



CITY OF HEARNE
"Crossroads of Texas"

CITY
CHARTER

ADOPTED
MAY 18, 1964
(as amended)

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HOME RULE CHARTER
for the
CITY OF HEARNE, TEXAS

PREAMBLE

We, the citizens of Hearne, Texas, in order to establish a home rule municipal government, provide for the future progress of our City and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of Hearne in Robertson County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas incorporated forever under the name and style of the "City of Hearne" with such powers, right and duties as are herein provided.

Article 1

Form of Government and Boundaries

SECTION 1.01 FORM OF GOVERNMENT:

The municipal government provided by this charter shall be known as the "Council-Manager Government". Pursuant to its provisions and subject only to the limitations imposed by the State constitution, the statutes of this state and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the "City Council", which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of 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, the state constitution or the statutes of the state.

SECTION 1.02 THE BOUNDARIES:

The boundaries of the City of Hearne shall be the same as have heretofore been established and as they existed on April 1, 1963, which boundaries are more fully set out and described by metes and bounds in a document titled, "Boundaries of the Corporate Limits of the City of Hearne, Robertson County, Texas" which is filed in the City Hall of the City of Hearne, and entered in the records of Robertson County, Texas.

SECTION 1.03 EXTENSION OF BOUNDARIES:

The City Council shall have power by ordinance to fix the boundary limits of Hearne; and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, with or without the consent of the territory and the

inhabitants annexed. Upon the introduction of such an ordinance in the city council, it shall be published in the official newspaper in Hearne one time, and shall not thereafter be finally acted upon until at least thirty days have elapsed after the first publication thereof. Any citizen of Hearne, or of the territory to be annexed, shall have the right to contest said annexation by filing with the city council a written petition setting out their reasons for said contest, and after such citizen or citizens shall have been given an opportunity to be heard, said ordinance, in original form shall be finally passed, and the territory so annexed shall be a part of Hearne and the inhabitants thereof shall be entitled to all rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of said city.

It is specifically set out that the City Council of the City of Hearne, Texas may by ordinance annex territory lying adjacent to the City, with or without the consent of the inhabitants of such territory or the owners thereof, not inconsistent with the procedural rules prescribed by law applicable to cities operating under charters adopted or amended under Article XI, Section 5, of the Constitution of the State of Texas.

SECTION 1.04 CONTRACTION OF BOUNDARIES:

Whenever there exists within the corporate limits of the City of Hearne any territory not suitable or necessary for City purposes, the City Council may, upon a petition signed by a majority of the qualified voters residing in such territory if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of said City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of said City, and from and after the entry of such ordinance said territory shall cease to be a part of said City, but said territory shall still be liable for its pro rate share of any debts incurred while said area was a part of said City, and the City shall continue to levy, assess and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City.

Article 2

Powers of the City

SECTION 2.01 GENERAL:

The City of Hearne 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; may cooperate with the government of the State of Texas or any agency thereof, the Federal Government

or any agency thereof, or any political subdivision of the State of Texas; and shall have all the powers granted to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift devise, dedication, lease or condemnation and sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside of the City Limits, subject to the limitations hereinafter set out, and may construct, own, lease, operate and regulate public utilities, may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the City by the issuance and sale of bonds, warrants or notes of the City; may appropriate the money of the City for all lawful purposes, may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; and may pass such ordinance as may be expedient for the protection and maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, for the order and security of its residents; and may provide suitable penalties for the violation of any ordinance enacted by the City of Hearne; and, except as prohibited by the constitution and laws of this State or restricted by this Charter, the City may exercise all municipal powers, functions, rights and privileges, and immunities of every name and nature whatsoever.

SECTION 2.02 GENERAL POWERS ADOPTED:

The enumeration of the particular powers in this charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self government and all other powers which under the constitution and laws of the State of Texas, it would be competent for this charter specifically to enumerate. The City of Hearne shall have and may exercise all the powers enumerated in Article 1175, Chapter 13, Title 28, of the Revised Civil Statutes of the State of Texas of 1925 as now or hereafter amended.

SECTION 2.03 EMINENT DOMAIN:

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter or by the constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or

public purposes even though not specifically enumerated in this charter.

SECTION 3.01 NUMBER, SELECTION AND TERM:

The legislative and governing body of the City shall consist of a Mayor and five (5) Councilpersons and shall be known as the "Council of the City of Hearne".

- (a) The Mayor and the other members of the City Council shall be elected as provided by law from the City at large. The positions of the members on the Council shall be numbered one through six, the position of Mayor being Position One. Candidates shall announce for positions and be entered on the ballot in that manner. Members of the Council shall be elected to fill Positions One (Mayor), Three and Five each odd-numbered year, and to fill Positions Two, Four and Six each even-numbered year.
- (b) The members of the Council shall hold office for a period of two years and until his or her successor is elected and qualified. No person shall be elected to more than three (3) consecutive regular two-year terms as a council member, including the Mayor. All elections shall be held in the manner prescribed in Article 5 of this Charter.

SECTION 3.02 QUALIFICATIONS:

Each member of the City Council shall be a resident citizen of the City of Hearne, shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of Hearne for a period of not less than six months immediately preceding his election, and shall not be indebted to the City of Hearne; provided, however, that any person with the above qualifications, except as to residence, who shall have been a resident, for a period of not less than one year immediately preceding his election, of any of the territory not formerly within the corporate limits of said City, but which is annexed under the provisions of Section 1.03 of this Charter, shall be eligible for said office. If the Mayor or any councilperson fails to maintain the foregoing qualifications, or shall be absent from three (3) consecutive regularly scheduled meetings without valid excuse, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in Section 3.06 of this Charter.

SECTION 3.03 COUNCIL TO BE JUDGE OF ELECTION QUALIFICATION:

The City Council shall be the judge of the election and qualification of its own members and other elected officials of the City.

SECTION 3.04 COMPENSATION:

The City Council shall fix the compensation to be received by its members for attendance at its meetings. The City Council shall set the compensation to be received by the Mayor. Compensation for the

Mayor shall be set within the first sixty (60) days of the terms of office of said Mayor and after such date, the compensation cannot be changed during the current term of office. Compensation received by the Mayor shall not be based upon a fee basis to be derived from each fine assessed and collected by the City of Hearne in its Municipal Court.

SECTION 3.05 MAYOR PRO-TEM:

The City Council, at its first meeting after election of Councilmen, shall elect one of its number Mayor Pro-Tem, and he shall perform all the duties of the Mayor in the absence or disability of the Mayor.

