

CHARTER OF THE CITY OF SAN ANTONIO

CHARTER

OF THE

CITY OF SAN ANTONIO

ADOPTED OCTOBER 2, 1951

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ARTICLE I INCORPORATION, FORM OF GOVERNMENT AND POWERS

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Section 1. **INCORPORATION.** The inhabitants of the City of San Antonio in Bexar County, Texas, residing within the corporate limits of the City, as now or hereinafter established in the manner provided by law or by this Charter, are hereby constituted and shall continue to be a municipal body politic and corporate under the name of the "CITY OF SAN ANTONIO," hereinafter referred to as "the City," and by that name shall have perpetual succession and shall have and succeed to all the rights, property, real, personal and mixed, immunities, powers, privileges and franchises now held, possessed and enjoyed by the City or granted herein, and shall be subject to all its present duties and liabilities, subject to the limitations prescribed in this Charter.

Section 2. **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 by this Charter, all powers of the City shall be vested in an elective Council, hereinafter referred to as "the Council," which shall enact local legislation, adopt budgets, determine policies and appoint

the City Manager, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 3. **POWERS OF THE CITY.**

Paragraph 1. **General Powers.** The City may sue and be sued, plead and be impleaded in all courts, have a corporate seal, contract and be contracted with, ordain and establish such acts and regulations and ordinances not inconsistent with the Constitution and laws of this State and this Charter as shall be needed for the government, interest, welfare and good order of the City and the interest, welfare, health, morals, comfort, safety and convenience of its inhabitants; the City may purchase, take, hold, acquire and convey, lease, mortgage and dispose of any property whatever within the City limits. The City may acquire necessary property for sewer, sanitary, cemetery, waterworks, gas, electric light and power, and any other corporate purposes by purchase, condemnation or other means within or without the City limits, and may lease, convey and alienate the same. Except as prohibited by the Constitution and laws of Texas or as restricted by this Charter, the City shall have all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever, now or hereafter granted by the Constitution and laws of Texas, including without limitation the powers conferred expressly and permissively by laws passed pursuant to the Texas Home Rule Amendment as now or hereafter amended, all of which are hereby adopted. The Council is expressly authorized to adopt any rule or regulation deemed necessary, advisable or convenient for the purpose of exercising any power expressly or permissively conferred by such Act. The City shall have the powers conferred by the provisions of legislation passed by the State Legislature as now or hereafter amended, which Act is hereby adopted.

Paragraph 2. **Annexation.** The City shall have power, by ordinance, to fix and change the bounds and limits of the City and to provide for the extension of the said bounds and limits and the annexation of additional territory lying adjacent to the City with or without the consent of the territory and the inhabitants thereof annexed; provided, however, that such an ordinance, or any amendment thereto, shall be published one time, prior to passage, in some daily newspaper published in the City and such ordinance shall not be passed until at least thirty days have elapsed after publication. The City shall have power to annex additional territory, lying adjacent to the City and the inhabitants thereof, as may be authorized by, and in the manner and form prescribed by any general law of Texas.

Paragraph 3. **Cooperation with State and Federal Governments.** The City may cooperate and contract with the government of the State of

Texas or any agency or political subdivision thereof, and with the government of the United States of America, or any agency or department thereof, to accomplish any lawful purpose for the interest, welfare, health, morals, comfort, safety and convenience of the City or its inhabitants.

Paragraph 4. **Eminent Domain.** The City shall have the power of eminent domain where necessary or desirable to execute any power conferred upon it by this Charter, or by the Constitution or laws of Texas and may condemn either private or public property whether in or out of the corporate limits of the City for such purposes, upon payment of fair compensation for the property taken. Such power may be exercised in any manner authorized by the Constitution or laws of Texas, or as may be prescribed by ordinance. The City may condemn the fee or any lesser interests in the property taken, and may condemn for any public purpose whether specifically stated herein or not.

Paragraph 5. **Urban Redevelopment.** The City may adopt, modify and carry out plans for the clearance and redevelopment of slum districts or blighted areas within the City, as such districts or areas may be defined by ordinance as to character, nature, location and extent. For the accomplishment of these public purposes, which may be further defined by ordinance, the City may acquire by purchase or by condemnation all privately owned land, buildings and other property interests within such districts or areas. The City may establish, locate, relocate, build and improve any streets or other public open spaces provided for in any plan so adopted. Pending the final clearance and redevelopment of such district or area, the City may maintain, lease or sell any building or other improvements thus acquired. The City may sell the land, or any part thereof in such districts or areas, which is designated for private or public buildings or for private open spaces upon such terms, covenants and conditions and subject to such restrictions, excluding rent control by the City, as to building uses and open spaces, as will substantially carry out the plans adopted by the City for the clearance and redevelopment of such districts or areas; provided, however, that land so disposed of shall contain a covenant which shall run with such land precluding its sale to or use by any public housing agency. Before any plan is finally adopted by the City, a public hearing shall be held thereon by the Council, and, thirty days prior to such hearing, notice of its time and place shall be published one time in a newspaper published in the City and shall be sent by mail to the record owners of the property interests included within the district or area covered by any plan.

Paragraph 6. **Fiscal Powers.** The City shall have the power to:

(1) Assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation in accordance with the laws of Texas and this Charter;

(2) Provide for the payment of the current expenses and of the

debts of the City;

(3) Borrow money on the faith and credit of the City by the issue or sale of bonds or notes of the City;

(4) Borrow money on the faith and credit of any improvement district heretofore or hereafter established in the City by the Council, and issue bonds therefor for permanent public improvements in such district;

(5) Levy and collect special assessments for local improvements;

(6) Levy an occupation tax on any person, corporation, partnership, engaged in any business, occupation or calling in accordance with the laws of Texas;

(7) Levy an annual tax and appropriate funds for the purpose of advertising the City in order to increase its growth, improve the same and benefit its inhabitants.

Paragraph 7. **Street Powers.** The City of San Antonio shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate the use thereof and require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and encroachments of every nature or character thereon.

Paragraph 8. **Street Improvements.** The City shall have exclusive dominion, control and jurisdiction in, upon, and over and under the public streets, avenues, alleys, highways, and public ways of the City, and may provide for the improvement thereof by paving, re-paving, raising, draining, or otherwise. The provisions, without limitations, of laws providing for assessments against abutting property for street improvements enacted are expressly adopted. Such exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, alleys, highways, and public ways, of the City shall also include, but not be limited to, the power to regulate, locate, remove, or prohibit the location of, all utility pipes, conduits, lines, poles, wires or other property of any public utility.

Paragraph 9. **Zoning.** For the purpose of promoting the health, safety, morals or general welfare of the City, the Council may by ordinance regulate the location, height, bulk and size of buildings and other structures, the size of yards, courts and other open spaces, and the use of buildings, structures and land for trade, industry, business, residence or other purposes. Such ordinances may provide that the Zoning Board of adjustment may, in appropriate cases and subject to appropriate principles, standards, rules, conditions and safeguards set forth in the ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. Such ordinances may provide that the Zoning Board of Adjustment may authorize variances from the strict application of the regula-

tions in such cases and subject to such limitations as may be set forth in ordinance. All of the powers granted by State Zoning Enabling Laws, now existing or hereafter enacted, are hereby adopted.

Paragraph 10. **Sanitary Sewer System.** The City shall have the power to provide for a sanitary sewer system and to require property owners to connect their premises with such sewer system; to provide for fixing penalties for failure to make sanitary sewer connections; and shall further have the right to fix charges and compensation to be charged by the City for sewerage service and make rules and regulations for the collection thereof.

Paragraph 11. **Garbage Disposal.** The City shall have the right by ordinance to adopt and prescribe rules and regulations for the handling, collection and disposition of all garbage, trash and rubbish within the City and to fix and collect charges for the removal thereof.

Paragraph 12. **Public Assistance.** The City may appropriate its funds, in the exercise of a governmental function, for the assistance of needy persons to provide for them the basic necessities of life in accordance with categories of such persons as may be defined by ordinance.

Paragraph 13. **Other Powers.** The City shall have power to:

(1) Provide for, acquire, construct, regulate, protect and maintain public buildings, works, improvements, parks, gardens, and recreational facilities of any nature;

(2) License and regulate persons, corporations, partnerships and associations engaged in any business, occupation or calling;

(3) License and regulate vehicles operated for hire and fix and regulate the rates to be charged therefor;

(4) License and regulate all places of public amusement;

(5) Define and prohibit the maintenance of any nuisance within the corporate limits of the City and within the territory outside of the corporate limits of the City which is within five thousand feet of the said corporate limits, and abate such nuisances by summary proceedings and provide for the punishment of the authors thereof;

(6) Define, prohibit, abate, suppress and prevent all things or any acts detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City;

(7) Regulate the construction and height of and materials used in all buildings and structures within the City, and provide for their inspection and make, prosecute, and enforce regulations governing same;

(8) Regulate the maintenance and use of all buildings and structures in the City;

(9) Fix standards of weights and measures and provide for their inspection;

(10) Regulate the filing of plats of any subdivision of property in or

out of the City in accordance with the laws of Texas or as may be prescribed by ordinance; and to require that streets, sidewalks, curbs, street signs, utilities and public open spaces of all subdivisions to be established shall be designed, constructed and installed in accordance with standards established by the City;

(11) Compel the laying of sidewalks by property owners in front of or abutting their land, in accordance with specifications prescribed by the City; and compel the repair of such sidewalks in like manner;

(12) Direct and control the laying of all tracks required for public transportation on any street, alley, public way or public place in the City;

(13) Regulate the sale of tickets or issuance of passes or other evidences of the right to travel on any public transportation system using the streets, alleys, public ways or public places of the City;

(14) Provide for a license fee on animals and regulate, restrain and prohibit the running at large or keeping of animal and fowls in the City;

(15) Provide for the regulation and inspection of all bakeries and dairies in the City, and of all bakeries and dairies located outside of the City from which products are sold in the City; and for the inspection of all cows from which milk is sold in the City; and prescribe fees to be charged in connection with such regulation and inspection, and prescribe standards for the quality of all bakery and dairy products sold in the City;

(16) Provide for the inspection of meat, fish, vegetables, fruit and every or any food or food product offered for sale in the City; and provide for inspection, before slaughter, of all animals to be offered for sale in the City;

(17) Provide for the erection and maintenance of market houses;

(18) Establish fire zones of various classifications;

(19) Adopt and enforce all necessary police, health and sanitary regulations;

(20) Adopt and enforce such regulations and penal ordinances as may be necessary for maintaining and promoting the peace, lives, health, security and property of the inhabitants for promoting the good government and welfare of the City, and for the performance of all municipal functions;

(21) Provide suitable penalties for the violation of any regulations enacted by the City;

(22) Exercise jurisdiction over all property owned by the City whether within or without the corporate limits of said City;

(23) Acquire, own, operate and maintain any character of public utility, including, without limitation, water, gas, light, power, telephone, telegraph and transportation systems, by any lawful means.

Paragraph 14. Cumulative Powers. The enumeration of particular powers and the specification of the manner of exercising the same by this Charter shall never be deemed to be exclusive nor construed as a limitation upon the general powers herein granted or upon their exercise in any other lawful manner, and in addition to the powers enumerated herein or implied thereby, or appropriate to the exercise of such powers, it is intended that the

City shall have and may exercise all powers it would be competent for this Charter specifically to enumerate.

ARTICLE II THE CITY COUNCIL

- Section 4. CREATION, COMPOSITION AND POWERS
5. TERMS OF OFFICE
 6. COMPENSATION
 7. FORFEITURE OF OFFICE
 8. VACANCIES
 9. MAYOR AND MAYOR PRO TEM
 10. CITY CLERK
 11. MEETINGS OF THE CITY COUNCIL
 12. COUNCIL RULES
 13. QUORUM
 14. INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS
 15. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT- EMERGENCY MEASURES
 16. RECORDING OF ORDINANCES, RESOLUTIONS AND MINUTES
 17. PUBLICATION OF ORDINANCES
 18. ENACTMENT OF RESOLUTIONS

Section 4. **CREATION, COMPOSITION AND POWERS.** There is hereby created as the governing body of the City a Council which shall consist of 11 members, each of whom shall be elected to and occupy a place, such places being numbered consecutively beginning with Place 1 and ending with Place 11.

Each member of the Council shall be a citizen of Texas, a qualified elector and registered to vote in the City, shall have resided in the City at least one year prior to filing his application for election and must reside in the City during his term of office.

The Council members shall be elected from districts or wards which shall be drawn by ordinance and shall be as nearly equal in population as practicable. The boundaries of the districts or wards shall be reexamined and redetermined by ordinance, where appropriate following each succeeding Federal decennial census, or at other times where substantial variances in the number and make-up of the population of districts or wards have occurred, taking into consideration annexations, disannexations, shifts in population, compactness, ethnic composition and other criteria established by law. On any annexations, the City Council shall designate the annexed

area to be a part of the wards or districts to which it is contiguous.

Members of the Council for Place 1 through Place 10 shall be elected from such districts or wards which shall be numbered accordingly and each such member shall be elected by a majority vote of the qualified electors voting in said election in the particular district or ward. Each member from a district or ward shall reside within its boundaries at least six months prior to filing his application for election and continuing during his or her term of office, and failure to do so shall render such office vacant. Candidates for and the person elected as member of the Council in the remaining place, Place 11, may reside anywhere in the City and shall be elected by a majority of all qualified electors voting in said City election, with said Council Member to serve as Mayor as provided in Section 9 of this Charter. No Member of the Council may hold any other public office or employment for which compensation is paid by the City or Bexar County, Texas. Subject to the provisions of this Charter, the Council shall have and exercise all powers now or hereafter conferred on the City; shall succeed to all powers heretofore vested in any former governing body of the City, shall have the general care, management and control of the City, its property and finances, and shall enact, alter, modify or repeal all ordinances and resolutions not repugnant to this Charter and the Constitution and laws of Texas.

