

(g) Adopt and modify the zoning plan and the building code of the City, and to modify or adopt any other codification of laws as it may deem necessary.

(h) Adopt and modify the official map of the City.

(i) Adopt, modify and carry out the plans proposed by the Planning Commission for the clearance of slum districts and rehabilitation of blighted areas.

(j) Adopt, modify and carry out plans proposed by the Planning Commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

(k) Regulate, license, and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on public streets and alleys of the City.

(l) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits.

(m) Fix the salaries and compensation of the City officers and employees.

(n) Provide for a sanitary sewer and water system and require property owners to connect their premises with such sewer system, and provide for penalties for failure to make sanitary sewer connections.

(o) Provide for sanitary garbage disposal, and set fees and charges therefor, and provide penalties for failure to pay such fees and charges and to enact provisions for the classification of services and the classification of reasonable charges for services of different kinds, and to make provisions for special contracts with persons outside the city limits of the City of Vidor, but within the extra-territorial zone of the City of Vidor, to receive sanitary garbage disposal services from the City of Vidor, upon the payment of reasonable fees therefor, and any other municipal services of the City of Vidor, within such extra-territorial area, which shall, in the judgment of the City Council, be necessary or proper for the protection of the public health of the citizens of the City of Vidor.

(p) Exercise exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same as provided in Chapter 313 of the Texas Transportation Code, as now or hereafter amended. **[Revised August 8, 1998]**

SECTION 4.09 - BOARDS, COMMITTEES AND AGENCIES:

The City Council shall have authority to establish such boards, committees and agencies, and special offices and appointments for the City of Vidor as the council may, in its judgment, determine to be necessary or proper for carrying out the functions of the City government.

SECTION 4.10 - POLICE POWER

The council shall have the power and the duty to pass, publish, amend, or repeal all ordinances, rules, and police regulations not contrary to the constitution of this state, for the good government, peace and order of the City, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this charter in the city, the city government, or any of the departments or offices thereof; to enforce the observance of all such rules, ordinances and police regulation, and to provide punishments for violations thereof, and to provide, in proper cases for the remittance or forgiveness of fines and penalties, where such may be required in the interest of good government.

SECTION 4.11 - POWER TO CONDEMN DANGEROUS STRUCTURES

The City Council shall have the power to provide by ordinance for rules and regulations pertaining to notice, hearings, and appeals, if necessary, and enforcement of rules and regulations of the City pertaining to elimination or removal of dangerous structures, and the City Council shall have the power to condemn any dangerous structure which is deemed to be a danger to the public health and safety of the citizens of the City of Vidor.

ARTICLE V ADMINISTRATIVE DEPARTMENTS

SECTION 5.01 - GENERAL

City Council may create or establish, abolish or consolidate, as many departments or offices as it may deem necessary for the best interest of the City. It may divide the administration of such departments or offices as it may deem advisable. The City Council may establish by ordinance such rules and regulations covering the conduct and performance, employment and discharge of personnel in the departments, and may from time to time amend such rules and regulations.

SECTION 5.02 - RULES AND REGULATIONS FOR DEPARTMENTS - **[Repealed August 8, 1998]**

SECTION 5.03 - DIRECTORS OF DEPARTMENTS

At the head of each administrative department there shall be a chief or departmental head shall have supervision and control of the department subject to the City Manager. Two or more departments may be headed by the same individual, and directors of departments may also serve as chiefs of divisions. **[Revised August 8, 1998]**

SECTION 5.04 - POLICE DEPARTMENT

There shall be established and maintained a Police Department to preserve order within the City and to secure the residents of the City from violence and the property therein from injury or loss:

(a) Chief of Police: The Chief of Police shall be the chief administrative officer of the Police Department. He/she shall be a resident of the City of Vidor or shall move into the city limits within ninety (90) days after his/her appointment. He/she shall, with the approval of the City Manager, appoint and suspend the employees of said department and shall perform such duties as may be required of him/her. The Chief of Police shall be appointed by the City Manager with the approval of the City Council, for an indefinite term, as provided in Article 998, Chapter 3, Title 28, of the Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended. The Chief of Police shall be responsible to the City Manager for the administration of his/her department and the carrying out of the directives of the City Manager. He/she may be removed from office by the City Manager with the approval of the City Council. **[Revised August 8, 1998]**

(b) Special Police: Special police shall be of reputable character and their appointment shall be made by recommendation of the Chief of Police and subject to approval by the City Council.

SECTION 5.05 - FIRE DEPARTMENT

The City Council shall have the authority to create a Fire Department. The City Council by ordinance shall provide for a Fire Department consisting of paid firemen or volunteer firemen, or a combination of paid firemen and volunteer firemen. If paid firemen are to be employed, the City Council shall provide by ordinance for the number of paid firemen, their pay, their term of office, provisions for removal of firemen and such other provisions as might be necessary for supervision and control of firemen. The City Council shall by ordinance establish such other rules and regulations for a fire department as might be necessary for the proper control and operation of same.

SECTION 5.06 - SANITATION DEPARTMENT

The City Council shall have the authority to create and operate a Sanitation Department and to prescribe rules and regulations for the handling and disposition of all garbage, trash, and rubbish within the city, and shall further have the authority to fix charges and compensation to be charged by the city for the removal of garbage, trash, and rubbish. The City Council shall, by ordinance, provide rules and regulations for the collection thereof.

SECTION 5.07 - DEPARTMENT OF HEALTH

The City Council shall have the authority to appoint a City Health Officer who shall be a licensed physician qualified to practice medicine in the State of Texas. The City Health Officer shall be the Director of the Department of Health. The City Health Officer shall advise the City Council on a program of Public Health; shall cooperate in the preparation of a Sanitary Code; shall cooperate with the nearby cities on problems of health and sanitation; shall cooperate with the Commissioners Court of Orange County and its agencies, and with the State Health Department and other departments of the state government in matters pertaining to health and sanitation.

