

## PART I - HOME RULE CHARTER

### FOOTNOTE(S):

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**Editor's note**— Printed herein is the Home Rule Charter for the City of George West, Texas, as approved by the city electors effective January 19, 1980. Amendments to the original Charter accomplished by ordinance are indicated by parenthetical history notes following amended provisions. Amendments to the original Charter encompassed in Ordinance No. 507, dated February 17, 1992, are indicated by history notes and further amendments to the original Charter as approved by the city electors at referendum held on May 9, 2009, are indicated by editor's notes following the amended sections. The absence of a history and editor's note indicates that the provision derives unchanged from the original Charter. The format of the Charter has been conformed to the format of the city's Code of Ordinances. The directory provisions of the various amendments, including severability, repealer, effective date, notices of intent regarding referendum, publishing or distribution of copies, have been omitted. A uniform system of punctuation and capitalization has been used. Obvious misspellings and grammatical errors have been corrected without notation and material in brackets [ ] has been added for clarity.

### ARTICLE I. - INCORPORATION, TERM OF GOVERNMENT, BOUNDARIES

#### Section 1.01. - City established.

The inhabitants of the City of George West, in Live Oak County, Texas, within the boundaries as now established or as hereafter established in the manner provided by this Charter, shall be a body politic and corporate in perpetuity under the name and style of the "City of George West," with such powers, rights and duties as herein provided.

#### Section 1.02. - 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, hereafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if not prescribed, in such a manner as may be prescribed by ordinance,

#### Section 1.03. - Boundaries.

The boundaries and limits of the city are hereby established and described as those which exist under authority of the current city ordinances as displayed on a map maintained by the city secretary and those boundaries established and changed hereafter as provided.

#### Section 1.04. - Extension of boundaries.

The boundaries of the City of George West may be enlarged and extended by annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated.

- (a) Extending limits in accordance with article 974 of the Revised Civil Statutes [V.T.C.A., Local Government Code § 43.001 et seq.]: Where such additional territory adjoins the corporate limits of the city and contains three (3) or more inhabitants qualified to vote for members of the state legislature, such adjacent territory may be annexed to the city in the manner and in conformity with the procedure set forth in article 974 of the Revised Civil Statutes of the State of Texas [V.T.C.A., Local Government Code § 43.001 et seq.].
- (b) Extension of limits by election. The City Council shall have the power to order an election or elections for the purpose of annexing territory lying adjacent to the City of George West. Such

order shall include the field notes of the area sought to be annexed. The City Council shall give notice of the date and place of balloting at such election by publication of the order in the official newspaper for at least twenty (20) days prior to the date on which such election is ordered. The inhabitants of the City of George West and the territory to be annexed, who are qualified to vote for members of the state legislature shall be qualified to vote at such election. The city council shall, at its next meeting, canvass the returns of such election and if a majority of the votes cast at such election favor such annexation, the council shall declare the said territory annexed to the City of George West, and the boundary limits for the City of George West shall thereafter be extended and fixed so as to include such territory; and when any additional territory has been so annexed, same shall be a part of the City of George West, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens of said city, and they shall be bound by the lawful acts, ordinances, resolutions and regulations of said city.

- (c) Annexation of unoccupied lands by petition of owners. The owner or owners of any land which is without residents, contiguous and adjacent to the city may, by petition in writing to the governing body, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The governing body shall thereafter, and not less than five (5) and not more than thirty (30) days after the filing of such petition, hear such petition and the arguments for and against the same, and grant or refuse such petition as the governing body may see fit. If the governing body grants such petition, it may by proper ordinance receive and annex such territory as a part of the city.
- (d) Annexation by amendment to Charter. The boundary limits of the city may be fixed and additional territory added or annexed thereto by amendment to the Charter of the city.
- (e) Annexation by any other method provided by law. Additional territory may also be annexed to the city in any manner and in any procedure that may now be provided by law or that may be hereafter provided by law. Same shall be in addition to the methods herein above provided.
- (f) Annexed territory to become part of the city. Upon completion of any one of the procedures herein above provided, the territory so annexed shall become a part of the City, and said land and its inhabitants and future inhabitants shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the city.

#### Section 1.05. - Platting of property.

Hereafter every owner of any tract of land situated within the corporate limits of the City of George West, or within any area over which the City of George West may have jurisdiction under state law, who may divide the same into two (2) or more parts for the purpose of laying out any subdivision or addition to the city, shall comply with the provisions of article 974a of the Revised Civil Statutes of Texas [V.T.C.A., Local Government Code § 43.001 et seq.], and all amendments thereto, and said article 974a and amendments thereto are hereby adopted and incorporated herein for all purposes.

#### ARTICLE II. - POWERS OF THE CITY

##### Section 2.01. - General [exercise of powers].

The City of George West, as such body politic and corporate, shall have perpetual succession; may sue and be sued; 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 acquire property within or without its boundaries for any municipal purpose in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control any property now owned by it or which it hereafter may acquire, 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 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 ordinances 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 inhabitants, and to protect the peace, lives, health and property of the inhabitants; and except as prohibited by the constitution of this state or restricted by this Charter, the city may exercise all municipal powers, functions, rights, 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 George West shall have and exercise all the powers [of a home rule municipality] in chapter 13, title 28, article 1175 of the Revised Civil Statutes of the State of Texas of 1925 [V.T.C.A., Local Government Code § 51.071 et seq.]and amendments thereto and hereafter enacted.

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 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.

ARTICLE III. - THE CITY COUNCIL

Section 3.01. - Number, election and term.

- (a) The legislative and governing body of the City shall consist of four (4) members and a mayor and shall be known as the "city council of the City of George West, Texas." The city councilmembers shall be elected on the date and in the manner prescribed by state law.
- (b) The mayor and all councilmembers shall be elected from the city at large, and each councilmember shall occupy a position on the council, such positions being numbered one (1) through four (4) consecutively. The mayor and councilmembers shall be elected in the manner provided in article IV of this Charter to serve two (2 ) year terms.
- (c) At the first general election held under this Charter, and each even-numbered year thereafter, two (2) councilmembers shall be elected, with the councilmembers filling positions 1 and 3. The following year, and each odd-numbered year thereafter, the mayor and two (2) councilmembers shall be elected to fill positions 2 and 4. The mayor and councilmembers elected under the previous Charter will serve until the mayor and places 2 and 4 are due for election under provisions of this Charter. Each new council shall elect its mayor pro tempore.

**Editor's note—**

By affirmative vote of the city electors on Proposition No. 1 at referendum held on May 9, 2009, subsection (a) of this section 3.01 was amended by striking "first Saturday of April, commencing 1980" and substituting "date and in the manner prescribed by state law."

Section 3.02. - Qualification.

- (a) Each member of the city council shall be a resident of George West, and shall be a qualified voter of the State of Texas, and shall have been a bona fide resident of the city for at least twelve (12)

months prior to the date of election. Any resident of a territory annexed under the provisions of this Charter shall be eligible to said office if he or she meet the qualifications other than those requiring residence for said twelve (12 ) months' period.

