, deceased or become ineligible. Names will be placed on the ballot without party designation and position on the ballot will be determined by a drawing held by the city secretary. Filing within time limits shall be as prescribed by state law.

Sec. 5.06. - Qualified voters.

A registered voter must live within the city limits for 30 days in order to be eligible to vote.

Sec. 5.07. - Election judges and other election officials.

The election judges, and other election officials for conducting all city elections, shall be appointed as permitted by law. The election judges shall conduct the elections, determine, record, and report the results as provided by the election laws of Texas.

Sec. 5.08. - Judge of election.

The city council shall be the judge of the election and qualification of its own members and of the mayor, subject to the courts in the case of contest. In accordance with state law, the city council shall, as soon as practical after the election, canvass the returns and declare the results of such election. The council and council candidates receiving the majority number of votes for an office shall be declared elected. If such election results in a candidate not

receiving a majority of the votes cast, it shall be the duty of the council to order a second election for the office or offices in which candidates did not receive a majority of votes. The election shall be held in accordance with state law. In said section election, only the two candidates receiving the most votes in the first elections shall be eligible to run. In the event one of the candidates of the second election withdraws or dies, a second election shall not be held for that office, and the other candidate for such office shall be declared elected, and shall be seated.

Sec. 5.09. - Vacancies.

In case of a vacancy from any cause in the office of mayor or councilmember, the city council shall order a special election to fill such vacancy to be held in accordance with rules set forth in the Texas Constitution for three year terms. In the event a vacancy occurs on the council for an unexpired term of 12 months or less, the council may call a special election to fill the vacancy, or by a majority vote of the remaining council, appoint a replacement to fill the vacancy.

Sec. 5.10. - City council meetings.

The city council shall meet a minimum of one time per month. The council may by ordinance establish additional regular meetings, and hold as many special meetings as necessary.

Sec. 5.11. – The council in the event the council membership falls below a quorum.

A quorum of the council shall be four (4) members. In the event there are more than three (3) vacancies due to death or disability, the remaining members shall constitute a quorum, and shall proceed to fill the vacancies as required by state law and permitted by this charter. In the event there are six (6) or more vacancies, the county judge is authorized and directed to appoint qualified person(s) if there is less than twelve (12) months remaining on any unexpired term or to call an election to fill the vacancies as permitted by this charter and required by the Texas Constitution.

**ARTICLE VI
POWERS AND DUTIES OF OFFICERS**

Sec. 6.01. - Powers of the council.

All powers and authority which are expressly or explicitly conferred on or possessed by the city shall be vested in and exercised by the city council, provided however, that the council shall have no power to exercise those powers which are expressly conferred upon other city officers by this charter.

Sec. 6.02. - Duties of mayor; mayor pro-tem.

The Mayor of the City of Saginaw shall preside over the meetings of the city council and perform such other duties consistent with the office as may be imposed upon him by this charter and the ordinances and resolutions passed pursuant hereof. He may participate in the discussion of all matters coming before the council and shall be entitled to vote in all cases, but shall have no veto power. He shall sign all contracts and conveyances made or entered

into by the city and all bonds issued under the provisions of this charter, and shall be the chief executive officer of the city. He shall be recognized as the official head of the city by the court for the purpose of serving civil process, by the governor for the purpose of enforcing military law, and on all ceremonial purposes. In time of danger or emergency, the mayor may, with the consent of the council, take command of the police and other departments and govern the city by proclamation and maintain order and enforce all laws.

The mayor pro-tem shall be elected from among the members of the city council, shall be elected each year at the first regular meeting following the general city election, and shall, in the absence or disability of the mayor, perform all the mayor's duties.

Sec. 6.03. - Powers and duties of city council.

The powers and duties herein conferred upon the city council shall include, but shall not be limited to the following:

- (1) To appoint and remove the city manager.
- (2) To adopt the budget of the city.
- (3) To authorize the issuance of bonds by a bond ordinance.
- (4) As a whole to conduct investigations into the conduct of any office, department, or agency of the city and make investigation as to municipal affairs.
- (5) To appoint the necessary commissions and boards to assist the council in the performance of its duties and responsibilities. Such powers subject to the restrictions of the charter and the laws of the State of Texas.
- (6) To adopt plats.
- (7) To adopt and modify the official map of the city.
- (8) To regulate, license, and fix the charges or fares made by any person owning, obtaining or controlling any vehicle of any character used for carrying of passengers for hire on the public streets and alleys of the city.
- (9) To provide for the establishment and designations of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (10) To fix the salaries and compensation for the non-elective city officers and employees.
- (11) To provide for sanitary sewer and water system.
- (12) May regulate burial grounds, cemeteries, and crematories and condemn and

close any such burial grounds, cemeteries, and crematories in the thickly settled portions of the city when public interest or public health may demand, and may regulate interment of the deceased.