SECTION 5.08 - MUNICIPAL COURT

There shall be established and maintained a court designated as "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be described by the statutes of the State of Texas relative to municipal courts or recorders courts. **[Revised August 8, 1998]**

The Judge of said court shall be a qualified voter of the City of Vidor, shall be appointed by the City Council, shall hold his/her office at the pleasure of the City Council, and shall receive such salary as may be fixed by the City Council. **[Revised August 8, 1998]**

The City Secretary or an assistant City Secretary shall be ex-officio clerk of said court. The City Council may provide for a special clerk for the Municipal Court to perform all the duties of clerk of court, administer oaths, keep records, prepare court papers, collect, receipt for, and account for all fines, penalties or costs, and to make reports to the Council as required by the Council. **[Revised August 8, 1998]**

In the case of disability or absence of the Judge of Municipal Court, the Mayor, or in the absence or disability of the Mayor, the Mayor Pro-Tem or an appointed designee shall act as Judge of said court. **[Revised August 8, 1998]**

SECTION 5.09 - CITY ATTORNEY

The City Council shall appoint a competent and duly licensed attorney licensed to practice under the laws of the State of Texas, who shall be the City Attorney. He shall receive for his services such compensation as may be fixed by the City Council, and shall hold his office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by him with the approval of the City Council, shall represent the City in all litigation. He shall be the legal advisor of, and the attorney and counsel for, the City of Vidor and all officers and departments thereof. The Council may engage special counsel for special compensation, and may provide special compensation for the City Attorney in accordance with the duties and work required of him.

SECTION 5.10 - PLANNING COMMISSION

The City Council shall have the power to appoint a City Planning Commission consisting of six members who shall be residents of the City of Vidor and shall serve without compensation, and shall not hold any other position in the City government.

(a) TERM OF OFFICE

Of the six members first appointed, three shall be appointed to serve one year and three to serve two years. Thereafter, three members shall be appointed within thirty days after each regular City election to serve a term of two years.

(b) RULES OF PROCEDURE

The Commission shall elect, annually, one of its members as chairman, and shall establish its own rules of procedure which shall include the following: A quorum shall consist of a majority of the members of the commission and an affirmative vote of a majority of those present shall be necessary to pass upon pending questions, the chairman being entitled to vote upon any question. All meetings shall be open to the public and a record of all proceedings shall be kept, which record shall be filed by the person performing the duties of the City Secretary and shall be a public record.

(c) VACANCIES

Membership on the Planning Commission shall be accompanied by active participation in the activities of the Commission, and any member who is absent from three consecutive meetings of the Commission without valid excuse, as determined by the Commission, shall automatically be dismissed from membership. The Commission shall at once notify the

City Council that a vacancy in the Planning Commission exists. Vacancies occurring in the Commission, for whatever reason, shall be filled within thirty days by appointment by the City Council for the remainder of the unexpired term.

(d) POWERS AND DUTIES

The Commission shall have the power and shall be required to:

- (1) Make, amend, extend and add to the master plan for the physical development of the City.
- (2) Approve or disapprove plats of proposed subdivisions submitted in accordance with this charter. In considering such plats, the Planning Commission shall require that the proposed subdivisions shall meet, so far as is practicable, all the standards of layout and street and sidewalk construction on comparable property within corporate limits of the City of Vidor, shall further require that restrictions be placed on the use of the property which are consistent with restrictions on comparable property within the City of Vidor. Upon approving such plats, and before they are released for recording, the Planning Commission shall submit all copies of the approved plats to the City Council for inspection.
- (3) Draft, and recommend to the City Council for adoption, an official map of the City and recommend or disapprove proposed changes in such map.
- (4) Make, and recommend to the City Council for adoption, a zoning plan and recommend or disapprove proposed changes in such plan.
- (5) Make, and recommend to the City Council for adoption, plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the City.
- (6) Compile, and recommend to the City Council for adoption, a building code, which code shall include the minimum standards for plumbing, and the minimum standards for wiring.
- (7) Submit annually to the Mayor not less than ninety days prior to the beginning of the budget year, a list of recommendations for capital improvements which, in the opinion of the Commission, are necessary or, desirable to be constructed during the forthcoming five years. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in each year.
- (8) Meet not less than once each month; meetings to be held at the City Hall unless prior notice of change of meeting place be given by publication in a newspaper in general circulation in the City of Vidor.

(9) Perform such other duties and be vested with such other powers as the City Council shall from time to time prescribe.

(e) LIAISON WITH CITY COUNCIL

The Mayor or his representative shall attend the meetings of the Planning Commission and shall serve as liaison between the Planning Commission and the City Council.

(f) SUBDIVISIONS - APPROVAL OF PLATS

Whether the City Council elects to appoint a Planning Commission or not, it shall be the duty of the City Council of the City of Vidor to secure compliance with Article 974a, Texas Revised Civil Statutes, in regard to platting of new subdivisions and the recording of plats of subdivisions within the City Limits of the City of Vidor, and when the City of Vidor has no Planning Commission, the City Council shall perform the functions of the Planning Commission or governing body as set forth in Chapter 212 of the Texas Local Governmental Code as the same or may be hereafter amended. The provisions of this section shall be applicable to the "extra-territorial" zone of the City of Vidor, as well as to subdivisions located within the corporate limits of the City of Vidor. **[Revised August 8, 1998]**

SECTION 5.11 - BOARD OF ADJUSTMENTS

The City Council shall appoint a Zoning Board of Adjustment of five members who shall be citizens of the City of Vidor, shall be appointed to serve for a term of two years, shall adopt rules in accordance with the Zoning Ordinance of the City, shall select one of its members as chairman and shall meet at the call of said chairman and at such other times as the board may determine. All meetings of such board shall be open to the public and minutes shall be kept of all proceedings, showing the vote of each member present upon every question. The board shall have all powers granted in Articles 1011a through 1011j and l and m, of the Revised Civil Statutes of the State of Texas as now or hereafter amended, which shall include the power to hear and determine appeals from refusal of building permits, and to permit exceptions to or variations from the zoning regulations in classes of cases or situations in accordance with the principles, conditions and procedure specified in the Zoning ordinance. Of the number first appointed to the Zoning Board of Adjustment, three members shall be appointed to serve one year and two to serve two years. Thereafter three members shall be appointed in each even-numbered year, and two members shall be appointed in each odd-numbered year.

ARTICLE VI. ELECTIONS

SECTION 6.01 - GENERAL AND SPECIAL ELECTIONS

The regular City Election shall be held annually on the 1st Saturday in May, at which time officers will be elected by majority to fill those offices which become vacant that year. The City Council shall fix the hours and place for holding such election. The City Council may, by resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election. Notice of the Election shall be published once a week for two consecutive weeks in the newspaper of general circulation in the City of Vidor, the first such publication to be not less than thirty (30) days before the Election. **[Revised May 1992]**

In case of failure of the Mayor and City Council to order any regular city election as provided herein, or any special election for the filling of a second vacancy on the council, as provided for in this charter, an election for the purpose of filling vacancies in offices either vacant or to become vacant as provided in this charter may be ordered by the County Judge for a date certain, to be set by him, as nearly consistent as possible with the provisions of this charter, on the written petition of twenty (20%) percent of the qualified electors who are qualified to vote in the City of Vidor.