Section 5. **TERMS OF OFFICE.** The terms of office of all members of the Council elected at a regular municipal election shall be for two years beginning on the first day of June next following their election.

If a member of the Council shall file to become a candidate for nomination or election to any public office, other than that of member of the Council, he or she shall vacate immediately his or her place on the Council and the vacancy thereby created shall be filled in the same manner as any other vacancies.

Section 6. **COMPENSATION.** Each member of the Council shall receive as compensation for his services as such member the sum of Twenty Dollars for each meeting of the Council attended, provided that the total of such compensation shall not exceed One Thousand and Forty Dollars per annum.

Section 7. **FORFEITURE OF OFFICE.** Any member of the Council who ceases to possess the required qualifications for office; or who is convicted, while in office, of a felony or misdemeanor involving moral turpitude shall forfeit his office, which forfeiture shall be declared and enforced by a majority vote of the Council.

Section 8. **VACANCIES.** Vacancies in the Council other than in the last place (Mayor) arising from any cause shall be filled by a majority vote of

the remaining members for the unexpired term only and provided the successor shall possess all qualifications required for the office. In the event of a vacancy in the office of the Mayor, the remaining Council members shall elect from among themselves, by majority vote, a person to serve as Mayor for the unexpired term and the person elected shall take over the last place on the Council.

Section 9. MAYOR AND MAYOR PRO TEM.

Paragraph 1. The person elected to the last place on the Council shall serve as and be the Mayor during his term of office. The Mayor shall be the presiding officer of the Council and shall receive, in addition to compensation as a member of the Council, the sum of Three Thousand Dollars per annum.

Paragraph 2. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor. Should a vacancy occur in the office of the Mayor, the Mayor Pro Tem shall act as Mayor until the Mayor's position has been filled as provided in Section 8 above. While serving as Mayor, the Mayor Pro Tem shall receive the same compensation as the Mayor.

Paragraph 3. The Mayor, the Mayor Pro Tem and any member of the Council may be paid such expenses in connection with their official duties as may be provided by the Council.

Section 10. CITY CLERK. The Council shall choose a City Clerk, who shall keep the records of the Council and of the City, and who shall perform such other duties as may be required by this Charter or the Council. All civil process to the City shall be served upon the City Clerk. Other officers and employees in the office of the Clerk shall be in the classified civil service of the City, and, shall be appointed and may be removed by the City Manager.

Section 11. MEETINGS OF THE COUNCIL. All meetings of the Council shall be held at such times as may be prescribed by ordinance or resolution; but not less than one regular meeting shall be held each week, unless postponed for reasons to be spread on the minutes which shall be kept of all Council meetings. Special meetings of the Council shall be called by the City Clerk upon the written request of the Mayor, the City Manager or three members of the Council. All meetings of the Council and of any committees thereof shall be in compliance with the Texas Open Meetings Act as it may be amended from time to time.

Section 12. COUNCIL RULES. The Council shall determine its rules and order of business and keep minutes of its proceedings. It shall have power to compel the attendance of absent members, and, by a vote of not less than seven members, may expel a member from a Council meeting for

disorderly conduct or the violation of its rules.

Section 13. **QUORUM.** A majority of the members of the Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in the manner prescribed by ordinance. A vote regarding adjournment or the attendance of absent members may be adopted by a majority of the members present; but in all other matters upon which the Council may vote, a majority vote of all members of the Council in office shall be necessary for adoption. In the event of the existence of six or more vacancies, the remaining members shall constitute a quorum and may conduct all necessary business until such vacancies are filled. In all matters upon which the Council votes, the individual votes shall be recorded by the City Clerk in the minutes of the Council, and shall be a public record.

Section 14. **ORDINANCES AND RESOLUTIONS - INTRODUCTION AND PASSAGE.** Ordinances and resolutions shall be introduced in the Council only in written or printed form. The enacting clause of all ordinances shall be "Be it ordained by the City Council of the City of San Antonio."

Section 15. **ORDINANCES AND RESOLUTIONS - TAKE EFFECT; EMERGENCY MEASURES.** Except as otherwise provided in this Charter or by ordinance or law, all ordinances and resolutions passed by the Council shall take effect at the time indicated therein, but not less than ten days from the date of their final passage. The affirmative vote of at least eight members of the Council shall be required to pass any ordinance or resolution as an emergency measure. An emergency measure is an ordinance or resolution to provide for the preservation of the public peace, property, health or safety, in which the emergency is set forth, and may be made effective immediately upon enactment. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

Section 16. **RECORDING OF ORDINANCES, RESOLUTIONS AND MINUTES.** Each ordinance or resolution and the minutes of the Council shall be recorded as soon as practicable by the City Clerk in well bound books, which shall be public records. Ordinances shall be authenticated by the signature of the Mayor and the City Clerk and shall be systematically recorded in an ordinance book in a manner approved by the Council. It shall only be necessary to record the caption or title of ordinances in the minute book of the Council meetings.

Section 17. **PUBLICATION OF ORDINANCES.** Every ordinance imposing any penalty, fine or forfeiture for a violation of its provisions shall, after passage thereof, be published for one time in a newspaper published in the City. Proof of such publication by the printer or publisher of such news-

paper made by affidavit before any officer authorized to administer oaths and filed with the City Clerk shall be conclusive evidence of the legal publication and promulgation of such ordinance in all courts and elsewhere. Such publication may consist of the full text of the ordinance, or a substantive condensed statement of the nature and purpose of the ordinance and the penalty for violation thereof. The penalty, fine or forfeiture shall apply five days after publication. The Council may adopt any code or codification of ordinances or parts thereof, and may amend and correct such ordinances therein for the purpose of general distribution, and when so adopted and contained in printed, multigraphed or mimeographed form, publication of such code thereof need not be made other than by publication of the ordinance or resolution adopting the same, provided that three copies of such code or codification are filed for permanent record and inspection in the office of the City Clerk prior to the adoption thereof.

Any administrative rules or regulations of any department of the City or of the State affecting the City, or any statute of Texas, or any published code, specifications or requirements prepared by an official or unofficial organization for general circulation and use, may be made effective in the City by reference thereto in an ordinance, provided three (3) copies thereof are filed for permanent reference and inspection in the office of the City Clerk prior to the adoption thereof.

Section 18. **ENACTMENT OF RESOLUTIONS.** The Council, or a majority thereof, may act by resolution in all cases except where an ordinance is by this Charter required; provided, that no contract on the part of the City shall be made or authorized, nor any money appropriated from the funds of the City nor any franchise or privilege for the use of any of the public streets or other public places of the City be granted or renewed, nor any lands of the City be conveyed or leased, nor authority for such conveyance or lease given otherwise than by ordinance.

ARTICLE III MUNICIPAL ELECTIONS

- Section 19. **REGULAR AND SPECIAL ELECTIONS**
- 20. **LIMITATION ON TERMS OF OFFICE**
- 21.-25. **RESERVED**

Section 19. **REGULAR AND SPECIAL ELECTIONS.** The City Clerk shall be responsible for administering all City elections in accordance with the State Election Code and other applicable state law, provided that the Council may, by ordinance, make rules and regulations not inconsistent with state law. Candidates filing for office must pay a \$100.00 filing fee or provide

a petition with signatures of registered voters as provided by State Law.

Section 20. **LIMITATION ON TERMS OF OFFICE.** No person shall be eligible to hold any elected office for more than two full terms, and shall not be placed on the ballot for election to any term if service for the full term would constitute a violation hereof. For the purpose of this section, the office of Mayor shall be considered a separate office from other Council places.

Section 21 – 25. **RESERVED.**

ARTICLE IV RECALL, INITIATIVE AND REFERENDUM

- Section 26. **RECALL PROVISIONS**
27. SIGNATURES TO PETITIONS
 28. FILING, EXAMINATION AND CERTIFICATION OF RECALL PETITIONS
 29. AMENDMENT OF PETITIONS
 30. RECALL ELECTION ORDERED
 31. BALLOTS IN RECALL ELECTION
 32. RESULT OF RECALL ELECTION
 33. LIMITATIONS ON RECALL PETITIONS
 34. POWER OF INITIATIVE
 35. POWER OF REFERENDUM
 36. FORM OF PETITIONS
 37. FILING, EXAMINATION AND CERTIFICATION OF PETITIONS
 38. AMENDMENT OF PETITIONS
 39. EFFECT OF CERTIFICATION ON REFERENDUM PETITION
 40. CONSIDERATION BY COUNCIL
 41. SUBMISSION TO ELECTORS
 42. FORM OF BALLOT FOR INITIATED AND REFERRED ORDINANCES
 43. RESULTS OF ELECTION
 44. REPEALING ORDINANCES; PUBLICATION

Section 26. **RECALL PROVISIONS.** Any member of the Council may be removed from office by recall. A petition stating the general grounds on which removal of a District or Ward Council Member is sought shall be signed by qualified electors equal in number to ten (10) percent of those electors who were qualified to vote in such Ward or District at the time of the last regular municipal election, and shall be filed by any qualified elector of the District or Ward with the City Clerk. A petition stating the general grounds on which removal of the Council Member serving as Mayor is sought shall be signed by qualified electors equal in number to ten (10) percent of those elec-

tors who were qualified to vote at the time of the last regular municipal election, and shall be filed by any qualified elector of the City with the City Clerk.

A separate petition shall be circulated with respect to each Member of Council whose removal is sought.

Section 27. **SIGNATURES TO PETITIONS.** The signatures to recall petitions need not all be appended to one petition and may be duplicated and assembled, but to each separate paper there shall be attached an affidavit of the circulator and such paper shall be invalid without such affidavit. Each signer of any petition paper shall, after his signature, show the place of residence by street and number or other description sufficient to identify the voting precinct. An affidavit attached to each petition or duplicate shall be as follows:

State of Texas
County of Bexar

....., **being duly sworn, deposes** and says that he personally circulated the foregoing paper, that all the signatures affixed thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Signed

(Signature of Circulator)

Subscribed and sworn to before me this _____ day
of _____, _____.

Notary Public

Section 28. **FILING, EXAMINATION AND CERTIFICATION OF RECALL PETITIONS.** All petition papers comprising a recall petition shall be assembled and filed with the City Clerk as one instrument. Within twenty days after filing, the City Clerk shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of qualified electors. Upon completing his examination, the City Clerk shall certify the result thereof to the Council. If he should certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective, provided; however, that except as to the particulars certified to be defective, the petition shall be deemed to be valid in all other respects.

Section 29. **AMENDMENT OF PETITIONS.** A recall petition may

be amended at any time within twenty days after certification of insufficiency by the City Clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Clerk shall, within ten days after such supplement is filed, examine the supplementary petition and, if his certificate shall show the petition still to be insufficient, he shall file it in his office and notify the person filing and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

Section 30. RECALL ELECTION ORDERED. If the recall petition, or amended petition be certified by the City Clerk to be sufficient, he shall at once submit it to the Council and notify the Member of Council whose removal is sought of such action. The Council shall order a recall election which shall be held not less than thirty nor more than forty days after the petition has been presented to the Council, and at the same time as any other special or general election held within such period. If no such election is to be held, the Council shall call a special election. Should the Member of Council whose removal is sought resign prior to said recall election, then no election shall be held.

Section 31. BALLOTS IN RECALL ELECTION. Ballots used in recall elections shall read as to each member of the Council whose removal is sought as follows: "SHALL (name of person) BE REMOVED FROM THE CITY COUNCIL BY RECALL?" Below such question there shall be printed the following as to each member:

"For the recall of (name of person.)" "Against the recall of (name of person)."

Section 32. RESULT OF RECALL ELECTION. If a majority of the votes cast be against recall of a member, he shall continue in office for the remainder of his term, but subject to recall as before. If a majority of such votes be for the recall of a member he shall, regardless of any defect in the recall petition, be deemed removed from office and a successor shall be appointed.

Section 33. LIMITATIONS ON RECALL PETITIONS. No recall petition shall be filed against a member of the Council within three months after he takes office nor, in respect to a member subjected to a recall election and not removed thereby, until at least six months after such Election.

Section 34. POWER OF INITIATIVE. The electors shall have power to initiate any ordinance, except ordinances appropriating money, levying a tax, granting a franchise, or fixing public utility rates, and to adopt or reject the

same at the polls; provided, however, that the foregoing limitations on initiated ordinances shall not apply to any ordinance initiated pursuant to the provisions of Article I, Section 3, Paragraph 12 of this Charter. Any initiated ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to ten percent of the electors qualified to vote at the time of the last regular municipal election. In addition to the ordinances excepted above, ordinances zoning or rezoning property shall not be subject to this power.

Section 35. **POWER OF REFERENDUM.** The electors shall have power to approve or reject at the polls any ordinance passed by the Council save one appropriating money, levying taxes, or fixing public utility rates, or any ordinance submitted by the Council of its own initiative to a vote of the electors; provided, however, that the foregoing limitation on ordinances subject to a referendum shall not apply to any ordinances enacted pursuant to the provisions of Article I, Section 3, Paragraph 12 of this Charter. Ordinances submitted to the Council by initiative petition and passed by the Council shall be subject to the referendum in the same manner as other ordinances. Within forty days after the enactment by the Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the City equal in number to at least ten percent of the electors qualified to vote at the last preceding regular municipal election may be filed with the City Clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors. In addition to the ordinances excepted above, ordinances zoning or rezoning property shall not be subject to this power.