- (b) Any councilmember that misses three consecutive regular council meetings may be removed from office by vote of the city council.

(Ord. No. 507, § I, 2-17-1992)

#### Section 3.03. - Compensation.

As compensation for their service, the mayor of the City of George West shall receive \$15.00 per meeting, each other councilmember shall receive \$10.00 per meeting, except in the case of the mayor pro tempore serving in the place of the mayor, in which case he or she will receive the mayoral compensation. Compensation will be paid to the mayor and council for no more than fifteen (15) times such respective sum in one year. Councilmembers shall be compensated for reasonable travel expenses required on official city business subject to approval of the council.

#### **Editor's note—**

The amendment included in Ord. No. 507, § II, 2-17-1992 that would have increased the salaries of the mayor and city council was rejected by the city electors.

#### Section 3.04. - Presiding officer, mayor.

The mayor shall preside at meetings of the council and shall be recognized as head of the city government for all ceremonial purposes and be the governor for purposes of military law, but shall have no regular administrative duties. The mayor shall be entitled to vote upon all matters considered by the council, but he shall have no veto power.

#### Section 3.05. - Mayor pro tempore.

- (a) When the office of mayor pro tempore becomes vacant for whatever cause, the council at its first regular meeting, before or during which all members shall have been duly qualified, shall elect one of its members mayor pro tempore.
- (b) The mayor pro tempore shall act as mayor during the disability or absence of the mayor and in this capacity shall have the rights conferred upon the mayor.

#### **Editor's note—**

Subsection (b) of this section 3.05 was created by affirmative vote of the city electors on Proposition No. 2 at referendum held on May 9, 2009.

#### Section 3.06. - Vacancies.

- (a) When the office of mayor becomes vacant for whatever reason, the mayor pro tempore assumes the duties and position of the mayor until the next regular election and the remaining council shall elect a new mayor pro tempore.
- (b) When a city council vacancy occurs, for whatever reason, the council shall appoint a qualified person within 60 days who will serve until the next regular city council election.
- (c) When a quorum does not exist, a special election shall be called by the remainder of the council to fill the vacancies. The city manager shall call the special election in the event that the city council is dissolved.

(Ord. No. 507, § III, 2-17-1992)

## **Editor's note—**

This section 3.06 was amended by affirmative vote of the city electors on Proposition No. 3 at referendum held on May 9, 2009, by adding the words "and position" to subsection (a) and by deleting from subsection (b) the words "may appoint a qualified citizen who will serve until the next regular city council election" and substituting "shall appoint a qualified person within 60 days who will serve until the next regular city council election."

### Section 3.07. - Powers of 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 council. The following are hereby enumerated for greater certainty:

- (1) Appoint and remove the city manager.
- (2) Establish other administrative departments and distribute the work of division.
- (3) Adopt the budget of the city.
- (4) Authorize the issuance of bonds by a bond ordinance.
- (5) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.
- (6) Provide for a planning and zoning commission and other boards and commissions deemed necessary. 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.
- (7) Adopt plats.
- (8) Adopt, reject, or modify and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas.
- (9) Adopt and modify the official map of the City.
- (10) Adopt, reject or modify and carry out plans proposed by the planning commission for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.
- (11) Regulate, license and fix the charges or fares made by any person 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.
- (12) Provide for the establishment and designation of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and to provide for the erection of fireproof buildings within certain limits, and to provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (13) To fix the salaries and compensation of the non-elective city officers and employees.
- (14) To provide for a sanitary sewer and water system and to require property owners to connect their premises with such sewer system and to provide for penalties for failure to make sanitary sewer connection.
- (15) To provide for sanitary garbage disposal and set fees and charges therefor, and provide penalties for failure to pay such fees and charges.
- (16) To provide for the placing of parking meters and the regulation and use thereof.
- (17) To exercise exclusive dominion, control and jurisdiction in, upon, over and under natural gas lines, public streets, avenues, sidewalks, alleys, parks and highways of the city and the power

to lay out, improve, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys and other public property or places, all obstructions and encroachments of every nature or character upon any of said streets and sidewalks, and to vacate and close private ways as permitted by general law.

- (18) To establish, maintain and operate an airport or airports, within or without the city limits, and landing fields, radio beams, beacons and other apparatuses, buildings, equipment and appurtenances necessary and convenient therefor, and to make suitable charges for their use.
- (19) To contract with one or more insurance companies for insuring city employees or any class or classes of employees under a policy or policies of group insurance covering one or more risks and may pay all or any portion of the premiums on such policy or policies from the city's funds. Public funds shall not be expended in payment of premiums applicable to that portion of the policy or policies insuring the dependents of such employees.

Section 3.08. - Council not to interfere in appointments or removals.

Neither the council nor any of its members shall direct the appointment of any person to or his removal from office by the city manager or by any of his subordinates; provided, however, that the appointment of department heads shall be subject to the approval of the council. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately. Violation of this section may cause the offending party to be subject to recall procedures.

Section 3.09. - City secretary.

- (a) The council shall appoint a city secretary. Deputies or clerks shall be hired by the city secretary. The city manager shall have the privilege of recommending one or more persons for these positions. The council in making such appointment shall give consideration to the recommendations of the city manager but shall not be bound thereby and shall have the absolute right to appoint whomsoever the council shall deem advisable to these positions.
- (b) The city secretary or his deputy shall give notices of council meetings, keep the minutes of its proceedings authenticated by his signature and recorded in full in a book kept and indexed for that purpose and he shall maintain as a permanent record all ordinances and resolutions, and shall [have such other duties as are] assign[ed] to him and those elsewhere provided for in this Charter.
- (c) The City Secretary and his deputies shall act as municipal court clerk and deputies. Such clerk and assistant clerks shall administer oaths and affidavits, make certificates, affix the court's seal and do and perform all acts and duties permitted, necessary and required by clerks of courts of Texas in issuing processes and conducting the business of said court. Clerks shall be hired by the acting judge.

**Editor's note—**

By affirmative vote of the city electors on the indicated propositions at referendum held on May 9, 2009, this section 3.09 was amended by striking the words "and municipal court clerk" from the catchline (Proposition No. 4), by deleting the first sentence of subsection (a), which read "the council shall appoint a city secretary and his deputy or deputies, and by inserting as the first and second sentences of the section: "The council shall appoint a city secretary. Deputies or clerks shall be appointed by the city secretary" (Proposition No. 5). The section was further amended by replacing "and/or" in the first sentence of subsection (c) with "and", by replacing the word "deputies" in the second sentence with the words "assistant clerks" (Proposition No. 6), and by adding a new third sentence stating, "clerks shall be hired by the acting judge" (Proposition No. 7).

Section 3.10. - Municipal court.