Failure to meet fully all of the technical requirements of notice of an election as provided in this section shall not invalidate the election if, in the judgment of the City Council the public received notice of the date, time, place and time of the election, in sufficient time to participate in the election and to participate in absentee voting where necessary, provided the election has been ordered by appropriate action of the City Council as required by law, and there has been some published notice of this action by the City Council in a paper of general circulation in the City of Vidor not less than thirty (30) days before the election.

SECTION 6.02 - 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 the appointed election authorities 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.

SECTION 6.03 - FILING FOR OFFICE

The City Secretary shall receive for filing, any application for a place on a ballot in accordance with the applicable statutes. **[Revised August 8, 1998]**

SECTION 6.04 - THE OFFICIAL BALLOT

The full 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. If two candidates with the same surname, or with names so similar as to be likely to cause confusion make application to have a place on the ballot, the addresses of their places of residence shall be placed with their names on the ballot. The order of the names for each ward on the ballot shall be by lot.

SECTION 6.05 - ELECTION BY MAJORITY

At any regular or special municipal election the candidates who shall have receive a majority of all votes cast for all the candidates for such office at such election shall be declared elected. In every such election each qualified voter may vote for one candidate only for each Council place to be filled. In the event no candidate for any of said offices receives a majority of all votes cast, then a runoff election between the two candidates receiving the highest number of votes shall be called within thirty (30) days of the original election. In the event of a tie between two candidates for any office at said run-off election, they shall cast lots to determine who shall be elected to such office. For every regular election called to fill one or more vacant places on the Council, the City Secretary shall place upon the official ballot the name of every candidate who shall file an application which complies with the provisions of this Charter and pays the required filing fee. The Council places to be filled shall be placed on the ballot in numerical order. The name of each candidate shall be placed on the ballot under the designated place for which he shall have filed and in such manner that the names of the candidates for each place shall be clearly separate and distinguished from the names of the candidates for every other Council place. **[Revised May 1992]**

SECTION 6.06 - LAWS GOVERNING CITY ELECTIONS

All city elections shall be governed, except as otherwise provided by this charter, by the general election laws of the State of Texas.

SECTION 6.07 - 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 result of the election as to candidates and questions and shall issue certificates of election to candidates.

SECTION 6.08 - OATH OF OFFICE

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation to be filed and kept in the office of the City Secretary.

"I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____, of the City of Vidor, State of Texas, and will to the best of my ability preserve, protect and defend the constitution and laws of the United States and of the State of Texas and the charter and ordinances of the City of Vidor; and I furthermore solemnly swear (or affirm), that I have not directly or indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected, or if the office is one of appointment, to secure my appointment. So help me God."

ARTICLE VII. INITIATIVE, REFERENDUM AND RECALL

SECTION 7.01 - SCOPE OF RECALL

The mayor or any member of the city council shall be subject to recall and removal from office by the qualified electors of the City as in this charter provided.

SECTION 7.02 - PETITIONS FOR RECALL

Before the question of recall of such officer shall be submitted to the qualified electors 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 20% of the number of votes cast at the last regular municipal election of the City, but in no event less than 300 such petitioners. Each signer of such recall petition shall personally sign his/her name thereto in ink or indelible pencil, and shall write after his/her name his/her place of residence, giving name of street and number of place or residence, shall also write

thereon the day of the month and year his/her signature was affixed and the signer's date of birth and voter registration number. **[Revised August 8, 1998]**

SECTION 7.03 - FORM OF RECALL PETITION

The recall petition mentioned above must be addressed to the City Council of the City of Vidor and 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 incompetency, 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/she is charged. Each separate petition paper shall be verified by oath by the circulator thereof in the following form: **[Revised August 8, 1998]**

STATE OF TEXAS
COUNTY OF ORANGE

"I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; that I personally circulated the petition; that the statements made therein are true; 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 to and subscribed to before me this _____ day of _____, 19____.

Notary Public in and for
Orange County, Texas. **[Revised August 8, 1998]**

SECTION 7.04 - 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. Verification 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 (30) thirty days prior to the filing of such petition or

petitions with the person performing the duties of City Secretary. All papers and documents, comprising a single petition, that is, all papers comprising a recall petition, shall be filed with the person performing the duties of City Secretary, and the said secretary shall immediately notify, in writing, the officer so sought to be removed. The City Secretary shall at once examine the recall petition, and if he/she finds it sufficient and in compliance with the provisions of this article of the Charter, he/she shall present it to the City Council at its next regular meeting with his/her certificate to that effect and notify the officer sought to be recalled of such action. **[Revised August 8, 1998]**

SECTION 7.05 - ELECTION TO BE CALLED; HEARING PROVIDED

If the officer, whose removal is sought, does not resign within five days after such recall petition shall have been duly presented to the City Council of the City of Vidor as provided in the next preceding section of this Article, then it shall become the duty of said council to order an election and fix a date for holding such recall election; and the date of which election shall not be less than thirty nor more than fifty days from the time such petition was presented to the Council. 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 a public hearing to be held, not less than five days nor more than fifteen days after receiving such request for a public hearing.

SECTION 7.06 - FORM OF BALLOT

The form of ballot to be used at such recall election shall be as *follows*:

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

Immediately following the above question there should be provided on the ballot, in separate lines, in the order here set out, the words:

"FOR the recall of (name of person)."

"AGAINST the recall of (name of person)."

Should a majority of the votes cast at such recall election be for the recall of such officer named on the ballot, he shall be deemed removed from office. Should a majority of votes cast at such recall election, however, be against the recall of the officer named on the ballot, such officer shall continue in office for the remainder of his term.

SECTION 7.08 - RECALL, RESTRICTIONS THEREON

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

SECTION 7.09 - FAILURE OF CITY COUNCIL TO CALL AN ELECTION

In case all of 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 provisions of this Charter with reference to such recall, then the County Judge of Orange County, Texas, shall discharge any of such duties herein provided to be discharged by the city council.