Section 36. **FORM OF PETITIONS.** All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate paper there shall be attached a statement of the circulator that he personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the voting precinct.

Section 37. **FILING, EXAMINATION AND CERTIFICATION OF PETITIONS.** All petition papers comprising a petition shall be assembled and filed with the City Clerk as one instrument. Within twenty days after a petition is filed, the City Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors, and shall hold any petition

paper entirely invalid which does not have attached thereto the statement signed by the circulator thereof. The City Clerk shall certify the result of his examination to the Council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the person filing same of his findings.

Section 38. AMENDMENT OF PETITIONS. A petition may be amended at any time within twenty days after the notification of insufficiency has been sent by the City Clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Clerk shall, within ten days after such an amendment is filed, examine the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the person filing of his finding and no further action shall be had on such petition. The finding of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

Section 39. EFFECT OF CERTIFICATION ON REFERENDUM PETITION. When a referendum petition, or amended petition, has been certified as sufficient, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it be in effect, until and unless approved by the electors.

Section 40. CONSIDERATION BY COUNCIL. Whenever the Council receives a petition from the City Clerk, it shall be immediately considered. A proposed initiative ordinance shall be read and provision shall be made for a public hearing. The Council shall take final action on the ordinance not later than sixty days after the date on which such ordinance was submitted to the Council by the City Clerk. A referred ordinance shall be reconsidered and the Council shall, within thirty days, vote upon the question, "Shall the ordinance be repealed?"

Section 41. SUBMISSION TO ELECTORS. If the Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors at a special or regular municipal election not less than thirty nor more than ninety days from the date the Council takes its final vote thereon.

Section 42. FORM OF BALLOT FOR INITIATED AND REFERRED ORDINANCES. Ordinances submitted to a vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title which shall contain a clear, concise statement, with-

out argument, of the substance of such ordinance. The ballot used shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". Any number of ordinances may be voted on at the same election and may be submitted on the same ballot.

Section 43. RESULTS OF ELECTION. If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 44. REPEALING ORDINANCES; PUBLICATION. Initiative and referendum ordinances adopted or approved by the electors shall be published and may be amended or repealed by the Council, as in the case of other ordinances; provided, however, that no ordinance adopted at the polls under the initiative or referendum shall be amended or repealed by the Council within six months of adoption.

ARTICLE V ADMINISTRATIVE SERVICE

- Section 45. CITY MANAGER**
 Paragraph 1. Selection
 2. Appointment and Removal
- 46. POWERS AND DUTIES OF THE CITY MANAGER**
**47. COUNCIL MEMBERS NOT TO INTERFERE
 IN APPOINTMENTS OR REMOVALS**
48. INVESTIGATIONS
**49. BOARDS, COMMISSIONS, COMMITTEES AND
 AUTHORITIES**
50. ADMINISTRATIVE DEPARTMENTS
51. DIRECTORS OF DEPARTMENTS
52. DEPARTMENT DIVISIONS
**53. LEGAL DEPARTMENT – APPOINTMENT, QUALIFICATIONS,
 GENERAL DUTIES OF CITY ATTORNEY**
**53a. LEGAL DEPARTMENT - TERM, REMOVAL, ABSENCE OR
 DISABILITY OF CITY ATTORNEY**
**54. LEGAL DEPARTMENT – ASSISTANTS TO HAVE ALL
 POWERS AND DUTIES OF CITY ATTORNEY**
**55. FINANCE DEPARTMENT – DIRECTOR OF FINANCE;
 QUALIFICATIONS**
56. FINANCE DEPARTMENT – POWERS AND DUTIES

57. POLICE DEPARTMENT – CHIEF OF POLICE;
APPOINTMENT AND REMOVAL
58. POLICE DEPARTMENT – AUTHORITY AND DUTIES OF
POLICEMEN
59. CHIEF OF FIRE DEPARTMENT; APPOINTMENT AND
REMOVAL
60. PUBLIC WORKS DEPARTMENT – DIRECTOR OF PUBLIC
WORKS; HEAD OF DEPARTMENT
61. PUBLIC WORKS DEPARTMENT – POWERS AND DUTIES
62. PUBLIC HEALTH DEPARTMENT – DIRECTOR OF PUBLIC
HEALTH; QUALIFICATIONS
63. PUBLIC HEALTH DEPARTMENT - POWERS AND DUTIES
64. PARKS AND RECREATION DEPARTMENT – DIRECTOR OF
PARKS AND RECREATION; HEAD OF DEPARTMENT
65. PARKS AND RECREATION DEPARTMENT – POWERS AND
DUTIES
66. AVIATION DEPARTMENT – DIRECTOR OF AVIATION; HEAD
OF DEPARTMENT
67. AVIATION DEPARTMENT – POWERS AND DUTIES
68. DEPARTMENTAL OFFICES AND EMPLOYMENT

Section 45. **CITY MANAGER.**

Paragraph 1. **Selection.** The Council shall appoint a City Manager who shall be chosen based on his executive and administrative qualifications. He shall receive compensation as fixed by the Council and shall, during his tenure of office, reside within the City. No person ever elected to office as a member of the governing body of the City shall be eligible for appointment as City Manager.

Paragraph 2. **Appointment and Removal.** The City Manager shall be appointed for an indefinite term, and may be removed by resolution at the discretion of the Council by a majority vote of its members. Upon passage of a resolution stating the intention to remove the City Manager and the reasons therefor, a copy of which shall be immediately furnished him, the Council may suspend him from duty, but his salary shall continue until his removal becomes effective. Within twenty days after the passage of such a resolution, the City Manager may reply in writing to it, and may request a public hearing. If so requested the Council shall fix a time and place for a public hearing upon the question of removal, which shall be held not sooner than ten days nor more than twenty days after the receipt of such request. The final resolution removing the City Manager shall not be adopted until such public hearing, if requested, has been held. The action of the Council in removing the City Manager shall be final. In case of the absence, disability or suspension of the City Manager, the Council may designate a qualified administra-

tive officer of the City to perform the duties of the office. Pending the selection of any City Manager following the adoption of this Charter, the Council may appoint an acting City Manager, who shall have all of the qualifications, powers and duties herein before prescribed for the City Manager, and who shall serve for a period not to exceed three months.

Section 46. POWERS AND DUTIES OF THE CITY MANAGER.

The City Manager shall be responsible to the Council for the proper administration of all affairs of the City and, subject to the civil service provisions of this Charter and except as otherwise provided herein, he shall have power and shall be required to:

- (1) Enforce all laws and ordinances;
- (2) Appoint and remove all officers and employees in the administrative service of the City; provided that he may authorize the head of a department or office to appoint or remove subordinates therein and provided, further, that he shall not appoint or remove officers and employees of:
 - (a) The Board of Trustees of the San Antonio Public Library;
 - (b) Any municipally – owned public utility, including electric, gas and water systems, while such utility is operating under the terms of any indenture, mortgage or deed of trust providing for employment by other authority;
- (3) Exercise administrative supervision and control over all departments created by this Charter and hereafter created by the Council;
- (4) Keep the Council fully advised as to the financial conditions and needs of the City; prepare and submit the budget annually to the City Council and be responsible for its administration after its adoption; prepare and submit, as of the end of the fiscal year, a complete report on the financial and administrative activities of the City for such year;
- (5) Recommend to the Council such actions as he may deem desirable;
- (6) Prepare and submit to the Council such reports as may be required of him;
- (7) Attend all regular and special meetings of the Council, and participate in the discussion of the Council provided, however, that he shall have no vote;
- (8) Act as the chief conservator of the peace within the City; and
- (9) Perform such other duties as may be prescribed by this Charter or which may be required of him by ordinance or resolution of the Council.

Section 47. COUNCIL MEMBERS NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS. Members of the Council shall not direct or request the City Manager or any of his subordinates to appoint to or remove from office or employment, or in any manner take part in the appointment or removal of officers or employees in the administrative service of the

City, except for the purpose of inquiry. The Council and its members shall deal with administrative service solely through the City Manger and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any violations of the foregoing provisions by any member of the Council shall constitute official misconduct, and shall authorize the Council by a vote of two-thirds of its entire membership to expel such offending member, if found guilty after a public hearing, and declare the office vacant and appoint a successor.

Section 48. **INVESTIGATIONS.** The Council, the City Manager, or any person or committee authorized by either or both of them, shall have power to inquire into the conduct of any department, agency or office of the City, and for that purpose shall have power to administer oaths. The Council, on its own initiative, or upon request of the City Manager, shall have power to subpoena witnesses, compel the production of books, papers and other evidence material to such inquiry.

The Council shall provide by ordinance for penalties for contempt for refusal on the part of officers or employees of City departments, agencies, or offices, to obey such subpoenas, or to produce evidence.

Section 49. **BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES.** Boards, Commissions, Committees and authorities shall not be established to administer municipal functions of the City; provided, however, that this section shall not apply to (1) the Board of Trustees of the San Antonio Public Library, (2) the Municipal Civil Service Commission, (3) The Planning Commission, (4) Boards of Examiners and/or Appeals established by ordinance to administer the provisions of building, electrical and plumbing codes, and (5) Boards, Commissions and authorities established under the provisions of the laws of Texas. The Council by ordinance may create Boards, Commissions or Committees to assist in only an advisory capacity the City Council and heads of municipal departments in the performance of their duties. The members of any such Advisory Boards, Commissions or Committees shall be appointed by the Council and shall receive no compensation from the City.

Section 50. **ADMINISTRATIVE DEPARTMENTS.** There are hereby created and placed under the control of the City Manager the following administrative departments of the City government:

- (1) Legal Department
- (2) Finance Department
- (3) Police Department
- (4) Fire Department
- (5) Public Works Department

- (6) Public Health Department
- (7) Parks and Recreation Department
- (8) Aviation Department

In addition to the administrative departments created hereby, the Council shall have power by ordinance to establish, discontinue or redesignate other administrative departments or offices. The Council may combine any two of the departments and/or administrative offices created by this Charter. No functions or duties assigned by this Charter to a particular department or office shall be abolished, except as otherwise provided by this Charter, but such functions or duties may be assigned by ordinance to other administrative departments or offices of the City; provided, however, that no changes shall be made by the Council in the organization of the administrative service of the City until the recommendations of the City Manager thereon shall have been heard by the City Council; and provided, further, that all administrative departments and offices of the City shall be under the direction and supervision of the City Manager.

Section 51. **DIRECTORS OF DEPARTMENTS.** At the head of each department there shall be a director who shall be appointed and who may be removed by the City Manager. Said directors shall have supervision and control over their respective departments, subject to approval by the City Manager, except as otherwise specifically provided by this Charter.

Section 52. **DEPARTMENT DIVISIONS.** The work of each department shall be distributed among such divisions thereof as may be established by ordinance; provided, however, that no division shall be established unless the City Manager shall have been given an opportunity to have been heard thereon; provided, further, that pending the passage of an ordinance or ordinances distributing the work of the departments under the supervision and control of the Manager among specific divisions thereof, the Manager may establish temporary divisions.

LEGAL DEPARTMENT

Section 53. **APPOINTMENT, QUALIFICATIONS, GENERAL DUTIES OF CITY ATTORNEY.** There shall be a department of law, the director of which shall be the City Attorney, whose appointment shall be recommended by the City Manager and confirmed by the majority of the Council and who is a practicing attorney in good standing with the State Bar of Texas, duly licensed, and who shall have practiced law for at least five (5) years immediately preceding his or her appointment. The City Attorney shall serve as chief legal advisor to the Council, the City Manager and all City departments, offices and agencies, and the City Attorney shall represent the City in all legal proceedings, and draft, approve or file his or her written legal

objections to every ordinance before it is acted upon by the Council, and prepare or endorse his or her written approval or file his or her written legal objections to all documents, contracts and legal instruments in which the City may have an interest, and perform any other duties prescribed by this Charter or by ordinance. During his or her term of office, the City Attorney shall report to the City Manager and be a resident citizen within the City of San Antonio.

Section 53a. **TERM, REMOVAL, ABSENCE OR DISABILITY OF CITY ATTORNEY.** The City Attorney shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the City Manager with the advice of the Council. If removed by the City Manager, he or she may demand written charges and the right to be heard thereon at a public meeting of the Council prior to the date on which his or her final removal shall take effect; but pending such hearing the City Manager may suspend him or her from office. The action of the City Manager in suspending or removing the City Attorney shall be final. In case of the absence or disability of the City Attorney, the City Manager may recommend with the confirmation of City Council a qualified person to perform the duties of the office.

Section 54. **ASSISTANTS TO HAVE ALL POWERS AND DUTIES OF CITY ATTORNEY.** All powers and duties imposed on the City Attorney may be exercised and performed by any Assistant City Attorney under his or her direction.

FINANCE DEPARTMENT

Section 55. **DIRECTOR OF FINANCE; QUALIFICATIONS.** The Director of the Finance Department shall be the head of such department and he shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control. Said director shall provide a bond with such surety and in such amount as the Council may require. The City shall pay the premium on said surety bond.

Section 56. **FINANCE DEPARTMENT; POWERS AND DUTIES.** The Finance Department shall have the authority and be required to:

- (1) Administer the financial affairs of the City in accordance with ordinances enacted by the Council;
- (2) Prepare the budget for the City Manager and assist him in its administration after authorization by the Council as required by this Charter;
- (3) Maintain accounting control over the finances of the City government, and perform such other duties pertaining to the financial affairs of the City as the Council may require;
- (4) Control the purchase, storage and distribution of all supplies, materials, equipment, and contractual services now or hereafter required by

the Council;

(5) Reserved.