- (a) There shall be created, established and maintained a court for the trial and disposition of misdemeanor offenses to be designated "Municipal Court of the City of George West, Texas." Such court shall have jurisdiction, power and duties as now or hereinafter provided for by the constitution and laws of the State of Texas for a municipal or recorder's court.
- (b) The judge of said court shall be appointed by the city council, be a qualified voter, shall establish residence within a 30-mile radius of the City of George West, hold his office at the pleasure of the city council and shall receive such salary as may be fixed by the city council. When said judge is absent, disabled or unable to perform his duties for whatever cause or his office becomes vacant by reason of death, removal or resignation, the mayor or mayor pro tempore shall be the judge of said court, or the city council may appoint a special judge of said court who shall serve until the judge of said court returns to his duties, or a successor is appointed and qualifies.
- (c) The chief of police shall be appointed by and hold office at the pleasure of the council. The chief of police will appoint his subordinate officers and have direct supervision over these officers and shall establish residence within a 30-mile radius of the City of George West.

(Ord. No. 198, § I, 5-10-1983)

### **Editor's note—**

By affirmative vote of the city electors on Proposition No. 8 at referendum held on May 9, 2009, this section 3.10 was amended by deleting the words "and shall establish residence ninety (90) days after appointment" and substituting "and shall establish residence within a 30-mile radius of the City of George West" to the end of subsection (c) of this section.

### **Section 3.11. - City attorney.**

The council shall appoint a city attorney who is licensed by the State of Texas and lives within a 100-mile radius of the City of George West. The attorney shall receive for services such compensation as may be provided by the council and shall hold office at the will of the council. The city attorney shall be the legal advisor of, attorney and counselor for the city, its officers, and departments. The council may retain an attorney for the city when the city attorney is absent or as other circumstances require.

### **Editor's note—**

By affirmative vote of the city electors on Proposition No. 9 at referendum held on May 9, 2009, this section 3.11 was amended by striking the words from the first sentence that read "the council shall appoint the city attorney who is practicing in the city of George West" and substituting the words "the council shall appoint a city attorney who is licensed by the state of Texas and lives within a 100-mile radius of the City of George West."

### **Section 3.12. - Meetings of the council.**

The city council shall hold at least one (1) regular meeting each month at a time to be fixed by it for such regular meeting 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 not be less than ten (10) days prior to such change in the meeting place. The mayor, any two (2) members of the city council may call special meetings of the city council at any time upon at least twelve (12) hours' written notice to each member, served personally or left at the usual place of business or residence of such member, or such meeting may be held at any time without written notice, provided all members of the council are present; provided, however, all meetings of the city council shall be held in compliance with article 6252 V.A.T.S [V.T.C.A., Government Code § 551.001 et seq.] as heretofore and hereafter amended by the legislature.

### **Section 3.13. - Council to be judge of election of its members.**

The council shall be the judge of the election and qualification of its own members, and the council shall, on the next regular meeting day of said council, after each regular and special election, canvass the returns and declare the results of such election.

Section 3.14. - Rules of procedure.

The city council shall determine its own rules of procedure and may compel the attendance of its members. Robert's Rules of Order for procedure shall be followed for city council meetings except when such rules are in conflict with the city Charter, in which case the city Charter shall prevail. Three (3) members of the City Council shall constitute a quorum to do business and the affirmative vote of a majority shall be necessary to adopt an ordinance or resolution. All meetings of the city council shall be public except when otherwise provided by state statute and minutes of all proceedings will be kept, to which any citizen may have access at all reasonable times and which shall be a part of the city's permanent records. The votes upon the passage of all ordinances and resolutions are to be taken by the ayes and nays and entered upon the minutes as to individual votes and every ordinance and resolution upon its final passage shall be recorded in a permanent book kept for that purpose and shall be authenticated by the signature of the presiding officer and the person performing the duties of city secretary.

Section 3.15. - Procedure for passage of ordinances.

- (a) Every ordinance shall be introduced in written form 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 (10) days of its passage. The city secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title including the penalty of any such ordinance to be published once in the official newspaper of the City of George West within ten (10) 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 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 and codification of the ordinances of the city for publication in book or pamphlet form. It shall be necessary to the validity of any ordinance that it be read at two (2) council meetings provided that the two council meetings will not be closer than fourteen (14) days. The caption of the ordinance shall be published in a local newspaper after its first reading and prior to the meeting at which it will be passed into law on the second vote. The publication notice will include information that a copy of the entire ordinance will be available from the city secretary for public review of subject ordinance before the meeting at which it will be passed into law on the second vote. Every ordinance shall be systematically recorded and indexed in an ordinance book in a manner approved by the city council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The city council shall have the power to cause the ordinances to be corrected, 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. Amendments and revisions to existing ordinances will follow the established procedure for passage of an original ordinance.
- (b) To meet a public emergency effecting[affecting] life, health, property, or the public place, the council may adopt one or more emergency ordinances. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists.

(Ord. No. 198, § II, 5-10-1983; Ord. No. 507, § IV, 2-17-1992)

Section 3.16. - Administrative departments.

The city council may abolish or consolidate such offices and departments as it may deem to be in the best interest of the city and may divide the administration of any such department as it may deem advisable, create new departments and may discontinue any offices or departments at its discretion except as to the office of city manager, municipal court judge, city attorney and city secretary.

Section 3.17. - Payment of claims.

No warrant for the payment of any claim shall be issued by the city, unless such claim shall be evidenced by an invoice or itemized account, and approved by the city council, and all warrants shall be signed by the city manager or city secretary and a councilmember.

Section 3.18. - Official bonds of city manager and city secretary.

The city manager and the city secretary 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 George West and conditioned for the faithful accounting for the monies, credits and things of value coming into the hands of such respective officers; and such bonds shall be signed as surety by some surety company authorized to do business under the laws of this state, and the premiums accruing thereon shall be paid by the City of George West.

Section 3.19. - Investigation by council.

The council shall have power to inquire into the conduct of any office, department, agency or officer 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 a fine not to exceed the amount provided by state law.

### **Editor's note—**

By affirmative vote of the city electors on Proposition No. 10 at referendum held on May 9, 2009, the last sentence of this section 3.19 was amended by striking "\$200.00" and substituting "the amount provided by state law."

Section 3.20. - Audit and examination of the city books and accounts.

The council may cause a continuous audit to be made of the books and accounts of each and every department of the city. An annual audit shall be made at the close of each fiscal year. It shall include a recapitulation of all audits made during the course of the fiscal year. Audit reports shall be filed with the council and shall be available for publication or public inspection. Only qualified public accountants who have no financial or personal interest in the fiscal affairs of the city, and who do not maintain or keep any of the city's accounts or records shall be employed by the city council to audit the books and accounts of the city.

## **ARTICLE IV. - NOMINATIONS AND ELECTIONS**

Section 4.01. - Elections.

The regular election for the choice of members of the city council shall be held annually on the date prescribed by state law. The city council may by resolution order a special election, fix the time for holding same, and provide all means for holding such special election.

### **Editor's note—**

By affirmative vote of the city electors on Proposition No. 11 at referendum held on May 9, 2009, the first sentence of this section 4.01 was amended by striking the words "first Saturday in April commencing on the first Saturday in April, 1980" and substituting "the date prescribed by state law."

Section 4.02. - Regulation of elections.