Sec. 6.04. - Appointment or removal by city council.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. Any councilmember violating the provisions of this section shall be guilty of a class C misdemeanor and fined not in excess of \$200.00, and if so convicted, shall cease to be a councilmember. Whether convicted of a class C misdemeanor or not, a councilmember, found to be guilty of violating the provisions of this section, by a 5/6 vote of the remainder of the council shall cease to be a councilmember.

Sec. 6.05. - City manager.

A. Appointment and qualifications. The council shall appoint a city manager who shall be the chief administrative officer of the city and shall be responsible to the council for the administration of all the affairs of the city. He shall be chosen by the council solely on the basis of his executive and administrative training, education, experience, ability, and character, and need not, when appointed, be a resident of the city. No member of the city council shall, during the time for which he is elected and for two years thereafter, be appointed city manager.

B. Term, salary and removal. The city manager shall be appointed or may be removed at the will and pleasure of the council by affirmative vote of four members of the council. The action of the council in suspending or removing the city manager shall be final; it being the intent of this charter to vest all authority and fix all responsibility of such suspension or removal in the council. In case of absence or disability of the city manager, the council may designate some qualified person other than an elected officer of the city to perform the duties of the office during such absence or disability. The city manager shall receive such compensation as may be fixed by the council.

C. Powers and duties of the city manager. The powers herein conferred upon the city manager shall include but shall not be limited to the following:

- (1) Appoint and remove and officer or employee of the city except those officers and employees whose appointment or election is otherwise provided for by law or this charter.
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by law or this charter.
- (3) See that all state laws and city ordinances are effectively enforced.
- (4) Prepare and submit the annual budget and a five year capital improvement

program to the council as prescribed in article XII of the charter.

(5) Submit to the council monthly a report on the finances and administrative activities of the city and a complete report at the end of each fiscal year.

(6) Provide each department head with a financial report of his department monthly.

(7) Attend all meetings of the council except when excused by the council.

(8) Provide for the dissemination of personnel rules, regulations, and benefits as approved by the city council.

(9) Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with provisions of this charter.

(10) To establish other administrative departments and distribute the work of divisions and to abolish or consolidate said departments and divisions, provided funding is available in the approved budget.

Sec. 6.06. - Appointment and removal of city secretary.

The city council shall appoint the city secretary and such assistant city secretaries as deemed advisable with the approval of the council. The mayor may remove such employees with approval of 4/7 vote of the council. The city secretary, or an assistant city secretary, shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full, in a book kept and indexed for that purpose, all ordinances and resolutions, and shall perform such other duties as the city council shall assign to him and those elsewhere provided for in this charter, and shall keep and affix the city seal to all official documents.

Sec. 6.07. - Appointment and removal of city attorney.

The city council shall appoint or remove the city attorney by (4/7) vote of the council. The city attorney shall be a competent attorney, duly licensed and admitted to the practice of law by the State of Texas. The city attorney shall be legal advisor of and attorney for all officers of the city, in their official capacity, and shall represent the city in all litigation and legal proceedings. The city attorney shall approve the legality of every ordinance before it is acted upon by the council.

Sec. 6.08. - Municipal court.

A. There shall be a court known as the Municipal Court of the City of Saginaw, with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas.

B. The city council shall be empowered to create an additional municipal court if found necessary for orderly administration of justice.

C. Judge of the municipal court. The municipal court shall be presided over by a municipal court judge who shall be a licensed attorney in the State of Texas with at least five

(5) years of experience. The judge shall be appointed by ordinance approved by a majority of the council. The judge can be removed by 4/7 vote of the council after notice and public hearing, if requested by the judge.

D. Clerk of the municipal court. There shall be a clerk of the municipal court who shall be employed by the city manager. He can be removed by the city manager. The clerk shall have power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of such court and conducting the business thereof. There shall be such deputy clerks of the municipal court as may be authorized and employed by the city manager, who shall have authority to act for and on behalf of the clerk of the municipal court.

E. Procedure in the municipal court. All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendant and service of witnesses and juries, punishment for contempt, bail or taking of bonds shall be governed by state law.

ARTICLE VII

RESERVED

ARTICLE VIII PUBLIC UTILITIES

Sec. 8.01. – Municipal utilities.

A. City owned utilities. The city has the following powers:

- (1) to buy, construct, lease, maintain, operate, contract for services and regulate public utilities;
- (2) to manufacture, distribute, and sell the output of utility operations; and
- (3) other powers regarding utility services granted under the constitution and laws of the state.

B. Service outside city limits. The city may extend utility lines and sell utilities service outside the city limits, in accordance with state law.

Sec. 8.02. - Power to grant franchise; term.

The city council has the power, by ordinance, to grant, renew, extend, and amend franchises of public utilities operating within the city. A franchise shall not be granted for an indeterminate period nor for a term of more than 20 years from the date of the grant, renewal, or extension.

Sec. 8.03. - Grant not to be exclusive, except for solid waste service franchise.

The grant of a franchise to construct, maintain, or operate a public utility and the renewal or extension of the grant shall not be exclusive, aside from a solid waste franchise.

Sec. 8.04. - Ordinance granting franchise.

