

CITY OF CROCKETT, TEXAS

CHARTER PROPOSITIONS

Propositions A-V

PROPOSED CHARTER AMENDMENTS

Compiled for public review

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Proposition A

Amendments to the City of Crockett Charter revising and deleting any provisions which are repetitive of state law, repetitive of other sections of the Charter or otherwise unnecessary to be in the Charter.

FOR _____ AGAINST _____

Measure A

Section 1.04. - Extension and contraction of the city limits.

- (e) ~~When the boundary limits of said city have been altered or extended, or any additional territory has been annexed, by any of the methods herein provided, the same shall thereafter be a part of the City of Crockett; the property situated therein shall be subject to and shall bear its pro rata part of the taxes levied by the city, and the inhabitants thereof shall be entitled to and shall possess all the rights and privileges of the citizens of the City of Crockett and shall be under obligations as such citizens; and when any territory may be contracted from the city and discontinued as a part of said city, then such territory and all citizens thereof shall no longer be entitled to the rights and privileges of the citizens of the City of Crockett and shall not thereafter be under obligations as such citizens.~~
- (f) ~~All alterations, extensions, contractions and annexations as herein provided, shall be defined by sufficient description by field notes and metes and bounds that the same may be located with accuracy upon the ground.~~

Section 2.01. - General.

~~The City of Crockett shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the Constitution and laws of the State of Texas, together with all implied powers necessary to carry into execution such granted powers, unless such power of right is expressly prohibited or restricted by this Charter. may use a corporate seal, may sue and be sued, may contract and be contracted with, may implead and be impleaded in all courts in all matters whatsoever. The City of Crockett shall have and may exercise all the powers granted to cities by the Constitution or Laws of Texas including specifically those powers made available to cities of more than five thousand (5,000) inhabitants by what is known as the Home Rule Amendment to the Constitution of Texas (Article XI, Section 5, and the Home Rule Enabling Act (Chapter 13, Title 28 of the Revised Civil Statutes of the State of Texas, 1925), as now or hereafter amended. The city may acquire property within or without its corporate limits for any municipal purposes; may cooperate with the government of Texas or any agency thereof, or with the federal government or any agency thereof, or with the government of any county, city or political subdivision, to accomplish any lawful purpose for the advancement of the health, morals, safety, convenience or welfare of the city or its inhabitants; may sell, lease (including surface and mineral leases), mortgage, hold, manage and control such property as its interests may require, provided the city shall not sell, convey, lease, mortgage or otherwise alienate any public utility without prior approval by the qualified voters of the city, except any real estate pertinent to any public utility may be leased for mineral exploration upon competitive bidding~~

~~without prior approval by the qualified voters of the city, and may exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or the Constitution or Laws of Texas. The enumeration of particular powers in this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers which under the constitution and general laws of this state it would be competent for this charter to specifically enumerate.~~

~~Section 2.02. - Liabilities, exemptions and limitations.~~

- ~~(a) No property belonging to the city shall be subject to any execution of any kind or nature.~~
- ~~(b) No fund belonging to the city shall be subject to garnishment, attachment or sequestration, and the city shall never be required to answer in any garnishment proceedings.~~

~~Section 3.12. - Official bond.~~

~~The city council shall require bonds of all municipal officers and employees who receive or pay out any moneys of the City or Crockett. The amount of such bond shall be determined by the city council and the cost thereof shall be borne by the City of Crockett.~~

~~Section 4.02. - Official ballot.~~

~~The city secretary shall make up the official ballot from the names presented to him. The order in which the names of the candidates for each place shall appear on the ballot shall be determined by lot in a drawing held under the supervision of the city secretary, at which drawing each candidate, or his designated representative, shall have a right to present. All official ballots shall be printed at least twenty (20) days prior to the date of any general or special election, and absentee voting shall be governed by the General Laws of the State of Texas, except as modified by the special election required in subdivision (b) of section 4.03 of this charter.~~

~~Section 4.03. - Municipal elections.~~

- ~~(a) The general election for the choice of members of the city council as provided in Article III shall be held each year on the first Saturday in May. The city council may by resolution order special elections, which shall be held as nearly as practicable according to the provisions of a general election and the provisions of the charter. The city council shall determine the hours and places for holding all city elections.~~

~~Section 5.02. - Administrative departments.~~

~~There are hereby created the following administrative departments: finance, fire, health, parks and recreation, police, and public utilities. Other departments may be established by ordinance.~~

Section 6.02. - Accounting, supervision and control.

~~See that cChecks~~, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the city treasurer and countersigned by the city administrator, ~~except checks in the amount of ten dollars (\$10.00) or less~~, and checks for refunds of deposits for utilities. In the event the city administrator and the city treasurer is the same person, then all checks, vouchers or warrants shall be signed by the city treasurer and countersigned by another official designated by the city council, ~~except checks for ten dollars (\$10.00) or less~~, and checks for refunds of deposits for utilities. Checks amounting to the sum of ten dollars (\$10.00) or less and checks for refunds of deposits for utilities may be signed by the city treasurer without any additional signature.

Section 6.05. ~~Property subject to tax.~~

- ~~(a) All property, real, personal or mixed, within the corporate limits of the City of Crockett on the first day of January and not expressly exempt by law, shall be subject to annual taxation within the limits prescribed by the Constitution for cities of over five thousand (5,000) population.~~
- ~~(b) All rights, privileges and franchises heretofore or hereafter granted to and held by any person, firm or corporation, in the streets, alleys, highways or public grounds or places in the City of Crockett shall be subject to taxation separately from and in addition to the other assets of such person, firm or corporation, and the city council may require the rendition and assessment thereof accordingly.~~

Section 6.07. ~~Tax payment, delinquency and penalties.~~

- ~~(a) All taxes shall be payable at the office of the city tax assessor and collector, and may be paid at any time after the tax rolls for the year have been completed, which shall be not later than October first;~~
- ~~(b) All unpaid taxes shall become delinquent as of January thirty first of the year following their assessment, and shall be subject to such penalties and interest as imposed by law in the case of delinquent state and county taxes, or cumulative thereof as the city council may provide by ordinance;~~
- ~~(c) The city council may, by ordinance, authorize the payment of current taxes in installments not exceeding two (2) installments, over a period not exceeding one (1) year;~~
- ~~(d) The enforcement of tax liens and the collection of delinquent taxes on real and personal property shall be governed by the law applicable in the case of delinquent state and county taxes, and cumulative thereof as the city council may provide by ordinance, and cumulative of the other provisions hereof;~~
- ~~(e) Permits to wreck or move buildings shall not be issued until all taxes due on such property have been paid;~~

- ~~(f) If any one against whom a personal tax is assessed and unpaid, whether the tax is delinquent or not, shall have removed or be about to remove his personal property out of the city limits, it shall be the duty of the city tax assessor and collector to proceed at once to collect such taxes by seizure and sale of such personal property;~~
- ~~(g) Personal property seized by the city tax assessor and collector shall be sold at auction to the highest bidder at the front door of the city hall after the city tax assessor and collector has given notice of the time and place of the sale by posting a written notice at the city hall door and inserting another notice in the official newspaper of the City of Crockett at least ten (10) days before the date of sale. A sale of personal property for delinquent taxes shall convey with it an absolute title and owner shall have no right to redeem the property.~~

~~Section 6.08. Tax lien.~~

~~A lien is created on all property, real, personal and mixed situated within the limits of the City of Crockett on January first of each year, in favor of the City of Crockett, for the amount of all due and unpaid taxes levied by the City of Crockett. The lien shall exist from January first of each year until the taxes are paid. This lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, shall ever defeat such lien. All taxes heretofore assessed by the City of Crockett are ratified and all ordinances relating to taxes now in force shall continue amended or repealed by the city council.~~