All elections shall be held in accordance with the laws of the State of Texas and the laws of the United States, regulating the holding of municipal elections and in accordance with the ordinance adopted by the council. The council shall appoint the election judges and other election officials. Voting precincts shall be established by ordinance.

Section 4.03. - Procedure for filing.

- (a) Any person qualified under article III, section 2, as amended, of this Charter[section 3.02] 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 filed with the city secretary or a deputy shall entitle such applicant to a place on the official ballot. In addition to the above application, each candidate shall file loyalty affidavits as prescribed by the election laws of the State of Texas. Candidates shall file for places. The names of candidates will be listed numerically by place.
- (b) No employee of the city shall continue in such position after becoming a candidate for an elective office. Candidates for each place will draw for positions by lot on the ballot for that place. An incumbent seeking re-election must file for the same place number presently serving. No candidate may file for more than one office or position number per election.

Section 4.04. - Council ballots.

The full names of all candidates for the office of councilman as hereinbefore provided, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designations. If two (2) candidates with the same surnames, or with names so similar as to be likely to cause confusion of identity, the addresses of their places of residence shall be placed with their names on the ballot. All official ballots shall be printed at least twenty (20) days prior to the date of any regular or special election, and absentee voting shall be governed by the general election laws of this state. Ballots will list candidates by the numerical number of the places.

Section 4.05. - Election of councilmen by plurality.

At any regular or special municipal election the candidate for the office of councilman from a place who shall have received the greatest number of votes cast in the election in such place shall be declared elected. In the event of a tie vote, the city council shall cause to be held a run-off election within thirty (30) days of the date of said regular or special election, such run-off election to be between the tied candidates in such place.

ARTICLE V. - INITIATIVE, REFERENDUM AND RECALL

Section 5.01. - General authority.

- (a) Initiative. The qualified voters of the city shall have power to propose ordinances to the council. If the council fails to adopt an ordinance so proposed without any change in substance, the qualified voters shall have the power to adopt or reject it at a city election; provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.
- (b) Referendum. The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance. If the council fails to repeal an ordinance so reconsidered, the qualified voters shall have the power to approve or reject it at a city election, provided that such

power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

- (c) Recall. The qualified voters of the city shall have the power to petition for recall of the mayor or any member of the city council.

Section 5.02. - Commencement of proceedings; petitioners' committee; affidavits.

Any five (5) qualified voters may commence initiative, referendum, or recall proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form stating their names and place of residence by street and number, or other description sufficient to identify the place, and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the secretary shall issue the appropriate petition blanks to the petitioners' committee.

(Ord. No. 507, § V, 2-17-1992)

Section 5.03. - Petitions.

- (a) Number of signatures. Initiative, referendum, or recall petitions must be signed by qualified voters of the city equal in number to at least twenty-five (25) percent of the total number of qualified voters registered to vote at the last regular city election or at least two hundred (200) qualified voters, whichever is greater.
- (b) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the place and residency by street and number, or other description sufficient to identify the place. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) Affidavit or circulator. Each paper of petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) Filing referendum petitions. Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.
- (e) The petition blanks shall be consecutively numbered and shall contain the original signatures of the five (5) qualified voters who commenced the proceedings. The city secretary shall keep a record of the number of petitions issued. Only original numbered petitions issued by the secretary shall be considered valid for filing. Each original petition must be circulated and witnessed by the same person to whom the petition was issued. This person shall affix his signature to the petition and shall be a registered voter who was registered to vote at the last regular election.

(Ord. No. 507, §§ VI, XIX, 2-17-1992)

Section 5.04. - Procedure after filing.

- (a) Certificate of city secretary; amendment. Within twenty (20) days after the petition is filed, the city secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with city secretary within two (2) working days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 5.03, and within five (5) days after it is filed, the secretary shall complete a certificate as to

the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council revise under subsection (b) of this section within the time required, the city secretary shall promptly present his certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

- (b) Council review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) Court review; new petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.
- (d) Waiting period for new petition. A petition campaign of the same intent may not be initiated before sixty (60) days after the final certification of insufficiency of the first petition.

#### Section 5.05. - Referendum petitions; suspension of effect of ordinance.

When a referendum petition complying with all the provisions of section 5.04 and [this section] 5.05 is filed with the city secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition; or
- (2) The petitioners' committee withdraws the petition; or
- (3) The Council repeals the ordinance; or
- (4) Voters sustain the ordinance in an election.

#### Section 5.06. - Action on petitions.

- (a) Action by council on initiative or referendum. When an initiative or referendum petition has been fully determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in article IV or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.
- (b) Action by council on petition for recall. The recall petition must be addressed to the city council of the City of George West, 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 officer whose removal is sought may, within five (5) days after such recall petition has been presented to the city council, request that a public hearing be held to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the city council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing. 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.
- (c) Submission to voters. The vote of the city of a proposed or referred ordinance or petition for recall shall be held not less than thirty (30) days and not later than six (6) months from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the

same time as such regular election, except that the council may at its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

- (d) District judge may order election. Should the city commission [city council] fail or refuse to order any of the elections as provided for in this article, when all the requirements for such election have been complied with by the petitioning qualified voters in conformity and this article of the Charter, then it shall be the duty of the district judge, upon proper application being made therefore, to order such elections and to enforce the carrying into effect of the provisions of this article of the Charter.

#### Section 5.07. - Results of election.

- (a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinance of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.
- (c) Recall. 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 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.

#### Section 5.08. - Limitations on recall.

No recall petition shall be filed against a councilmember within six (6) months after he/she takes office, or six (6) months before the office expires, nor in respect to a councilmember subjected to a recall election and not removed thereby, until at least six (6) months after such election.

(Ord. No. 507, § XX, 2-17-1992)

### ARTICLE VI. - CITY MANAGER

#### Section 6.01. - Appointment and qualification.

The city council shall appoint and affix compensation of a city manager who shall be the chief administrative and executive officer of the city and shall be responsible to the council for the efficient administration of all affairs of the city. The position shall be advertised in appropriate publications prior to selecting applicant. He shall be chosen from applications submitted to the council on the basis of his executive and administrative training, experience and ability and when appointed need not be a resident of the City of George West, but he must agree, prior to such appointment, to become a resident of George West within four (4) months from the date of his appointment, or the appointment shall be deemed forfeited. No member of the council shall, during the time for which he is elected or one year thereafter, be chosen as city manager.

#### Section 6.02. - 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 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 for 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 such compensation as may be fixed by the city council.

Section 6.03. - Powers and duties of the city manager.

- (a) Appoint and, when necessary for the welfare of the city, remove any officer or employee of the city except as to those officers appointed by the council and except as otherwise provided by this Charter.
- (b) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption.
- (c) Prepare and submit to the 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.
- (d) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable.
- (e) Attend all council meetings and shall have the right to take part in discussion but may not vote.
- (f) Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this Charter.
- (g) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by law or this Charter.

**Editor's note—**

By affirmative vote of the city electors on Proposition No. 12 at referendum held on May 9, 2009, the words "direct and supervise the administration of all departments, offices and agencies of the city except as otherwise provided by law or this Charter" were added as new subsection (g) of this section 6.03

Section 6.04. - Heads of departments.