SECTION 7.10 - ONE OR MORE OFFICERS MAY BE RECALLED AT SAME ELECTION

The mayor and/or one or more aldermen may be recalled at the same election; and, if in such recall election there shall as a result of such election, remain the mayor or one or more aldermen who are not recalled, then the mayor, alderman or aldermen not recalled shall discharge all of the duties incumbent upon the governing body of said City until the vacancy or vacancies created at such recall elections are filled by an election for that purpose; but if in any proposed recall election it is proposed and submitted to recall all the members constituting said city council, then there shall be submitted in the recall petition the names of candidates to fill the vacancies proposed to be created by such election and their names shall be placed upon the ballot; but the name of such officers proposed to be recalled shall not appear on the ballots as candidates.

SECTION 7.11 - VACANCIES IN COUNCIL DUE TO RECALL, HOW FILLED

If at any recall election it is not proposed and submitted to recall all of the members constituting said city council, but only one or more and fewer than all, and such election shall result in favor of the recall of one or more of said officers proposed to be recalled, then it shall be the duty of the remaining member or members not recalled and constituting the governing body of the City, within five days after such an election is held or as soon as practical thereafter, to meet, canvass the returns, declare the result of the election, and on the same date order an election to fill such vacancy or vacancies; which election shall be held within not less than 30 days or more than 60 days after the same shall have been ordered. No vacancy caused by recall shall be filled by the City Council of the City of Vidor, but only by election.

SECTION 7.12 - GENERAL POWER

The qualified voters of the City of Vidor, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by initiative and referendum; and in the exercise of the power of initiative may propose any ordinance, except ordinances appropriating money or levying taxes, or ordinances repealing ordinances appropriating money or levying taxes, not in conflict with the State Constitution, the State Laws, or this Charter; and in the exercise of the power of referendum may approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter except that ordinances authorizing the issuance of bonds (either tax bonds or revenue bonds), whether original or refunding bonds, shall not be subject to such referendum.

SECTION 7.13 - INITIATIVE

Qualified voters of the City of Vidor may initiate legislation 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 20% of the number of votes cast at the last regular municipal election of the City, or 150, 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, as provided in Section 7.02 of this charter, and shall be verified by oath in the manner and form provided for recall petitions in Section 7.03 of this charter. The petition may consist of one or more copies as permitted for recall petitions in Section 7.04 of this charter. All petition papers comprising an initiative shall be assembled and filed with the City Secretary as one instrument. Within twenty (20) days after the petition is filed, the City Secretary shall determine whether each paper of the petition has the proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Secretary shall declare any petition paper entirely invalid which has not been verified by oath as provided in Section 7.03 of this charter. After completing his/her examination of the petition, the City Secretary shall certify the result thereof to the Council at its next regular meeting. If he/she shall certify that the Petition is insufficient, he/she shall set forth in his/her certificate the particulars in which it is defective and shall at once notify the filer of the petition. The petition may be amended at any time within ten (10) days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within five (5) days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, he/she shall file his/her certificate to that effect in his/her office and notify the filer of the petition of his/her findings and no further action shall be had on such insufficient petition. Upon presentation of a petition and draft of the proposed ordinance or resolution, which the City Secretary has certified as sufficient and valid, it shall become the duty of the City Council, within 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, to be held not less than thirty days nor more than sixty days thereafter, at which the qualified voters of the City of Vidor shall vote on the question of adopting, or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty days after the filing of the petition, the question may be voted on at such election. **[Revised August 8, 1998]**

SECTION 7.14 - REFERENDUM

Qualified voters of the City of Vidor may require that any ordinance or resolution passed by the City Council be submitted to the voters of the City for approval or disapproval, 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 as required for petitions initiating legislation as provided in Section 7.13 of this charter and shall be submitted to the person performing the duties of City Secretary. **[Revised August 8, 1998]**

Immediately upon the filing of such petition, the person performing the duties of City Secretary shall examine and certify the petition as provided in Section 7.13 of this Charter and shall submit the result thereof to the Council at its next regular meeting. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote as provided in Section 7.13 of this charter. 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 qualified voters voting thereon at such election shall vote in favor thereof. **[Revised August 8, 1998]**

SECTION 7.15 - VOLUNTARY SUBMISSION OF LEGISLATION BY THE COUNCIL

The City Council, upon its own motion and by a 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 any existing ordinance, resolution or measure, in the same manner and with the same force and effect as provided in this Article for submission on petition, and may in its discretion call a special election for this purpose.

SECTION 7.16 - FORM OF BALLOTS

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

"FOR the ORDINANCE," and
"AGAINST the ORDINANCE," and
"FOR the RESOLUTION," and
"AGAINST the RESOLUTION."

SECTION 7.17 - PUBLICATION OF PROPOSED AND 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 at least fifteen 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 ordinances or resolutions calling said election.

SECTION 7.18 - ADOPTION OF ORDINANCES

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

SECTION 7.19 - 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.

SECTION 7.20 - ORDINANCES PASSED BY POPULAR VOTE, REPEAL OR AMENDMENT

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided in Section 7.15 of this Charter.

SECTION 7.21 - 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.

ARTICLE VIII. BUDGET AND FINANCES

SECTION 8.01 - PREPARATION AND SUBMISSION OF BUDGET

The City Manager, at least forty-five (45) days prior to the beginning of each budget year, shall submit to the City Council a proposed budget and an explanatory budget message in the form and with the contents. For such purpose, at such date as he/she shall determine, he/she, or an officer designated by him/her, shall obtain from the head of each office, department or agency, estimates of revenue and expenditures of that office, department, or agency detailed by organization units and character and object of expenditure, and such other supporting data as he/she may request. Total proposed expenditures shall not exceed total anticipated revenues in the City Manager's proposed budget. In preparing the budget, the City Manager shall review the estimates, shall hold hearings thereon and may revise the estimates, as he/she may deem advisable. The budget and budget message and all supporting schedules shall be a public record in the office of the City Secretary open to public inspection by anyone. The City Manager shall cause a reasonable number of copies of the budget and budget message to be prepared for distribution to interested persons. **[Revised August 8, 1998]**

SECTION 8.02 - FISCAL YEAR

The fiscal year of the City shall begin with the first day of October of each year, and shall end with the 30th day of September of each year.