An ordinance granting, renewing, extending, or amending a public utility franchise must be approved at two separate regular meetings of the city council, and shall not be finally passed until 30 days after the first approval. The full text of the ordinance must be published once between the first and second approval in a newspaper of general circulation in the city. The expense of the publication shall be paid by the prospective franchise holder. A franchise becomes effective after publication and second approval.

Sec. 8.05. - Transfer of franchise.

A public utility franchise may not be transferred without approval by ordinance of the city council. This restriction on transfer does not prevent the franchise holder from pledging the franchise as security for a valid debt or mortgage.

Sec. 8.06. - Franchise value not allowed.

A franchise holder shall not assign a value to the franchise granted by the city for use in calculating reasonable rates and charges for utility service within the city nor for determining just compensation to be paid by the city for public utility property which it may acquire by condemnation or otherwise.

Sec. 8.07. - Regulation.

A. Right of the city. Whether or not it is stated in the franchise ordinance, a grant, renewal, extension, or amendment of a public utility franchise is subject to the right of the city council:

- (1) to terminate the franchise by ordinance at any time for the failure of the franchise holder to comply with the terms of the franchise, this power to be exercised only after notice and hearing and an opportunity to correct the default.
- (2) to require expansion and extension of plant facilities that are necessary to provide adequate service to the public and to maintain plant and fixtures at the highest reasonable standard of efficiency.
- (3) to establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (4) to impose regulations that insure safe, efficient, and continuous service to the public.
- (5) to examine and audit at any time during regular business hours the accounts and records of the utility which relate to the city's regulation.

(6) to prescribe the form of accounts kept by each utility; provided, that the utility is in compliance with this paragraph if it keeps its accounts in accordance with the uniform system of accounts prescribed for the utility by a federal or state agency with regulatory authority over the utility.

(7) to require the utility to compensate the city for use of the city's public rights-of-way and other public property as permitted by state or federal law.

B. Repair of rights-of-way. A franchise holder shall refill and repair openings or other damage to the public rights-of-way caused by the franchise holder. It shall replace the pavement and perform all other work necessary to complete restoration of streets, sidewalks, or grounds to a condition equally as good or better as when disturbed. The city council may adopt ordinances to implement the requirements of this paragraph.

Sec. 8.08. - Public service corporations to file annual reports.

The city council may adopt an ordinance requiring all public utility corporations operating within the city to file a sworn annual report of the receipts from the operation of the utility for the current year, how expended, the amount expended on improvements, the rate of charges for services to the public, and any other facts or information that the city council determines is pertinent for its use in intelligently passing upon questions that may arise between the city and the public utility. The reports shall be filed with the city secretary, and preserved for the use of the city council. The city council shall review the reports annually to determine the propriety of the rates being charged.

Sec. 8.09. - Regulation of rates.

A. Authority of the city council. The city council has authority:

(1) after notice and hearing, to regulate by ordinance, the rates of every public utility operating in the city;

(2) to employ expert advice and assistance in determining a rate and equitable profit to the public utility; and

(3) space to require within the franchise grant, extension, or renewal, or as a condition of a hearing concerning rates and service, that the public utility seeking the rate or service change pay the cost of the expert advice and assistance as chosen by the city council.

B. Ordinance regulating rates. The city council shall not adopt an ordinance regulating utility rates as an emergency measure.

ARTICLE IX CONTRACTS

Sec. 9.01. - General.

All contracts that the city has at the time of the adoption of this charter shall remain in full force and effect. This provision shall include, but not be limited to, all bonded indebtedness, franchises, contracts for professional services, contracts for improvements, lease contracts, or any other agreement binding upon the City of Saginaw, Texas, immediately prior to the adoption of this charter.

Sec. 9.02. - Personal services.

A. No contract shall ever be made which binds the city for personal services, except for professional or city manager services to be rendered for any stated period of time, but all appointive employees shall be subject to discharge after a hearing, and when discharged shall only be entitled to compensation up to and including the date of their discharge, any provision to the contrary in this charter notwithstanding.

B. Contracts for professional or city manager services shall be of a term of no longer than three years, and shall contain express language providing for termination without compensation beyond the date of occurrence of any of the following: conviction of a felony or other crime involving moral turpitude; violations of the provisions of the charter or of any ordinance, rule, or of special orders applicable to such person.

Sec. 9.03. - Goods, materials, services or supplies.

The city or any agent of the city acting for it, shall not make any contract for goods, materials, services, or supplies for the current use of any department of the municipality for more than one year, except as in this charter provided, unless said contract and the cost thereof have been included in the annual budget of the city and unless an appropriation has been made therefore, and no contracts or purchases shall exceed the amount appropriated. This shall not preclude purchase of capital assets having a useful life over a period of years by lease-purchase or other time pay agreements extending for more than one year, not to exceed such useful life of the asset purchased. All contracts shall be made upon specifications and competitive bids except in those cases where such specifications and competitive bids are not required by state law or in contracts for professional services, and no contract shall be binding until it has been signed by a designated representative of the city. Whenever the cost of any contracts charged to any appropriate equals the amount of such appropriation, no person representing the city shall sign or make any additional contracts chargeable to such appropriation. Any contract for current expenditures exceeding the amount set up in the budget or the appropriation therefor shall be void.