(6) Collect, have custody of, and disburse all funds belonging to the City, subject to the provisions of this Charter and ordinances enacted thereunder: have custody as fiduciary of all funds of the City; keep a record of investments; have custody of all bonds and certificates of City indebtedness, including bonds and certificates unissued or cancelled; and the receipt and delivery of City bonds and certificates of transfer, registration and exchange.

POLICE DEPARTMENT

Section 57. CHIEF OF POLICE; APPOINTMENT AND REMOVAL.

The Chief of Police shall be the Director of the Police Department.

Section 58. AUTHORITY AND DUTIES OF POLICEMEN. The officers and policemen of the Police Department shall have all the powers and authority given to them as peace officers under the laws of Texas, this Charter, and all other powers and authority that may lawfully be conferred on them by the Council. Such officers and policemen may exercise their powers and authority within the corporate limits of the City, and within the limits of any property owned, leased or otherwise subject to the control of the City, which lies outside the corporate limits of the City. It shall be the duty of each officer and policeman to use his best endeavors to prevent the commission of offenses against the laws of the State and the ordinances and regulations of the City; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of the City and to secure the inhabitants thereof from violence, and the property therein from injury. Such officers and policemen shall execute any criminal warrant or warrants of arrest, or any writ subpoenas, or other process that may be placed in their hands by the duly constituted authorities of the City. No officer or policeman shall receive any fee or other compensation for any service rendered in the performance of his duty other than the salary paid him by the City.

FIRE DEPARTMENT

Section 59. CHIEF OF FIRE DEPARTMENT; APPOINTMENT AND REMOVAL. The Chief of the Fire Department shall be the Director of the Fire Department.

PUBLIC WORKS DEPARTMENT

Section 60. DIRECTOR OF PUBLIC WORKS DEPARTMENT; HEAD OF DEPARTMENT. The Director of Public Works shall be the head of the department.

Section 61. **PUBLIC WORKS DEPARTMENT; POWERS AND DUTIES.** The Department of Public Works shall have charge of the planning, opening, construction, maintenance and repair of all streets, alleys, sidewalks, bridges, rivers, watercourses, creeks, ditches and public ways; of the sanitary and storm sewers, sewer systems and sewage disposal plants; of the construction, maintenance, repair and operation of all public buildings and properties belonging to or used by the City; of the City markets; of building, electrical and plumbing inspection, and the issuance of building, electrical and plumbing permits; of weights and measures; of the collection and disposal of garbage; and of such other functions as may be prescribed by ordinance.

PUBLIC HEALTH DEPARTMENT

Section 62. **DIRECTOR OF PUBLIC HEALTH; QUALIFICATIONS.** The Director of Public Health shall be the head of the department. He shall be a licensed physician and shall be trained in public health administration.

Section 63. **PUBLIC HEALTH DEPARTMENT; POWERS AND DUTIES.** The Public Health Department shall enforce the laws of the State and all ordinances and regulations relating to public health; it shall exercise such additional powers and perform such additional duties as may be prescribed by ordinance.

PARKS AND RECREATION DEPARTMENT

Section 64. **DIRECTOR OF PARKS AND RECREATION; HEAD OF DEPARTMENT.** The Director of Parks and Recreation shall be the head of the department.

Section 65. **PARKS AND RECREATION DEPARTMENT; POWERS AND DUTIES.** The Parks and Recreation Department shall have charge of the management and maintenance of public parks, playgrounds, golf courses, swimming pools, and all other public recreational facilities and programs. The management, operation and maintenance of parks and playgrounds, and of all other public recreational facilities and programs shall be deemed to be done in the governmental capacity of the City. The Parks and Recreation Department shall exercise such additional powers and perform such additional duties as may be prescribed by ordinance.

AVIATION DEPARTMENT

Section 66. **DIRECTOR OF AVIATION; HEAD OF DEPARTMENT.** The Director of the Aviation Department shall be the head of the department.

Section 67. AVIATION DEPARTMENT; POWERS AND DUTIES.

The Director of the Aviation Department shall have charge of the management, operation and maintenance of the municipal airports, and all facilities, services and installations related or incidental thereto, which are owned or operated by the City. It shall exercise such other powers and perform such additional duties as may be prescribed by ordinance.

Section 68. DEPARTMENTAL OFFICES AND EMPLOYMENTS.

The number of offices and employments in each municipal department and office shall be fixed by ordinance; provided, that before adoption of such ordinance, the City Manager may make such recommendation to the Council as to him might seem desirable.

ARTICLE VA CITY INTERNAL AUDIT DEPARTMENT

Paragraph 1. Department of Internal Audit. There shall be an independent department of Internal Audit which is charged with conducting financial, fiscal compliance, and financial procedure audits of all City departments, offices, agencies and programs.

Paragraph 2. City Internal Auditor-Appointment; Qualifications; Compensation. The department of Internal Audit shall be under the direction and control of the City Internal Auditor, who shall be appointed by the City Council. The City Internal Auditor must be a person knowledgeable in public financial and fiscal theory, municipal accounting and auditing; public administration and be a certified public accountant. The City Internal Auditors' compensation shall be fixed by the City Council.

Paragraph 3. Term, removal, absence or disability of City Internal Auditor. The City Internal Auditor shall not be appointed for a definite fixed time but shall be removable at the will and pleasure of the City Council by a vote of not less than a majority of the entire Council. The City Internal Auditor may demand written charges and the right to be heard thereon at a public meeting of the City Council prior to the date on which the City Internal Auditor's final removal shall take effect, but pending such hearing the City Council may suspend the City Internal Auditor from office. The action of the City Council in suspending or removing the City Internal Auditor shall be final. In case of the absence or disability of the City Internal Auditor, the City Council may designate some qualified person to perform the duties of the office.

Paragraph 4. Appointment and removal of assistant auditors. Assistant auditors shall serve at the will and pleasure of the City Auditor. All other employees in the department of Internal Audit shall be in the classified

civil service of the City and shall be appointed and may be removed by the City Auditor. Any classified employee in the department of Internal Audit shall enjoy the same rights as other classified City employees, except that in the event of a suspension, reduction or removal of a classified employee in the department of Internal Audit, the classified employee shall enjoy the right to appeal to the Municipal Civil Service Commission whose decision shall be final.

ARTICLE VI THE MUNICIPAL CIVIL SERVICE

- Section 69. ESTABLISHMENT
 70. MUNICIPAL CIVIL SERVICE COMMISSION
 71. PERSONNEL DIRECTOR
 72. CIVIL SERVICE RULES
 73. APPOINTMENTS
 74. COMPENSATION
 75. INFORMATION, REPORTS, AND ACCESS TO PREMISES AND RECORDS
 76. SUSPENSIONS, REDUCTIONS AND REMOVALS
 77. STATUS OF APPOINTIVE OFFICERS AND EMPLOYEES WHEN THIS CHARTER BECOMES EFFECTIVE
 78. PROHIBITIONS

Section 69. **ESTABLISHMENT.** There shall be a classified civil service which shall include all appointive offices and employments in the administrative service and in other agencies and offices of the City, and all persons receiving compensation from the City for personal services, except the following:

- (a) Members of the Council;
- (b) Persons who are appointed or elected by the Council pursuant to this Charter;
- (c) The City Manager, Deputy City Manager, the Assistant City Managers and Assistants to the City Manager, if any; and the secretary to the City Manager;
- (d) The directors of departments;
- (e) All assistant directors of departments;
- (f) All executive secretaries;
- (g) Architects, attorneys, assistant auditors, dentists, doctors, engineers, psychologists and veterinarians employed by the City;
- (h) Any other managerial or professional employees as designated by the City Manager and approved by the City Council;
- (i) Part-time, temporary and seasonal employees; and
- (j) Persons, firms, corporations, associations, foundations or other organizations whose services may be specifically engaged for professional,

investigative, consultative, or other special services and all employees or agents performing such services for such person, firm, corporation, association, foundation or of organization so specially engaged.

Section 70. MUNICIPAL CIVIL SERVICE COMMISSION.

Paragraph 1. There shall be a Municipal Civil Service Commission consisting of three members and three alternates available to serve in case of absence of regular members, who shall be appointed by the Council, which shall designate one of the three as chairman. Each member and alternate of the Commission shall be a qualified elector of the City, shall neither hold nor be a candidate for any other public office or position. Members of the Commission shall serve for terms of two years. Vacancies in an unexpired term shall be filled by the Council by appointment for the remainder of the term. A member or alternate of the Commission may be removed by Council only for cause and after being given a written statement of the charges against him and a public hearing thereon, if he requests. A certified copy of the charges and a transcript of record of such public hearing shall be filed with the City Clerk.

Paragraph 2. Members of the Commission shall be paid compensation for their services as determined in advance by the Council.

Paragraph 3. Two members of the Commission shall constitute a quorum. The Commission shall act by majority vote. The Chairman shall have the same voting rights as any other member.

Paragraph 4. The Commission shall have power and shall be required to:

(a) Hear appeals in case any employee or other person in the classified civil service is suspended, reduced or removed, and shall report in writing to the City Manager its findings and recommendations;

(b) Make any investigation which it may consider desirable or which it may be required by the Council or City Manager to make, concerning the administration of personnel in the municipal service, and to report to the Council and City Manager its findings, conclusions and recommendations;

(c) Perform the services hereinafter provided with respect to the Civil Service Rules;

(d) Perform such other duties with reference to personnel administration, not inconsistent with this Charter, as the Council may require.

Paragraph 5. To administer the functions or authority of the Commission, it shall have authority to issue subpoenas and subpoena duces tecum to witnesses where reasonably necessary to obtain pertinent evidence and any member of the Commission shall have authority to administer oaths.

Section 71. **PERSONNEL DIRECTOR.** There shall be a Director of Personnel, who shall be appointed and who may be removed by the City Manager, and who shall have had training and experience in personnel administration. He shall have power and be required to:

(1) Perform such duties as are prescribed herein and as may be prescribed by ordinance, or by the Commission or the City Manager, according to their respective jurisdictions under this Charter;

(2) Prepare and recommend to the City Manager a classification plan and amendments thereto for the classified service for presentation upon approval by the City Manager to the Council, and after adoption by the Council, administer the plan approved. The plan shall include titles for each class of positions. Each class shall include all positions which are sufficiently similar with respect to duties, responsibilities, and authority so that the same title may be used to designate each position allocated to the class, the same requirement as to education, experience, intelligence, general and specialized knowledge, skill, physical condition and other qualifications may be demanded of incumbents for the performance of their duties, the same tests of fitness may be used, and the same schedule of pay can be applied under like working conditions. After adoption of the plan the director, with the approval of the City Manager, shall adopt written specifications for each class and allocate positions to classes. The class titles shall be used in personnel, budget, and financial records and communications, and, if individual positions are designated in the appropriation ordinances, in designating such positions;

(3) Prepare and keep a record of the duties and responsibilities of each office and employment and establish and maintain a roster of all persons in the classified civil service showing as to each person:

(a) The class title of the position, the salary or pay, any changes in title, pay or status; and

(b) Such other data as is deemed desirable to maintain and improve personnel administration;

(4) Hold open competitive examinations for all appointments in the classified civil service to determine the qualifications of those seeking employment and promotions, and upon the basis of such tests establish employment list of persons eligible for appointment in the order of their achievement, which lists shall not be continued in effect for longer than one year following their establishment unless the Director, with the approval of the Commission, shall renew such list for reasons presented in writing, but in no event shall such lists be continued in effect for more that eighteen months.

The character, content and manner of conducting tests shall be determined by the Director, with the approval of the Commission; however, upon the recommendation of the City Manager, approved by the Commission, such tests may be non-competitive for positions which require exceptional qualifications of scientific, managerial, or professional character.

(5) Upon written notice that a position in the classified service is to be filled, certify, in the order of their achievement, the names of the three persons highest on the employment list for the class who are willing to accept appointment. If there is no list available, the Director may authorize a provisional appointment to a permanent position to continue until a list can be established and certification made; provided, however, that no provisional appointment shall continue for more than sixty days and shall not be renewed. Temporary appointments may be authorized by the Director to an extra position established by the Council but shall not continue longer than thirty days and shall not be renewed.

(6) Establish for each class probationary periods of not less than three nor more than six months to enable the appointing officer to observe whether new officers and employees are able and willing to perform their duties in a satisfactory manner. Appointing officers must submit to the Director reports at least once each month during the probationary period. No permanent appointment shall be made except on certificate of the Personnel Director, based upon monthly reports, that the officer or employee has satisfactorily passed the probationary period.

(7) Prepare and recommend to the City Manager at least sixty days before the beginning of each fiscal year for presentation upon approval by the City Manager to the Council, a pay plan, including a schedule of pay for each class of position with minimum and maximum rates and, where necessary, intermediate rates, and, following the adoption of the appropriation ordinance by the Council, see that payments are made in accordance therewith.

(8) Certify to the Department of Finance, prior to payment, that the persons whose names appear on any payroll or pay voucher were on the roster of employees, were employed in accordance with the Charter and regulations established thereunder, performed the services indicated during the period covered, and that the pay rate has been established as provided herein. No payment shall be made without such certificate

Section 72. **CIVIL SERVICE RULES.** The administration of the classified service of the City, including the employment or appointment of all persons in the classified civil service and their probation, and promotion, shall be prescribed, as far as practicable, by rules and regulations to be known as the Civil Service Rules.