SECTION 8.03 - CURRENT BUDGET EFFECTIVE - **[Repealed August 8, 1998]**

SECTION 8.04 - CONTENTS OF BUDGET

The budget shall contain itemized estimates of expenses and revenues, by departments, which will be compiled on the basis of detailed information obtained from department heads, divisions and offices of the City, and shall be classified as nearly as possible in a uniform manner for the main functional divisions of each department or office of the City and shall contain the following information:

- (a) An itemized estimate of the expense of conducting each department, division and office.
- (b) Comparison of each estimate with the corresponding items of expenditure for the last fiscal year and with the expenditure of the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.

(c) Reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year.

(d) A separate schedule for each department, showing the things necessary for the department to do during the year and any desirable things it ought to do if possible.

(e) Items of payroll increase as either additional pay to present employees, or pay for more employees.

(f) A statement of the total probable income of the City from taxes for the periods covered by the estimate.

(g) An itemization of all anticipated revenue from sources other than the tax levy.

(h) The amount required for interest on the City's debt, for sinking fund and for maturing serial bonds as well as the reserves required.

(i) The total amount of outstanding City debts, with a schedule of maturities on bond issues.

(j) Such other information as may be required by the City Council or the Mayor.

SECTION 8.05 - CLASSIFICATION OF ITEMS

The budget shall follow a recognized system of classification of revenues and expenditures, as nearly as possible, such as that promulgated by the National Committee on Municipal Accounting or some other publicly recognized and accepted system of classification.

SECTION 8.06 - BUDGET MESSAGE

It shall be the duty of the City Manager to submit with the budget a "budget message" with supporting schedules, exhibits or other explanatory material which shall be for the information not only of the City Council but also of the public in respect both to current operations and to capital outlay, and, if not shown by the budget itself, the budget message shall give an analysis of property evaluations, an analysis of the tax rate, tax levies and tax collections by years for at least ten years, a summary of general fund, resources, and other fund or departmental resources, a summary of proposed expenditures by function, department and activity; a summary of proposed expenditures by character and object; an estimate of expenditures shown separately for each activity to support the above mentioned summaries, a payroll analysis, a revenue and expense statement for all types of bonds, a description of bond issues outstanding, showing rate of interest, date of issue, maturity, amount authorized, amount issued and amount outstanding; a schedule of the requirements for principal and interest on each issue of bonds; a statement about special funds; a proposed

appropriation ordinance, and a tax levying ordinance. **[Revised August 8, 1998]**

SECTION 8.07 - BALANCE OF THE BUDGET

The total estimated expenditures of the general funds and debt service shall not exceed the total estimated resources of each fund (prospective income plus cash on hand).

SECTION 8.08 - THE BUDGET A PUBLIC RECORD

The budget and the budget message and all supporting schedules shall be filed in the office of the City Secretary at least thirty (30) days before the taking of any official action of the City Council to make its tax levy for the current fiscal year, and at least fifteen (15) days before the public hearing on the budget hereinafter provided, and said budget, budget message and supporting schedules shall be a public record and shall be open to public inspection by any citizen of the City of Vidor, and by any person, firm or corporation holding obligations of the City of Vidor in the form of notes, time warrants, bonds or any other form of obligation. Copies shall be furnished at a reasonable fee to be determined by the City Secretary, and based upon the estimated cost of preparation of the same.

SECTION 8.09 - NOTICE OF PUBLIC HEARING ON THE BUDGET

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 fifteen (15) days after the date of publication, at which the Council will hold a public hearing.

SECTION 8.10 - PUBLIC HEARING ON BUDGET

At the time and place so advertised, and at any other time and place to which such public hearing shall be from time to time adjourned, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates, or any item thereof, or for adding to the budget or modifying the same in any way.

SECTION 8.11 - VOTE REQUIRED FOR ADOPTION

The budget shall be adopted by the favorable votes of at least a majority of all members of the whole Council, and in case of a tie the Mayor shall vote.

SECTION 8.12-DATE OF FINAL ADOPTION; FAILURE TO ADOPT

The budget shall be finally adopted not later than the 27th day of the last month of the fiscal year. Should the Council take no action, on or prior to such day, the budget as submitted by the City Manager shall be deemed to be finally adopted by the Council. **[Revised August 8, 1998]**

SECTION 8.13 - EFFECTIVE DATE OF BUDGET; CERTIFICATION, COPIES MADE AVAILABLE

Upon 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. The final budget shall be printed or otherwise reproduced. Sufficient copies shall be made available for the use of all offices, departments, and agencies of the City of Vidor, and for the use of all interested persons and civic organizations. **[Revised August 8, 1998]**

SECTION 8.14 - BUDGET ESTABLISHES APPROPRIATIONS

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

SECTION 8.15 - ANTICIPATED REVENUES COMPARED WITH OTHER YEARS

In the final budget as adopted by the Council, parallel columns opposite the several items of revenue shall contain the actual amount of such item for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

SECTION 8.16 - PROPOSED EXPENDITURES; COMPARISON WITH OTHER YEARS:

The proposed expenditures for the administration, operation, maintenance and capital outlay of each office, department or agency of the City shall be itemized by character and object, and parallel columns opposite the various items shall contain the actual amount of such items of expenditures for the last completed fiscal year, and the estimated amount for the current fiscal year, and the proposed amount for the ensuing budget year.

SECTION 8.17 - CONTINGENT APPROPRIATIONS

Provisions shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than four percent of the general fund expenditure to be used in case of unforeseen items of expenditures. Such contingent appropriation shall not be spent or disbursed except upon approval of the City Council, and expenditures shall be made only in case of

established emergencies, and a detailed account of such expenditures shall be recorded in the minutes of the City Council, and shall be duly noted on an official copy of the city budget as kept and maintained in the office of the City Secretary. Such expenditures shall be made from the contingent fund only by transfer to the appropriate departmental appropriation, and the expenditure shall be charged to the department or activity to which the emergency appropriation is made. [Revised August 8, 1998]

ARTICLE IX TAXATION AND BONDS

SECTION 9.18 - POWER TO TAX:

The Council shall have the power to levy, for general purposes, an ad valorem tax on real, personal and mixed property within the territory of the City of Vidor, not exempt from taxation by the constitution and laws of the State of Texas, based upon its true value as provided by law, to the extent allowed by the constitution and statutes of the State of Texas for cities of more than 5,000 population, which said tax shall embrace all tax for municipal purposes.

The Council may raise, assess, back-assess, and collect taxes on all property privileges and franchises, of every kind and description, within the City or having its situs therein on January 1 of each year, and from any other local source, and provide for the rendition thereof, the place, time and manner of the payment thereof, with such penalties as the Council may deem best, not in violation of the laws of this State.