~~Section 6.18. Powers to issue bonds.~~

- ~~(a) The City of Crockett shall have the power to borrow money on the credit of the City of Crockett and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the Constitution and Laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the City of Crockett previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas;~~
- ~~(b) The City of Crockett shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing public utilities, recreational facilities or any other self-liquidating municipal functions not prohibited by the Constitution and Laws of the State of Texas and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties, or interest therein, pledged, or the income therefrom, or both, and shall never be a debt of the City of Crockett. All such bonds shall be issued in conformity with the laws of the State of Texas;~~
- ~~(c) All bonds of the City of Crockett having been issued and sold in accordance with the terms of this section, and having been delivered to the purchasers thereof, shall thereafter be incontestable, and all bonds issued or refund and in exchange for outstanding bonds previously issued shall, after said exchange, be incontestable. Section 6.19. Bond register.~~

~~The city treasurer shall prepare, maintain and cause to be filed in his office a complete bond register, showing all bonds, the date and amount thereof, the rate of interest, a schedule of maturity dates and a record of all bonds and all other transactions of the city council having reference to the refunding of any indebtedness of the City of Crockett. When bonds or their coupons are paid, their payment or cancellation shall be noted in the register.~~

~~Section 6.20. – Misapplication of bond funds.~~

~~Any officer or employee of the City of Crockett who shall willfully or knowingly divert or use any funds arising from the issuance of any bond or sinking fund for any other purpose than that for which the fund is created or as herein otherwise authorized, shall be subject to prosecution as provided by the Laws of the State of Texas on the diversion and conversion of funds belonging to any of the municipalities of the State of Texas.~~

~~Section 6.21. – Assessment for improvements.~~

~~All of the terms, power and applicable provisions of Chapter 9, Title 28 of the Revised Civil Statutes of the State of Texas, as now or hereafter amended, relating to assessments for streets or other improvements as therein provided, are hereby adopted as a part of this charter and hereby constitute an alternative authority and method which the City of Crockett may use in improving streets, alleys and public places in levying assessments therefor, provided, the city shall have the power in all such cases to make such improvements with its own forces if, in the opinion of the city council, the work can be done more expeditiously or economically.~~

~~Section 6.22. – Depository or depositories.~~

~~All money received by any person, department or agency of the City of Crockett for or in connection with the affairs of the City of Crockett shall be deposited promptly in the city depository or depositories, which shall be designated by the city 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.~~

~~Section 11.02. – Building permits.~~

~~The City of Crockett shall have power to prohibit the wrecking or moving and the erection or construction of any building or structure of any kind within the City of Crockett without a permit first having been issued by the city for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority may authorize the inspection by the city of all building or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building regulations which exist in said city or which shall hereafter be passed. Permits to wreck or move any building or structure shall not be issued until all taxes due on such property have been paid.~~

~~Section 11.03. — Condemnation of structures.~~

~~Whenever in the opinion of the City Council of the City of Crockett any building, fence, shed, awning, case, excavation, structure, object or thing of any kind or part thereof may fall or collapse and injure persons or property, the city council may order the owner or agent of the same or occupant of the premises, to take such corrective measures as the city council may direct, and may punish by fine all persons failing to do so. Upon his failure to comply, the city council shall have the additional power to remove the same at the expense of the City of Crockett on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land and improvements, and same may be collected as other special taxes provided for in this charter, or by suit in any court of competent jurisdiction. The City Council of the City of Crockett shall have full power to condemn all dangerous buildings or obstructions of any kind that it may determine to be hazardous in any way, especially to health and fire, and provide regulations therefor by ordinance.~~

~~Section 13.01. —General powers.~~

- ~~(a) — *May regulate:* The City of Crockett may license, regulate, fix the rates, control and supervise public utilities of all kinds.~~
- ~~(b) — *May own:* In addition to such public utilities it may now own, the City of Crockett may own, acquire, construct, maintain and operate any other public utility that may be approved by a majority vote of the qualified voters of the city voting therefor at an election held for such purposes; and shall have the powers to condemn the property of any person, firm or corporation for the purpose of operating and maintaining any such utility, and for distributing such service throughout the city or any portion thereof, but in such condemnation proceeding no allowance shall be made for the value of any franchise and only the actual physical assets shall be purchased by the city.~~
- ~~(c) — *May fix rates:* The city shall have the power, subject to limitations imposed by state law and this charter to fix and from time to time to revise such rates and charges as it may deem advisable for supplying such utility services owned by the city as the city may provide. The rates and charges for services to customers of the city utilities outside the corporate limits of the city may be greater but shall not be less than the rates and charges for similar services to customers within the corporate limits of the city.~~
- ~~(d) — *Revenues and accounts:* Any money remaining in the "system fund" after all necessary expenses of operation and maintenance of the utilities system, including salaries, labor and materials have been paid, upon proper approval and after all payments have been made into the several funds required and provided to be made by the ordinance or ordinances authorizing the issuance of any revenue bonds of the city, now outstanding or hereafter authorized and issued which may be payable from and secured from the net earnings of the water and sewer systems shall be deemed "excess revenue" for the purposes of this section. "System funds" as used herein shall mean the fund or funds as may be required by outstanding bond issues into which are deposited the gross incomes derived from the~~

~~operation of the above named utilities systems. The city shall operate the utility system at a profit and "Excess revenues" may be transferred to any other fund of the city.~~

~~Section 14.02. — Streets.~~

- ~~(a) — *Control by ordinance:* All of the powers and authority vested in the cities, towns and villages by the statutes of the State of Texas for the use, control, abandonment, acquisition by purchase or by the power of eminent domain, of streets, avenues, alleys, highways and public roads are expressly reserved and made a part of this charter. In addition thereto and cumulative thereof the City of Crockett shall have the power and authority to extend all of its rights and privileges over the use, control, abandonment and acquisition of such streets, avenues, alleys, highways and public roads, so long as the same is not in conflict with any provision of the Constitution or Laws of the State of Texas.~~
- ~~(b) — *Abandonment:* The city council may by a majority vote of its membership abandon any street, avenue, alley, highway or public road, or any part thereof, which is no longer needed or required for use by the general public, or which has been created by dedication or platting or a map of a portion of the city and thereafter never opened or used as such, which abandonment shall be by ordinance passed as provided in section 3.10 of article three hereof, and no other notices shall be required.~~
- ~~(c) — *Ratification of previous ordinances of abandonment and disposition:* All ordinances heretofore passed by the governing body of the City of Crockett abandoning any street, avenue, alley, highway or public road, or any part thereof, or any other method of abandonment thereof employed by such governing body, and the sale or other disposition thereof by the governing body, are hereby ratified, confirmed and validated.~~

~~Section 15.01. — Publicity of records~~

~~All records and accounts of every office, department or agency of the City of Crockett shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the city administrator.~~

Proposition B

Amendments to the City of Crockett Charter removing Section 10.02 Parks and Recreation Advisory Board from the Charter.

FOR _____ AGAINST _____

Measure B

~~Section 10.02. — Parks and recreation advisory board.~~

- ~~(a) — *Appointment and qualification:* There shall be a park and recreation board which shall consist of five (5) resident property owning taxpayers of the City of Crockett. They shall be appointed by the city council for a term of two (2) years, provided three (3) members shall be appointed each odd numbered year and two (2) members each even numbered year. The board shall elect its chairman from among its members, and he shall serve for one (1) year or until his successor is elected or qualified. The board shall serve without pay and shall adopt such rules as may be necessary for the regulation of its business and affairs.~~
- ~~(b) — *Powers and duties:* The board shall serve in an advisory capacity. The board shall meet monthly and at such other times as the board may by resolution determine. The board shall submit to the city council an annual report of its operations together with such recommendations for the improvement of the park and recreation program as it may deem appropriate. The board shall endeavor to stimulate public interest in the development and maintenance of parks and playgrounds and a well rounded community wide recreation program. It shall endeavor to interpret the work of the park and recreation department and to promote close cooperation between the city and all private citizens, institutions and agencies to the end that all park and recreational facilities and resources within or controlled by the city may make their maximum contribution to the public welfare.~~

Proposition C

Amendments to the City of Crockett Charter revising the name of city “commission” members to be city “council members”.

FOR _____

AGAINST _____

Measure C

Section 3.01. - Number, selection, term and districts.