SECTION 3.06 VACANCIES:

When a vacancy occurs in the City Council or any elected City Official, the remaining members of the Council shall, within ten days, appoint a qualified person to fill the unexpired term. However, the City Council shall not appoint more than one Councilman in any twelve months period, and in case a vacancy has been filled by the City Council within twelve months prior to the subsequent vacancy, or if more than one vacancy occurs at the same time or before a prior vacancy has been filled, the City Council shall call a special election within ten days from the date the last vacancy occurred, to be held within forty-five days thereafter for the purpose of electing the successor/successors to the office or offices vacated.

SECTION 3.07 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. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (a) Remove from any office or position of employment in the City Government, any officer or employee or member of any board or commission.
- (b) Establish, consolidate or abolish administrative departments and distribute the work of divisions.
- (c) Adopt the budget of the City.
- (d) Authorize the issuance of bonds by a bond ordinance.
- (e) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs.
- (f) Provide for such additional board and commissions, not otherwise provided for in this charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this charter, by City ordinance or by law.
- (g) Adopt and modify the zoning plan and the building code of the City.
- (h) Adopt and modify the official map of the City.

"AMENDMENT"

ARTICLE 3 THE CITY COUNCIL

**VOTED BY CITIZENS ON MAY 3, 1997
APPROVED BY CITY COUNCIL ON MAY 8, 1997**

SECTION 3.01(b) NUMBER, SELECTION AND TERM:

**SHALL SECTION 3.01 (b) OF THE CITY CHARTER BE AMENDED TO DELETE THE
PROVISION STATING: "NO PERSON SHALL BE ELECTED TO MORE THAN 3
CONSECUTIVE TWO YEAR TERMS AS A COUNCIL MEMBER INCLUDING THE
MAYOR."**

- (i) Adopt, modify and carry out plans proposed by the Planning Commission for the clearance of slum districts and rehabilitation of blighted areas.
- (j) Adopt, modify and carry out plans proposed by the Planning Commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster.
- (k) Regulate, license and fix the charges for fares made by any person, firm or corporation owning, operating or controlling any vehicle or any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City.
- (l) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribed the manner of their removal or destruction within said limits.
- (m) Fix the salaries and compensation of the City officers and employees.
- (n) Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections.
- (o) Provide for sanitary garbage disposal, and set fees and charges therefore, and provide penalties for failure to pay such fees and charges.
- (p) Provide for an electrical system and set fees and charges therefor and provide penalties for misuses of same.
- (q) Exercise exclusive dominion, control and jurisdiction including the right to close and abandon, sell or convey streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same as provided in Article 1105b, Chapter 9, Title 28 of the Revised Civil statutes of the State of Texas for 1925, as now or hereafter amended.
- (r) Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Hearne.
- (s) And such other and further powers as have been or may from time to time hereafter be delegated to Home Rule cities by the Legislature of the State of Texas, including the powers incident to the exercise thereof.

SECTION 3.08 CITY COUNCIL NOT TO INTERFERE IN APPOINTMENTS:

Neither the City Council nor any of its members shall direct the appointment of any person to office by the City Manager or by any of his subordinates. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinate of the City

Manager, either publicly or privately.

SECTION 3.09 MEETINGS OF THE CITY COUNCIL:

The City Council shall hold at least two regular meetings in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All meetings of the City Council shall be held at the City Hall, except that the City Council may designate another place for such meetings after publishing due notice thereof in one issue of a newspaper in general circulation in the City of Hearne. The Mayor or any two members of the City Council may call special meetings for the City Council at any time.

SECTION 3.10 RULES OF PROCEDURE:

The City Council shall determine its own rules of procedure and may compel the attendance of its members. Two-thirds of the qualified members of the City Council shall constitute a quorum to do business and the affirmative vote of a majority of those present shall be necessary to adopt any ordinance or resolution. Minutes of the proceedings of all meetings of the City Council shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passages, shall be recorded in a book kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary. Called meetings must have a quorum of four members.

SECTION 3.11 PROCEDURE FOR PASSAGE OF ORDINANCES:

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage; subject to the provisions of Article 7 of this charter unless there exists an emergency for the passage of the same which shall be so declared by the City Council at the time of its passage; in which event the same shall become effective immediately upon the publication of the Ordinance or its Title or Caption, one (1) time in the Official Newspapers of the City of Hearne, Texas. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions therefore, by causing the caption or title, including the penalty, of any such ordinance to be published in the official newspaper of the City of Hearne at least once within ten days after the passage of said ordinance. He shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which

ORDINANCE NO. 2008-01-21

AN ORDINANCE TO ESTABLISH AND ADOPT POLICY AND PROCEDURES FOR SETTING THE AGENDA OF THE HEARNE CITY COUNCIL AND PROVIDING FOR A UNIFORM AND ORDERLY PROCESS FOR CITIZENS TO BE INVOLVED IN THEIR CITY GOVERNMENT, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED, by the City Council of the City of Hearne, Texas:

ARTICLE I

The City of Hearne believes in an open, transparent, and democratic local government. The rules established below are intended to establish a uniform and orderly process for citizens to be involved in their government, while encouraging and inviting their participation. They are intended to be simple and reasonable, allowing for common sense and good governance. They are not intended to restrict debate, dissent, open government, or the legislative process.

1. The City Manager, working in conjunction with the City Secretary, shall set the City Council agenda. Together they shall use their best judgment to determine which items of City business are to come before the City Council.
2. The Mayor and/or any member of the City Council shall have the authority to have an item(s), whether for discussion or action, be placed on the agenda of a City Council meeting. This may be done by notifying the City Manager in writing by close of business Tuesday the week before the meeting in which the item is to be brought before the City Council.
3. Citizens desiring to have an item brought before the City Council shall notify the City Manager in writing no less than seven (7) working days in advance of the City Council meeting in which they want the item brought before the City Council. The City Manager, after consultation with the requestor, shall decide if the matter is to be placed on the City Council's agenda, and whether it should be a discussion item or action item.
4. A citizen may bring no more than one (1) item before the City Council per month.
5. If a citizen requests an item to be placed on the agenda, and then it is voted on and defeated/or no action taken by majority vote of the City Council, the requestor may not bring the same item back before the City Council for a period of six (6) months.

6. Groups of people wishing to have an issue placed on the City Council's agenda are encouraged to utilize a single spokesperson when representing their interests before the City Council.
7. When a citizen is addressing the City Council he/she is encouraged to recognize and utilize proper decorum. This includes refraining from personal attacks, no use of offensive language, and stating his/her case expeditiously. The presiding officer of the meeting may reasonably limit or expand the scope of the discussion and/or the time spent discussing an item.
8. A citizen not on the agenda shall not be allowed to address the council.

ARTICLE II

That any ordinances found to be in conflict with this ordinance are hereby repealed so far as the portion of such ordinance is deemed to be conflicting.

ARTICLE III

If any portion of this ordinance is deemed invalid by a court of competent jurisdiction, the remaining portions shall continue in force and effect.

ARTICLE IV

This ordinance shall go into effect immediately upon its passage.