Sec. 9.04. - Competitive bidding.

All Purchases must be made in compliance with state bidding or purchasing requirements.

ARTICLE X OWNERSHIP OF REAL OR PERSONAL PROPERTY

Sec. 10.01. - Acquisition of property.

A. The city shall have the power and authority to acquire by purchase, gift, devise, deed condemnation, or otherwise, any character or property, within or without its municipal boundaries, including any charitable or trust funds.

B. Specifically, but without limitation of the foregoing, the city shall have full power and authority to acquire through the exercise of eminent domain, or by purchase, or otherwise, and maintain and operate, any part or all of any water works system, sewerage system or other public utility used in serving citizens of the city. Such power and authority shall include that specified in the state constitution and statutes, as now existing or as hereafter amended, and any common law or other statutory law applicable thereto, and such power and authority shall not be limited by any such specific statutory provisions. Such power and authority shall include the right to acquire by eminent domain or purchase from any person, firm, or corporation any part or all of the physical properties, easements, franchises, and other tangible and intangible properties and rights which may be in use as an operating utility business. Such power and authority shall include the right to acquire by eminent domain or purchase any properties located outside of the corporate boundaries of the city if needed by the city in operation of such utility system.

Sec. 10.02. - Real estate, etc., owned by the city.

All real estate owned in fee simple title, or held by lease, sufferance, easement, or otherwise; all public buildings, fire stations, parks, streets and alleys, and all property, whether real or personal, of whatever kind, character, or description, now owned or controlled by the city, shall vest in, inure to, remain, and be the property of said city under this charter; and all causes of action, rights or privileges of every kind and character, and all property of whatsoever character or description which may have been held, and is now held, controlled or used by said city for public uses, or in trust for the public, shall vest in and remain and inure to the city under this charter, and all contracts, suits and pending actions to which the city heretofore was or now is a party, plaintiff or defendant, shall in no way be affected or terminated by the adoption of this charter, but shall continue unabated.

ARTICLE XI STREETS AND ALLEYS

Sec. 11.01. - Street powers.

The city shall have exclusive and inalienable control of all alleys, streets, gutters, and sidewalks situated within the city, and the power to lay out, establish, open, alter, extend, widen, straighten, abandon and close, lower, grade, narrow, care for, supervise, maintain and improve any public street, alley, avenue, or boulevard, and for any such purposes to acquire the necessary lands and to appropriate the same under the power of eminent domain. The city shall also have the power to name or rename, vacate and abandon and sell and convey in fee that portion of any street, alley, avenue, boulevard or other public thoroughfare or public

grounds, and to convey in fee the same in exchange for other lands, over which any street, alley, avenue or boulevard may be laid out, established and opened; and the city's right to sell and dispose of in fee any part of a street, alley, avenue or boulevard so vacated and abandoned, or the city's right to convey same in exchange for other lands to be used in laying out, opening, widening and straightening any street, shall never be questioned in any of the courts of this state. The procedure for closing streets and alleys shall be in conformity with due process of law and shall be particularly prescribed and provided for by ordinance passed in the usual manner by the city council.

ARTICLE XII FINANCE AND BUDGET

Sec. 12.01. - Preparation, submission and adoption.

The city's financial expenditures shall be governed by an annual budget. The budget shall embrace the fiscal year of the city as opposed to the calendar year.

Sec. 12.02. - Hearing.

The city manager shall prepare and submit to the city council a proposed budget and hold a public hearing on the proposed budget in accordance with state law.

Sec. 12.03. - Adoption.

At the public hearing or at any regular or special called council meeting, the city council shall make such changes in the proposed budget as it deems advisable and shall adopt a budget prior to the first day of the fiscal year. The budget shall be adopted in accordance with state law, by a majority of the entire council.

Sec. 12.04. - Expenditures.

Once the budget is adopted, the city manager shall authorize no expenditure over the total funds for expenditure in the overall budget unless the budget is amended by the same public notice procedure called for in adopting the budget. Transfer of funds from department to department must be by council approval. The city manager is required to furnish the council with monthly reports which show the prior month's expenditures and total expenditures to date for each budgeted activity.

Sec. 12.05. - Public records.

The budget shall be a public record and a copy shall remain on file in the office of the city secretary for public inspection.

Sec. 12.06. - Independent audit.

The council shall cause an independent audit to be made of books and records of the city once yearly. The auditor shall be chosen by the city council. The audit report will be open to inspection by any citizen and the original copy shall be kept as a permanent record of the city.

The annual audit must be made available for public inspection no later than 180 days after the close of the city's fiscal year.

ARTICLE XIII TAXATION

Sec. 13.01. - Property subject to taxation.

All property, real, personal or mixed, lying and being within the corporate limits of the City of Saginaw on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the constitution, and the laws of the state and ordinances of the City.