- (a) The city council shall have six (6) members consisting of the mayor and ~~commissioners~~ council members numbers 1, 2, 3, 4 and 5 elected in the manner prescribed in article four hereof, for a term of two (2) years and until their respective successors have been elected and qualified.
- (b) There shall be five (5) single-member council districts, numbers 1, 2, 3, 4 and 5, and their boundaries shall be defined by ordinance of the city council adopted as soon as practicable after the publication of each United States decennial census.
- (c) ~~Commissioners~~ Council members numbers 1, 2, 3, 4 and 5 shall be elected by the council district bearing the same number and the mayor shall be elected by the city at large.
- (d) This amendment shall be effective as to ~~commissioners~~ council members numbers 3, 4 and 5 at the city election in April of 1984, and as to the mayor and ~~commissioners~~ council members number 1 and 2 at the city election in April of 1983. In the event of any vacancies occurring in said offices after the passage of this amendment, this amendment shall become effective as to the position that has become vacant immediately upon such occurrence.

Section 4.01. - Nomination and filing for office.

- (a) Any qualified person may have his name placed on the ballot as a candidate for mayor or for ~~commissioner~~ council member one, two, three, four, or five, by filing with the city secretary not more than ninety (90) nor fewer than thirty (30) days prior to the date of election an application in substantially the following form:

I, _____, do hereby declare that I am a candidate for the office of _____, of the City of Crockett and request that my name be printed upon the official ballot for that office in the next General City Election. I am qualified to serve as such officer with respect to the qualifications set forth in the Charter. I reside in the City of Crockett, Texas.

(Signed)

The foregoing petition was filed with the City Secretary on the _____ day of
; _____, 19 _____ .

City Secretary

Proposition D

Amendments to the City of Crockett Charter revising the reporting structure for city employees and officers.

FOR _____ AGAINST _____

Measure D

Section 3.06. - City secretary.

~~The city secretary shall be appointed in the same manner as other officers upon nomination by the city administrator and approval of the city council. The city administrator shall be responsible for the hiring, discipline, and termination of the city secretary, who He shall serve as secretary of the city council, give notice of its meetings, keep the journal of its proceedings, authenticate by his signature and record in full all ordinances and resolutions, and perform such other duties as this charter may provide or as the city administrator may assign to him. The city secretary and city administrator may be the same person if the city council should so determine. There may be appointed one (1) or more assistant city secretaries in the same manner as the naming of city secretary.~~

Section 3.11. - Powers of the city council.

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas.

~~Except as otherwise provided by this charter all powers of the City of Crockett and the determination of all matters of policy shall be vested in the city council. Without limitation of the powers granted or delegated to the city by the constitution, statutes, or this charter, and cumulative thereof, the city council shall have the following power:~~

- ~~(a) Appoint and remove the city administrator, the chief of police, and the fire marshal and/or chief, as limited by this charter;~~
- ~~(b) Remove the city attorney, by majority vote;~~
- ~~(c) Appoint all officers, departmental heads, clerks and any and all other employees, after each such person is nominated by the mayor, limited however by the provisions of article nine, and except in the law and police departments, and after each such person is nominated by the chief of police in the department of police, but reserving the right and power to reject any nomination and require another nomination to be made by the mayor, except as limited by the provisions of article nine, and by the chief of police, in their respective departments, continuing this procedure until such person is found who is acceptable to the officer making the nomination to the city council; however, if the office of chief of police or other nomination officer is vacant, then the city council may appoint (as may be necessary for the proper conduct of the city government) such person or persons who will serve until such officer is appointed, at which time such officer may nominate a person, or persons, for appointment as herein provided;~~

- ~~(d) Appoint members of the planning and zoning commission, the board of adjustment, the park and recreation advisory board, the board of equalization, and all other boards and commissions serving the City of Crockett, except the Board of the Crockett Housing Authority whose members shall be appointed by the mayor;~~
- ~~(e) Adopt the budget of the City of Crockett;~~
- ~~(f) Fix the salary of the city administrator, chief of police, and fire marshal and/or chief, and, in cooperation with the city administrator, chief of police or fire marshal and/or chief, in their respective departments, fix other salaries;~~
- ~~(g) Authorize by ordinance the issue of bonds, assignments of revenue or warrants;~~
- ~~(h) Approve plats;~~
- ~~(i) Adopt and modify the official map of the City of Crockett;~~
- ~~(j) Adopt and modify the zoning plan which may regulate and fix the height of buildings and other structures, the size of yards and courts, the density of population and the location and use of building for trade, industry, business, residence or other purposes;~~
- ~~(k) Provide for the establishment and designation of fire limits, and prescribe the kind and character of buildings, structures, or improvements which may be erected therein, provide for the alteration of such limits, and provide for the penalty for violation thereof, and provide for the power and authority to require the removal of any building, structure or improvement which had been built, constructed, moved into or made in violation of the then existing fire limits ordinance, either with or without the permission of the city council in office at the time of such violation, and provide for the condemnation of dangerous or dilapidated buildings or structures which increase the fire hazard and for the manner of their removal or destruction;~~
- ~~(l) Adopt and modify the building code;~~
- ~~(m) Adopt, modify and carry into effect plans proposed by the planning and zoning commission;~~
- ~~(n) Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire, or the transportation of freight for hire, or the retail sale and delivery of merchandise or other products, or the public streets or alleys of the City of Crockett;~~
- ~~(o) Provide by ordinance for the exercise of the police powers of the City of Crockett;~~
- ~~(p) Cooperate for the purposes of establishing and maintaining a free public library with any person, firm, association or political subdivision in the manner prescribed by ordinance;~~
- ~~(q) Provide by ordinance for the exercise by the City of Crockett of any and all powers of local self government not made self enacting by this charter or by statutes;~~
- ~~(r) Inquire into the conduct of any office, department or agency of the City of Crockett and make investigations of municipal affairs;~~
- ~~(s) Provide for an independent audit at least once each year.~~

Section 5.01. - City administrator.

- (a) ~~*Appointment, and qualification and Salary.*~~ The city administrator shall be nominated by the mayor and confirmed by the council. The city council shall appoint the city administrator for an indefinite term upon the affirmative vote of a majority of the city council. The city administrator shall be appointed on the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the city or state but during his tenure of office he shall reside in the city, except that the City Council may waive this requirement at its discretion. The salary of the city administrator shall be fixed by the city council.
- (b) ~~*Term and salary*~~ *Suspension and Removal.* ~~The city administrator shall be appointed for an indefinite term and may be disciplined, suspended or removed at the will and pleasure of the city council upon the affirmative vote of a majority of the city council by a vote of the majority of the entire council. The action of the city council in disciplining, suspending or removing the city administrator shall be final, it being the intention of this charter to vest all authority and fix all responsibility of such suspension or removal in the city council. In case of the absence or disability of the city administrator the city council may designate some qualified person to perform the duties of office during such absence or disability. The salary of the city administrator shall be fixed by the city council.~~
- (c) *Powers and duties.* The city administrator shall be the chief executive officer and head of the administrative branch of the city government. He shall be responsible to the city council for the proper administration of all the affairs of the city placed under his control ~~by ordinance or resolution by the city council~~, and to that end he shall have the following duties:
- (1) The city administrator shall be responsible for the hiring, discipline and termination of all employees, except where such responsibility is specifically granted to another within the Charter. Nominate all officers, department heads, clerks and any and all other employees to the city council for appointment, limited however by the provisions of article nine, and except the department heads and employees of the law and police department, but the city council shall have the right and power to reject any nomination and require another nomination to be made by the city administrator, continuing this procedure until a person is found who is acceptable to the city administrator and city council; however, the city administrator shall have the right to remove any such officer, department head, clerk and any and all other employees with or without the consent of the city council, limited however by the provisions of article nine and except department heads and employees of the law and police departments; and the city administrator may make temporary appointments only until the next meeting of the city council to fill any vacancy under his jurisdiction, as herein defined which was created from any cause whatsoever, at which meeting or subsequent meetings the city council as it may deem advisable the same procedure shall be followed as in the first instance of original appointment;
 - (2) Prepare the annual budget and submit it to the city council and be responsible for its administration after its adoption;
 - (3) Prepare and submit to the city council each month a complete report on the finances and administrative activities of the City of Crockett for the preceding month, and present a compiled complete report thereof at the end of the fiscal year for each preceding fiscal year;
 - (4) Attend all meetings of the city council with the right to take part in the discussion, but having no vote;

- (5) Keep the city council advised of the financial condition and future needs of the City of Crockett and make such recommendations as may seem to him desirable;
- (6) Serve as departmental head of any department, as city secretary, city treasurer, city tax assessor and collector, if in the opinion of the city council such duplication of duties is advisable;
- (7) Perform such other duties as may be prescribed by this charter or required of him by the city council not inconsistent with this charter.
- (8) Notwithstanding any other provision of this charter, the city administrator shall, subject only to City Council's control, have final authority as to budgetary approval and expenditures.