The Director shall, within six months after this Charter takes effect, prepare such rules and recommend their adoption to the Commission. After a public hearing thereon, the Commission shall approve or reject the rules wholly or in part, or modify them, and approve them as modified. Rules, and any amendments thereto, which are approved by the Commission or on which it takes no action within sixty days after they are recommended by the Director, shall be given to the City Manager for presentation to the Council, together with whatever recommendations he may desire to make. Rules and

amendments thereto shall become effective when approved by the Council or on the tenth day after submission if, prior thereto, the Council shall not have rejected them. Thereafter the Board shall have power to amend, repeal, or add to the rules on the recommendation of the Director, or on its own initiative, subject to the requirement of a public hearing and all the other subsequent steps of procedure required herein for adoption of the original rules. Copies of rules and amendments thereto shall be transmitted by the Director to the Council, the City Manager and to the Director of each department, and shall be made available to all officers and employees in the classified civil service of the City.

The rules shall include:

(1) A provision that employment, promotion, suspension, reduction or removal shall be upon the basis of education, experience, intelligence, general and specialized knowledge, ability and willingness to work as demonstrated by competitive test and service ratings;

(2) A procedure by which any officer or employee without further competitive test may be transferred from a position in a given class to another position in the same class or to a position in a different class for which he is qualified and for which no higher maximum rate of pay has been established;

(3) A provision for fixing hours of work, checking attendance, payments for overtime, establishing training courses, determining the order or lay off when forces are reduced because of lack of work or funds, and handling annual, sick, and special leave of absence with or without pay or with reduced pay;

(4) A system of service ratings designed to reflect the merit of each person in the classified civil service;

(5) Such other provisions as may be required by the Council.

Section 73. **APPOINTMENTS.** No person shall be appointed to the classified civil service except after certification by the Personnel Director or except upon authorization by him of a provisional or temporary appointment. No person shall be appointed to the classified civil service under any title not appropriate to the duties to be performed.

Section 74. **COMPENSATION.** The salary or compensation of persons in the classified civil service shall be established by ordinance, which shall provide minimum and maximum compensation for each class of service. All increases or decreases in compensation of any person within the limits provided for each class may be directed by the City Manager or other appointing authority with the approval of the City Manager.

Section 75. **INFORMATION, REPORTS, AND ACCESS TO PREMISES AND RECORDS.** Every officer and employee in the service of

the City shall furnish the Personnel Director any information required in the administration of personnel and shall allow the Municipal Civil Service Commission and the Director and members of his staff reasonable access to premises, buildings and records under his charge.

Section 76. SUSPENSIONS, REDUCTIONS AND REMOVALS.

Any person in the classified civil service who has not completed the probationary period or who is serving under provisional or temporary appointment may be suspended, reduced in pay or class, or removed at any time by the City Manager or other officer having power to appoint. Notice of such action shall be given to the Personnel Director.

Any person who has been appointed following certification from an employment list may be suspended, reduced in pay or class, or removed at any time during the probationary period by the City Manager or other officers having power to appoint by giving him a written notice of such action, together with a statement of the reasons therefor.

Any person who has completed the probationary period may be suspended, reduced in pay or class, or removed by the City Manager or officer having authority to appoint. A written notice of the suspension, reduction or removal, stating the reason therefor and when it is effective, shall be given to such person or sent by registered mail to his usual place of residence. Such person, within ten days, not including Sundays and legal holidays, after the delivery or mailing of such notice, may appeal in writing to the Commission for a hearing. The Commission shall immediately fix a place and a time not later than ten days after such appeal for holding a hearing, at which hearing the appellant shall have the right to appear and be heard in person or by counsel. The Commission shall, at the request of the appellant or of the City Manager or other officer ordering the suspension, reduction or removal, compel other persons to attend the hearing as witnesses. All testimony given shall be under oath. The members of the Commission shall have the power to administer oaths and affirmations, and to compel the attendance of witnesses and other persons by subpoena and other processes provided by law, and to compel the production of all pertinent records. The Commission may make any further investigation which it might deem proper. Within twenty four hours after the completion of the public hearing or such investigation, the Commission shall report its finding and recommendations to the City Manager. A copy of the written statement given the officer or employee, of the written reply thereto, if any, and a copy of the findings and recommendations of the Commission shall be filed as a public record in the office of the Personnel Director.

Section 77. STATUS OF APPOINTIVE OFFICERS AND EMPLOYEES WHEN THIS CHARTER BECOMES EFFECTIVE. All appointive officers and employees in the service of the City, other than the

officers and employees excepted from the classified civil service, whose offices or employments have not been abolished by this Charter, or whose offices or employments are not inconsistent with this Charter, and who have served continuously in their respective offices or employments for six months prior to January 1, 1952, shall be, on and after that date, subject in all respects to the classified civil service provisions of the Charter and shall continue in their respective offices or employments without preliminary or probationary tests.

Section 78. **PROHIBITIONS.** (a) No person shall willfully or intentionally make any false statements, certificate, mark, rating or report in regard to any test, certification, or appointment held or made, or in any manner commit any fraud interfering with the performance of these provisions or the rules and regulations made thereunder. (b) No person seeking appointment to or promotion in the classified civil service shall directly or indirectly give, render or pay any money, service or other valuable thing to any person on account of or in connection with any test, appointment or promotion. (c) No City employee shall continue in such position after becoming a candidate for nomination or election to any City or Bexar County elected office. (d) No City employee may circulate petitions for City Council candidates or City elections, receive or solicit any contribution for any City Council candidate or City election. (e) No City employee shall make any contribution to the campaign funds of any candidate for City office or take any part in the management or affairs or political campaign of any candidate for City office, further than in the exercise of his rights as a citizen to express his opinion and to cast his vote. (f) No employee of the City may wear City Council campaign buttons nor distribute literature at work or in a City uniform or in the offices or building of the City of San Antonio. (g) City employee organizations shall not be allowed to make any contribution to the campaign funds of any candidate for City office or take part in the management or affairs of a political campaign for City office, further than to express opinions, except as authorized by state law.

Any person who by himself or with others willfully or intentionally violates any of the provisions of this section shall be subject to such penalty as may be prescribed by ordinance. Any person convicted under this section shall be ineligible, for a period of five years, for appointment to an office or employment in the classified civil service, and shall, if he be an official or employee of the City, immediately forfeit such office or employment.

ARTICLE VII FINANCE

- Section 79. FISCAL YEAR
 80. THE BUDGET
 81. THE BUDGET DOCUMENT
 82. THE PREPARATION AND ADOPTION OF THE BUDGET
 83. WORK PROGRAM AND ALLOTMENTS
 84. TRANSFER OF APPROPRIATIONS
 85. APPROPRIATION OF EXCESS REVENUE
 86. MONEY TO BE DRAWN FROM TREASURY IN ACCORDANCE WITH APPROPRIATIONS
 87. CITY DEPOSITORIES
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 89. SEIZURE AND SALE OF PERSONAL PROPERTY
 90. TAX LIEN
 91. THE POWER OF THE CITY TO ASSESS, BILL AND COLLECT AD VALOREM PROPERTY TAXES
 92. OCCUPATION TAXES
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 94. TAX RATE
 95. TAXES WHEN DUE
 95A. CHANGE IN TAX AND FISCAL YEARS
 96. PENALTIES AND INTEREST ON DELINQUENT TAXES
 96A. ADDITIONAL PENALTY FOR COLLECTION COST
 96B. DELINQUENT TAX ATTORNEY
 97. PURCHASE PROCEDURE
 98. AUTHORITY TO ISSUE BONDS
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 101. SALE OF BONDS
 102. SINKING FUND
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 104. DISBURSEMENT OF FUNDS
 105. BORROWING IN ANTICIPATION OF PROPERTY TAXES
 106. BORROWING IN ANTICIPATION OF OTHER REVENUES
 107. INDEPENDENT AUDIT
 108-111. RESERVED

Section 79. **FISCAL YEAR.** The fiscal year of the City shall begin on the first day of October and end on the last day of September of each calendar year. The fiscal year shall constitute the budget year of the City government. The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 80. **THE BUDGET.** The budget for the City government shall present a complete financial plan for the ensuing fiscal year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all departments and agencies of the City government for which appropriations are required to be made or taxes levied by the City government; all expenditures for capital projects to be undertaken or executed during the fiscal year; a capital program of proposed capital projects for the five fiscal years next succeeding the budget year, provided, however, this requirement shall not apply to the budget year beginning on August 1, 1952; all interest and debt redemption charges during the fiscal year; and the actual or estimated operating deficits from prior fiscal years. The budget shall also set forth the anticipated income and other means of financing the total proposed expenditures of the City government for the fiscal year.

Section 81. **THE BUDGET DOCUMENT.** The budget document shall consist of three parts, as follows:

Part I shall contain (1) a budget message prepared by the City Manager, which shall outline a fiscal policy for the City government, describing therein the important features of the budget with reference both to proposed expenditures and anticipated income for the current year (2) a general budget summary with support schedules, which shall exhibit the aggregate figures of the budget in such manner as to show a balanced relationship between the total proposed expenditures and the total anticipated income for the fiscal year covered by the budget, and which shall compare these figures with the corresponding figures of the last completed fiscal year and the year in progress;

Part II shall contain (1) detailed estimates of all proposed expenditures, showing the corresponding expenditures for each item for the current fiscal year and the last preceding fiscal year with the explanations of increases or decreases recommended as compared with appropriations for the current fiscal year; (2) detailed estimates of anticipated revenues and other income; (3) delinquent taxes for current and preceding years, with estimated percentage collectible; (4) statements of the bonded debt and other indebtedness of the City government, showing the debt redemption and interest requirement, the debt authorized and unissued, the conditions of the sinking funds, if any, and the borrowing capacity of the City.

Part III shall contain a complete draft of the budget ordinance, including an appropriation ordinance and such other ordinances as may be required to finance the budget.

Section 82. **THE PREPARATION AND ADOPTION OF THE BUDGET.** Annually, the City Manager shall establish a budget calendar setting key dates for preparation and adoption of the consolidated annual budg-

et. The departments and agencies of the City government shall transmit, in accordance with the calendar estimates of their budgetary requirements to the department responsible for preparing the budget, which shall prepare a budget for the City Manager in the form required by the Charter. The City Manager shall transmit the annual budget to the Council in accordance with the calendar. The Council shall arrange for and hold at least one public hearing on the budget during the period of its consideration. Provided, however, that at least 10 days prior public notice shall be given of such public hearing, and provided, further, that at least ten days prior to such public hearing, the City Manager shall cause not less than ten copies to be made available in the office of the City Clerk for distribution to interested persons. The Council may revise, alter, increase, or decrease the items of the proposed budget prior to the adoption of the appropriation ordinance, provided that when it shall increase the total proposed expenditures, it shall also increase the total anticipated income so that the total means of financing the budget shall at least equal in amount the aggregate proposed expenditures. When the Council shall make such changes, it shall issue a statement setting forth clearly its action on the budget.

Annually, the Council shall approve the budget plan and shall enact, not later than the twenty seventh day of September, the appropriation ordinance, and such other ordinances as may be required to make the budget effective. As soon as possible after the completion of the tax roll the Council shall pass the tax levy ordinance. A copy of the budget, as finally adopted, shall be filed with the City Clerk, the County Clerk of Bexar County. The final budget shall be reproduced and sufficient copies shall be made available for the use of all departments, offices and agencies of the City, and for the use of interested persons, agencies and civic organizations.

Section 83. **WORK PROGRAM AND ALLOTMENTS.** Immediately before the beginning of each fiscal year, the head of each department or agency of the City government, upon the direction of the City Manager, shall submit to the responsible Department a work program for the year, which program shall include all appropriations for its operation and maintenance and for the acquisition of property, and which shall show the requested allotments of said appropriations for such department or agency by months for the entire fiscal year. The City Manager, with the assistance of the appropriate Department, shall review the requested allotments in light of the work program of the department or agency concerned, and may, if he deems necessary, revise, alter, or change such allotments before authorizing the same. The aggregate of such allotment shall not exceed the total appropriation available to said department or agency for the fiscal year. The responsible Department responsible for preparing the budget shall authorize all expenditures for the departments and agencies to be made from the appropriations on the basis of the approved allotments, and not otherwise. The approved

allotments may be revised during the fiscal year by the City Manager, or upon application by the head of any department or agency as approved by the City Manager, but in no event shall the aggregate of departmental or agency allotments exceed the appropriation available to such departments or agencies for the fiscal year. If, at any time during the fiscal year, the City Manager shall ascertain that the available income, plus fund balances, for the year will be less than the total appropriations, he shall reconsider the work programs and allotments of the several departments and agencies and revise them so as to prevent the making of expenditures in excess of the said income and fund balance.

Section 84. TRANSFER OF APPROPRIATIONS. Upon written recommendation of the City Manager, the City Council may at any time transfer any unencumbered appropriation balance or any portion thereof within a department office or agency to another.

Section 85. APPROPRIATION OF EXCESS REVENUE. If at any time the total accruing revenue of the City shall be in excess of the total estimated income, as set forth in the annual budget estimate, the Council may appropriate such excess revenues to the retirement of the unbonded indebtedness of the City.

Section 86. MONEY TO BE DRAWN FROM TREASURY IN ACCORDANCE WITH APPROPRIATIONS. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual or interim fiscal period appropriation ordinance of such ordinance when changed as authorized by this Charter or by the general laws of Texas. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation as provided by this Charter; but appropriations may be made by the Council, to be paid out of the income of the current year, in furtherance of public improvements or public works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Section 87. CITY DEPOSITORIES. All monies received by any person, department or agency of the City for or in connection with the business of the City and all funds of the City shall be deposited promptly in the City depository, which shall be designated by the Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on monies belonging to the City shall accrue to the benefit of the City.