Sec. 13.02. - Power to tax.

The city council shall have full power to provide an ordinance for the prompt collection of taxes assessed, levied and imposed under the charter, and is hereby authorized, and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make such rules and regulations and ordain and pass all ordinances deemed necessary to the levying, laying, imposing, assessing and collection of any taxes provided for in the charter. The city council shall impose such ad valorem taxes as are necessary to support the budget.

Sec. 13.03. - Taxation of franchise.

All rights, privileges and franchises heretofore or hereafter granted to and held by any person, firm or corporation, in the streets, alleys, highways, or public grounds or places in said city, shall be subject to taxation by said city, separately from and in addition to the other assets of such person, firm or corporation, and the governing body of the city may require the rendition and assessment thereof accordingly.

Sec. 13.04. - Limitation of tax rate.

The maximum tax rate shall not exceed \$1.50 on the \$100.00 valuation of taxable property within the City of Saginaw.

Sec. 13.05. - Power to borrow.

The City of Saginaw shall have the right and power to borrow money on the credit of the city for permanent public improvements or for any other public purpose consistent with the constitution and laws of the State of Texas. The city shall also have the power to borrow money against the revenues of any municipally-owned utility and to mortgage the physical properties of such utilities in payment of such debt. In no event, however, shall revenue bonds be considered an indebtedness of the City of Saginaw nor required to be repaid with funds secured by taxation.

Sec. 13.06. - Procedures.

The procedure for assessment, levying, rendition, penalties and collection of taxes shall be governed by the laws of the State of Texas.

**ARTICLE XIV
PLANNING BUILDING REGULATIONS**

Sec. 14.01. - The planning and zoning commission.

A. There shall be established a planning and zoning commission which shall consist of five residents of the City of Saginaw, who have resided within said city one year prior to appointment. The members of said commission shall be appointed by the city council for a term of two years. Two members of the planning and zoning commission shall be so appointed each odd-numbered year and three members shall be appointed each even-numbered year. Vacancies and unexpired terms shall be filled by the city council for the remainder of that member's term. The commission shall elect a chairman from among its membership. The commission shall meet as needed. A quorum for any meeting of the commission shall be a majority of the members. Members of the commission may be removed by the mayor with the consent of the city council after a public hearing and for cause set forth in writing. The city council may appoint additional alternates to serve in the absence of regular members.

B. The commission shall keep minutes of its proceedings which shall be of public record. The commission shall serve without compensation.

Sec. 14.02. - Planning and zoning commission powers and duties.

A. The planning and zoning commission shall:

- (1) Recommend a city master plan for the physical development of the city.
- (2) Recommend to the city council the approval of disapproval of any proposed changes in the zoning ordinance text or map; and
- (3) Exercise control over all platting or subdividing of land within the corporate limits of the city and outside said corporate limits to the extent authorized by law. Make specific recommendations to the city council whether a plat be approved or denied. The city council shall make final approval or denial of all plats.

B. The commission shall be responsible to and act as an advisory body to the city council and shall have and perform additional duties as may be prescribed by the ordinances.

Sec. 14.03. - Master plan.

A. The master plan for the physical development of the City of Saginaw shall contain the commission's recommendations for growth, development and beautification of the city. A copy of the master plan, or any part thereof, shall be forwarded to the city council, which may adopt this plan in whole or parts, and may adopt any amendments thereto after at least one public

hearing on the proposed plan. The city council shall act on such plan, or part thereof, within 60 days following its submission by the commission. If such a plan, or part thereof, shall be rejected by the city council, the commission may modify such plan or part thereof, and again forward it to the city council for consideration.

B. All amendments to the master plan recommended by the commission shall be submitted in the same manner as outlined above to the city council for approval and all revisions affecting the master plan shall be accompanied by a recommendation from the planning and zoning commission.

Sec. 14.04. - Legal effect of the master plan.

A. Upon the adoption of a master plan for the City of Saginaw by the city council, that plan shall become a general guideline for all decisions made by the planning and zoning commission and city council related to existing or proposed development of the city.

B. On any case coming before the planning and zoning commission the commission shall make a recommendation to the city council to approve or deny the proposal.

Sec. 14.05. - General building regulations.

The city may by ordinance regulate the erection, building, placing, moving or repairing of buildings or other structures, within such limits of the city as it may designate and prescribe, and may within said limits prohibit the moving or putting up of any building or other structure from without said limits, and may also prohibit the removal of any building or other structure from one place to another within said limits, and may direct that all buildings or other structures within the limit so designated as aforesaid shall be made or constructed of fire-resistant materials, and may declare any dilapidated building or structure to be a nuisance and direct the same to be repaired, removed or abated in such manner as they shall direct; to declare all buildings and other structures in the fire limits which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed in such manner as they shall prescribe.

Sec. 14.06. - Building lines.

The city shall have the power, for the purpose of promoting the public health, safety, order, convenience, prosperity, and general welfare, acting through its governing body, under the public power, to provide by suitable ordinance building lines on any street or streets, or any block of any street or streets, and to require their observance by suitable penalties.