The tax rate on real, personal or mixed property in the City of Vidor shall not exceed \$1.75 per hundred dollars valuation, notwithstanding the fact that the constitution and laws of the State of Texas permit a higher rate of taxation for cities of 5,000 population or more, and in the event this provision of this charter shall be held to be void on account of existing obligation of the City of Vidor incurred prior to the fixing of this limit by this charter, then, and in that event, it is the will of the people of Vidor that this provision shall not be deemed to be void, but that it shall become effective except to the extent legally necessary to discharge existing legal obligations of the City of Vidor, its agencies, departments and subdivisions, and said limitation shall become absolutely effective upon the discharge of such obligations.

SECTION 9.19 - LIEN TO SECURE TAXES

Taxes shall be levied as of the first day of January of each year, and as of such date shall constitute a first and prior lien upon the property assessed, and a personal liability against the owner thereof.

SECTION 9.20 - PUBLIC NOTICE TO RENDER PROPERTY

The City Secretary shall issue a public notice at least ten (10) days and not more than thirty (30) days before January 1, of each year to give public notice by advertisement in a newspaper requiring the rendition of real and personal property for taxation as provided by law and notifying the owners thereof to have the same rendered for taxation on or before the first day of April of each year.

SECTION 9.21 - SUPPLEMENTAL TAX ROLLS - **[Repealed August 8, 1998]**

SECTION 9.22 - ASSESSMENTS VALIDATED

No irregularity in the time and manner of making or returning the city assessment rolls or the approval of such rolls shall invalidate any assessment.

SECTION 9.23 - TAXES PAYABLE WITHOUT DEMAND

All taxes shall be payable at the office of the collector and assessor of the City of Vidor at the City Hall, or at such other place as the City Council may specifically designate by ordinance. No demand for such taxes shall be necessary, but it is the duty of the taxpayer to make payment in cash within the time specified.

SECTION 9.24 - REMOVING PROPERTY FROM VIDOR

If anyone against whom a personal property tax is assessed and unpaid, whether the same is delinquent or not, shall have removed or be about to remove his personal property out of the city, it shall be the duty of the assessor and collector of taxes to proceed at once to collect such taxes by seizure and sale of such personal property.

SECTION 9.25 - DESCRIPTION OF PROPERTY

In any suit by the City of Vidor for the collection of any delinquent tax where it shall appear that the description of any property on the city assessment rolls shall be insufficient to identify such property, but that owner had adequate notice of the assessment of taxes and adequate knowledge of

the existence and taxability of the assessable property, the City shall have the right to set up in its pleading a good description of property intended to be assessed, and to prove the same, and to have judgment foreclosing its tax lien upon the same, and personal judgment against the owner for such taxes, the same as if the property were fully described upon the assessment rolls.

When property is assessed in accordance with the description furnished by the owner or his agent, the sufficiency of such description shall not be disputed by such owner in any action or suit for collection of such taxes, but the same shall be binding upon the owner and shall be sufficient for all purposes of such assessment and collection of taxes.

SECTION 9.26 - CORRECTION OF ERRORS - **[Repealed August 8, 1998]**

SECTION 9.27 - TAXES FOR CURRENT AND PRIOR YEARS

All taxes heretofore assessed are ratified and all ordinances relating to taxes now in force shall continue until amended or appealed by the City Council.

SECTION 9.28 - OWNER TO RENDER REAL AND PERSONAL PROPERTY - **[Repealed August 8, 1998]**

SECTION 9.29 - ASSESSOR AND COLLECTOR SHALL ASSESS FOR TAXATION - **[Repealed August 8, 1998]**

SECTION 9.30 - BOARD OF EQUALIZATION - **[Repealed August 8, 1998]**

SECTION 9.31 - APPEALS TO BOARD OF EQUALIZATION - **[Repealed August 8, 1998]**

SECTION 9.32 - INCREASING ASSESSMENT - **[Repealed August 8, 1998]**

SECTION 9.33 - GENERAL INCREASE IN TAXES

No general increase in tax rates nor property evaluation shall be made by the Council until notice thereof is inserted in a newspaper published in Vidor, Texas, and opportunity given to be heard thereon before the Council in open session.

SECTION 9.34 - PAYMENT, DELINQUENCY, PENALTIES

All taxes due the City of Vidor shall be payable at the City Hall to the Tax Assessor-Collector for the City of Vidor 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 1 of each year. All taxes shall be deemed and

become delinquent as of February 1 of the year following Assessment, and shall be subject to such penalties and interest as are imposed by state law (in case of delinquent State and County taxes).

The Council may by ordinance provide that all taxes, either current or delinquent, due the city, may be paid in installments (as to current taxes over a period not exceeding one year). Taxes which are not delinquent on the date of the first installment payment shall not be deemed delinquent so long as each installment is paid on the date due, failing in which such taxes shall at once, without grace, demand or notice, be subject to such penalty and interest as are imposed by state law (in case of delinquent State and County taxes) and be deemed and become delinquent as of February 1 of the year following assessment. Delinquent taxes paid in installments shall as to time, amount, prematurity in event of default and all other pertinent matters be governed by the ordinance providing for installment payment of taxes, except to the extent otherwise controlled by state law.

SECTION 9.35 - TAX LIEN

The tax levied by the city is hereby declared to be a lien, charge, or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the city, for the amount of the taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against non-residents. All taxes upon real estate shall especially 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. The city's tax lien shall exist from January 1st in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.

All persons or corporations owning or holding personal property or real estate in the City of Vidor on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year.

The personal property of all persons owing any taxes to the City of Vidor is hereby made liable for all of said taxes, whether the same be due upon personal or real property.

SECTION 9.36 - SEIZURE AND SALE OF PERSONAL PROPERTY

The Assessor - Collector of taxes shall, by virtue of the tax rolls of the city, have power and authority to seize and levy upon all personal property and sell the same to satisfy all delinquent taxes together with all penalty, interest and costs due on said personal property 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 of same by posting a written notice at the city hall door and one at another public place within the city at least ten days before the date of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, cost and expense 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 an absolute title, and the owner shall have a right to redeem the same, in accordance with the provisions of the Revised Civil Statutes of Texas as now or hereafter amended.