PASSED and APPROVED this 22 day of Jan, 2008.


Milton, Johnson, MAYOR

ATTEST:


Anna Florida, CITY SECRETARY



CITY OF HEARNE

210 Cedar ♦ Hearne, Texas 77859
(979) 279-3461 ♦ Fax: (979) 279-2431
www.cityofhearne.com



Hearne City Council Meeting

Name: _____ Address: _____

Phone: _____ Date: _____

City Council Date Issued: _____

Purpose: State the nature of the subject to discuss with City Council

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Signature: _____ Date: _____

shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, amendment revision and codification of the ordinances of the city for publication in book or pamphlet form. Except as otherwise provided by Article 7 of this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the city council. Every ordinance shall be authenticated by the signature of the mayor and city secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the council. It shall only be necessary to record the caption or title of ordinance in the minutes or journal of council meetings. The city council shall have the power to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

SECTION 3.12 OFFICIAL BONDS FOR CITY EMPLOYEES:

The City Manager and the City Secretary and such other City officers and employees as the City Council may require, shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council, payable to the City of Hearne and conditioned upon the faithful discharge of the duties of such persons and upon the faithful accounting for all moneys, credits, and things of value coming into the hands of such persons, and such bonds shall be signed as surety by some company authorized to do business under the laws of the State of Texas, and the premium on such bonds shall be paid by the City of Hearne, and such bonds must be acceptable to the City Council.

SECTION 3.13 INVESTIGATION BY THE CITY COUNCIL:

The City Council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed two hundred (\$200.00) dollars.

SECTION 3.14 AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS:

The City Council shall cause an annual audit to be made of the books and accounts of each and every department of the City. At the close of each fiscal year a complete audit shall be made by a Certified Public Accountant, who shall be selected by City Council, and such audit shall include a recapitulation of all audits made during the course of each fiscal year, and all audit reports shall be filed with the City Council, shall be available for public inspection and shall be made part of the archives of the City. Such accountant, so selected, shall not maintain or keep any of the City's accounts or records.

Article 4

Administrative Services

SECTION 4.01 CITY MANAGER:

(a) APPOINTMENT AND QUALIFICATIONS:

The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He shall be chosen by the City Council solely on the basis of his executive and administrative training, experience and ability, and need not, when appointed, be a resident of the City of Hearne. No member of the City Council shall, during the time for which he is elected and for one year thereafter, be appointed City Manager.

(b) TERM AND SALARY:

The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire Council. The action of the City Council in suspending or removing the City Manager 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 Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive compensation as may be fixed by the Council.

(c) DUTIES OF THE CITY MANAGER:

- (1) Appoint, and when necessary for the welfare of the City, remove any employee of the City, except as otherwise provided by this charter.
- (2) Prepare the budget annually and submit it to the City Council, and be responsible for its administration after adoption.
- (3) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- (4) Keep the City council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable.
- (5) Perform such duties as may be prescribed by this charter or may be required of him by the City Council, not inconsistent with this charter.

SECTION 4.02 DEPARTMENT OF POLICE:

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said

city from violence and the property therein from injury or loss.

(a) CHIEF OF POLICE:

The Chief of Police shall be the chief administrative officer of the Department of Police. He shall, with the approval of the City Manager, appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Council. The Chief of Police shall be appointed by the City Manager, for an indefinite term as provided in Article 998, Chapter 3, Title 28, of the Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended. The Chief of Police shall be responsible to the City Manager for the administration of his department and carrying out the directives of the City Council. He may be removed from office by the City Manager.

(b) SPECIAL POLICE:

No persons except as otherwise provided by general law or the charter or the ordinances passed pursuant thereto shall act as special police or special detective.

SECTION 4.03 CITY SECRETARY:

The City Manager shall appoint the City Secretary and such assistant City Secretaries as the City Council shall deem advisable. The City Secretary or an Assistant City Secretary, shall give notice of Council Meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the City Manager shall assign to him, and those elsewhere provided for in this charter.

SECTION 4.04 MUNICIPAL COURT:

- (a) There shall be established and maintained a court designated as a 'MUNICIPAL COURT' for the trial of misdemeanor offenses, with all such powers and duties as are now or hereinafter may be prescribed by laws of the State of Texas relative to Municipal Courts.
- (b) The City Council shall appoint a Judge for the Municipal Court who shall serve at the pleasure of the Council. The Judge shall receive such compensation as may be set by the Council. The Council may authorize the Mayor to act as Judge.
- (c) The City Secretary or an Assistant City Secretary shall be ex officio clerk of said Court.
- (d) The Clerk of said Court and his deputies shall have the power to administer oaths and affidavits, and make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by the Clerk of Courts in issuing process of said Courts and conducting the business thereof.

- (e) In case of the disability or absence of the Judge of the Municipal Court, the Mayor Pro Tem shall act as Judge of said Court.

SECTION 4.05 CITY ATTORNEY:

The City Council shall appoint the City Attorney. He shall be a resident citizen of the State of Texas and shall be a qualified voter thereof, and shall be a licensed and practicing attorney-at-law. He shall receive for his services such compensation as may be fixed by the City Council, and shall hold his office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by him with the approval of the City Council, shall represent the City in all litigations. He shall be the legal advisor of, and the attorney and counsel for, the City and all officers and departments thereof.

SECTION 4.06 DEPARTMENT OF HEALTH AND SANITATION:

(a) APPOINTMENT AND QUALIFICATIONS:

The City Council shall appoint a City Health Officer who shall be a licensed physician qualified to practice medicine in the State of Texas and a resident of the City of Hearne. The City Health Officer shall be the Director of the Department of Health and Sanitation.

(b) ADMINISTRATION:

The City Manager shall be responsible to the City Health Officer for the general administration of the Department of Health and Sanitation and the supervision of the employees thereof.

(c) DUTIES OF THE HEALTH OFFICER:

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 Commissioner's Court of Robertson County and its agencies, and with the State Health Department and other departments of the state government in matters pertaining to health and sanitation.

SECTION 4.07 OTHER DEPARTMENTS:

The City Council may abolish or consolidate such offices and departments as it may deem to be to the best interest of the City, and may divide the administration of any such departments as it may deem advisable; may create new departments, and may discontinue any offices of departments at its discretion, except those specifically established by this Charter.