**ARTICLE XV
RECALL OF OFFICERS**

Sec. 15.01. - Scope of recall.

Any city official elected by the people shall be subject to recall and removal from office by the qualified voters of the city on grounds of misconduct or malfeasance in office.

Sec. 15.02. - Petition for recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the city, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of city secretary; which said petition shall be signed by qualified voters of the city equal in number to at least 25 percent of the number of votes cast at the last regular municipal election of the city, but in no event, less than 500 such petitioners. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and each petition must contain the information required by Chapter 277 of the Texas Election Code, as amended, for the validity of signatures.

Sec. 15.03. - Form of recall petition.

The recall petition mentioned in section 15.02 of this article must be addressed to the City Council of the City of Saginaw, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and, if there be more than one ground, such as for misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he is charged. The signature shall be verified by oath in the following form:

STATE OF TEXAS
COUNTY OF TARRANT

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

Sworn and subscribed to before me this _____ day of _____ /
_____/ _____, 20 _____ .

/s/

Notary Public in and for Tarrant County, Texas

Sec. 15.04. - Various papers constituting petition.

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this article may be made by one or more petitioners, and the several parts or 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 45 days prior to the filing of such petition or petitions with the person performing the duties of city secretary. All papers comprising a recall petition shall be filed with the person performing the duties of city secretary on the same day and the said secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his Saginaw address.

Sec. 15.05. - Presentation of petition to city council.

Within five days after the date of filing of the papers constituting the recall petition, the person

performing the duties of city secretary shall present such petition to the City Council of the City of Saginaw.

Sec. 15.06. - 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 to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the city council shall order such public hearing to be held not less than five days nor more than 15 days after receiving such request for a public hearing.

Sec. 15.07. - Election to be called.

If the officer whose removal is sought does not resign, then it shall become the duty of the city council to order an election and fix a date for holding such recall election, the date of which election shall be on the next uniform election date that allows sufficient time to meet the requirements of this charter and state law.

Sec. 15.08. - Ballots in recall election.

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

(1) With respect to each person whose removal is sought, the question shall be submitted:

"Shall (name of person) be removed from the office of (name of office) by recall?"

(2) Immediately below each question there shall be printed the two following propositions, one above the other, in the order indicated:

"For the recall of (name of person)"

"Against the recall of (name of person)"

Sec. 15.09. - Result of recall election.

If a majority of the votes cast at a recall election shall be against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be favorable for recall of the person named on the ballot, he 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.

Sec. 15.10. - Recall—restriction thereon.

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

Sec. 15.11. - Failure of city council to act.

In case all the requirements of this charter shall have been met and the city council shall fail or refuse to receive the recall petition, or order such recall election or discharge any other duties imposed upon said city council by the provision of this charter with reference to such recall, then the County Judge of Tarrant County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the city secretary or by the city council.

**ARTICLE XVI
INITIATIVE AND REFERENDUM**

Sec. 16.01. - General power.

The registered, qualified voters of the City of Saginaw, in addition to the method of legislation herein before provided, shall have the power to direct legislation by initiative and referendum.

Sec. 16.02. - [Initiative and referendum.]

A. Initiative. Initiative power may be used to enact a new ordinance or to repeal or amend sections of an existing ordinance. Qualified voters of the City of Saginaw may initiate legislation, (except ordinances levying taxes, authorizing the issuance of bonds or other evidences of indebtedness, setting rates for services, adoption of a budget, any subject where state law requires a public hearing, personnel matters, or any matter a court of competent jurisdiction has determined to be removed from the field of initiative or referendum) by submitting a petition addressed to the city council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the city. Said petition must be signed by qualified voters of the city equal in number to 25 percent of the number of votes cast at the last regular municipal election of the city, or 500, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed in this charter, and shall be verified by oath in the manner and form provided for recall petitions in this charter. The petition may consist of one or more copies as permitted for recall petitions in this charter. Such petitions shall be filed with the persons performing the duties of city secretary, who, within five days, shall present said petition and proposed ordinance or resolution to the city council. Upon presentation, to the city council of the petition, and draft of the proposed ordinance or resolution, it shall become the duty of the city council, within the ten days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition or to call a special election as soon as possible, subject to the Texas Election Code, which the qualified voters of the City of Saginaw shall vote on the question or adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within 60 days after the filing of the petition, the question may be voted on at such election.