Two (2) or more departments may be headed by the same individual; the city manager may head one or more departments.

ARTICLE VII. - THE BUDGET

Section 7.01. - Fiscal Year.

The fiscal year of the city government 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 year and accounting year. As used in this Charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

(Ord. No. 198, § III, 5-10-1983)

**Editor's note—**

By affirmative vote of the city electors on Proposition No. 13 at referendum held on May 9, 2009, the words "January and shall end on the last day of December" were deleted from the first sentence of this section 7.01 and replaced with "October and shall end on the last day of September."

Section 7.02. - Preparation, submission and content of budget.

The city manager, at least sixty (60) days prior to the beginning of each budget year, shall submit to the council a proposed budget and an explanatory budget message in the form and with the contents provided herein. For such purpose, he shall obtain from the head of each office, department or agency estimates of revenue and expenditures of that office, department or agency detailed by organization units

and character and object of expenditure, and such other supporting data as he may request. The budget shall provide a complete financial plan for the fiscal year. It shall contain the following:

- (1) A budget explanatory message.
- (2) A consolidated statement of receipts and expenditures for all funds.
- (3) An analysis of property valuations.
- (4) An analysis of tax rate.
- (5) Tax levies and tax collections by years at least ten (10) years or for number of years for which records are available.
- (6) General fund resources in detail.
- (7) Summary of proposed expenditures by function, department and activity.
- (8) Summary of proposed expenditures by character and object.
- (9) Detailed estimates of expenditures shown separately for each activity to support summaries, numbers 7 and 8 above. Such estimates of expenditures are to include an itemization of positions showing the number of persons having each title and the rate of pay.
- (10) A revenue and expense statement for all types of bonds.
- (11) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued and amount outstanding.
- (12) A schedule of requirements for the principal and interest on each issue of bonds.
- (13) A special funds section.
- (14) The appropriation ordinance.
- (15) The tax levying ordinance.
- (16) A capital improvement program for the budget year and proposed method of financing.
- (17) A summary of the condition of machinery, equipment and buildings.
- (18) A suggested legislative program and the highlights of the proposed administrative program.

#### Section 7.03. - Budget a public record.

The budget and all supporting schedules shall be a public record in the office of the city secretary open to public inspection by anyone. The city manager shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons and public hearing.

#### Section 7.04. - Publication of notice of public hearing.

At the meeting of the council at which the budget messages are submitted, the council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time such date for public hearing to be not less than seven (7) days after date of publication.

#### Section 7.05. - Public hearing on budget.

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

#### Section 7.06. - Adoption; effective date; failure to adopt.

The budget shall be adopted by the favorable votes of at least a majority of all members of the whole council, and it shall be finally adopted not later than the first day of the beginning of the fiscal year. If the budget, as submitted, is not acceptable to the city council, then the city council shall order to be made such change or changes as they deem advisable, and, after such change or changes have been made, shall adopt said budget on or before the date above specified, and same shall be in effect for the budget year.

Section 7.07. - Budget establishes appropriations.

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

Section 7.08. - Budget establishes 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.

Section 7.09. - Emergency appropriation.

Provision shall be made in the annual budget and in the appropriation ordinance for an emergency appropriation in an amount not more than three (3) per centum of the total general fund expenditure, to be used in the case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of the city manager and distributed by him after approval by 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. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriations, the spending of which shall be charged to the departments or activities for which the appropriations are made.

Section 7.10. - 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.

#### ARTICLE VIII. - BORROWING FOR CAPITAL IMPROVEMENTS

Section 8.01. - Definitions.

As used in this Charter, [the term] "capital project" or "project" means: (a) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (b) the acquisition of property of a permanent nature; (c) the purchase of equipment for any public betterment or improvement when first erected or acquired.

Section 8.02. - Power to incur indebtedness by issuing bonds and notes.

The city may incur indebtedness by issuing its negotiable bonds, and notes in anticipation of bonds pending issuance of previously approved bonds, pursuant to this Charter, to finance any capital project which it may lawfully construct or acquire, or for any legitimate public purpose.

Section 8.03. - Bond ordinance; vote required.

The city shall authorize the issuance of bonds by a bond ordinance passed by the affirmative votes of the majority of all members of its council. Revenue bonds may be issued by the Council under the authority of articles 1111—1118, Revised Civil Statutes of Texas, 1925 [V.T.C.A., Government Code § 1331.001 et seq.], as amended, and all other applicable provisions of law. The issuance of tax bonds must be approved by a majority of the qualified voters who are property taxpayers voting at an election

called for that purpose; provided, however, that approval of qualified voters shall not be necessary for the refunding of outstanding bonds.

#### Section 8.04. - Form and content of bond ordinance.

The bond ordinance shall provide for proper notice, the calling of the election, the propositions to be submitted and for the issuance of the bonds. The ordinance or ordinances shall specify:

- (1) The purpose for which the bonds are to be issued, and where possible, the period of usefulness;
- (2) The amount thereof;
- (3) The maximum rate of interest, in the ordinance calling the election, and rate or rates of interest, in the ordinance issuing the bonds;
- (4) The levy of taxes sufficient to pay interest and sinking fund or retirement of principal;
- (5) That the bonds to be issued shall mature serially within a given number of years.

The bond ordinance and the manner of conducting the election shall in all respects conform to this Charter and the general laws of this State.

#### Section 8.05. - Title of bond ordinance; citation.

The title of a bond ordinance shall state the amount appropriated for an indicated project and the amount of bonds authorized to finance the appropriation. Bond ordinances shall be cited in bonds and notes by title and date of final passage.

#### Section 8.06. - Form and content when two or more projects are combined.

A bond ordinance may combine two (2) or more related projects, in which event it shall for each project establish a separate appropriation and state separately the estimated maximum costs and amounts of down payments, but shall authorize a single issue of bonds to finance the aggregate of the appropriations thereby made. The title of such bond ordinance may state the aggregate of the appropriations instead of the respective amounts.

### ARTICLE IX. - FINANCE ADMINISTRATION

#### Section 9.01. - Director of finance; powers and duties.

The city manager shall have charge of the administration of the financial affairs of the city and to that end he shall have authority and shall be required to:

- (1) Maintain a general accounting system for the city government and each of its offices, departments and agencies; cause to be kept books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance; [and] require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient;
- (2) Submit to the council a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;
- (3) Prepare, as of the end of each quarter, a complete financial statement and report;
- (4) Supervise the activities of the city secretary who shall serve as ex-officio city treasurer and shall have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depositories as may be designated by resolution of the council, or, if no such resolution be adopted, by the city manager, subject to the requirements of law as to surety and the payment

of interest on deposits, but all such interest shall be the property of the city and shall be accounted for and credited to the proper account;

- (5) Have custody of all investments and invested funds of the city government or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange;
- (6) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government;
- (7) Approve all proposed expenditures, unless he shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditures shall be made;
- (8) Prescribe the forms of receipts, vouchers, bills or claims to be used by all offices, departments and agencies of the city government;
- (9) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the City attorney determine the regularity, legality and correctness of such claims, demands or charges;
- (10) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office.