Section 6.01. Finance Director.

The city administrator shall be responsible for the hiring, discipline, and termination of a finance director and all Department of Finance employees. Upon the nomination of the city administrator, the city council shall appoint a city treasurer, according to the procedure provided in subsection (1) of subdivision (c) of section 5.01 of article five hereof; however, if the city administrator and the city council deem it advisable the position office of finance director may be held by the city administrator.

- (a) *Bond.* The Finance Director ~~city treasurer~~ shall provide a bond with such surety and in such amount as the city council may require, conditioned for the faithful discharge of his duties.
- (b) *Powers and duties.* The Finance Director ~~city treasurer~~ shall receive and have custody of all public funds belonging to or under control of the City of Crockett, or any office, department or agency of the city government and shall promptly deposit all funds which come into his hands in such depositories as may be designated by resolution of the city council, or in the absence of such resolution, designation of such depository shall be made by the city administrator, subject to the requirements of law as to security and the payment of interest on deposit, but all such interest shall be the property of the City of Crockett and shall be accounted for and credited to the proper account. The Finance Director ~~city treasurer~~ shall render a full and correct statement of his receipts and deposits to the city administrator on or before the tenth of each month and at such other times as the city administrator ~~or the city council~~ may require, in such form as the city administrator may prescribe. The Finance Director ~~city treasurer~~ shall perform other such acts or duties as the city administrator may prescribe.

Section 7.01. – Fire Chief.

Upon the nomination of the city administrator, the city council shall appoint a fire marshal and such other firemen and employees, according to the procedure provided in subsection (1) of subdivision (c) of section 5.01 of article five hereof; however, The City Council shall appoint, and may discipline and remove, without cause, the fire chief upon the affirmative vote of a majority of the City Council. City Council may, by adoption of an ordinance, provide that the City

~~Administrator shall have the authority to appoint, discipline and remove the Fire Chief. if the city administrator and city council deem it advisable the office of fire marshal may be held by any other person employed by the city in any capacity. If the city council should consider it advisable and necessary to appoint a fire marshal and/or chief to serve exclusively in such position, then the city council shall appoint such officer in the same manner as is herein provided for the appointment of a city administrator and chief of police; whereupon said fire marshal and/or chief, whichever may be designated by the city council, shall make the nominations, rather than the city administrator, for the appointment of firemen and other employees in the same manner as is provided for the city administrator and chief of police to make nominations in their respective departments or department, in which event the city administrator would thereafter have no power of nomination of firemen and other employees of the fire department.~~

Section 7.02. - Control.

- (a) ~~All matters pertaining to the operation of the fire department shall be under the control of the fire chief, including the hiring, disciplining and termination of department employees, including the fire marshal, city council, and such matters may be controlled by ordinance, resolution or any other action deemed advisable by the city council.~~
- (b) ~~The city council will consider recommendations and advice given by the President and/or Chief of the Crockett Volunteer Fire Department.~~

ARTICLE VIII. ~~DEPARTMENT OF HEALTH~~

Section 8.01. - Health officer and other personnel.

- (a) ~~Upon the nomination of the city administrator, the city council may appoint the city health officer, according to the procedure provided in subsection (1) of subdivision (c) of section 5.01 of article five hereof. The health officer shall be a licensed physician qualified to practice medicine in the State of Texas. The city health officer shall advise with the city council on a program of public health; shall cooperate in the preparation of a sanitary code; shall cooperate with nearby cities on problems of health and sanitation; shall cooperate with the Commissioners of Houston County Court and its agencies, and with the state health department and other departments of state government in matters pertaining to health and sanitation.~~
- (b) ~~Upon the nomination of the city administrator, the city council shall appoint such other officers and employees required for the administration of the department of health, according to the procedure provided in subsection (1) of subdivision (c) of section 5.01 of article five hereof. The city council shall provide for such officers and employees by any appropriate order, resolution or ordinance as it may deem advisable and necessary in the premises.~~

Section 9.01. - City attorney.

- (a) ~~Appointment and qualification: The mayor may appoint and remove a city attorney and such assistants as may be deemed necessary. The City Council shall appoint, and may remove without cause, the City Attorney upon the affirmative vote of a majority of the City Council. The city attorney and each assistant who may be appointed shall be a competent~~

attorney duly licensed to practice law by the State of Texas. ~~The city council shall fix the compensation of such an attorney or attorneys~~

- (b) *Powers and duties.* The city attorney shall be responsible for the hiring, discipline and termination of all department employees. The city attorney or an assistant shall represent the City of Crockett in all litigation and controversies and shall prosecute all cases brought before the ~~corporation court~~ [municipal court]. He shall draft, approve or file his written opinion on the legality of every proposed ordinance before it is acted upon by the city council, and shall pass upon all documents, contracts and other legal instruments in which the city may have an interest. He shall be the legal advisor of the city administrator, the city council, and of all boards, commissions, agencies, officers and employees with respect to any legal question involving their official powers or duties. He shall perform such other duties as may be required by statute, by this charter or by ordinance. The city council reserves the authority to engage special counsel for any reason at its discretion.

Section 9.02. - ~~Corporation court~~ [Municipal Court].

The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as may be prescribed by State Law.

a. Municipal Judge(s) and alternate Municipal Judge(s) shall be appointed by City Council upon the affirmative vote of a majority of the City Council.

b. The Municipal Judge(s) of the Municipal Court shall be appointed to a term of two (2) years. The Municipal Judge(s) and alternate Municipal Judge(s) may be removed from office, with or without cause, at any time upon the affirmative vote of a majority of the City Council.

c. Other than the judges, as provided for herein, the city administrator shall be responsible for the hiring, discipline and termination of all department employees.

~~(a) There is hereby established a court which shall be known as the Corporation Court [Municipal Court] of the City of Crockett. The corporation court [municipal court] shall have jurisdiction and be conducted in the manner prescribed and authorized by law. All and fines imposed by the corporation court [municipal court] shall be paid into the treasury for the use and benefit of the City of Crockett.~~

~~(b) The city judge shall preside over the corporation court [municipal court]. The city judge shall be a person who has the qualifications required for membership on the city council. The city judge shall receive such compensation as may be fixed by the city council.~~

~~(c) There shall be one (1) regularly scheduled session of the court each month and as many other sessions as, in the discretion of the city judge, may be necessary for the timely transaction of the business of the court.~~

~~(d) The city judge shall be nominated by the mayor and confirmed by a majority of the city council and shall serve for a term of two (2) years.~~

~~(e) Nothing herein contained shall prevent a city judge from succeeding himself if appointed and confirmed as herein provided.~~

~~Section 9.03. — Clerk of the corporation court [municipal court].~~

~~The city secretary, or his assistant, shall be ex officio clerk of the corporation court [municipal court], and shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court, and perform such other duties or acts as may be necessary in issuing process and conducting the business of the court.~~