B. Referendum. Registered, qualified voters of the City of Saginaw may require that any ordinance or resolution passed by the city council be submitted to the voters of the city for approval or disapproval (except ordinances levying taxes, authorizing the issuance of bonds or other evidences of indebtedness, setting rates for services, adoption of a budget, any subject where state law requires a public hearing, personnel matters, or any matter a court of

competent jurisdiction has determined to be removed from the field of initiative or referendum), by submitting a petition for this purpose within 30 days after final passage of said ordinance or resolution or within 30 days after its publication. Said petition shall be addressed, prepared, signed and verified by oath in the manner and form provided for recall petitions as provided in sections 15.02 and 15.03, article XV of this charter, provided, however, the names on such petition shall also be of registered voters and shall be submitted to the person performing the duties of city secretary. Within five days upon the filing of such petition, the person performing the duties of city secretary shall present said petition to the city council. Thereupon the city council shall, within ten days, reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit to popular vote at a special election as soon as possible, subject to the Texas Election Code, at which time the registered, qualified voters of the City of Saginaw shall vote on the question or adopting or rejecting the proposed question. However, if any other municipal election is to be held within 60 days of the filing of the petition, the question may be voted on at such election. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the registered, qualified voters voting thereon at such election shall vote in favor thereof.

Sec. 16.03. - Voluntary submission of legislation by the council.

The city council, upon its own motion and by majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal and existing ordinance, resolution or measure in the same manner and within the same force and effect as provided in subsections 16.02A. and B. of this article, and may, at its discretion, call a special election for this purpose.

Sec. 16.04. - Form of ballots.

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

- (1) "For the Ordinance," and "Against the Ordinance"; or
- (2) "For the Resolution" and "Against the Resolution."

Sec. 16.05. - Publication of proposed referred ordinances.

The person performing the duties of city secretary shall publish at least once in the official newspaper of the city the proposed or referred ordinance or resolution within 15 days before the date of the election, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

Sec. 16.06. - Adoption of ordinances.

If a majority of the registered, qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective as a law or as a mandatory order of the city council.

Sec. 16.07. - Inconsistent ordinances.

If the provisions of two or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

Sec. 16.08. - Further regulations by city council.

The city council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this article not inconsistent herewith.

Sec. 16.09. - Franchise ordinances.

Nothing contained in this article shall be construed to be in conflict with any of the provisions of article VIII of the charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

**ARTICLE XVII
GENERAL PROVISIONS**

Sec. 17.01. - Continuity in government.

Any ordinance in effect at the time this charter is adopted, and not otherwise in conflict with this charter, which refers to some office or employment of the city which ceases to exist under this charter, shall continue in force and the powers and duties therein prescribed shall be the powers and duties of the office of employment which under this charter, succeeds to the same general powers and duties of such office or employment under some ordinance.

Sec. 17.02. - Effect of charter on existing law.

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

Sec. 17.03. - Official oath.

All officers of the city shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the Constitution of the State of Texas. Oath of office shall be administered by the mayor, mayor pro-tem, or any other person authorized by law to administer oaths.

Sec. 17.04. - Public meetings.

All meetings of the council and all boards or commissions appointed by the council shall be

open to the public, except those authorized by law to be closed. Minutes of all public meetings shall be kept and such minutes shall constitute public records.

Sec. 17.05. - Public records.

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

Sec. 17.06. - Official newspaper.

The council shall have the power to designate by resolution a newspaper of general circulation in the city as the official newspaper, and shall cause to be published therein all captions and necessary notices.

Sec. 17.07. - Notice of injury or damage.

A. Recognizing that cities and other public entities whose operations are not motivated by profit, but rather by service, are unique in turnover of personnel, that in order to adequately defend the interests of the public, the officials must have timely notice of claims against the city, these reasonable rules are adopted. Any person, firm or corporation who has a claim for property damage, personal injury or death against this city must give the city written notice of the claim within six months from the date of occurrence. Such written claim notice must be given to the mayor or city manager and must contain the following information:

- (1) Name and address of claimant.
- (2) Date of occurrence.
- (3) Place of occurrence.
- (4) Extent of injury.
- (5) Names and addresses of witnesses.
- (6) How the injury occurred.

B. If such notice is not timely given, no action will lie against the city. The notice called for in this section need not be sworn to or verified but must be signed by the claimant or his attorney and delivered to the mayor or city manager, either in person or by certified or registered mail. It shall not suffice to give oral notice nor shall it suffice to deliver or mail the notice to some other employee of the city. The provisions of this section shall apply to persons seeking a money judgment against the city for any type of damages whether the claim involves personal injury or damages arising from some other cause. The written notice required herein must be given to one of the officials set out above within six months from the time when the cause of action arose, or the action shall not lie.

Sec. 17.08. - Execution, garnishment and assignment.

Property, real or personal, belonging to the city, shall not be liable for sale or appropriation under any writ of execution or cost bill. Funds belonging to the city, in the hands of any person, firm or corporation shall not be liable to garnishment, attachment or sequestration, nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city, nor any of its officers or agents, shall be required to answer any writ of garnishment or any account whatsoever. The city shall not be liable to the assignee of any wages or any officer, agent or employee of said city, whether earned or unearned, upon any claim or account whatsoever, and as to the city such assignment shall be absolutely void.

Sec. 17.09. - Bond or security not required.

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

Sec. 17.10. - Judicial notice.

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

Sec. 17.11. - Offset to debts.