"AMENDMENT"

ARTICLE 4 ADMINISTRATIVE SERVICES

**VOTED BY CITIZENS ON MAY 5, 2001
APPROVED BY CITY COUNCIL ON MAY 8, 2001**

SECTION 4.02(a) DEPARTMENT OF POLICE:

SHALL SECTION 4.02 (a) OF THE CITY CHARTER BE AMENDED TO READ AS FOLLOWS: "THE CHIEF OF POLICE SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF THE DEPARTMENT OF POLICE. HE SHALL, WITH THE APPROVAL OF THE CITY MANAGER, APPOINT AND REMOVE THE EMPLOYEES OF SAID DEPARTMENT AND SHALL PERFORM SUCH DUTIES AS MAY BE REQUIRED OF HIM BY THE CITY COUNCIL. THE CHIEF OF POLICE SHALL BE APPOINTED BY THE CITY COUNCIL FOR AN INDEFINITE TERM AS PROVIDED IN SECTION 341.003 OF THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS NOW OR HEREAFTER AMENDED. THE CHIEF OF POLICE SHALL BE RESPONSIBLE TO THE CITY COUNCIL FOR THE ADMINISTRATION OF HIS DEPARTMENT AND CARRYING OUT THE DIRECTIVES OF THE CITY COUNCIL. HE MAY BE REMOVED FROM OFFICE BY THE CITY COUNCIL."

Article 5

Nominations and Elections

SECTION 5.01 ELECTIONS:

The regular City Election shall be held annually on the first Saturday in April, at which time officers shall be elected to fill those offices which become vacant that year. The City Council shall fix the hours and place for holding such election. The City Council may by resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election. Notice of the Election shall be published once a week for two consecutive weeks in a Newspaper published in the City of Hearne, the first of such publications to be not less than thirty-eight (38) days before the Election.

SECTION 5.02 REGULATION OF ELECTIONS:

The City Council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities who shall also have power to make regulations not inconsistent with this charter or with any regulations made by the Council or the laws of the State of Texas.

SECTION 5.03 FILING FOR OFFICE:

Any person having the qualifications set forth for Councilman under Section 3.02 of this charter shall have the right to file an application to have his name placed on the official ballot as a candidate for any elective office, and such application in writing signed by such candidate and accompanied by his loyalty affidavit as prescribed by V. A. T. S. Election Code, Article 6.02, filed with the City Secretary not less than thirty days (in computing said 30 days, the date of filing and the date of election shall not be counted) prior to the date of election, shall entitle such applicant to a place on the official ballot.

SECTION 5.04 THE OFFICIAL BALLOT:

The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designations in the order determined in a drawing of lots conducted by the City Council. All official ballots shall be printed at least twenty days prior to the date of

any general or special election, and absentee voting shall be governed by the general election laws of the State of Texas.

SECTION 5.05 ELECTION BY PLURALITY:

At any regular or special municipal election the candidates for the offices, up to the number to be elected to any one office, who shall have received the greater number of votes cast in such election, shall be declared elected. In the event a tie vote makes it impossible to determine the winning candidate, the Council shall cause to be held a runoff election between the tied candidates between 30 to 45 days after said special or regular election.

SECTION 5.06 LAWS GOVERNING CITY ELECTIONS:

All City elections shall be governed, except as otherwise provided by this charter, by the laws of the State of Texas governing general and municipal elections.

SECTION 5.07 CONDUCTING AND CANVASSING ELECTIONS:

The election judges and other necessary election officials for conducting all such elections shall be appointed by the City Council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of Texas. The Council shall canvass the returns, investigate the qualifications of the candidates, and declare the official results of the election not later than the first regular meeting following the delivery of the votes to the City Secretary.

SECTION 5.08 OATH OF OFFICE:

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

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

Article 6
Recall of Officers

SECTION 6.01 SCOPE OF RECALL:

Any Elected City Official, whether elected to office by the qualified voters of the City or appointed by the City Council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetency, misconduct or malfeasance in office.

SECTION 6.02 PETITIONS FOR RECALL:

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least 30% of the number of votes cast at the last regular municipal election of the City, but in no event less than 150 such petitioners. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and year his signature was affixed.

SECTION 6.03 FORM OF RECALL PETITION:

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

"STATE OF TEXAS)
COUNTY OF ROBERTSON)

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

Sworn and subscribed to before me this _____ day of _____ 19____

Notary Public in and for
Robertson County, Texas."

SECTION 6.04 VARIOUS PAPERS CONSTITUTING PETITION:

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different person; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five days prior to the filing of such petition or petitions with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his Hearne address.

SECTION 6.05 PRESENTATION OF PETITION TO CITY COUNCIL:

Within five days after the date of the filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City of Hearne.

SECTION 6.06 PUBLIC HEARING TO BE HELD:

The officer whose removal is sought may, within five days after such recall petition has been presented to the City Council, request that a public hearing to be held to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five days nor more than fifteen days after receiving such request for a public hearing.

SECTION 6.07 ELECTION TO BE CALLED:

If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be not less than twenty-five nor more than thirty-five days from the date such petition was presented to the City Council or from the date of the public hearing if one was held.

SECTION 6.08 BALLOTS IN RECALL ELECTION:

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

- (a) With respect to each person whose removal is sought, the question shall be submitted:
"Shall (name of person) be removed from the office of (name of

- office) by recall?"
- (b) Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:
"YES"
"NO"

SECTION 6.09 RESULT OF RECALL ELECTION:

If a majority of the votes cast at a recall election shall be "NO" that is against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be "YES" that is for the recall of the person named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy be filled as vacancies in the City Council are filled, as provided in Section 3.06 of this charter.

SECTION 6.10 RECALL, RESTRICTIONS THEREON:

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

SECTION 6.11 FAILURE OF CITY COUNCIL TO CALL AN ELECTION:

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

Article 7

Legislation by the People, Initiative and Referendum

SECTION 7.01 GENERAL POWER:

The qualified voters of the City of Hearne, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the initiative and referendum.

SECTION 7.02 INITIATIVE:

Qualified voters of the City of Hearne may initiate legislation by submitting a petition addressed to the City Council which requests

the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to 30% of the number of votes cast at the last regular municipal election of the City, or 200, whichever is greater, and each copy of the petition shall be signed in the same manner as recall petitions are signed, as provided in Section 6.02 of this charter, and shall be verified by oath in the manner and form provided for recall petitions in Section 6.03 of this charter. The petition may consist of one or more copies as permitted for recall petitions in Section 6.04 of this charter. Such petition shall be filed with the person performing the duties of City Secretary. Within 15 days after the filing of such petition, the person performing the duties of the City Secretary shall present said petition and proposed ordinance or resolution to the City Council. Upon presentation of the petition and draft of the proposed ordinance or resolution, it shall become the duty of the city council, within ten days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held within thirty days thereafter, at which time the qualified voters of the City of Hearne shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty days after the filing of the petition, the question may be voted on at such election.