~~ARTICLE X. — DEPARTMENT OF PARKS AND RECREATION~~

~~Section 10.01. — Parks and recreation superintendent and employees.~~

~~Upon the nomination of the city administrator, the city council may appoint a superintendent and any other necessary employees required for the administration of the department of parks and recreation, according to the procedure provided in subsection (1) of subdivision (c) of section 5.01 of article five hereof. The city council shall provide for such superintendent and employees by any appropriate order, resolution or ordinance, as it may deem advisable and necessary in the premises. The superintendent may hold any other office in any other department of the city as the city administrator and the city council may consider appropriate.~~

~~Section 12.01. - Chief of police.~~

~~The chief of police shall be the chief administrative officer in this department. The City Council shall appoint, and may remove without cause, the chief of police upon the affirmative vote of a majority of the City Council. City Council may, by adoption of an ordinance, provide that the City Administrator shall have the authority to appoint, discipline and remove the Police Chief. He shall be appointed by the mayor for an indefinite term as provided in Article 998, Chapter 3, Title 28, of the Revised Civil Statutes of the State of Texas, as now or hereafter amended, or removed by the city council. He shall be responsible to the city council for the administration of this department and for such other matters as may be placed under his control by ordinance or resolution by the city council.~~

~~Section 12.02. - Other policemen, clerks and employees.~~

~~The chief of police shall be responsible for the hiring, discipline and termination of all department employees. Upon nomination by the chief of police, the city council shall appoint such other additional policemen, clerks and employees in the department of police as may be considered necessary; and the chief of police shall nominate to the city council such persons as he may consider suitable for policemen, clerks and employees, but the city council shall have the right and power to reject any nomination and require another nomination to be made by the chief of police, continuing this procedure until a person is found who is acceptable to the chief of police and city council; however, the chief of police shall have the right to remove any such policemen, clerks and employees in the department of police with or without the consent of the city council;~~

~~and the chief of police may make temporary appointments until the next meeting of the city council, at which meeting of the city council the same procedure shall be followed as in the first instance of original appointment.~~

Section 13.01. –General powers.

Superintendents, managers and employees: The city administrator shall be responsible for the hiring, discipline and termination of all utility department employees. ~~Upon nomination of the city administrator, the city council shall appoint such superintendents, managers and employees of each utility service owned and operated by the city, according to the procedure provided in subsection (1) of subdivision (c) of section 5.01 of article five hereof; however, If the city administrator and city council deem it advisable any of such positions and offices may be held by the city administrator, or any other departmental position.~~

Proposition E

Amendment to the City of Crockett Charter removing the limitations on the City's authority to regulate firearms to retain powers authorized by state law.

FOR _____ AGAINST _____

Measure E

~~Section 3.13.—Prohibited powers.~~

- ~~(a) The City Council of the City of Crockett, Texas shall not have the power or the authority to pass any type of ordinance or resolution which regulates directly or indirectly the possession, sale, registration, distribution, manufacture, or ownership of any and all type of firearms.~~
- ~~(b) "Firearms" shall be defined as including, but not limited to, any type of handgun, rifle, shotgun, or black powder rifle.~~
- ~~(c) This amendment shall be effective upon the approval by the voters of Crockett, Texas in the city election on April 2, 1983.~~

Proposition F

Amendments to the City of Crockett Charter requiring qualifications for office of City Council be consistent with State law and providing for forfeiture of office when they cease to possess the required qualifications for office; are convicted of a felony, or of a misdemeanor involving moral turpitude; are convicted of violating any state laws regulating conflicts of interest of municipal officers; cease to be a resident of the city or the district from which they were elected; are absent from 50% of the preceding six regularly scheduled council meeting without valid excuse, or move from the district the council member represents.

FOR _____

AGAINST _____

Measure F

~~Section 3.02. Qualifications.~~

~~(a) Each member of the city council, in addition to having the other qualifications prescribed by law, shall meet the following requirements:~~

- ~~(1) Shall be a qualified voter of the city;~~
- ~~(2) Shall have resided in the city for at least three (3) years next preceding his election day;~~
- ~~(3) Shall be an owner of real estate situated in the City of Crockett;~~
- ~~(4) Shall not hold any other public office of emolument, if such is prohibited by Article 16, Section 40 of the Constitution of the State of Texas.~~
- ~~(5) Shall not be interested in the emolument of any contract with the city.~~
- ~~(6) If a member of the city council shall cease to possess any of these qualifications or shall be convicted of a felony, he shall immediately forfeit his office.~~

Section 3.02 – Qualifications

Each member of the City Council, in addition to having the other qualifications prescribed by law, shall meet the following requirements:

- (1) Shall be a qualified voter of the city;
- (2) Shall have resided in the city and the applicable single-member district for at least twelve (12) months immediately preceding election day; and
- (3) Shall not hold any other public office of emolument, if such is prohibited by Article 16, Section 40 of the Constitution of the State of Texas.

Section 3.02.B- Forfeiture of Office

(a) A member of the City Council shall forfeit their office if they:

- (1) cease to possess the required qualifications for office;
- (2) are convicted of a felony, or of a misdemeanor involving moral turpitude;
- (3) are convicted of violating any state laws regulating conflicts of interest of municipal officers;
- (4) cease to be a resident of the city or the district from which they were elected; or
- (5) are absent from 50% of the preceding six regularly scheduled council meetings without valid excuse or shall move from the district the councilmember represents.

(b) In the event of violation of this section, the City Council must declare a vacancy and shall fill the vacancy as set forth in Section 3.04 of this Charter. The City Council shall be the judge of the election and qualification of its own members.

(c) The office of a City Council member or the Mayor shall become vacant upon their death, resignation, forfeiture of office, or removal from office by any manner authorized by law.

Proposition G

Amendments to the City of Crockett Charter requiring that the Mayor, all members of the City Council, the City Manager, and all appointed officers of all boards and commissions of the city shall comply with all provisions of state law pertaining to conflicts of interest.

FOR _____ AGAINST _____

Measure G

Section 15.03. - Personal interests.

The Mayor, all members of the City Council, the City Manager, and all appointed officers of all boards and commissions of the city shall comply with all provisions of state law pertaining to affidavits and abstention from voting and disclosure of same when the person has a substantial interest in a matter as defined by state law.

~~No officer or employee of the City of Crockett shall have a financial interest, direct or indirect, in any contract with the City of Crockett; or be financially interested, directly or indirectly, in the sale to or by the City of Crockett of any land, except on behalf of the City of Crockett as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall forfeit his office, or position.~~

~~Any officer or employee of the City of Crockett who shall willfully or knowingly divert or use any funds arising from the issuance of any bonds or sinking fund for any other purpose than that for which the fund is created or as herein otherwise authorized, shall be subject to prosecution as provided by the laws of the State of Texas on the diversion and conversion of funds belonging to any of the municipalities of the State of Texas.~~

Proposition H

Amendments to the City of Crockett Charter prohibiting the mayor, city council members, members of boards, commissions and agencies, and officers and employees of the city from accepting or receiving, directly or indirectly, from any person doing business with the city any cash, goods, or services as prohibited by state law or by ordinance or policy of the City of Crockett.

FOR _____ AGAINST _____

Measure H

Section 15.03 B. – Receipt of Gratuities Prohibited.

The mayor, city council members, members of boards, commissions and agencies, and officers and employees of the city may not accept or receive, directly or indirectly, from any person doing business with the city any cash, goods, or services as prohibited by state law or by ordinance or policy of the City of Crockett.

Proposition I

Amendments to the City of Crockett Charter authorizing the City Council to initiate investigations into the affairs of the city, to adopt ordinances punishing by misdemeanor those who fail or refuse to obey a lawful order of the City Council, requiring Council Members to deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager.

FOR _____

AGAINST _____

Measure I

Section 3. - Investigations by Council

- (a) Notwithstanding the provisions of subsection B, the City Council may initiate investigations into the affairs of the city and the conduct of any city department, office, board, commission or agency and for this purpose may subpoena witnesses, administer oaths and take testimony and require the production of evidence. They also may, by ordinance, provide for a misdemeanor offense for the conduct of a person who fails or refuses to obey a lawful order issued in the exercise of this power as a collective body.
- (b) Except for the purpose of inquiries and investigations provided for in subsection A the Council Members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager and neither the City Council nor Members of City Council shall give orders to or reprimand any such officer or employee, either publicly or privately.