Section 88. COLLECTION AND DEPOSIT OF REVENUES. The Assessor and Collector of Taxes or other designated official (s) shall collect,

issue receipts for, and deposit all ad valorem property taxes, all occupational taxes and all fees and dues as may be prescribed by ordinance.

Section 89. SEIZURE AND SALE OF PERSONAL PROPERTY. The Assessor and Collector of Taxes shall, by virtue of his tax rolls, have power and authority to seize and levy upon all personal property and sell the same to satisfy all taxes, together with all penalty, interest and costs due on said personal property by said delinquent 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. A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

Section 90. TAX LIEN. On January 1 of each year, a tax lien attaches to all real, personal and mobile home property to secure the payment of all taxes, penalties and interest imposed for the year on the property, whether or not the taxes are imposed in the year the lien attaches.

Section 91. THE POWER OF THE CITY TO ASSESS, BILL AND COLLECT AD VALOREM PROPERTY TAXES. The City shall have power annually to assess, bill and collect ad valorem property taxes at the rate and in the total amount authorized by the Constitution of Texas and the general laws of this State. The ad valorem property taxes herein above authorized shall be assessed annually and collected on the taxable value of all real, personal and mobile home property having sites in the corporate limits of the City. There shall be an officer in the Finance Department who shall be known as the Tax Assessor-Collector of Taxes. This officer shall assess, bill and collect ad valorem property taxes in accordance with the Constitution of Texas and the State Property Tax Code. The tax levied by any improvement district in the City shall not exceed twenty-five cents annually.

Section 92. OCCUPATION TAXES. The Council shall have power annually to levy and collect occupation taxes, in accordance with the provisions of the laws of the State of Texas.

Section 93. METHOD OF LEVY, ASSESSMENT AND COLLECTION OF TAXES. All City taxes shall be levied, assessed and collected in the same manner as may be provided by the laws of Texas for the levy, assessment and collections of State and County taxes, unless otherwise provided by this Charter, or by ordinance; provided, however, that no discounts may be granted for the advance payment of taxes. All power conferred by the general laws of Texas as they now or hereafter may exist for the assessment, levy and collection of taxes by county and City assessors and collectors are hereby adopted and made applicable to the City and shall be in addition to and

cumulative of the powers herein expressly granted, including without limitation, those granted to county and City assessors and collectors of taxes, and to all other persons, bodies or agencies concerned with the assessment and collection of taxes.

Section 94. **TAX RATE.** The City Council before September 15 or as soon thereafter as practicable shall adopt a tax rate for the current tax year and shall notify the Tax Assessor-Collector of the rate adopted. The tax rate consists of two components, each of which must be approved separately. The components are: The rate, that, if applied to the total taxable value, will be used to pay debt service for the fiscal year; and the rate, that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures for the fiscal year. The City may not impose property taxes in any year until the City Council has adopted a tax rate for that year and the annual tax rate must be set by ordinance. The vote on the ordinance setting the tax rate must be separate from the vote adopting the budget.

Section 95. **TAXES WHEN DUE.** All ad valorem property taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. The Council shall have power, by ordinance, to provide for the payment of any taxes due, at the option of taxpayers, in one payment, or two equal installments.

Section 95A. **CHANGE IN TAX AND FISCAL YEARS.** The Council, by ordinance, after a public hearing thereon following notice thereof published 15 days prior to the date of the hearing, is authorized to provide for a change to be made in the City tax year from June 1 through May 31, to January 1 through December 31, and the Council, by ordinance, is authorized to provide that the change be made in one or more stages, and that necessary and appropriate changes be made in the dates for renditions, filing of inventories, assessments, levy of taxes, and billings, the period in which payment is to be made, the time when taxes become delinquent, and related matters, to conform to the change in the tax year. The Council is further authorized by ordinance, in the same manner, after notice and public hearing, to provide for a change in the City's fiscal and budget year from the present period to the period October 1 through September 30, in one or more stages, in conjunction with any change in the tax year pursuant to the authority given herein above, and to provide for necessary and appropriate changes to be made in the dates for preparation and adoption of the budget, for submission of work programs and allotments, and for related matters. In order to provide any necessary financing during the transition or changeover period (s), the Council may, by ordinance, authorize the borrowing of money by the issuance of general obligation bonds or promissory notes and the levying of a sufficient tax to pay the interest thereon and to provide the required sink-

ing fund to pay the principal thereof, and/or may authorize the payment of all or any part of said interest and principal from any other anticipated tax receipts or other available funds.

Section 96. **PENALTIES AND INTEREST ON DELINQUENT TAXES.** A delinquent tax incurs a penalty of six percent of the amount of the tax for the first calendar month it is delinquent plus one percent for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent. However, a tax delinquent on July 1 incurs a total penalty of twelve percent of the amount of the delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax accrues interest at a rate of one percent for each month or portion of a month the tax remains unpaid.

Section 96A. **ADDITIONAL PENALTY FOR COLLECTION COSTS.** Taxes that remain delinquent on July 1 of the year in which they become delinquent incur an additional penalty to defray costs of collection. The amount of the penalty may not exceed 15 percent of the amount of taxes, penalty and interest due.

Section 96B. **DELINQUENT TAX ATTORNEY.** The City Council may contract with any competent attorney to represent the City to enforce the collection of its delinquent taxes.

Section 97. **PURCHASE PROCEDURE.**

Paragraph 1. Contracts for the purchase of supplies, material or equipment, or for contractual services shall be in writing and opportunity for competitive bidding shall be given before they are awarded as required by State Law. The Council shall have the right to reject any and all bids.

Paragraph 2. Where the contract is for less than the amount required to be bid by State Law and the item is one provided for in the budget, the Council by ordinance may authorize designated City officials to approve and execute the contract without Council approval, after public notice, competitive bids, request for proposals, or other procedures and safeguards as may be required in such ordinance. This provision would apply to all City contracts.

Section 98. **AUTHORITY TO ISSUE BONDS.** The City shall have power to borrow money on the credit of the City and to issue bonds to construct, acquire, equip, renovate, improve and repair public works for public purposes and to fund or refund any bonded indebtedness; provided, however, that any proposition to borrow money and to issue bonds, except as otherwise authorized by the general laws of Texas, shall be first approved by a

majority of the qualified electors of the City voting in an election held, as prescribed by ordinance, as nearly in accord with this Charter and the laws regulating City elections as may be practicable. The ordinance calling such election shall distinctly specify the purpose thereof; provided, however, that more than one subject or purpose may be included but each shall be separately stated. No election shall be required to authorize the refunding of bonds issued and outstanding. The total bonded debt of the City shall never exceed ten per cent of the total assessed valuation of property shown by the last assessment roll, exclusive of any indebtedness secured in whole or in part by special assessments, exclusive of the bonded debt of any improvement district, and exclusive of any indebtedness secured by revenues, other than taxes, of the City or of any department or agency thereof.

Section 99. **REVENUE BONDS.** The City shall have power to issue its revenue bonds for the purposes and in the manner and form now or hereafter authorized by any general law of Texas. The City shall also have power to issue its revenue bonds for the acquisition of any other utility or property for public use and to enlarge, improve, extend or equip the same, and to issue its revenue bonds for any other lawful public purpose, provided such bonds shall never be a debt of the City and shall be a charge upon and payable solely from the designated sources, properties or interest acquired and the income therefrom. The Council shall have authority to provide for the terms and forms of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.

Section 100. **ISSUANCE OF BONDS FOR IMPROVEMENT DISTRICTS.** The City shall have power to borrow money on the credit of any improvement district of the City and issue bonds therefor for permanent public improvements in such districts, and the Council may divide the City, or any portion thereof, into improvement districts; but every proposition to borrow money on the credit of any improvement district for permanent public improvements therein shall be first submitted to and approved by a majority of the qualified electors residing within such district, voting in an election held for such purpose and shall distinctly specify the purpose of the loan and the permanent public improvements to be constructed; provided, however, that several improvements of different character may be submitted at one election. All bonds shall specify the purpose for which they were issued. All accrued interest to date of payment of the proceeds of sale shall be deposited in the City depository. Such bonds may be negotiated in lots as the Council may decree. No debt shall be contracted for the payment whereof such bonds are issued until such bonds are sold and no debt shall ever be created against any improvement district unless at the same time provision be made to assess and collect annually upon property in such district a sum sufficient to pay the debt service on such bonds and create a sinking fund

thereon as required by law. The tax which shall be collected annually from the owners of property in such improvement district for payment of such bonds shall be in addition to all other current taxes levied by the City, and the fund thus created shall be kept separate by the City depository from other funds, and shall not be diverted or used for any other purpose than to pay interest and principal on such bonds.

Section 101. **SALE OF BONDS.** No bond issued by the City shall be sold until after the terms have been considered and the sale has been approved by City Council.

Section 102. **SINKING FUND.** It shall be the duty of the Council each year to levy a tax sufficient to pay the debt service on and provide the necessary sinking fund required by law on all bonds outstanding. The interest and sinking fund, and the funds hereafter created for the retirement of bonds shall be deposited in separate accounts in the City depository and shall not be diverted to any other purpose, or used for any purpose other than to pay interest and principal on such bonds.

Section 103. **SINKING FUND ADMINISTRATION.** The sinking fund for the redemption of any loan or debt may be invested in any investment instruments as authorized by the laws of the State of Texas and any other applicable law, which may include United States interest bearing bonds or bonds of the State of Texas, or Bexar County, Texas, or in bonds of the City, or of any improvement district thereof and the interest of such bonds, shall be reinvested; and such investment instruments shall be sold when necessary to pay the interest or principal of the bonds issued under the provisions of this section. Said sinking fund may be appropriated at any time to reduce the public debt by the purchase and cancellation of outstanding City bonds, or for the investment of such sinking fund.

Section 104. **DISBURSEMENT OF FUNDS.** All checks, vouchers or warrants for the withdrawal of money from the City depository shall be signed by the Director of Finance, or his deputy; provided, however, that checks, vouchers or warrants for the withdrawal of sinking funds shall also be signed by the City Manager, or, in his absence, by an officer designated by the Council.

Section 105. **BORROWING IN ANTICIPATION OF PROPERTY TAXES.** In any tax year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City each of which shall be designated "tax anticipation note for the _____" (stating the tax year). Such notes shall mature and be payable not later than the end of the tax year in which issued, and may be secured by pledge of the ad valorem property taxes for such year.

Section 106. **BORROWING IN ANTICIPATION OF OTHER REVENUES.** In any tax year, in anticipation of the collection or receipt of other revenues of that year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City, each of which shall be designated "special revenue note for the year ____" (stating the tax year). Such notes may be renewed from time to time, but all such notes, together with the renewals shall mature and be payable not later than the end of the tax year in which issued, and may be secured by pledge of such other revenues for such year.

Section 107. **INDEPENDENT AUDIT.** As soon as practicable after the close of each fiscal year, an independent audit, in accordance with specifications defined by ordinance, shall be made of all accounts of the City government by a Certified Public Accountant, selected by the Council, who shall have no personal interest directly or indirectly in the financial affairs of the City government, or of any of its officers. The results of this audit shall be published immediately upon its completion.

Sections 108-111. **RESERVED.**

ARTICLE VIII CORPORATION COURT

Section 112. **ESTABLISHED**
113.-116. **RESERVED**

Section 112. **ESTABLISHED.** There are hereby established Municipal Courts of the City which shall be courts of record, presided over by judges appointed by the City Council for two year terms. The judge, at the time of his appointment, shall have resided in the City for at least three years immediately preceding his appointment. The Municipal Courts shall operate pursuant to applicable State Law providing for San Antonio Municipal Courts of Record as they exist and as they may be amended from time to time.

Section 113-116 **RESERVED**

ARTICLE IX PLANNING COMMISSION

Section 117. **ORGANIZATION**
118. **DUTIES AND POWERS**
119. **DIRECTOR**
120. **EMPLOYEES**

121. MASTER PLAN

122. PROCEDURE

Paragraph 1. Master Plan

2. Rules and Regulations

123. LEGAL EFFECT OF MASTER PLAN

123A. [ANNEXED LAND SUBMITTED TO PLANNING COMMISSION]

Section 117. **ORGANIZATION.** There is hereby established a Planning Commission which shall consist of nine members, who shall be appointed by the Council as nearly as practicable from various areas of the City, for overlapping two year terms; provided however, that initially five members of the Commission shall be appointed for terms of two years and four members for terms of one year. The City Manager, a member of the Council designated by the Council, the Chairman of the Zoning Commission and the Chairman of the Zoning Board of Adjustment shall be ex-officio members of the Commission. The Council may appoint other ex-officio members. Appointive members of the Commission, other than those serving in an ex-officio capacity, may not hold any other public office for which compensation is paid by the State of Texas or any political subdivision thereof. A majority of appointive members, other than ex-officio, shall constitute a quorum. The Commission shall elect a chairman from its own membership and shall meet not less than once each month. Members of the Commission, other than those serving in an ex-officio capacity, may be paid compensation not to exceed twenty dollars per meeting, and not exceeding \$1,040 per annum, as may be determined by the Council. Any vacancy occurring during the unexpired term of an appointive member shall be filled by the Council for the remainder of the unexpired term.