SECTION 7.03 REFERENDUM:

Qualified voters of the City of Hearne may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes or appropriating money, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within 30 days after final passage of said ordinance or resolution, or within 30 days after its publication. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation as provided in Section 7.02 of this charter and shall be submitted to the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote as provided in Section 7.02 of this charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

SECTION 7.04 VOLUNTARY SUBMISSION OF LEGISLATION BY THE COUNCIL:

The City Council, upon its own motion and by a majority vote of its members, may submit to popular vote at any election for adoption or

rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, resolution or measure, in the same manner and with the same force and effect as provided in this Article for submission on petition, and may in its discretion call a special election for this purpose.

SECTION 7.05 FORM OF BALLOTS:

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

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

SECTION 7.06 PUBLICATION OF PROPOSED AND REFERRED ORDINANCES:

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

SECTION 7.07 ADOPTION OF ORDINANCES:

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

SECTION 7.08 INCONSISTENT ORDINANCES:

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

SECTION 7.09 ORDINANCES PASSED BY POPULAR VOTE, REPEAL OR AMENDMENT:

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided in Section 7.04 of this charter.

SECTION 7.10 FURTHER REGULATIONS BY CITY COUNCIL:

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article consistent herewith.

SECTION 7.11 FRANCHISE ORDINANCES:

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of Article 10 of this charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

Article 8

Municipal Planning & Zoning

SECTION 8.01 PLATING OF PROPERTY:

- (a) Hereafter, every owner of any tract of land situated within the corporate limits of the City of Hearne who may divide the same in two or more parts for the purpose of laying out any subdivision or any addition to the City, shall comply with the provisions of Article 974a of the Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended, and said Article 974a as now or hereafter amended is hereby adopted and incorporated herein for all purposes.
- (b) The provisions of Section 8.01(a) above shall apply similarly to the owner of any tract of land situated within a maximum distance of three miles beyond the corporate limits of the City of Hearne.

SECTION 8.02 DEVELOPMENT OF PROPERTY:

The City Council shall cooperate in every manner possible with persons interested in the development of property within or beyond the City Limits. No expenditure of public funds, however, shall be authorized for the development of privately-owned subdivisions situated within or beyond the corporate limits of the City, except for the extension of utilities or services to such areas.

SECTION 8.03 PLANNING COMMISSION: THE CITY PLANNING AND ZONING:

The Commission of City Planning and Zoning shall be under the control and direction of the City Council of the City of Hearne, Texas.

The City Council shall have the power to enact any ordinance necessary to enable the commission to perform the duties assigned to it and to effectuate the aim and purposes of this provision.

On or after the 1st day of May of each even numbered year, the governing body of the City of Hearne, Texas shall appoint Five (5) resident real property tax paying owners of the City of Hearne, Texas who shall constitute the City Plan Commission, and who shall serve for a Two (2) year period, or until such time as their successors have been appointed and qualified. Such Commission shall serve without pay and they shall adopt such rules and regulations as they deem best to govern their action, including their time, mode, manner and place of meeting. Any member of this Commission may be removed by the governing body of the City for any cause they deem sufficient for such removal, by a vote of the majority of the governing body.

The purpose and object of said City Plan Commission is to act as an advisory board of the City Council or other governing body relating to all nature of public improvements, civil improvements, city planning, opening, widening and changing of streets, routing of public utilities, controlling and regulating traffic upon the public streets and ways of the City of Hearne, and such other matters relating to City improvements as the City plan commission and the governing body of the City of Hearne may deem beneficial to the City of Hearne. A majority of said Commissioners shall constitute a quorum. . . .

If a vacancy occurs upon the said City Plan Commission, caused by death, resignation, removal from the city, or otherwise, the governing body of the City of Hearne shall appoint a member to fill such vacancy for the unexpired term.

All of the provisions of Chapter 231 of the General and Special Laws of the State of Texas, found on page 342 of the General and Special Laws of the State of Texas passed by the Fortieth Legislature at the Regular Session thereof, are hereby adopted and made a part of this Charter and shall be controlling on the City Plan Commission.

The City Plan Commission shall also act and be the Zoning Commission of the City under the State zoning law as it now exists or as it may hereafter be amended.

The Commission of City Planning and Zoning shall have the power to make, amend, extend, or add to the master plan for the physical development of the City. It shall serve as a general guide of the making of public improvements and development of land for urban use. In the preparation of this plan or guide, the Commission shall consult and coordinate its planning with whatever other departments of the City that may be affected hereby. When such plan or guide has been prepared by the Commission, the same shall be submitted to the

City Council or governing body of the City through the City Manager for approval rejection or revision after a public hearing. After adoption of such guide, or any part thereof, the City Manager in recommending any public improvement covered or affected by this guide, shall advise the Council as to whether or not the proposed improvement is in conformity with such guide plan of development, and if not, he will advise the Council the extent of, and reasons for, his variance. The City shall have the power through the City Plan Commission to require the owners of land who desire to subdivide, plat or replat land for urban development, to provide for setback building lines, to dedicate streets and alleys of adequate width in conformity with the extension and widening of existing streets and alleys in the vicinity, to coordinate street layouts and street planning with municipalities whether they adjoin or not, with county, state and federal designated highways so that a coordinated street and traffic plan may be established and continued for the best interest of the general public. In connection with zoning and platting, the City Plan Commission shall have the power to consider the character of development or land use contemplated by the proposed platting and zoning and require off-street parking streets and alleys of adequate width to be provided for that purpose.

In addition to the membership provided by State law to serve on the Board of Adjustment, the City Council may, if it so desires, appoint, two additional members who shall be designated as alternate members who shall serve on said Board at the designation of the Director of Planning in any case where any regular member of the Board of Adjustment is either absent or unable to serve in any particular case for any reason whatsoever so that all cases to be heard by the Board of Adjustment will always be heard by a minimum number of five members. These alternate members when appointed shall serve for the same period as the regular members and any vacancies shall be filled in the same manner.

SECTION 8.04 ZONING ORDINANCES--POWER TO PASS:

For the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, the City of Hearne, acting through the City Council or other governing body or under its direction, shall have the power to divide the City of Hearne into zones or districts for the purpose of regulating and controlling the size, height, bulk and use of buildings within such zones or districts and may exercise any other powers necessary fully to effectuate and accomplish the purpose of the powers herein conferred; that the further power is conferred upon the City of Hearne to establish building lines within such zones or districts or to establish building lines in residential districts or in other portions of the City, as may be deemed advisable by the said Council, and to make different regulations for different districts as may be deemed advisable.

Such Zoning Ordinances shall be passed by the governing body of the City of Hearne, Texas in the same manner as any other Ordinance as set out in Section 3.11 herein. The said governing body of the said City shall have the power and right to change the said Zoning Ordinances, or to revoke or amend the same from time to time and on such occasion as they shall deem advisable, so long as the same is not in conflict with the laws and statutes of the State of Texas pertaining to Home Rule Cities.

All of the powers granted by Chapter 283, page 424 of the General and Special Laws of the Fortieth Legislature of Texas, and known as House Bill No. 87, authorizing cities and incorporated villages to pass zoning, regulations, together with amendments thereto as passed by the Legislature, are hereby adopted.