SECTION 9.37 - JOINT INTEREST IN PROPERTY

The assessor and collector of taxes shall not be required to make separate assessments of joint interests or conflicting interests in any real estate, but the owner of such interest may furnish to the assessor and collector of taxes at any time before the first day of May of each year a written description of any parcel of land in which he has an interest less than the whole showing the amount of his interest therein and the assessor and collector may thereupon assess such interest as a separate parcel and the remaining interest as a different parcel and proceed to fix the value of each.

The assessor and collector of taxes may receive the taxes on part of any lot or parcel of real estate or any undivided interest therein but no such taxes shall be received until the person rendering the same shall have furnished the said assessor of taxes a particular description of the particular part or interest on which payment is tendered.

SECTION 9.38 - GENERAL POWERS

Unless otherwise provided by this charter and by ordinances passed hereunder, all property in the City liable for taxation shall be assessed in accordance with the general laws of the state insofar as applicable.

In addition to the powers herein conferred with reference to the assessment and collection of taxes, the City of Vidor shall have and may exercise all powers and authority now conferred or which may hereafter be conferred upon cities having a population of more than 5,000 inhabitants by the general law of the State of Texas.

SECTION 9.39 - CITY SECRETARY SHALL ACT AS ASSESSOR AND COLLECTOR OF TAXES

The City Secretary shall act as assessor and collector of taxes with all powers conferred upon the assessor and collector of taxes by this charter, the statutes and constitution of the State of Texas, unless a person has been appointed to the position of assessor of taxes for the City of Vidor. In the absence of the City Secretary, or the appointed assessor and collector of taxes, as the case may be, the City Manager of the City of Vidor shall have the power and authority to perform all of the duties

of a collector and assessor of taxes. **[Revised August 8, 1998]**

SECTION 9.40 - POWER TO ISSUE BONDS

The City of Vidor shall have the right and power to borrow money on the credit of the City for the purpose of the acquisition, establishment, construction, enlargement, development, leasing, improvement or purchase of property, lands, buildings, roads, bridges, streets, drainage systems, paving, water works, water works system, reservoir, sewer, sewage system, sewer disposal system, gas system, electric light and power system, transportation system, playgrounds, parks, pleasure grounds, boulevards, fire stations, jails, police stations, municipal buildings of any character, libraries, garbage disposal plants, incinerators, to pay the city's share as may be determined by law in street opening and widening and the building of underpasses or overhead crossings, storm sewers and the construction of a storm sewer system of drainage by open canals, or closed conduit, to provide a revolving street improvement fund or for any other permanent public improvements as may be determined by the Council and to issue bonds, assignments of revenue or warrants of the city therefor to bear interest not exceeding the rate per annum payable annually or semi-annually at such places as may be designated.

The City shall also have the power to borrow money against the revenues of any municipally owned utility in payment of such debt under the authority of and as conferred by the Revised Civil Statutes of the State of Texas and all other applicable provisions of law. The authority to issue such revenue bonds shall be exercised strictly in accordance with said statutory provisions and when authorized by a vote of the qualified electors as provided in said statutes and other applicable provisions of law. However, in no event shall revenue bonds be considered an indebtedness of the City of Vidor nor to be repaid from funds secured by taxation.

The City shall have the right to fund any maturing bonds or any bonds callable by option, by the issuance of new bonds in lieu thereof at the same or a lower rate of interest and may apply thereto the sinking fund belonging to any series of bonds so funded and may pay and retire any bonds by using the sinking fund thereof if there is no danger of causing default in other bonds for which that sinking fund was created.

SECTION 9.41 - OTHER PUBLIC IMPROVEMENTS

This City may enter into an agreement with the United States of America or any agency thereof, the State of Texas or any political subdivision thereof to acquire, improve, pay for, maintain, control and operate any or all of the following:

(1) Any water system, including riparian rights, water supply reservoirs, water sheds, dams, water pumping and filtration systems, rights of way and all appurtenances and facilities useful in furnishing the inhabitants of this city an abundant supply of wholesome water;

(2) Sewage disposal plants and systems, rights of way, sewer lines and all other sewage facilities useful in properly serving the city.

(3) Parks and play grounds;

(4) Incinerators and garbage disposal plants;

(5) Streets, boulevards, alleys and other public ways serving inhabitants of the City of Vidor and neighboring cities;

(6) Hospitals;

(7) Drainage systems;

(8) Gas systems;

(9) Electric light and power systems;

(10) Any other public utility, within or outside the City of Vidor or may alone acquire improve, maintain, control and operate any or all such projects wholly or partially outside this city for the benefit of the residents of the City;

(11) Fire Protection;

(12) Police protection, riot control, and disaster control and relief; to finance any such project or projects, separately or jointly with any other Governmental unit, the City may incur indebtedness, evidenced by notes, warrants, bonds, or revenue certificates of this city; provided, however, that any such agreement with other Governmental unit or units, shall not become effective until twenty days after such agreement be embodied in an ordinance of the Council authorizing its execution, and such ordinance has been published at least two times in a newspaper having a circulation in Vidor. Any such ordinance although administrative in character, shall be subject to referendum as herein provided for legislative ordinances.

SECTION 9.42 - BOND ELECTIONS

Any proposition to issue new or additional bonds, as authorized herein, as well as the amounts of such issuance and the purpose of the same, shall be first submitted to a vote of the qualified voters of the City who are property taxpayers of the City, at an election to be held for that purpose. The time, place and manner of such election and the making of returns and declaring the results thereof shall be prescribed by ordinance as nearly in accord with the provisions of Revised Statutes of Texas and the laws regulating city elections as may be practical, and unless a majority of the qualified taxpaying voters, voting thereon in such election, vote in favor of the issuance of such bonds, the same shall not be issued; provided that the purpose of the issuance of bonds, as submitted at such election, may include more than one object.

After an issue of bonds has been ordered, the Council shall have power to issue bonds payable serially or otherwise as in its opinion may seem best. All bonds shall specify on their face for what purpose they are issued. When any bonds are issued by the City a fund shall be provided to pay the interest and create a sinking fund sufficient to pay the bonds at maturity, and said sinking fund may be invested in bonds of the State of Texas, or in bonds or obligations of the United States, or in bonds of the City of Vidor, which are not yet due; provided that in the event it shall be deemed expedient to issue serial bonds payable in annual installments it shall be sufficient to provide for the payment of interest thereon and the annual installments as they mature.