Section 118. **DUTIES AND POWERS.**

Paragraph 1. The Commission shall be responsible to and shall act as an advisory body to the Council. The Commission shall:

(1) Make, amend, extend and add to a master plan for the physical development of the City;

(2) Submit annually to the City Manager, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements to be constructed during the forthcoming five-year period;

(3) Submit annually its budget estimate to the Finance Department at the same time and in the same manner as is required of City departments and agencies;

(4) Keep a public record of its resolutions, findings and determinations;

Paragraph 2. The Commission shall have power to:

(1) Prepare, recommend and administer rules and regulations pertaining to subdivisions and to platting in territory outside the City limits and within the extraterritorial jurisdiction;

(2) Within its budget appropriation, contract with City planners and other consultants for such services as it may require;

(3) Make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens.

Paragraph 3. The Commission shall perform such additional duties and exercise such additional powers as may be prescribed by ordinance.

Section 119. **DIRECTOR.** There shall be a Director of Planning who shall be appointed and removed by the City Manager and who shall receive such compensation as may be fixed by the Council. The Director shall be qualified in the field of City planning. He shall be the regular technical advisor of the Commission, may be designated as its executive secretary, and shall have such other authority and duties as the Commission may establish.

Section 120. **EMPLOYEES.** The Planning Commission shall have additional employees as may be provided by ordinance. Such employees shall be in the classified civil service of the City and shall be appointed and may be removed by the City Manager, or, with the approval of the City Manager, by the Director of Planning.

Section 121. **MASTER PLAN.** The master plan for the physical development of the City shall contain the Commission's recommendations for the growth, development and beautification of City territory. The Commission may adopt the master plan as a whole or in parts and may adopt any amendment thereto. The adoption of the plan or of any such part or amendment shall be by resolution, but before the adoption of the plan or any such part or amendment, the Commission shall hold at least one public hearing on the proposed action.

Section 122. **PROCEDURE.**

Paragraph 1. **Master Plan.** A copy of the master plan, or any part thereof, shall be forwarded to the City Manager who shall thereupon submit such plan or part thereof to the Council, together with his recommendations, if any. The Council may adopt or reject such plan or such part thereof as submitted; provided however, that if the Council should fail to act on such plan or part thereof for sixty days following its submission by the City Manager, it

shall be deemed thereafter approved. If such plan or part thereof should be rejected by the Council, the Planning Commission may modify such plan or part thereof and again forward it to the City Manager for submission to the Council.

Paragraph 2. **Rules and Regulations.** All rules and regulations adopted by the Planning Commission shall be forwarded to the City Manager who shall submit them to the Council with his recommendations. The Council may adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Planning Commission may modify them, and submit such modified rules and regulations or new rules and regulations to the City Manager for submission, with his recommendations to the Council.

Section 123. **LEGAL EFFECT OF MASTER PLAN.** Following the adoption of the master plan by the Council, no subdivision, street, park, nor any public way, ground or space, public building or structure and no public utility whether publicly or privately owned, shall be constructed or authorized in the City, nor any real property be acquired by the City, until and unless the location and extent thereof shall have been submitted to and approved by the Commission; provided that, in case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval, and upon such overruling, the Council or the appropriate office, department or agency shall have power to proceed. The widening, narrowing, relocation, vacation or change in the use of any street, river or watercourse, or other public way or ground or the sale of any public building or real property shall be subject to similar submission and approval, and failure to approve may be similarly overruled by the Council. The failure of the Commission to act within thirty days after the date of official submission to the Commission shall be deemed approved, unless a longer period be granted by the Council or the submitting official.

123A. **[ANNEXED LAND SUBMITTED TO PLANNING COMMISSION]** No land shall be annexed into the City until and unless the location and extent thereof shall have been submitted to the Planning Commission and the Commission shall have made a recommendation to the City Council on the proposed annexation. In case of disapproval by the Commission, it shall communicate its reasons to the Council. The Council shall have the right to overrule such disapproval. Failure of the Commission to act within thirty days after the date of submission shall be deemed approved, unless a longer period be granted by the Council.

ARTICLE X PUBLIC LIBRARY

- Section 124. **SAN ANTONIO PUBLIC LIBRARY**
125. **OFFICERS AND EMPLOYEES**
126. **PROPERTIES**
127. **FINANCE**

Section 124. **SAN ANTONIO PUBLIC LIBRARY.** There is hereby established the San Antonio Public Library. Its personnel and properties of every description shall be managed by a Board of Trustees, which shall consist of not less than seven nor more than fifteen members who shall be electors of Bexar County, Texas and who shall be appointed by the Council; provided, however, that the number of such members shall be odd numbered; and provided further, that such members shall serve without compensation from the City. Appointments to the Board shall be made for overlapping two year terms; provided however, that initially, a majority shall be appointed for terms of two years and the remainder for terms of one year.

Section 125. **OFFICERS AND EMPLOYEES.** The Board of Trustees of the Public Library shall have authority to appoint and remove all officers and employees of the library, subject to the civil service provisions of this Charter. The officers and employees thereof shall be entitled to all rights and benefits under any provisions pertaining to appointive offices and employments of the City which are now or which may hereafter be in the classified civil service of the City.

Section 126. **PROPERTIES.** The Board of Trustees of the Public Library shall be exclusively responsible for the management, care, control and maintenance of its properties of every description.

Section 127. **FINANCE.** The Board of Trustees of the Public Library shall annually submit a budget estimate to the Department of Finance at the same time and in the same manner as is required of City departments and agencies. Such budget estimate shall thereupon be transmitted to the Council in the same manner as the budget estimates of City departments and agencies. The Council, in recognition of the public service rendered by the public library, shall give full consideration to its needs as stated in the budget estimate submitted by the Board. Upon approval by the Council, the budget for the public library shall be included in the municipal budget and shall be subject to the same fiscal controls which apply to City departments and agencies.

ARTICLE XI FRANCHISES

- Section 128. INALIENABILITY OF PUBLIC PROPERTY
129. FRANCHISE POWER OF THE CITY
130. LIMITATION OF FRANCHISES
131. GRANTING OF FRANCHISES
132. POWERS OF CITY OVER FRANCHISE HOLDERS
133. ANNUAL REPORTS AND STATEMENTS REQUIRED OF FRANCHISE HOLDERS
134. CONDITIONS OF FRANCHISES
135. INVESTIGATIONS AND PUBLIC HEARINGS
136. SUPERVISOR OF PUBLIC UTILITIES
137. MISCELLANEOUS PROVISIONS

Section 128. **INALIENABILITY OF PUBLIC PROPERTY.** The ownership, right of control and use of the streets, highways, alleys, parks, public places and all other real property of the City is hereby declared to be inalienable by the City, except by ordinances passed by vote of a majority of the Council as hereinafter provided; and no franchise or easement involving the right to use the same, either along, across, over or under the same, shall ever be valid, unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting such use. No act or omission of the City, its Council, officers or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise or easement not expressly granted by ordinance.

Section 129. **FRANCHISE POWER OF THE CITY.** The City shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person, firm or corporation the franchise or right to use the property of the City, as defined in the preceding section, for the purpose of furnishing to the public any general public service, including without limitation, however, heat, light, power, telephone service, refrigeration, steam, and the carrying of passengers for hire whether over designated routes or not within the City or its suburbs over the streets, highways and property of the City, or for any other purpose, whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to, in part, appropriate or use the streets, highways or other property of the City is necessary or proper. The provisions hereof with references to public utilities shall not apply to those owned by the City.

Section 130. **LIMITATIONS OF FRANCHISES.** No exclusive franchise or privilege shall ever be granted, nor a franchise nor a privilege to commence at any time after six months subsequent to the taking effect of the ordinance granting the same. No franchise or privilege shall be extended

directly or indirectly beyond the term originally fixed by the ordinance granting the same. An application for the renewal of a franchise or the granting of a new one may be considered and acted upon prior to the expiration date of the current franchise so that the new franchise may take effect upon the expiration date of the other; provided however, that the procedure prescribed herein for the original granting of such franchise is followed in all particulars.

Section 131. GRANTING OF FRANCHISES. The City shall have the power by ordinance to grant any franchise or right mentioned in the preceding sections hereof, which ordinance shall not be passed finally until its third and final reading, which readings shall be at three separate regular meetings of the Council, the last of which shall take place not less than thirty days from the first. After the passage of the ordinance on its first reading, it shall be published once in a newspaper of general circulation in the City, advising all persons that a public hearing will be held on this franchise on the date stated. No ordinance granting a franchise shall pass any reading except by a vote of the majority of the Council and such ordinance shall not take effect until sixty days after its adoption on its third and final reading; provided however, the ordinance shall be subject to referendum as provided by this Charter or now or as hereafter may be provided by the general laws of Texas.

Section 132. POWERS OF CITY OVER FRANCHISE HOLDERS. The City shall have the right and power, acting through the Council, to determine, fix and regulate the charges, fares or rates of any person, firm or corporation enjoying or that may enjoy a franchise or exercise any other public privilege in said City and to prescribe the kind of service to be furnished by such person, firm or corporation, and the manner in which it shall be rendered, and from time to time to alter or change such rules, regulations and compensation. The City shall have the power and authority to require extensions, betterments and improvements of the service that may be rendered by the holder of the franchise and shall likewise have the power to prevent the making of unnecessary or unprofitable extensions.

Section 133. ANNUAL REPORTS AND STATEMENTS REQUIRED OF FRANCHISE HOLDERS. Every person, firm or corporation holding a franchise or enjoying an easement of any sort through, under or from the City shall be required to prepare and file annually with the Council, within sixty days after the close of a fiscal year, a true, full and correct statement based upon the condition at the close of such fiscal year and the transactions for the current year which shall exhibit:

- (a) The amount of all stock issues of such corporation and the divisions thereof;
- (b) An itemized statement of indebtedness, its nature and divisions, whether floating or bonded, and the interest payable on each item thereof;

- (c) An itemized statement of income and the amounts derived from each source of income;
- (d) An itemized and detailed statement of expenditures;
- (e) An itemized statement of all property of every kind owned and used in rendering the public service, wherever situated and the location and fair market value of each item thereof.

Said annual statement shall be verified by oath of the person, a member of the firm or a duly authorized officer or agent of the corporation, and upon its filing shall become part of the permanent records of the City. If any person, firm or corporation required to file such report shall fail to do so as herein provided, such failure shall be grounds for forfeiture of the franchise and it shall be the duty of the City Attorney, after due notice to the grantee of such intention, to bring suit within a reasonable time in the District Court to forfeit the franchise granted and if it shall appear to the court that such person, firm or corporation has willfully failed to make such report, it shall render judgement in the cause decreeing a forfeiture of such franchise and of all rights accruing thereunder.

Section 134. **CONDITIONS OF FRANCHISES.** Each franchise granted by the Council shall provide:

- (1) For the compensation to be paid to the City for the use and occupancy of the public property, which said compensation may be a fixed fee, or may be measured by gross receipts, or some other method mutually agreeable to the parties. Such compensation may be changed from time to time by mutual consent;
- (2) For the length of time that such franchise shall continue in effect; provided however, that no franchise shall be granted for a period longer than twenty-five years;
- (3) That no franchise shall be assigned without the written consent of the Council, which consent shall be evidenced by a resolution or an ordinance;
- (4) That the procedure to be followed in ordering the making of extensions, betterments or permanent improvements of the service by the City or considering applications by the grantee for permission to make extensions, enlargement or betterments, be prescribed;
- (5) That no rate of return shall exceed a fair return upon the fair value of the property used in rendering the public service;
- (6) Each franchise shall provide for a method of accounting applicable to the particular business conducted by the grantee;
- (7) Adequate provision shall be made in each franchise for the maintenance of sufficient depreciation reserves so that the integrity of the property used and useful in rendering the public service may be maintained. Each franchise shall specify the purposes for which the depreciation reserves may

be used. In determining the amount and character of reserves required it shall be proper to resort to current common practices applicable to the particular utility concerned;

(8) Each franchise shall provide for a recapture provision whereby the City shall have the right to cancel the franchise and purchase the property of the franchise holder at a price to be determined according to the formula or method agreed upon in the franchise when granted;

(9) That the grantee may be required, at grantee's expense, to conform its installations in the streets, alleys and public ways to any changes of grade made by the City.

Section 135. INVESTIGATIONS AND PUBLIC HEARINGS. The Council shall have full power to examine or cause to be examined at any time, and at all times the books, papers and records of franchise holders; to take testimony and compel the attendance of witnesses and the production of books, papers, and records and to examine witnesses under oath and under such rules and regulations as it may adopt and should any franchise holder refuse to permit the inspection of such books, papers or records by the Council or by any one designated by it to make such inspection or fail to produce the same when notified to do so by the Council, or should any officer, agent or employee of such franchise holder refuse to give testimony before the Council, the Council shall have the power by ordinance, to declare the franchise or privilege enjoyed by such person, firm or corporation in default and terminated. The Council shall have the power to call a public hearing, giving reasonable notice to the holder of a franchise, to determine whether or not an application to increase rates shall be granted or to determine whether or not the rates currently charged by any holder of a franchise for the service rendered are excessive. In that connection the Council shall have full power to examine the books, papers and records of the franchise holder, and to compel the attendance of all witnesses deemed necessary for the ascertainment of the facts in connection with said inquiry. Failure to obey any subpoena to appear as a witness shall be punishable by the Council for contempt by any appropriate proceedings permitted by law.