Article 9

Municipal Finance

SECTION 9.01 FISCAL YEAR:

The fiscal year of the city of Hearne shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

SECTION 9.02 PREPARATION AND SUBMISSION OF BUDGET:

The City Manager, between sixty and ninety days prior to the beginning of each fiscal year, shall submit to the Council a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain the following:

- (a) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the City for the fiscal year, shall set forth the reasons for salient changes from the previous year in expenditures and revenue items, and shall explain any major changes in financial policy.
- (b) A consolidated statement of anticipated receipts and proposed expenditures for all funds.
- (c) An analysis of property valuations.
- (d) An analysis of tax rate.
- (e) Tax levies and tax collections by years for at least five years.
- (f) General fund resources in detail.
- (g) Special fund resource in detail.
- (h) Summary of proposed expenditures by function, department and activity.
- (i) Detailed estimates of expenditures shown separately for each activity to support summary No. (h) above.
- (j) A revenue and expense statement for all types of bonds.
- (k) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued and amount outstanding.
- (l) A schedule of requirements for the principal and interest of each issue of bonds.
- (m) The appropriation ordinance.
- (n) The Tax levying ordinance.

SECTION 9.03 ANTICIPATED REVENUES COMPARED WITH OTHER YEARS IN BUDGET:

In preparing the budget, the City Manager shall place in parallel columns opposite the several items of revenue: the actual amount of each item for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

SECTION 9.04 PROPOSED EXPENDITURES COMPARED WITH OTHER YEARS:

The City Manager in the preparation of the budget shall place in parallel columns opposite the various items of expenditures: the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing fiscal year.

SECTION 9.05 BUDGET A PUBLIC RECORD:

The budget and all supporting schedules shall be filed with the person performing the duties of City Secretary, submitted to the City Council and shall be a public record. The City Manager shall provide copies for distribution to all interested persons.

SECTION 9.06 NOTICE OF PUBLIC HEARING ON BUDGET:

At the meeting of the City Council at which time the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in the official newspaper of the City of Hearne, a notice of the hearing setting forth the time and place thereof at least five days before the date of such hearing.

SECTION 9.07 PUBLIC HEARING ON BUDGET:

At this time and place set forth in the notice required by Section 9.06, or at any time and place such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

SECTION 9.08 PROCEEDINGS ON BUDGET AFTER PUBLIC HEARING:

After the conclusion of such public hearing, the City Council may insert new items or may increase or decrease the items of the budget except in proposed expenditures fixed by law, but where it shall increase the total proposed expenditures, it shall also provide for an increase in total anticipated revenue to at least equal such proposed expenditures.

SECTION 9.09 VOTE REQUIRED FOR ADOPTION:

The budget shall be adopted by the favorable vote of a majority of the members of the whole City Council.

SECTION 9.10 DATE OF FINAL ADOPTION:

The budget shall be finally adopted not later than fifteen days prior to the beginning of the fiscal year, and should the City Council fail to so adopt the budget, the then existing budget together with its tax-levying ordinance and its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year.

SECTION 9.11 EFFECTIVE DATE OF BUDGET; CERTIFICATION; COPIES MADE AVAILABLE:

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary, the County Clerk of Robertson County and the State Comptroller of Public Accounts at Austin. The final budget shall be printed, mimeographed or otherwise reproduced and copies shall be made available for use of all offices,

departments and agencies and for the use of interested persons and civic organizations.

SECTION 9.12 BUDGET ESTABLISHES APPROPRIATIONS:

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

SECTION 9.13 BUDGET ESTABLISHED AMOUNT TO BE RAISED BY PROPERTY TAX:

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year; provided, however, that in no event shall such levy exceed the legal limit provided by the laws and constitution of the State of Texas.

SECTION 9.14 CONTINGENT APPROPRIATION:

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three per centum of the total budget, to be used in case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of the City Manager and distributed by him, after approval of the City Council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported.

SECTION 9.15 ESTIMATED EXPENDITURES SHALL NOT EXCEED ESTIMATED RESOURCES:

The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the National Committee on Governmental Accounting or some other nationally accepted classification.

SECTION 9.16 OTHER NECESSARY APPROPRIATIONS:

The City budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council.

SECTION 9.17 DEPARTMENT OF TAXATION:

There shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Assessor-Collector

which office shall be filled by appointment by the City Manager. The Assessor-Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the state law bearing upon the functions of his office, in a sum which shall be fixed by the City Council at not less than \$5,000.00.

SECTION 9.18 POWER TO TAX:

The City Council shall have the power under the provisions of the State law to levy, assess and collect an annual tax upon real and personal property within the City to the maximum provided by the Constitution and 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.

SECTION 9.19 PROPERTY SUBJECT TO TAX; METHOD OF ASSESSMENT:

All real and personal property within the City of Hearne not expressly exempted by shall be subject an annual taxation. On or before the thirty-first day of January each year, the City Assessor-Collector shall make available to each owner of property within the City, a Tax Rendition form, on which form such property owner shall state the value of his property computed in a manner prescribed by the City Council, and shall return said form to the City Assessor-Collector before the First day of April of that year. In all cases of failure to obtain a statement of real and personal property from any cause, the Assessor-Collector shall ascertain the amount and value of such property and may assess the same as he believes to be the true value thereof; and such assessment shall be as valid and binding as if such property had been rendered by the owner thereof. It shall be the duty of each owner of either real or personal property, residing in the City of Hearne, Texas, to obtain such a form as above set out and render his property for Tax purposes. Should he fail or refuse, then an din that event, the Assessor-Collector shall act as above stated.

SECTION 9.20 BOARD OF EQUALIZATION; APPOINTMENT; QUALIFICATION:

Each year the City Council shall appoint no fewer than three nor more than five persons who shall be qualified voters and real property owners in the City of Hearne as the Board of Equalization. At the same meeting that the City Council appoints such board it shall fix the time of the first meeting of the board, which shall be not later than the fifteenth day of May. Members of the Board while serving shall receive such compensation as may be provided for them by the City Council.

SECTION 9.21 POWERS OF BOARD OF EQUALIZATION:

The Board of Equalization shall have the power to:

- (a) Elect a chairman from its membership;
- (b) Adopt regulations regarding the procedure of assessment review;
- (c) After its first meeting, reconvene and adjourn from time to time;
- (d) Review, on complaint of property owners, assessments for the purpose of taxation of both real and real and personal property within the City made by the City Tax Assessor-Collector;
- (e) Hold hearings, administer oaths and take testimony;
- (f) Compel the productions of all books, documents and other papers pertinent to the investigation of the taxable value of any person, firm or corporation having or owning property within the corporate limits of the City subject to taxation.