The city shall be entitled to counterclaim and offset against any debt, claim, demand or account owed by the city to any person, firm or corporation in arrears to the city for any debt, claim, demand or account of any nature whatsoever including taxes, penalty and interest. No assignment or transfer of any such debt, claim, demand or account owed by the city shall affect the right of the city to offset the sum owed to the city.

Sec. 17.12. - Nepotism.

No person related within the second degree by affinity or within the third degree by consanguinity to the mayor, or member of the council or the city manager shall be appointed to any paid office, position, clerkship or other service of the city. This prohibition shall not apply, however, to any person who shall have been employed by the city at least one year prior to the time of election of the mayor or councilmember, or the appointment of the city manager.

Sec. 17.13. - Ethics.

A. No elected or appointed officer or employee of the city shall benefit unduly by reason of his holding public office.

B. No officer or employee having a substantial interest in any proposed or existing contract, purchase, work, sale or service to or by the city shall vote or render a decision, or use his

position, authority or influence in a manner that would result in his financial betterment to any degree. Further, any elected officer shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters. This provision is cumulative to all other applicable laws in regard to elected officers.

C. "Substantial interest" means:

- (1) When the officer or employee owns 10% or more of the total voting stock or shares of the business entity;
- (2) When the officer or employee owns either 10% or more, or \$15,000 or more, of the fair market value of the business entity;
- (3) When the officer or employee received more than 10% of his gross income for the previous year from the business entity; or
- (4) If a relative within the first degree by consanguinity or affinity has any of the preceding interests.

D. The City of Saginaw shall not purchase goods or services from or enter into contracts for such goods or services with the mayor or any other member of the city council, except in compliance with state law.

E. Failure to comply with any provisions of the foregoing section 17.13A. or 17.13B. shall constitute malfeasance in office and any officer or employee failing to so comply shall immediately forfeit his office or position, and said office or position shall be deemed vacant.

F. Any violation of the foregoing sections 17.13A. or 17.13B. with the knowledge, express or implied, of persons or corporations contracting with the city shall render the contract void.

Sec. 17.14. - Political and religious discrimination.

No person in the service of the city or seeking admission thereto shall be employed, promoted, demoted, discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious beliefs, provided that such opinions or beliefs do not advocate the overthrow of the government of the United States of America by force or violence.

Sec. 17.15. - Building permits.

The City of Saginaw shall have power to prohibit the erection or construction of any building or structure of any kind within the City of Saginaw without a permit first having been issued by the city for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority may authorize the inspection by the city of all buildings and structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building code which exists in said city or shall hereafter be passed.

Sec. 17.16. - Pools, ponds and lakes.

The City of Saginaw shall have power to control or prohibit the construction of pools, ponds, or lakes, receiving water from a recognizable stream, creek, branch or natural drainage. The city may control location, construction, height or structure, depth and size of body of water to be impounded. No pool, pond or lake, receiving water from recognizable stream, creek, branch or natural drainage, shall be constructed without first obtaining a permit issued by the city.

Sec. 17.17. - Bonds of city officials, employee, or department director.

In addition to any bonding provisions herein provided, the council may require any city official, department director or city employee, before entering upon his duties, to execute a good and sufficient bond with a surety company duly authorized to do business in the State of Texas approved by the state insurance board and approved by the council, as surety thereon, said bond to be in such amounts as the council may demand, payable to the City of Saginaw, and conditioned for the faithful performance of the duties of his office; premium of such bond to be paid by the city.

Sec. 17.18. - Bonds of contractors.

The city council may require good and sufficient bonds of all contractors and shall require payment performance bonds as required by state law, with a good corporate surety duly authorized to do business in the State of Texas and approved by the state insurance board thereon, acceptable to the governing body of the City of Saginaw.

Sec. 17.19. - Amendment of the charter.

This charter may be amended no more than once every two years as provided by the laws of the State of Texas.

Sec. 17.20. - Construction of the charter.

In wording of the charter, the use of singular number shall include the plural, and the plural shall include the singular. Words used in the masculine gender shall include the feminine also, unless by reasonable construction, it appears that such was not the intention of this charter.

Sec. 17.21. - Qualification of appointees.

Any person recommended for an appointive position or any city board, commission and/or committee shall have been a resident of the City of Saginaw a minimum of six months, and not be in arrears in payment of any taxes due the city.

**ARTICLE XVIII
SAVINGS CLAUSE, ETC.**

Sec. 18.01. - Saving clause, etc.

All powers granted heretofore to cities are hereby preserved. In case of any irreconcilable

conflict between the provisions of this charter and any superior law, the powers of the city and its officers shall be as defined in such superior. In case any insufficiency or omission may be supplied by reference to the general laws, such provisions of the general laws are hereby adopted, and the city shall have and exercise all of the powers that it could have acquired by expressly adopting and incorporating into this charter all of the provisions of such superior and general laws; it being the intent of this charter that no lawful power of the city shall fall because of insufficiency or invalidity of any portion or portions of this charter, the same shall not in any way affect the remainder of the charter, but shall be construed as if adopted with such portion and/or portions so found invalid or impotent.