SECTION 9.43 - EXECUTION OF BONDS

All bonds, warrants, certificates of indebtedness and assignments of revenue shall be signed by the Mayor, counter-signed by the City Secretary and sealed with the seal of the City and shall be payable at such times and place or places as may be fixed, not more than forty years from their date.

SECTION 9.44 - BONDS TRANSMITTED TO COMPTROLLER

It shall be the duty of the Mayor, when such bonds are issued, to forward the same to the Comptroller of Public Accounts of the State of Texas for submission with all information he may have relating thereto, to the Attorney General of the State of Texas.

SECTION 9.45 - STATEMENT FURNISHED TO COMPTROLLER

It shall be the duty of the Mayor, at the time of forwarding such bonds for registration, to furnish the said Comptroller with a statement of the amount of taxable property, real and personal, in the city, and the amount of tax levied for the payment of, interest and the creation of a sinking fund on such bonds.

SECTION 9.46 - SINKING FUND

It shall be the duty of the Council each year to levy a tax sufficient to pay the interest on and provide the necessary sinking fund, required by law on all bonds outstanding and if a deficiency appears at any time in such fund, then the Council shall, for the next succeeding year, levy an additional tax sufficient to discharge such deficiency.

SECTION 9.47 - BOND REGISTER

The Council shall keep, or cause to be kept, for and on behalf of the City a complete bond registry and books, showing all bonds, warrants, certificates, of indebtedness and assignments of revenue issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered and all other transactions of the Council having reference to the refunding of the indebtedness of said City. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry. The books shall be safely kept among the records of the City.

SECTION 9.48 - MISAPPLICATION OF BOND FUNDS

Any officer of the City who shall wilfully or knowingly divert or use any funds arising from the issuance of any bonds or any sinking fund for any other purpose, except that for which the fund is created or is herein otherwise authorized, shall be deemed guilty of a misapplication of public funds and be subject to prosecution as provided under the laws of the state for the diversion and conversion of funds belonging to any of the municipalities of the State.

SECTION 9.49 - TIME WARRANTS

The City Council shall have authority to issue time warrants, subject to the limitations imposed by Article 2368a, Texas Revised Civil Statutes, otherwise known as the "Bond and Warrant Law of 1931", as amended.

ARTICLE X. FRANCHISE AND PUBLIC UTILITIES

SECTION 10.01 - POWERS OF THE CITY

In addition to the City's power to buy, own, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the City shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

SECTION 10.02 - FRANCHISE; POWER OF CITY COUNCIL

The City Council shall have power by ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating within the City of Vidor. All ordinances granting amending, renewing, or extending franchises for public utilities shall be read at two separate regular meetings of the City Council, and shall not be finally passed until thirty days after the first reading; and no such ordinances shall take effect until thirty days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four consecutive weeks in the official newspaper of the City of Vidor, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferable except with the approval of the City Council expressed by ordinance, provided, however, that a mortgage by the utility of its properties or a change of name shall not be considered a transfer for the purposes of this sentence.

SECTION 10.03 - FRANCHISE VALUE NOT TO BE ALLOWED

No value shall be assigned to any franchise granted by the City of Vidor under this charter in fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise.

SECTION 10.04 - RIGHT OF REGULATION

All grants, removals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City Council of the City of Vidor:

- (a) To repeal the same ordinance at any time upon the failure of the grantee to comply with any provision of the ordinance, the franchise, the Charter of the City of Vidor, any applicable statute of the State of Texas or the rule of any applicable governmental body;

- (b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on operations within the City of Vidor;
- (e) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public.
- (f) To require such compensation and rental as may be permitted by the laws of the State of Texas.
- (g) To require a reduction in rates, with due regard for the investment of the company, and the type of service being rendered, after due notice and a public hearing;
- (h) To grant increase in rates where reasonably required on account of operating costs, an increase of investment acquirements, increased operating expenses, and other factors to allow a fair return on a fair value.

SECTION 10.05 - GRANT NOT TO BE EXCLUSIVE

No grant or franchise to construct, maintain or operate a public, utility and no renewal or extension of such grant shall be exclusive,

SECTION 10.06 - CONSENT OF PROPERTY OWNERS

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but nothing in this charter or in any franchise granted thereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his property as now or hereafter provided by law.

SECTION 10.07 - EXTENSIONS

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 10.04 of this charter. In case of an extension of a public utility operated under a franchise

hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

SECTION 10.08 - OTHER CONDITIONS

All franchises heretofore granted are recognized as contracts between the City of Vidor and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this charter, except that the power of the City of Vidor to exercise the right of Eminent Domain in the acquisition of utility property is in all things reserved, and except the general power of the City heretofore existing and herein provided for, to regulate the rates and services of a grantee which shall include the right to require proper and adequate extension of plant and service and maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this Article whether or not such terms are specifically mentioned in the franchise. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the City Council or voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant.

SECTION 10.09 - ACCOUNTS OF MUNICIPALLY-OWNED UTILITIES

Accounts shall be kept for each public utility owned or operated by the City, in such manner as to show the true and complete financial results of such City ownership and operation, including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental, and other disposition of annual income.

The accounts shall show actual capital cost to the City of each public utility owned, also the cost of all extensions, additions, and improvements and the source of funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any City Government Department. The City Council shall cause an annual report to be made by a Certified Public Accountant and shall publish such report showing the financial results of such City ownership and operation, giving the information specified in this section and such other data as the City Council shall deem expedient.

SECTION 10.10 - SALE OF WATER AND SEWER SERVICES

(a) The City Council shall have the power and authority to sell and distribute water and to sell and provide for sewer services and garbage pickup to any person, firm or corporation outside the limits of the City of Vidor, and to permit them to connect with said system under contract with the City, under such terms and conditions as may appear to be for the best interests of the City; provided the charges fixed for such services outside the City limits shall be reasonable when considered in the light of all circumstances, to be determined by the City Council.

(b) The City Council shall have the power and authority to prescribe the kind of water or sewer pipes within or beyond the limits of the City of Vidor where it furnishes the service, and to inspect the same and require them to be kept in good order and condition at all times and to make such rules and regulations as shall be necessary and proper, and prescribe penalties for non-compliance with same.

SECTION 10.11 - REGULATION OF RATES AND SERVICES

The City Council shall have the power, after due notice and hearing, to regulate by ordinance the rates and services of every public utility operating in the City of Vidor; and shall have power to employ at the expense of the grantee expert assistance and advice in determining a reasonable rate and equitable profit to the grantee.