SECTION 9.22 DUTIES OF THE BOARD OF EQUALIZATION:

The Board of Equalization shall, at its first meeting, elect a chairman from its membership and determine its rules of procedure. It shall then be the duty of the Board to:

- (a) Examine and, if necessary, revise the assessments as presented by the City Tax Assessor-Collector, to the end that all property within the City shall be assessed as fairly and uniformly as possible;
- (b) Hold as many hearings as may be necessary to hear and determine the complaint of any persons in relation to the assessment roll;
- (c) Make sure adjustments in the assessment roll as it may determine to be necessary.

Whenever the Board of Equalization shall find it their duty to raise the value of any property appearing on the lists or books of the Assessor-Collector, it shall, after having examined such lists and books and corrected all errors appearing therein, adjourn to a day not less than ten nor more than fifteen days from the date of adjournment and shall cause the secretary of said Board to give written notice to the owner of said property or to the person rendering same, of the time to which the board has adjourned and that such owner or person rendering property may at that time appear and show cause why the value of said property should not be raised. Such notice may be served by depositing the same, properly addressed and postage paid, in the U.S

Government Post Office at Hearne, Texas.

SECTION 9.23 RECORDS OF BOARD OF EQUALIZATION:

The board shall be required to keep an accurate record of all its proceedings which shall be available for public inspection. Upon completion of its work the board shall certify its approval of the assessment rolls which shall be returned to the City Council, which shall in turn approve the said rolls as returned to it and thereupon adopt the same as the assessment rolls to be used for the collection of taxes for the current year.

SECTION 9.24 TAXES; WHEN DUE AND PAYABLE:

All taxes due the City of Hearne on real or personal property shall be payable at the office of the City Assessor-Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October 1. Taxes shall be paid before February 1, and all such taxes not paid prior to such date shall be deemed delinquent, and shall be subject to such penalty and interest as the City Council may provide by ordinance. The City Council may provide further by ordinance that all taxes, either current or delinquent, due the City of Hearne may be paid in installments. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past - due taxes as shown to be payable by recheck of the rolls and receipts for the years in question.

SECTION 9.25 TAX LIENS:

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

SECTION 9.26 ISSUANCE OF BONDS:

The City of Hearne shall have the power to issue bonds and levy a tax to support the issue for permanent improvements and all other lawful

purposes.

- (a) **Borrowing to Meet Emergency Appropriations.** In the absence of unappropriated available revenues or other funds to meet emergency appropriations under the provisions of the next preceding Section, the City Council may by resolution authorize the borrowing of money to meet such deficit by the issuance of notes, of which shall be designated "Emergency Note" and may be renewed from time to time, but all such notes of any such fiscal year and any renewals thereof shall mature and be payable not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made.
- (b) **Borrowing in Anticipation of Property Taxes.** In any fiscal 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, not exceed in any fiscal year an amount equal to ten (10) per cent of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated "tax anticipation note for the year 19____" (stating the tax year). Such notes shall mature and be payable not later than the end of the fiscal year in which issued, and may be secured by the pledge of the ad valorem property taxes for such year.
- (c) **Depository.** All moneys received by any person, department, or agency of the City for or in connection with affairs of the City shall be deposited promptly in the City depository or depositories, 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 checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the Director of Finance or his deputy and countersigned by the City Manager. Provided, that the Council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine-imprinted facsimile signatures of said Director of Finance and City Manager on such checks, voucher or warrants.
- (d) **General Obligation Bonds.** The City shall have the power to borrow money on the credit of the City 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 previously issued. All such bonds shall be issued in conformity with the Laws of the State of Texas.

- (e) Revenue Bond. The City shall have power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function 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. All such bonds shall be issued in conformity with the Laws of the State of Texas.
- (f) Sale of Bonds. No bond (other than refunding bonds issued to refund and in exchange for previously issued outstanding bonds) issued by the City shall be sold for less than par value and accrued interest.
All bonds of the City 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 to refund and in exchange for outstanding bonds previously issued shall after said exchange, be incontestable.
- (g) Purchase Procedure. The Council may by ordinance confer upon the City Manager general authority to contract for expenditures without further approval of the Council for all budgeted items not exceeding two thousand dollars. All contracts for expenditures involving more than two thousand dollars must be expressly approved in advance by the Council. All contracts or purchases involving more than one thousand dollars shall be let to the lowest and best responsible bidder after there has been opportunity for competitive bidding as provided for by law or ordinance; provided that the Council, or the City Manager in such cases as he is authorized to contract for the City, shall have the right to reject any and all bids. Contracts for personal or professional services shall not be let on competitive bids.

Article 10

Franchise And Public Utilities

SECTION 10.01 POWERS OF THE CITY:

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

SECTION 10.02 FRANCHISE; POWER OF CITY COUNCIL:

The City Council shall have the power by ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating within the City of Hearne. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read two separate regular meetings of the City Council, and shall not be finally passed until thirty days after the first reading; and no such ordinance shall take effect until thirty days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four consecutive weeks in the official newspaper of the City of Hearne, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be granted for a term of more than 20 years nor be transferable except with the approval of the City Council expressed by ordinance.

SECTION 10.03 FRANCHISE VALUE NOT TO BE ALLOWED:

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

SECTION 10.04 RIGHT OF REGULATION:

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

- (a) To repeal the same ordinance at any time upon the failure of the grantee to comply with any provision of the ordinance, the franchise, the Charter of the City of Hearne, any applicable statute of the State of Texas or the rule of any applicable governmental body;
- (b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) At any time to examine and audit the accounts and other records of any such utility and to require annual and other records of any such utility and to require annual and other reports, including reports on operations within the City of Hearne;

- (e) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public;
- (f) To require such compensation and rental as may be permitted by the laws if the State of Texas.

SECTION 10.05 GRANT NOT TO BE EXCLUSIVE:

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

SECTION 10.06 CONSENT OF PROPERTY OWNERS:

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

SECTION 10.07 EXTENSIONS:

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

SECTION 10.08 OTHER CONDITIONS:

All franchise heretofore granted are recognized as contracts between the City of Hearne and the grantee, and the contractual right as contained in any such franchise shall not be impaired by the provisions of this charter, except that the power of the City of Hearne to exercise the right to 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 service of a grantee which shall include the right to acquire property 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 terms and conditions contained

in the various sections of this Article whether or not such terms are specifically mentioned in the franchise. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the City Council or voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant.

SECTION 10.09 ACCOUNTS OF MUNICIPALLY-OWNED UTILITIES:

Accounts shall be kept for each public utility owned and operated by the City in such manner as to show the true and complete financial results of such City ownership and operation, including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental, and other disposition of annual income. The accounts shall show actual capital cost to the City of each public utility owned, also the cost of all extensions, additions, and improvements and the source of funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any City Government Department. The City Council shall cause an annual report to be made by a Certified Public Accountant and shall publish such report showing the financial results of such City ownership and operation, giving the information specified in this section and such other data as the City Council shall deem expedient.