Proposition J

Amendments to the City of Crockett Charter providing that the mayor pro-tem shall be elected from the City Council annually after the canvassing of the regular election and that the Mayor shall have the right to vote on the election of the mayor pro-tem.

FOR _____ AGAINST _____

Measure J

Section 3.05. - Presiding officer; mayor pro-tem.

~~At the first meeting of the city council following the annual general election, the council member with the most continuous days of service on the city council shall become the mayor pro tem. In the event there is not one (1) council member with more continuous days of service than all of the other council members a majority of the city council shall, at that meeting, elect a mayor pro tem from the council members with the most continuous days of service.~~

The mayor pro-tem shall be a council member elected by the council at the first meeting following the canvassing of each regular election. The Mayor shall have the right to vote on the election of the mayor pro-tem.

The mayor shall preside at meetings of the city council and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of martial law but shall have no regular administrative duties. Except where explicitly and specifically provided for in this Charter, ~~the~~ mayor shall have no vote except in case of a tie vote and he shall have no veto power. The mayor pro tem shall act as mayor during the absence or disability of the mayor.

Proposition K

Amendments to the City of Crockett Charter changing the term “City Administrator” to “City Manager” throughout the charter.

FOR _____

AGAINST _____

Measure K

Changing the term “administrator” to “manager” throughout the charter when referencing the “city administrator.”

Proposition L

Amendments to the City of Crockett Charter changing the term “City Treasurer” to “Finance Director” throughout the charter.

FOR _____ AGAINST _____

Measure L

Changing the term “City Treasurer” to “Finance Director” throughout the charter.

Proposition M

Amendments of the City of Crockett Charter to revise provisions governing annexation, contraction, and alteration of city boundary lines to conform to state law.

FOR _____ AGAINST _____

Measure M

Section 1.04 - Extension and contraction of the city limits.

The boundaries of the City of Crockett may be enlarged by in any manner consistent with state law and ~~extended by the annexation of additional territory, irrespective of size, and may be contracted where there exists any territory not suitable or necessary for city purposes, in the manner herein provided:~~

- (a) The city council by majority vote of its membership shall have the power by ordinance to provide for the alteration, extension and contraction, or either of them, of the boundary limits of said city; and by ordinance to provide for the annexation of territory lying adjacent to the city, ~~with or without the consent of the inhabitants of the territory annexed. Upon the introduction of any such ordinance to the city council for any one (1) or more of the foregoing purposes, such ordinance shall be published one (1) time in the official newspaper of the City of Crockett. Amendments may later be incorporated into the proposed ordinance by a majority vote of the membership of the city council and by publication one (1) time in the official newspaper of the City of Crockett. The proposed ordinance, or any amendment thereof, shall not thereafter be finally acted upon until at least thirty (30) days after the publication thereof; and upon final passage of any such ordinance, or any amendment thereto, the boundary limits of the City of Crockett shall thereafter be as fixed thereby. The enacting clause of all such ordinances shall be "The Council of the City of Crockett hereby ordains".~~
- (b) The city council may, by a majority vote of its membership, order an election, or elections, for the purpose of ~~altering, extending and contracting, or either of them, of the boundary limits of said city, or for the purpose of annexing of territory adjacent to the city, with or without the consent of the inhabitants of the territory annexed. The order providing for such election, or elections, shall contain all the same provisions as would be required in an ordinance. The order may provide that the residents of the City of Crockett who are qualified to vote for members of the state legislature shall be qualified to vote at such election, or elections; or the order may provide that the residents of the City of Crockett and the residents of the territory sought to be included by alteration and extension or annexation, as the case may be, who are qualified to vote for members of the state legislature shall be qualified to vote at such election or elections. Such election, or elections, shall be held as provided for any other general election required to be held by the city for any purpose.~~

- (c) ~~If for any reason the city council fails to alter, extend, or contract, or fails to annex territory lying adjacent to the city, then a~~ A petition, signed by qualified voters in number not fewer than ten (10) percent of the number of votes cast for mayor at the last general election in which a mayor was elected, may be presented to the city council asking the city council to order an election for contracting the boundaries of the City ~~one (1) or more of the purposes as provided in subdivision (b) hereof,~~ and when such a petition is presented, the city council shall be required to order such an election and cause the same to be held on the next authorized uniform election date. ~~not fewer than twenty (20) nor more than forty (40) days after such petition is presented to the city council.~~
- (d) ~~Where there exists within the corporate limits of the City of Crockett any territory not suitable or necessary for city purposes, such territory may be contracted from the city and discontinued as a part of said city, either by ordinance or by election as provided in subdivisions (a), (b) or (c) hereof.~~

Proposition N

Amendment of the City of Crockett Charter to remove the prohibition on wage assignments which conflict with state law.

FOR _____ AGAINST _____

Measure N

Section 2.02. - Liabilities, exemptions and limitations.

~~(c) No assignment of wages or other compensation earned or to be earned, by any employee of the city shall be valid and the city shall never be required to recognize any such assignment or to answer in any proceedings thereon.~~

Proposition O

Amendments of the City of Crockett Charter to require election and post-election procedures be conducted in compliance with state law.

FOR _____ AGAINST _____

Measure O

Section 3.07. - Meetings.

- (a) ~~On the Monday immediately following the first Saturday in May, or as soon thereafter as authorized by law practicable,~~ the city council shall meet at the city hall, and the newly elected members shall qualify and assume the duties of office. Thereafter, the city council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each calendar month. All meetings of the city council shall be held at the city hall unless the city council shall designate another place.

Section 4.01. - Nomination and filing for office.

- (a) Any qualified person may have his name placed on the ballot as a candidate for mayor or for commissioner one, two, three, four, or five, by filing with the city secretary ~~not more than ninety (90) nor fewer than thirty (30) days prior to the date of election~~ an application, within the time prescribed by state law, in substantially the following form:

I, _____, do hereby declare that I am a candidate for the office of _____, of the City of Crockett and request that my name be printed upon the official ballot for that office in the next General City Election. I am qualified to serve as such officer with respect to the qualifications set forth in the Charter. I reside in the City of Crockett, Texas.

(Signed)

The foregoing petition was filed with the City Secretary on the _____ day of _____, 19____.

City Secretary

- ~~(b) In computing the said ninety (90) days, the date of the election shall not be counted; and in computing the said thirty (30) days, the date of filing and the date of the election shall not be counted.~~

Section 4.03. - Municipal elections.

- (a) The general election for the choice of members of the city council as provided in Article III shall be held each year on the first Saturday in May. The city council may by resolution order special elections, which shall be held ~~as nearly as practicable~~ according to the provisions of

~~state law. a general election and the provisions of the charter.~~ The city council shall determine the hours and places for holding all city elections.

- (b) The mayor and council members one, two, three, four and five shall be elected on the first Saturday in May. The mayor and the council members shall serve for a term of two (2) years and until their respective successors have been elected and qualified. The mayor and council members one and two shall be elected on the first Saturday in May of each odd numbered year, beginning on the first Saturday in May, 1997, and council members three, four and five shall be elected on the first Saturday in May of each even numbered year, beginning on the first Saturday in May, 1998. If no candidate for the office of mayor or for the offices of either council members one, two, three, four or five shall in any general election receive a majority vote of the total votes cast at such general election, the city council shall, except that tie votes may be resolved pursuant to State law, at a meeting after the general election order a special election ~~to be held on the last Saturday in May of the same year,~~ at which only the names of the two (2) candidates who received the highest number of votes shall be printed on the ballot, ~~or if there be a tie requiring more than two (2) names, then the appropriate number shall be printed on the ballot, and such additional elections shall be ordered until a candidate for such office shall have received a majority of the total votes cast at such election. Such additional elections, if any required, shall be ordered by the city council at intervals on Saturday not exceeding two (2) weeks between such elections.~~

Section 4.04. - Regulations of elections.