Section 136. SUPERVISOR OF PUBLIC UTILITIES. There is hereby created the Office of Supervisor of Public Utilities, who shall be nominated by the City Manager and confirmed by the Council. He shall serve at the pleasure of the City Manager and shall receive such compensation as may be fixed by the Council. The Supervisor of Public Utilities shall have such assistants as may be determined by the Council in cooperation with the City Manager.

The Supervisor shall assemble the facts which are essential to proper determination of cost of service and the fixing of reasonable rates. He shall have and keep up to date an inventory of the property used in public service,

the cost of such properties as actually and reasonably incurred or as fixed by appraisal, additions and retirements made each year, the depreciation and all matters that enter into the periodical readjustment of the rate base. He and his assistants under his direction shall have power to make and shall conduct all inspections and examinations of public utility properties, accounts and records. At the close of each calendar or fiscal year, he shall make a comprehensive report and recommendations to the Council, which, after receiving them, may proceed with informal negotiations or with formal proceedings. Every public utility operating within the City shall furnish the Supervisor regular reports as to capital outlay, property retirements, operating revenues, operating expenses, taxes and other accounting matters according to the standard accounting classifications for each such utility. In addition, the City may require reports regarding salaries, wages, employees, contracts, service performance and all other records of operation that pertain to the proper rate adjustments on the basis of facts and regular administration.

In connection with any application for an increase in rates, fares or charges by a holder of a franchise, or an inquiry initiated by the Council as to the reasonableness of the rates charged by any franchise holder, the Council may refer the matter to the Supervisor for the purpose of affording to the holder a hearing thereon. The Supervisor may give such a rate hearing to any such person, firm or corporation provided for hereunder and report his findings and recommendations to the Council for their adoption, revision or rejection.

The Supervisor, while sitting for the purpose of giving such hearing, shall have all the powers herein conferred on the Council to inspect books and compel attendance of witnesses and may prescribe the penalties provided herein for failure or refusal to attend and testify or produce such books.

The Council may certify any such hearing to the Supervisor whenever it deems it advantageous to have the Supervisor sit and give such hearing instead of the Council; provided, however, that the evidence at any hearing so held and the findings of the Supervisor shall be fully reported to the Council for its approval, amendment, revision or rejection.

The Supervisor shall perform such other duties and services affecting public utilities as are assigned to him or directed by the City Manager or Council.

Section 137. MISCELLANEOUS PROVISIONS. The Council shall have the right by resolution to grant a temporary use of a street, alley, public way or public property for a period not to exceed two years and by ordinance, in the nature of a franchise, for a period not to exceed twenty-five years, and charge therefor such compensation annually as may be proper. The grants

contemplated by this section do not include utility franchises as that term is generally understood. In this connection the Council shall have the right to grant to the owner of property abutting upon the streets, or other property of the City, the use thereof or to go under or over the same in any manner which may be necessary or proper to the better enjoyment of said abutting property by the owner; provided, however, that such use be not inconsistent with, or does not unreasonably impair the public use to which said street or other property may be dedicated.

The Council shall fix the terms and conditions of any such grant and the time for which the same shall exist. The right is expressly reserved to the City, acting through the Council to terminate such grant when deemed inconsistent with the public use of the property of the City, or when the same may become a nuisance.

ARTICLE XII GENERAL PROVISIONS

- Section 138. OATH OF OFFICE
- 139. QUALIFICATION OF ELECTIVE OFFICERS
- 140. PROHIBITIONS ON CANDIDATES FOR OFFICE OR EMPLOYMENT
- 141. INTEREST IN CITY CONTRACTS PROHIBITED
- 142. LIMITATION ON DEBTS INCURRED
- 143. COSTS OR FEES OF OFFICE
- 144. CITY RECORDS ADMISSIBLE AS EVIDENCE
- 145. CITY RECORDS OPEN TO PUBLIC
- 146. SECURITY OR BOND NOT REQUIRED
- 147. EXECUTION AND GARNISHMENT
- 148. ASSIGNMENTS
- 149. COMPETENCY OF INHABITANTS OR TAXPAYERS
- 150. LIABILITY OF THE CITY AND LIMITATIONS THEREON
- 151. LIABILITY OF OFFICERS AND EMPLOYEES
- 152. RESERVED
- 153. CEMETERY LOTS EXEMPT FROM TAXES, ETC.
- 154. APPOINTMENTS TO BOARDS, COMMISSIONS AND AUTHORITIES
- 155. CONTINUATION
- 156. - 158. RESERVED
- 159. LOYALTY OATH
- 160. OFFICERS TO HOLD OVER UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED
- 161. PUBLIC ACT, LIBERAL CONSTRUCTION
- 162. RENUMBERING AND REARRANGEMENT OF CHARTER PROVISIONS

- 163. AMENDMENTS
- 164. SEPARABILITY CLAUSE
- 165. RESERVED

Section 138. **OATH OF OFFICE.** Every person elected or appointed to office in the City, shall, before entering upon the duties of his office, take and subscribe the official oath prescribed by the State Constitution and shall give such bond and security for the faithful discharge of his duties as may be required by ordinance.

Section 139. **QUALIFICATION OF ELECTIVE OFFICERS.** All elective officers of the City shall qualify within ten (10) days after election and failure to do so, except in case of sickness, shall vacate said office, and an election shall be immediately called to fill such vacancy.

Section 140. **PROHIBITIONS ON CANDIDATES FOR OFFICE OR EMPLOYMENT.** (a) It shall be unlawful for any candidate or any person who may become a candidate for any office or employment under the government of the City, directly or indirectly, to offer or promise to any person or persons any office or employment under the City government or any benefit to be derived therefrom in the event of the election or appointment of such candidate to any such office or employment; or to promise or agree to use his influence to obtain for any person any office or employment under the government of the City. Any violation of any of the provisions of this section shall be a misdemeanor and shall be grounds for removal from office or employment.

(b) No appointee of any City board or commission shall continue in such position after becoming a candidate for nomination or election to any City or Bexar County elected office.

Section 141. **INTEREST IN CITY CONTRACTS PROHIBITED.** No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or service, except on behalf of the City as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the Council shall render the contract involved violable by the City Manager or the Council.

Section 142. **LIMITATION ON DEBTS INCURRED.** Any debt hereafter contracted by any officer of the City, or by any person on account of the City, the payment of which has not been previously provided for by ordinance duly adopted by the Council, shall be absolutely null and void and uncol-

lectible at law or in equity, and it shall be the duty of the City Attorney to plead this provision to defeat the collection or enforcement of any such claim or debt.

Section 143. **COSTS OR FEES OF OFFICE.** No officer of the City shall ever be entitled to costs or fees of office except for the use of the City; and all penalties, forfeitures, fines, costs and fees of office to accrue hereafter shall be paid into the City depository, and no money shall be drawn from the depository except in the pursuance of a specific appropriation of the Council; nor shall any appropriation for private or individual purposes be made, except as provided in Article I, Section 3, Paragraph 12 of this Charter.

Section 144. **CITY RECORDS ADMISSIBLE AS EVIDENCE.** Certified copies of the records, papers and books of City officers or employees shall be admissible in evidence when certified by the custodian of such papers, books and records, and attested by him under his seal, if he has one; provided, that for issuing such certified copies the City shall receive such fees as may be provided by ordinance.

Section 145. **CITY RECORDS OPEN TO PUBLIC.** Every citizen shall, during office hours, have the right to examine any and all books, vouchers, records and papers belonging to the City and shall have the right to take copies; and it shall be the duty of the proper custodian of such papers and records to produce and exhibit any such papers or records demanded to be inspected by any such citizen.

Section 146. **SECURITY OR BOND NOT REQUIRED.** The City shall not be required to give any bond for security or costs or any other security in any suit or action brought by or against it, or in any proceeding to which it may be a party in any court in this State; and the City shall have all remedies of appeal provided by law to all courts in this State without bond or security of any kind, but shall be liable in the same manner and to the same extent as if the bond, undertaking or security required in other cases had actually been executed and given.

Section 147. **EXECUTION AND GARNISHMENT.** No execution shall be issued or levied by virtue of any judgment that may be recovered against the City, but the Council shall provide for the payments of judgments in the levying of taxes next after the final recovery of such judgments from the City. All assets of the City, including lands, houses, monies, debts due the City, personal and real property, and assets of every description belonging to the City, shall be exempt from execution and sale; but the City shall make provisions, by taxation or otherwise, for the payment of any and all indebtedness incurred by the City. No writ of garnishment shall issue against the City to subject or seize any debt to any person or corporation, or any claim or demand upon any fund in the hands of said City or any of its officers; nor shall

the City or any of its officers or agents, be required to answer any writ of garnishment.

Section 148. **ASSIGNMENTS.** The City shall not recognize transfers or assignments of salaries or wages, nor shall any officer of the City receive or honor any drafts or order drawn by any person against his salary or wages, but the warrant or money shall in every instance be delivered or paid to the person entitled thereto according to the City's accounts; nor shall any officer of the City issue any certificates of indebtedness. Nothing herein contained shall prevent the holder of a warrant from transferring it. If the Council so declares by ordinance, a warrant for the total amount of any payroll may be drawn in favor of the person paying such payroll, and such warrant shall have the same legal standing effect as any other warrant.

Section 149. **COMPETENCY OF INHABITANTS OR TAXPAYERS.** No person shall be disqualified as a judge, justice or juror by reason of his being an inhabitant in the City or subject to taxation by the City in any action or proceeding in which the City may be a party at interest.

Section 150. **LIABILITY OF THE CITY AND LIMITATIONS THEREON.** Before the City shall be liable for damages for the death or personal injuries of any person or for damage to or destruction of property of any kind, the person injured, if living, or his representatives, if dead, or the owner of the property injured or destroyed, shall give the City Manager or the City Clerk notice in writing of such death, injury or destruction within ninety days after same has been sustained, stating in such written notice when, where, and how the death, injury or destruction occurred and the apparent extent of any such injury, and the amount of damages sustained; provided, however, that in no event shall the City be liable in damages to any one on account of any defect in, obstruction, on or anything else in connection with any sidewalk in the City. And provided, further, that in order to hold the City liable in damages to any one on account of any injury caused by any defect in, obstruction on, or anything else in connection with any street, alley or plaza, bridge, river bank, water course, or any public way, it must be shown that the City Manager, a member of the Council, or some person having superintendence or control of the work for the City had actual knowledge or actual notice of such defect, obstruction or other thing for a sufficient length of time before such injury was received, to have remedied or guarded against such condition of the street, alley or plaza before the injury was received.

Section 151. **LIABILITY OF OFFICERS AND EMPLOYEES.** No officer or employee of the City shall be liable for damages for any act committed in the proper discharge of his duties.

Section 152. **RESERVED.**

Section 153. **CEMETERY LOTS EXEMPT FROM TAXES, ETC.**

The cemetery lots which have been or may hereafter be laid out and sold by the City for private places of burial, shall, with the appurtenances, forever be exempt from taxes, exceptions, attachments and forced sales.

Section 154. **APPOINTMENTS TO BOARDS, COMMISSIONS AND AUTHORITIES.**

The Mayor and City Council shall appoint all members of regulatory and Zoning Boards or Commissions. No member of any such Board or Commission may be compensated by the City at a rate in excess of twenty dollars per meeting, or more than \$1,040 per annum.

Section 155. **CONTINUATION.** All rights, actions, penalties and forfeitures in suits or otherwise which have accrued prior to adoption of this Charter shall be vested in and possessed by the City and no suit pending shall be affected by the passage of this Charter, but the same shall be prosecuted or defended, as the case may be, by the City.

Section 156 – 158. **RESERVED.**

Section 159. **LOYALTY OATH.** Before entering upon the duties of his or her office or employment, every officer and employee of the City shall swear or affirm to the following: "I (Name of officer or employee), do solemnly swear (or affirm) that I do not advocate, nor am I a member or affiliate of any organization, group or combination of persons that advocates the overthrow of the Government of the United States of America by force or violence; and that during the tenure of my office or employment under the City of San Antonio, Texas, I will not advocate nor become a member or an affiliate of any organization, group or combination of persons that advocates the overthrow of the Government of the United States of America by force or violence." The foregoing oath shall be sworn to or affirmed before a person qualified to administer oaths or affirmations, and shall be attested to by such person. Any person who shall be found guilty, in a public hearing held thereon by the Council, of having falsely taken such oath shall immediately forfeit his or her office or employment under the City, and, upon conviction of such offense in any court having jurisdiction, may be punished as provided by the general laws of this State.

Section 160. **OFFICERS TO HOLD OVER UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED.**

Whenever under the provisions of this Charter any officer of the City, judge or member of any board or commission is appointed for a fixed term, such officer, judge or member shall continue to hold office until his successor is appointed and qualified.

Section 161. **PUBLIC ACT, LIBERAL CONSTRUCTION.** This Charter shall be deemed a public act, and may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and

places. It is intended by this Charter to promote a more efficient and effective government, for the City and to secure for the people improved representation in legislation, and greater economy and efficiency in administration. To that end, it is directed that all provisions of this Charter shall be liberally construed, and the Council is hereby vested with all legislative powers required to augment these provisions and to insure at all times the effective operation of this Charter.

Section 162. **RENUMBERING AND REARRANGEMENT OF CHARTER PROVISIONS.** The Council shall have power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter or any amendments thereto, as it shall deem appropriate.

Section 163. **AMENDMENTS.** This Charter may be amended at any time in accordance with the applicable provisions contained in of statutes and as provided by the Constitution of Texas.

Section 164. **SEPARABILITY CLAUSE.** Should any article, section, part, paragraph, sentence, phrase, clause or word of this Charter, for any reason, be held illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Section 165. **RESERVED.**

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