#### **Editor's note—**

By affirmative vote of the city electors on Proposition No. 14 at referendum held on May 9, 2009, the words "of the fiscal year" were deleted from subsection (3) of this section 9.01 and replaced with "of each quarter."

#### **Section 9.02. - Transfer of appropriations.**

The manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within the same department. At the request of the city manager, the council may order the transfer of any unencumbered appropriation balance or portion thereof from one department to another department.

#### **Section 9.03. - Emergency purchases of materials and services.**

When, in the opinion of the city manager and the appropriate department head, an emergency exists, the nature of which makes it impracticable to follow ordinary procedures as set out in this Charter, emergency purchases of materials and services may be made by the city manager, with concurrence of one councilmember.

#### **Section 9.04. - Contracts for city expenditures.**

- (a) The city manager shall have authority to make expenditures without the approval of the city council for all budget items not exceeding an amount set by ordinance. Any expenditure involving more than the set amount must be expressly approved by city council.
- (b)
  - (1) Any expenditure costing more than an amount set by ordinance shall be competitively bid, except where such improvement is authorized by the council to be executed directly by a city department in conformity with detailed plans, specifications and estimates.
  - (2) Any such competitively bid contract and leases for more than an amount set by ordinance shall be awarded to the lowest or most responsible bidder, bidding in conformity with detailed plans and specifications approved by the city council after such public notice and competition as may be prescribed. City council shall have the power to reject any and all bids.

(d)[(c)] Alterations in any contract not to exceed five percent of the total contract may be made when authorized by the council.

(Ord. No. 507, § VII, 2-17-1992)

### **Editor's note—**

By affirmative vote of the city electors on Proposition No. 15 at referendum held on May 9, 2009, the word "improvements" in the catchline of this section 9.04 was replaced with the word "expenditures." In addition by affirmative vote on Propositions 16, 17, 18 and 19, the contents of the section were deleted and replaced with the language shown. The prior section read: " Any city improvement costing more than five thousand dollars (\$5,000.00) shall be executed by contract except where such improvement is authorized by the council to be executed directly by a city department in conformity with detailed plans, specifications and estimates. The city manager shall have authority to make expenditures without the approval of the city council for all budgeted items not exceeding two thousand dollars (\$2,000.00). Any expenditure involving more than two thousand dollars (\$2,000.00) must be expressly approved by the city council. All such contracts for more than five thousand dollars (\$5,000.00) shall be awarded to the lowest or most responsible bidder bidding in conformity with detailed plans and specifications approved by the city council after such public notice and competition as may be prescribed, provided the city council shall have the power to reject any or all bids. Except in case of an emergency, alterations in any contract not to exceed twenty-five (25) per centum of the total contract may be made when authorized by the council."

#### Section 9.05. - Accounting control of purchases.

- (a) All purchases made and contracts executed shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless and until the city manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriated balance to pay for the supplies, materials, equipment or contractual services, for which the contract or order is to be issued.
- (b) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the city for any amount so paid.

#### Section 9.06. - Disbursement of funds.

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the city manager or the city secretary and countersigned by a member of the council.

#### Section 9.07. - Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year \_\_\_\_\_ (stating the budget year)." Such notes shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.

#### Section 9.08. - Sale of bonds.

No bond issued by the city shall be sold for less than par value and accrued interest. Nor shall any bonds be sold until bids submitted in response to public advertisement therefor have been received and considered by the council. The council shall have the right to reject any or all bids. No bond shall ever be issued by the city council of the City of George West, unless and/or until such bond shall contain a callable clause, at the option of said city, without forfeiture; provided, however, that such callable clause shall apply only after the expiration of one-half of the full term of the bonded indebtedness for each

of the separate bond issues authorized, or such redemption provision may be for a lesser period of [if] such provision will not materially affect their marketability or a favorable rate of interest.

## ARTICLE X. - TAX ADMINISTRATION

### Section 10.01. - Division of assessment.

(a) The Live Oak County Appraisal Board shall supervise and be responsible for the assessment of all property within the corporate limits of the city for taxation, make all special assessment for the City government, prepare tax maps, and give such notice of taxes and special assessments. The Live Oak County Appraisal Board may be designated to collect city taxes by the city council or the city may establish a department of tax collection. The tax collector shall be appointed by the city council. The collector shall give a surety bond for the faithful performance of his/her 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, and with a reputable bonding company.

(c)[(b)] Any assessment appeal must be filed through the Live Oak County Appraisal Board.

(Ord. No. 507, § VIII, 2-17-1992)

### Section 10.02. - Duties of assessor-collector.

All real and personal property within the city not expressly exempted by law shall be subject to annual taxation.

(Ord. No. 507, § IX, 2-17-1992)

### **Editor's note—**

Original sections 10.03 (property subject to tax; method of assessment), 10.04 (board of equalization—appointment; qualifications), 10.05 (same—public hearings; notice to owner), 10.06 (same—powers and duties) and 10.07 (same—records; approval of rolls) were deleted by Ord. No. 507, §§ X—XIV, 2-17-1992 and following sections renumbered as indicated by amendments below.

### Section 10.03. - Taxes; when due and payable.

All taxes due the City of George West may be payable at the office of the city tax collector or payable to the Live Oak County Appraisal Board Office as designated by the city council. Taxes may be paid at any time after the tax rolls for the year have been completed and approved which shall not be later than October 31. Taxes shall be paid on or before January 31 and all such taxes not paid prior to such date shall be subject to such penalty and interest as the city council may provide by ordinance. The city council may by ordinance provide that all taxes, either current or delinquent, due the City of George West may be paid in installments. The city council may by resolution provide discount to early tax payers.

(Ord. No. 507, § XV, 2-17-1992)

### **Editor's note—**

This section was previously numbered 10.08 and was renumbered 10.03 by the amending ordinance cited.

### Section 10.04. - Tax liens.

The tax levied by the city is hereby declared to be a lien, charge or encumbrance upon personal and real property upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property in favor of the city for the amount of the taxes due on such property is such as to give the state

courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against non-residents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction.

(Ord. No. 507, § XVI, 2-17-1992)

**Editor's note—**

This section was previously numbered 10.09 and was renumbered 10.04 by the amending ordinance cited.

Section 10.[0]5. - Tax remissions; compromises.

The city council or any other official of the city shall never extend the time for the payment of taxes or remit, or compromise any tax legally due the city nor waive the penalty and interest that may be due thereon to any persons, firms or corporations owing taxes to the city for such year or years; provided, however, that this provision shall not prevent the compromise of any tax suit.

(Ord. No. 507, § XVII, 2-17-1992)

**Editor's note—**

This section was previously numbered 10.10 and was renumbered 10.[0]5 by the amending ordinance cited.

ARTICLE XI. - FRANCHISE AND PUBLIC UTILITIES

Section 11.01. - Definitions.