~~Except as otherwise provided by this charter, a~~All city elections shall be governed by the applicable provisions of the election code of the State of Texas, as now and hereafter amended.

~~The city council shall have the power to make such additional regulations as may be necessary. In the event there should be any failure of the general laws or of this charter to provide for some feature of the city elections, then the city council shall have the power to provide for such deficiencies, and no informalities in conducting a city election shall invalidate the same if it be conducted fairly and in substantial compliance with the general laws, where applicable, and with the charter and ordinances of the City of Crockett.~~

Section 4.05. - Conducting elections and canvassing returns.

- (a) The election judge shall be nominated by mayor and appointed by city council ~~and all other necessary election officials for conducting all elections, either general or special, shall be appointed by the mayor.~~
- (b) ~~The election judges shall conduct the elections, determine, record and report the results as provided by the applicable provisions of the election code of the State of Texas, as now or hereafter amended.~~
- (c) ~~Immediately after counting the votes, the presiding election judge shall deliver the official returns of the election to the city secretary. Not more than five (5) days after such election the city council shall meet and canvass the returns and declare the results. The returns of every municipal election shall be recorded in the minutes of the city council.~~
- (d) ~~Immediately after the election results have been declared, the mayor shall deliver certificates of election to the successful candidates. Each person elected to the city council~~

shall take the oath of office prescribed by the Constitution of the State of Texas within two (2) weeks after the date of his election; otherwise the office shall be deemed vacant.

Proposition P

Amendments of the City of Crockett Charter authorizing purchases to be conducted consistently with state law.

FOR _____ AGAINST _____

Measure P

Section 6.03. - Purchase procedure.

The city council shall establish rules and regulations for the purchase of all budgeted supplies, materials and equipment required for any office, department or agency of the city government, which shall be consistent with state procurement laws. ~~, provided; however, all contracts or purchases involving an expenditure of more than one thousand dollars (\$1,000.00) shall be let to the lowest and best bid by a responsible bidder after there has been an opportunity for competitive bidding, and providing further that the city council shall have the right to reject any and all bids.~~

Proposition Q

Amendments to the City of Crockett Charter so that tax assessment and collection are consistent with state law.

FOR _____ AGAINST _____

Measure Q

~~Section 6.04.—City tax assessor and collector.~~

~~Upon the nomination of the city administrator the city council shall appoint a city tax assessor and collector according to the procedure provided in subsection (1) of subdivision (c) of section 5.01 of article five hereof; however, if the city council deems it advisable the office of city tax assessor and collector may be held by the city administrator. There may be appointed one (1) or more deputies as deputy city tax assessor and collector in the same manner as the naming of the city tax assessor and collector.~~

~~(a) —Bond. The city tax assessor and collector shall provide a bond with such surety and in such amount as the city council may require conditioned for the faithful performance of his duty, including compliance with all controlling provisions of the state laws bearing upon the functions of his office.~~

~~(b) —Powers and duties.~~

~~(1) —It shall be the duty of the city tax assessor and collector to receive all tax renditions from property owners or agents thereof; and in this connection all property, real, personal and mixed, situated within the city on the first day of January of each year shall be rendered for taxation to the city tax assessor and collector by the owners thereof, or his or their agent, as provided by the laws of the State of Texas for the rendition of property assessment by the county, insofar, as these laws are applicable; and it shall not be necessary for the city tax assessor and collector to give any public notice by advertisement to require such owner or agent to render property for taxation;~~

~~(2) —The city tax assessor and collector shall assess all property which for any cause has not been rendered, placing such valuation thereon as he may deem just. If the owners of such property are unknown such assessment may be made in the name "Unknown";~~

~~(3) —If the city tax assessor and collector shall discover any real property which was subject to taxation for any year within the preceding ten (10) year period, and which from any cause has escaped taxation for that year, he shall assess such property in a supplement to his next assessment roll, at the same rate under which such property should have been assessed for such year, stating the year, and the taxes thereon shall be collected the same as other taxes; provided that such supplemental rolls may be made at any time and thereafter reported to the city council for its approval. The taxes assessed in such supplemental roll for years previous to the approval of such roll shall be due at once upon approval of such roll by the city council; such taxes may bear interest at the rate of six (6) per cent per annum from the date on which they would have been delinquent if they had been timely assessed; and if such taxes shall not~~

be paid within thirty (30) days of the date of such approval the city tax assessor and collector may proceed to collect them in the manner required by law.

~~Section 6.06. — Board of equalization.~~

~~(a) — *Appointment and qualification* : The city council shall each year prior to the first day of June appoint a board of equalization to be composed of three (3) members who are real property tax-paying citizens of the City of Crockett, who are not in arrears in the payment of any taxes or any other liabilities due the City of Crockett, well acquainted with real estate values, one of whom shall be designated as chairman of the board. A majority of the board shall constitute a quorum for the transaction of business. The city secretary shall serve as ex-officio secretary to the board. Each member of the board shall be paid for each day he sits as a member thereof such compensation as shall be fixed by the city council.~~

~~(b) — *Powers and duties*:~~

- ~~(1) — It shall be the duty of the city council, as soon as the assessment rolls are completed, to refer them to the board of equalization;~~
- ~~(2) — The board of equalization shall convene each year on the first day of June or as soon thereafter as practicable and continue its labors until its work is completed, provided it shall not continue beyond the tenth day of July of the same year;~~
- ~~(3) — The board of equalization shall review the assessment rolls, correct any mistakes or any inequality found therein and make any adjustments that may be necessary to equalize the assessments, to the end that all property within the city shall be assessed as fairly and as uniformly as possible. The board shall be governed in its procedure by the laws of the state relating to the equalization of state and county taxes by the commissioners court;~~
- ~~(4) — The board shall have the power, when in session, to compel the attendance of witnesses and the production of all books, documents, stocks, bonds and other papers pertinent to any investigation of the ownership or value of property subject to taxation by the city;~~
- ~~(5) — If the board of equalization proposes to decrease or increase any assessment over the amount assessed or rendered, notice shall be issued to the owner or person who has rendered the property, mailed to the last known address, informing him that the assessment of the property is about to be decreased or increased, and giving the property owner or his agent, an opportunity to appear and show cause why the assessment should not be altered. When the owner of the property is unknown, no notice shall be required to be given to anyone whomsoever.~~

~~(c) — *Records of proceeding and approval of tax rolls*: The board of equalization shall be available for public inspection. Immediately upon completion of its work, the board shall certify its approval of the assessment rolls, which shall be returned to the city council and thereupon adopted by the council as the assessment rolls to be used for the collection of taxes for the current year.~~

Section 6.09. - General powers.

The city council shall have the power to levy, for general purposes, an ad valorem tax on real, personal and mixed property, within the limits of the City of Crockett, not exempt from taxation by the Constitution and Laws of the State of Texas, based upon its true value as provided by law to the extent of the constitution limit permitted by the State of Texas to cities of over five thousand (5,000) population. In addition to the powers herein conferred with reference to the assessment and collection of taxes, the City of Crockett shall have and may exercise all powers and authority now conferred or that may hereafter be conferred upon cities having a population of more than five thousand inhabitants by the General Laws of the State of Texas. The city council shall also have the power to levy occupation taxes on such occupations as consistent with the General Laws of the State of Texas. ~~The city council shall have power to correct errors in any assessment at any time or in the tax roll.~~

Proposition R

Amendments to the City of Crockett Charter so that the budget preparation, public hearings and processes be conducted consistently with state law.

FOR _____ AGAINST _____

Measure R

Section 6.11. - Preparation and submission of the budget.

~~Not later than August first of each fiscal year the~~ The city administrator shall, consistent with the deadlines established in State law, submit to the city council a proposed budget for the ensuing fiscal year. The budget shall provide a complete financial plan for the fiscal year, and shall contain the following:

~~Section 6.12. - Public hearing on budget.~~

~~The city council, after giving at least fifteen (15) days notice by publication in the official newspaper of the City of Crockett, shall hold a public hearing on the proposed budget, at which time all interested persons shall be given an opportunity to be heard, for or against any item thereof. After such public hearing the city council may make such changes in the budget as appear desirable and may decrease the items of the budget provided the total proposed expenditures shall not exceed the total anticipated revenues.~~

Section 6.13. - Adoption of budget.