SECTION 10.10 SALES OF ELECTRICITY, WATER AND SEWER SERVICES:

- (a) The City Council shall have the power and authority to sell and distribute electricity and water and to sell and provide for sewer services and any other utilities to any person, firm or corporation outside the limits of the City of Hearne, and to permit them to connect with said system under contract with the city, under such terms and conditions as may appear to be for the best interest of the City; provided the charges fixed for such services outside the City Limits shall be reasonable when considered in the light of all circumstances, to be determined by the City Council.
- (b) The City Council shall have the power and authority to prescribe the kind of materials used within or beyond the limits of the City of Hearne where it is furnishes the service, and to inspect the same and require them to be kept in good order and condition at all times and to make such rules and regulations as shall be necessary and proper, and prescribe penalties for non-compliance with same.

Section 10.11 REGULATION OF RATES AND SERVICE:

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

Article 11

General Provisions

SECTION 11.01 PUBLICITY OF RECORDS:

All records and accounts of every office, department, or agency of the City shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under such reasonable regulations as may be established by the City Council or the Mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

SECTION 11.02 PERSONAL INTEREST:

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, nor shall be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. The above provision shall not apply where the interest is represented by ownership of stock in a corporation involved, provided such stock ownership amounts to less than 1% of the corporation stock. Any violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.

SECTION 11.03 NEPOTISM:

No person related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to any office, position or clerkship or other service of the City.

SECTION 11.04 PROVISIONS RELATING TO ASSIGNMENT, EXECUTION AND GARNISHMENT:

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment, on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated

to recognize any assignment of wages or funds by its employees, agents, or contractors.

SECTION 11.05 CITY NOT REQUIRED TO GIVE SECURITY OR EXECUTIVE BOND:

It shall not be necessary in any action, suit or proceeding in which the City of Hearne is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of said City in any of the State Courts, but in all such actions, suits, appeals, or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

SECTION 11.06 SPECIAL PROVISIONS TO GIVE SECURITY OR EXECUTE BOND:

The City of Hearne, Texas shall never be liable for any personal injury, injury to personal property or real property, or a damage action, unless the person injured or the person damaged shall give written notice to the City Manager or City Secretary within Thirty (30) days after such injury or damage was received, unless the City Manager shall have personal knowledge of the injury or the damage so received. Such notice shall contain data as to the damage or injury received, the date and the full extent thereof, together with the probable amount of damages or injuries claimed.

The City of Hearne shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alleys, grounds, public works or public buildings of the City of Hearne, Texas unless the specific defect causing the damage or injury shall have been known to the City Manager or a Department Head of the City of Hearne, Texas as least Twenty-Four (24) hours prior to the occurrence of the Injury or damage, or unless the City Manager or Department Head shall have been notified of the matter at least Twenty-Four (24) hours prior to the occurrence; or unless the City Manager or Department Head should have discovered and realized such defect by reasonable diligence. The specific defect causing the damage or injury must be from the result of a defect that arose from an omission or commission on the part of the City itself, or its agent servants, or employees.

SECTION 11.07 SEPARABILITY CLAUSE:

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION 11.08 EFFECT OF THIS CHARTER ON EXISTING LAW:

All ordinances, resolutions, rules, and regulations now in force under the City Government of Hearne and not in conflict with the provisions of this charter, shall remain in force under this charter until altered, amended or repealed by the Council after this charter takes effect; and all rights of the City of Hearne under existing franchises and contracts are presented in full force and effect to the City of Hearne.

SECTION 11.09 INTERIM MUNICIPAL GOVERNMENT:

From and after the date of the adoption of this charter, the persons then filling elective offices which are retained under this charter will continue to fill those offices for the terms to which they were elected. At the first regular City election after the adoption of this charter, a Mayor and two Councilmen shall be elected, and shall serve terms of two years. Thereafter, the City Council shall be elected as provided in Section 3.01 of this charter. Persons, who on the date this charter is adopted are filling appointive positions with the City of Hearne which are retained under this charter, may continue to fill these positions for the term for which they were appointed.

SECTION 11.10 APPLICABILITY OF GENERAL LAWS:

The Constitution of the State of Texas, the statutes of said State applicable to Home-Ruled Municipal Corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall, in the order mentioned, be applicable to the City of Hearne, but the City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said home-rule statutes, charter and ordinances, but the exercise of any such powers by the City of Hearne shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages unless and until by ordinance it adopts same.

SECTION 11.11 AMENDING THE CHARTER:

Amendments to this charter may be framed and submitted to the voters of the City in the manner provided by Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925, as now or hereafter amended.

SECTION 11.12 CHARTER REVIEW COMMISSION:

The City Council may appoint a Charter Review Commission of five citizens of the City of Hearne.

SECTION 11.13 SUBMISSION OF CHARTER TO VOTERS:

The Charter Commission directs that the said charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Hearne at an election to be held for that purpose on Tuesday, May 5th, 1964. Not less than thirty days prior to such election, the City Council shall cause the City Secretary to mail a copy of this charter to each qualified voter of the City of Hearne as appears from the latest tax collector's roll. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this charter, it shall become the charter of the City of Hearne, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the charter with the records of the City. The Secretary shall furnish the Mayor a copy of said charter, which copy of the charter so adopted, authenticated and certified by his signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such charter by majority vote of the qualified voters voting at such election.

We, the undersigned members of the Hearne Charter Commission heretofore duly elected to prepare a charter for the City of Hearne, Texas, do hereby certify that this publication constitutes a true copy of the proposed charter for the City of Hearne, Texas, as unanimously adopted by the members thereof.

MILTON I. AALEN, CHAIRMAN	
H.C. (JACK) KELLY, VICE CHAIRMAN	
E. B. PRIESTLY, SECRETARY	
MATHEW BOYLE	MARLIN JENTSCH
MRS. R.E. BROWN	MRS. M.E. JONES
VINCE CAMPISE	DR. JACK LYONS
MRS. HAL CUNNINGHAM	MRS. PENO A. PERRONE
JOE C. GALLAGHER, M.D.	HOLLAND SOWMA
MISS BEVERLY HAIRRELL	LEON WILSON

I, Jack K. Ramsay, Mayor of the City of Hearne, hereby certify that the foregoing is a true and correct copy of the Charter of the City of Hearne as adopted at an election held on the 5th day of May, 1964, and said charter was declared adopted by the governing body of the City of Hearne on the 18th day of May, 1964.

Witness my hand and seal of said city this the _____ day
of _____, A.D., 19____.
Signed _____, Mayor

Attest _____
City Secretary