For the purpose of this article, the term "public utility" shall include all public utilities, public recreational facilities, and public transportation services as established by article 1108, Public Utilities, and article 1015C, Recreational Programs and Facilities, Constitution of the State of Texas.

Section 11.02. - Powers of the city.

In addition to the city's power to buy, own, construct, maintain and operate utilities and to manufacture and distribute electricity, gas or anything else that may be needed or used by the public, the city shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

Section 11.03. - Franchises; powers of council.

The city council shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities of every character operating within the City of George West, and for such purpose is granted full power. All ordinances granting, amending, renewing or extending franchises for public utilities shall be read at two (2) separate regular meetings of the city council, and shall not be finally passed until thirty (30) days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four (4) consecutive weeks in the official newspaper of the City of George West, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferable except with the approval of the council expressed by ordinance.

Section 11.04. - Franchise value not to be allowed.

No value shall be assigned to any franchise granted by the city 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 11.05. - Right of regulation.

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

- (1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.
- (2) To require adequate extensions of plants and services, and the maintenance of the plants and fixtures at the highest reasonable standard of efficiency.
- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (4) To collect from every public utility operating in the city its fair and just proportion of the expense of excavating, grading, repairing, and maintaining such portions of the alleys, bridges, culverts, viaducts, and other public places and ways of the city as may be occupied or used in whole or in part by such utilities; or to compel such public utility to perform without expense to the city its just share of such excavating, grading, paving, re-paving, constructing, repairing, and maintaining.
- (5) To require every public utility or franchise holder to allow other public utilities to use the tracks, poles, bridges and viaducts, wherever in the judgment of the city council such use shall be in the public interest; provided, that the use does not materially interfere with the use thereof by the owner for its purposes not [nor] materially impair the safety of said facilities, and that in such event, said owner of said facilities may fix and collect reasonable rental, to be approved by the city council, to be paid to the owner of the facility for such use.
- (6) (a) To prescribe the form of accounts kept by each utility; provided, that if the utility shall keep its accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Energy Regulatory Commission, the Federal Communications Commission, the Railroad Commission of Texas, the Public Utility Commission of Texas, their successor or successors, this shall be deemed sufficient compliance with this paragraph.  
(b) At any time to examine and audit the account and other records of any such utility and to require annual and other reports on local operations by each such public utility.
- (7) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.
- (8) To any time require such compensation and rental as may be permitted by the laws of the State of Texas.

#### Section 11.06. - 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 11.07. - 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 11.03 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 11.08. - Other conditions.

All franchises heretofore granted are recognized as contracts between the City of George West 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 George West to exercise the right of eminent domain in the acquisition of utility property is in all things reserved, and except the general power of the city heretofore existing and herein provided for to regulate the rates and services of a grantee which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article, whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the council or electors of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant.

Section 11.09. - Accounts of municipally owned utilities.

Accounts shall be kept for each public utility owned or operated by the city in such manner as to show the true and complete financial results of such city ownership and operation, including all assets, appropriately subdivided into different classes, all liabilities 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 the actual capital cost to the city of each public utility owned, also the cost of all extensions, additions and improvements, and the source of the 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 or governmental department. The council shall cause an annual report to be made by a qualified public accountant and shall publish such report showing the financial results of such city ownership and operation, giving the information specified in this section or such data as the council shall deem expedient.

Section 11.10. - Regulations of rates and services.

The city council shall have full power to regulate by ordinance the rates and charges for utility and other services furnished by the city and by public and private companies operating in the City of George West. Notice of any proposed increase in utility rates and service costs shall be given the residents of the city by publishing notice thereof one (1) time in the city's official newspaper at least ten (10) days prior to the date of a public hearing which shall be held on such proposal. The notice shall state the time and place of the hearing, the name of the proponent and the type of utility or service for which the rate increase is sought. The proponent shall pay the full cost of such notice and a correct stenographic transcript of the hearing, which the council may in its discretion require be made. A copy of such transcript shall be filed with the city secretary and made available to any citizen upon receipt and reasonable deposit to ensure its safe return under such rules and regulations as the city council may prescribe. No notice need be given nor public hearing had where the rate change is solely one of rate reduction.

ARTICLE XII. - GENERAL PROVISIONS

Section 12.01. - Publicity of records.

All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times.

Section 12.02. - Personal interest.

- (a) No member of the council or any officer or employee of the city shall have substantial financial interest in a business entity or in real property as defined by Local Government Code, chapter 171, section 171.002 et seq. [V.T.C.A., Local Government Code § 171.002 et seq.] as the same exists

today or as it hereafter may be amended. If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter, as explained in Local Government Code, chapter 171, section 171.004 et seq. [V.T.C.A., Local Government Code § 171.004 et seq.], as the same exists today or as it hereafter may be amended.

- (b) Any willful 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 council.

(Ord. No. 507, § XVIII, 2-17-1992)

### **Editor's note—**

By affirmative vote of the city electors on Proposition No. 20 at referendum held on May 9, 2009, the first sentence of this section 12.02 was deleted and replaced with subsection (a) as shown. The remainder of the section was retained and numbered subsection (b). The deleted sentence read: "No member of the council or any officer or employee of the city shall have a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the city or to a contractor supplying the city, of any land or rights of interests in any land, material, supplies or service, when said contract, land, material or service amounts to more than six-thousand (\$6,000.00) dollars a year."

Section 12.03. - Conflict of interest.

- (a) No officer or employee of the city shall accept any franks pass, free ticket or service, reduced rates, or anything of value, directly or indirectly from any person, firm or corporation occupying the streets or serving the city in any way, upon terms more favorable than are granted to the public, and any violation of this section shall be a misdemeanor, and on conviction thereof such office or employment shall be forfeited.
- (b) The governing body of a government entity shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the governing body has a substantial interest. Except as provided by Local Government Code chapter 171, section 171.004(c) et seq. [V.T.C.A., Local Government Code § 171.004(c) et seq.], as the same exists today or as it hereafter may be amended, the affected member may not participate in that separate vote. The member may vote on a final budget if:
  - (1) The member has complied with this chapter; and
  - (2) The matter in which the member is concerned has been resolved.

### **Editor's note—**

By affirmative vote of the city electors on Proposition No. 21 at referendum held on May 9, 2009, this section 12.03 was amended by numbering the existing section as subsection (a) and adding a new subsection (b) as shown.

Section 12.04. - Private development.

The city council shall never authorize the expenditure of public funds for the development of a privately owned subdivision. In this section a subdivision shall be deemed to be privately owned when the owner or owners, whether individual, partnership, corporation or other body, shall have filed a plat as required by this Charter, and shall have undertaken the sale of lots or parcels from the platted area. The prohibition herein shall not apply to extension of utilities or services to any incorporated area.

Section 12.05. - Notice of claim against city for damages.