The budget shall be finally adopted by the favorable votes of at least a majority of all members of the city council on or before September first prior to the end of the fiscal year. ~~Should the city council take no final action on that date, the budget as submitted by the city administrator shall be deemed to have been finally adopted by the city council.~~

Proposition S

Amendments to the City of Crockett Charter related to fire limit enforcement for consistency with state law.

FOR _____ AGAINST _____

Measure S

Section 3.11. - Powers of the city council.

- ~~(k) Provide for the establishment and designation of fire limits, and prescribe the kind and character of buildings, structures, or improvements which may be erected therein, provide for the alteration of such limits, and provide for the penalty for violation thereof, and provide for the power and authority to require the removal of any building, structure or improvement which had been built, constructed, moved into or made in violation of the then existing fire limits ordinance, either with or without the permission of the city council in office at the time of such violation, and provide for the condemnation of dangerous or dilapidated buildings or structures which increase the fire hazard and for the manner of their removal or destruction;~~

Section 7.02. - Control.

- ~~(c) Whenever it is called to the attention of the city council by any one whomsoever that there is situated within the fire limits as same is defined by ordinance passed in accordance with the provisions of section 3.11, subdivision (k) hereof, a building, structure or improvement violating such fire limits ordinance which violation occurred after such ordinance was made effective, then it shall be mandatory upon the city council if such violation exists to immediately order the owner or agent of the same or occupant of the premises, to take such corrective measures as may be necessary to eliminate the violation within thirty (30) days after such order is delivered to such owner or agent or occupant, and the city council shall punish by fine all persons failing to comply with such order. In the event of the failure of such persons to comply with such order, the city council shall have the additional power to remove such building, structure or improvement violating such ordinance at the expense of the City of Crockett for the account of the owner of such property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land on which the same is situated as well as on the building, structure or improvement, and the same may be collected as other special taxes provided by statute or by this charter, or by suit in any court of competent jurisdiction.~~

Proposition T

Amendments to the City of Crockett Charter related to the regulation of public utilities and franchises for consistency with state law.

FOR _____ AGAINST _____

Measure T

Section 13.03. - Powers of the city.

The city shall have such powers with respect to public utilities and franchises as may now or hereafter be granted and defined under the Constitution, the General Laws of the State of Texas, and by ordinance.

~~The city shall have the power through eminent domain proceedings to acquire any public utility operating with or without a franchise and furnishing a public service to the citizens of Crockett. The city shall, by ordinance, adopt such rules and regulations as it may deem advisable for the acquiring and operation of any such public utilities and shall further provide appropriate methods to determine the value of all such utilities' assets, including, but not limited to all of its real property, personal property, franchises and intangible assets.~~

~~The procedure to be used in the acquisition of such property through eminent domain proceedings shall be that as set forth in Section 21.001 et seq., Texas Property Code, as from time to time amended.~~

~~Prior to the acquisition of any existing franchise and/or public utility system, either according to the terms of the franchise or by eminent domain, the city council must submit the question of the acquisition to the qualified voters of the City of Crockett, and the same must be approved by a majority of those voting in the election.~~

~~Section 13.04. - Franchises.~~

~~The city council shall have power by ordinance to grant, renew and extend all franchises of public utilities of every character operating within the city and for such purposes is granted full power. The term "public utility" as used herein is construed to mean any person, firm or corporation furnishing to the public any general public service, including, but not limited to heat, light, power, telephone service, community antenna or cable television service, sewer service and the treatment thereof, water, wrecker service, the carrying of passengers for hire or for any other purpose whereby a right to, in part, appropriate or use the streets, highways, or other property of the city as necessary or proper. No ordinance granting, renewing or extending franchises shall take effect until at least thirty (30) days after its passage; and during such thirty (30) day period the full text of the ordinance shall be published at least twice in the official newspaper of the city, the expense of the publication being borne by the proponents of the franchise.~~

~~Section 13.05. - Right to regulation.~~

~~All grants, renewals, or extensions of public utilities and franchises, whether it be so provided in the franchise ordinance or not, shall be subject to the right of the city:~~

- ~~(a) To require compliance with the terms of the franchise.~~
- ~~(b) To require reasonable extensions of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency.~~
- ~~(c) To establish reasonable standards of service and prevent unjust discrimination to service or rates.~~
- ~~(d) (1) To prescribe the form of accounts to be kept by each such utility provided, that if the utility shall keep its accounts with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, or their successors, such form of accounts shall be considered satisfactory.~~

~~(2) At any time require annual and other reports by each such public utility pertaining to sales and plants within the city.~~
- ~~(e) To impose such reasonable regulations and restrictions as may be desirable or conducive to the safety, welfare and accommodation of the public.~~
- ~~(f) To require such compensation and rental as may be permitted by the laws of the State of Texas.~~
- ~~(g) To forfeit by ordinance any franchise at any time upon the failure of the grantee to comply with any provisions of the franchise, such power to be exercised only after notice and hearing under the conditions hereinafter provided; however, that action may be taken hereunder only after the city has given to the grantee written notice of the particular or particulars in which it is claimed that the grantee is in default, and the grantee shall have a reasonable time after receipt of such notice (not to exceed thirty (30) days) to cure such alleged default or defaults. If after the expiration of said time period, said default or defaults are not cured, the city may by its option, and after a hearing, declare by ordinance the franchise forfeited.~~

~~Section 13.06. – Franchise records.~~

~~Within six (6) months after this section takes effect every owner of a public utility franchise shall file with the city secretary copies of all franchises owned or claimed. The city shall complete and maintain a public record of all public utility franchises.~~

~~Section 13.08. – Other conditions.~~

- ~~(a) *Consent of property owners:* The consent of abutting and adjacent owners shall not be required for the construction, extension, maintenance or operation of any public utility; but nothing in this charter or in any franchise granted thereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his property as now or hereafter provided by law.~~
- ~~(b) *Extensions:* All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this chapter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in section 13.05 of this charter. In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same condition as the original grant.~~
- ~~(c) All franchises heretofore granted are recognized as contracts between the City of Crockett and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this charter, except that the power of the City of Crockett to exercise the right of eminent domain in the acquisition of utility property is in all things reserved, and except the general power of the city heretofore existing and herein provided for, to regulate the rates and services of a grantee which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchise. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the city council in imposing terms and conditions as may be reasonable in connection with any franchise grant.~~

Proposition U

Amendments to the City of Crockett Charter authorizing the sale and lease of City owned property in any manner consistent with the requirements of state law.

FOR _____ AGAINST _____

Measure U

Section 14.01. - Power of sale.

The City may, consistent with that authority found in State law, sell, lease or otherwise dispose of any property belonging to the City including, but not limited to surface and mineral rights. ~~The city council by a majority vote of its membership may sell and lease, including surface and mineral leases any property belonging to the City of Crockett, not needed for any city purposes or functions, except as such sales and leasing powers are limited by the provisions of section 2.01 of article two hereof; and the provisions of section 2.01 of article two hereof shall be construed together. The city council by a majority vote of its membership shall have the right and power to convey any interest of the City of Crockett in any street, avenue, alley, highway or public road or any part thereof which has been abandoned, or which was dedicated and has never been opened and used as such, to adjacent property owners, but which sale shall be without warranty, either express or implied, by the City of Crockett.~~

Proposition V

Amendments to the City of Crockett Charter requiring compliance with all state nepotism laws.

FOR _____ AGAINST _____

Measure V

Section 15.04. - Nepotism.

No person shall be appointed to an office or be employed by the City of Crockett when such appointment or employment would be in violation of State nepotism laws. ~~No person shall be appointed to an office or be employed by the City of Crockett who is related to any member of the city council within the second degree of affinity or the third degree of consanguinity; provided, however, that this section shall not apply to the Crockett Volunteer Fire Department.~~