Before the City of George West shall be liable for damages for personal injuries of any kind or for damages by reason of the death of any person, or for injuries to or destruction of property, the person, or the owner of the property injured or destroyed, or someone in his behalf (or in case the injuries result in death) the person who may have a cause of action under the law by reason of such death), shall give the city secretary notice in writing of such injury or destruction duly verified, within ninety (90) days after the same has been sustained, stating in such written notice when, where and how the injury or destruction occurred, and the apparent extent thereof, the amount of damage sustained, the amount for which claimant will settle, the actual residence of the claimant by street and number at the date the claim is presented, and the actual residence of such claimant for six (6) months, immediately preceding the occurrence of such injuries or destruction, and the names and addresses of the witnesses upon whom he relies to establish his claim, and a failure to so notify the city secretary within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever.

Section 12.06. - Drilling operations.

The council shall by ordinance provide regulations for the drilling, spacing, completion and operation of oil, gas and commercial and/or industrial water wells within the territorial limits of the City of George West.

Section 12.07. - 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 George West, 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 nor 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 of 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."

Section 12.08. - Nepotism.

No person related within the second degree by affinity, or within the third degree by consanguinity to the mayor or any other member of the council, or the city manager, shall be appointed to any office, position or clerkship or other service of the city.

Section 12.09. - Public library.

The city council shall have the authority to establish and maintain a free public library within the city and to cooperate with any person, firm, association or corporation under such terms as the city council may prescribe for the establishment of such free public library. For budget purposes, the library shall be considered as a department of the city and the appropriations therefore shall comply with the budgetary requirements as outlined in this Charter and as may be prescribed from time to time by the city council.

Section 12.10. - Zoning ordinances.

For the purpose of promoting the health, safety, morals or general welfare of the city, the council may by ordinance regulate the location, height, bulk and size of buildings and other structures, the size of yards, courts and other open space, the density of population and the uses of buildings, structures and land for trade, industry, business, residence or other purposes. Such ordinances may provide that the zoning board of adjustment may, in appropriate cases and subject to appropriate principles, standards, rules, conditions and safeguards set forth in the ordinance, make special exceptions to the terms of the

zoning regulations in harmony with their general purpose and intent. Such ordinances may provide that the zoning board of adjustment may authorize variances from the strict application of the regulations in such situations and subject to such limitations as may be set forth in ordinance. All of the powers granted by the Revised Civil Statutes of Texas, together with existing amendments and all amendments as hereinafter may be made relating to zoning in cities, are hereby adopted and made a part of this Charter.

Section 12.11. - 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 of execution of cost bill. The funds belonging to the city, in the hands of any person, firm or corporation, shall not 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 12.12. - City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceeding in which the City of George West 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, and said city shall be just as liable as if security on [or] bond had been duly executed.

Section 12.13. - Effect of this Charter on existing law.

All ordinances, resolutions, rules and regulations now in force under the city government of George West 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 George West under existing franchises and contracts are presented in full force and effect to the City of George West.

Section 12.14. - Interim municipal government.

From and after the date of the adoption of this Charter and until the completion of the first city election under this Charter and the qualification of the mayor and councilmen therein elected, the present qualified and acting mayor and the two (2) commissioners shall constitute the city council of the City of George West. Such city council shall possess all of the powers provided by this Charter.

Section 12.15. - Amending the Charter.

- (a) Amendments to this Charter may be written and submitted to the electors of the city by a charter commission in the manner provided by law for writing and submitting a new charter. Amendments may also be proposed and submitted by ordinance passed by a majority vote of the full membership of the council, or by a petition signed by not less than 50 percent of the registered voters of the city.
- (b) When a Charter amendment petition shall have been filed with the council in conformity with the provisions of this Charter as to petitions for initiated ordinances, the council shall forthwith provide by ordinance for submitting such proposed amendment to a vote of the electors. Any ordinance for submitting a Charter amendment to the electors shall provide that such amendment be submitted at the next regular municipal election if one shall occur not less than sixty (60) nor more than one hundred and twenty (120) days after the passage of the ordinance; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty (30) days prior to such election, the city secretary shall mail a copy of the proposed amendment or amendments to each qualified voter in said city as appears from the latest rolls of the tax collector.
- (c) If a proposed amendment be[is] approved by a majority of the electors voting thereon, it shall become a part of the Charter at the time fixed therein. Each amendment shall be confined to one

subject; and when more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

- (d) The city council shall have the power, by ordinance, to correct typographical, grammatical and spelling errors in the Charter and upon passage of any such ordinance, a copy thereof, certified by the city secretary, shall be forwarded to the Secretary of State for filing.
- (e) The city council shall have the power, by ordinance, to delete obsolete, transitional provisions in the Charter and to make those corrections in the Charter that are necessitated by such deletion where such deletion and correction do not change the substance of the Charter and on passage of any such ordinance, a copy thereof, certified by the city secretary, shall be forwarded to the Secretary of State for filing.

(Ord. No. 198, § IV, 5-10-1983)

### **Editor's note—**

By affirmative vote of the city electors on Propositions No. 22, 23 and 24 at referendum held on May 9, 2009, subsection (a) of this section 12.15 was amended by changing the word "framed" to "writing" in the first sentence and the words "twenty-five (25) percentum or at least fifty (50) of the qualified voters" to "50 percent of the registered voters" in the second sentence. The same propositions also added new subsections (d) and (e) as shown except that the numbering has been corrected at the editor's discretion.

Section 12.16. - Separability clause.

If any section or part of [a] 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 or part of [a] 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.

### ARTICLE XIII. - CODE OF ORDINANCES

Section 13.01. - Statement of objectives.

- (a) All ordinances in force at the time of the passage and acceptance and implementation under the city government of George West and not in conflict with the provisions of this Charter shall remain in force under this Charter until rendered amended, altered, or repealed by the council after the Charter takes effect.
- (b) The Council shall implement procedures to appoint citizen advisory commissions to address the areas of building codes, electrical codes, zoning codes, and traffic codes. The council will, not later than two years from the implementation of this Charter, establish ordinances to regulate and enforce these issues of city organization, public safety, and construction standards.
- (c) The council is authorized to restructure the administration of ordinances for the purpose of clarity, and may implement administrative policies to improve the organization of said ordinances.

### ARTICLE XIV. - GENDER AND NUMBER REFERENCES

Whenever in this Charter there is reference to the male gender, said reference shall include the female gender and vice versa. Where in this Charter there is reference to plural numbers, said reference shall include the singular and vice versa unless the subject provision compels otherwise.

FOOTNOTE(S):

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**Editor's note**— By affirmative vote of the city electors on Proposition No. 25 at referendum held on May 9, 2009, this new Article XIV was added to the Charter.

**CHARTER COMPARATIVE TABLE ORDINANCES**

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ordinance Number	Date	Section	Section this Charter
198	5-10-1983	I	3.10
		II	3.15
		III	7.01
		IV	12.15
507	2-17-1992	I	3.02
		III	3.06
		IV	3.15
		V, VI	5.02, 5.0

			3
		VII	9.0 4
		VIII, IX	10. 01, 10. 02
		XV, XVI	10. 03, 10. 04
		XVII	10.[ 0]5
		XVII I	12. 02
		XIX	5.0 3
		XX	5.0 8