

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 22-16

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CITY OF SEAGOVILLE HOME RULE CHARTER TO THE CODE OF ORDINANCES, ADOPTED NOVEMBER 06, 2008, TO CORRECT SCRIVENER'S ERRORS IDENTIFIED THEREIN, AND TO INCLUDE ALL AMENDMENTS AND REVISIONS ADOPTED UP TO AND INCLUDING THOSE APPROVED IN THE MAY 7, 2016 ELECTION AND ENACTED BY THE CITY COUNCIL ON JUNE 20, 2016; PROVIDING FOR THE PRINTING THEREOF, AUTHENTICATION BY THE MAYOR AND ATTESTATION BY THE CITY SECRETARY; PROVIDING FOR THE REPEAL OF ANY PREVIOUSLY ADOPTED HOME RULE CHARTER; PROVIDING EXCEPTIONS TO REPEAL; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seagoville, Texas adopted a new Code of Ordinances for the City of Seagoville by Ordinance No. 23-08 on November 06, 2008, said Code to become effective November 06, 2008; and

WHEREAS, said Code included the Home Rule Charter and all ordinances passed on or before February 21, 2008; and

WHEREAS, the City Council has enacted additional ordinances amending the Home Rule Charter, and the Charter has been further amended through approval of amendments by the citizens of Seagoville in the May 7, 2016 election and enacted by the City Council on June 20, 2016; and

WHEREAS, several scrivener's errors have been identified in the Home Rule Charter, as amended; and

WHEREAS, it is necessary to supplement the Home Rule Charter to include the amendments up to and including the amendments approved in the May 7, 2016 election and enacted by the City Council on June 20, 2016, and to correct the previously identified scrivener's errors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the amended Home Rule Charter, hereafter and herein referenced as Exhibit "A", will be codified to the Code of Ordinances of the City of Seagoville, heretofore enacted by Ordinance No. 23-08, as amended, and the same is hereby, adopted and shall hereafter constitute a Supplement to the Code of Ordinances.

SECTION 2. That Exhibit "A", a true and correct copy of which is attached hereto and, by this reference, incorporated herein, shall be printed and distributed to all holders of the Code of Ordinances in accordance with the current list kept for that purpose by the City Secretary.

SECTION 3. That said Code, as supplemented, shall be admitted in evidence without further proof, and the City Secretary shall record this Home Rule Charter, adopted as an amendment to said Code, in the ordinance records of the City, and thereafter such Code, as amended and supplemented, shall serve as a record of the ordinances so codified, and it shall not be necessary in establishing the content of any particular ordinance so codified to go beyond said record.

SECTION 4. That all provisions of such Code, as amended and supplemented hereby, shall be in full force and effect from and after the date of this ordinance, and all ordinances of a general and permanent nature of the City of Seagoville, enacted on final passage on June 20, 2016, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after June 20, 2016, except as hereinafter provided. No resolution of the City Council not specifically mentioned herein is hereby repealed.

SECTION 5. That the repeal provided for in Section 4 above shall not affect any of the following:

- A. Any offense or act committed or done or any penalty of forfeiture incurred or any contract or right established or accruing before the effective date of such Code;
- B. Any ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bond of the City or any evidence of the City's indebtedness;
- C. Any contract or obligation assumed by the City;
- D. Any right or franchise granted by the City;

- E. Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, or vacating any street or public way in the City;
- F. Any ordinance relating to municipal street maintenance agreements with the State of Texas;
- G. Any ordinance establishing or prescribing grades for streets in the City;
- H. Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget;
- I. Any ordinance relating to local improvements and assessments therefor;
- J. Any ordinance annexing territory to the City or discontinuing territory as a part of the City;
- K. Any ordinance dedicating or accepting any plat or subdivision in the City;
- L. Any ordinance prescribing the rates to be charged by public utilities or public service corporations;
- M. Any ordinance amending the Zoning Map or zoning or rezoning specific property;
- N. Any ordinance enacted after December 14, 2015 (Supplement No. 5).

SECTION 6. It is the intention of the City Council to make this Home Rule Charter and the amendments incorporated within it part of the Code of Ordinances when printed or reprinted in page form, distributed to and incorporated within the original Code of Ordinance books distributed by the City Secretary. A copy of such Code as supplemented hereby shall be available for all persons desiring to examine the same in the office of the City Secretary during regular business hours. Ordinances passed subsequent to the enactment of this Supplement shall be added to the body of the Code of Ordinances and incorporated within it by reference to the Code of Ordinances of the City of Seagoville shall be understood and intended to include such additions and amendments.

SECTION 7. Whenever in the Code of Ordinances an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of such provision of the Code by any person, firm or corporation shall be deemed to be a misdemeanor and, upon conviction in the Municipal Court of the City of Seagoville, such person, firm or corporation shall be punished by a penalty of fine not to

exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by state law for such offense, including traffic offenses under the Texas Transportation Code, in which case the penalty shall be that fixed by state law, and for any offense which is a violation of any provision that governs fire safety, zoning, public health and sanitation or dumping of litter or solid waste as those terms are defined by Section 365.001 of the Texas Litter Abatement Act, Texas Health & Safety Code, as amended, the penalty shall be a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. This ordinance shall take effect immediately after its passage and publication of the caption as the law and Charter in such cases provide.

DULY PASSED by the City Council of Seagoville, Texas on the 18th day of July, 2016.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY





HOME RULE CHARTER FOR
THE CITY OF SEAGOVILLE, TEXAS

AMENDED CHARTER

CHARTER ELECTION

ORDINANCE NO. 06-11; ORDINANCE NO. 05-11 AUGUST 1, 2011

ORDINANCE NO. 09-13 JUNE 17, 2013 (Scrivener's Error)

CHARTER ELECTION HELD ON MAY 7, 2016

ORDINANCE NO. 20-16 JUNE 20, 2016

EXHIBIT "A"

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CITY OF SEAGOVILLE

HOME RULE CHARTER

PREAMBLE

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

ARTICLE I

FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 Form of Government

(a) The municipal government provided by this Charter shall be known as the "Council-Manager Government". Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the statutes of this State, and by this Charter, all powers of the City shall be vested in an elective Council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager and such other officers as expressly provided herein. The City Manager shall be responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by resolution, ordinance, the State Constitution or by the statutes of the State of Texas.

(b) After the City of Seagoville has elected, either by the voluntary act of the City Council or by vote of a majority at the election hereinafter prescribed, such plan or form of government may be abandoned only upon the filing of a petition with the City Secretary, signed by not less than twenty percent (20%) of the total number of legal qualified electors voting for Mayor at the last preceding City election, requesting the Mayor to call a special election for the abandonment of the City Manager form of government, whereupon it shall be the duty of the Mayor within ten (10) days after the filing of such petition to issue a proclamation calling a special election for

such purpose, and such election shall be held within thirty (30) days after the filing of such petition. Such proclamation shall state that the election is called in order to submit the question of the abandonment of the City Manager plan of government as previously adopted and instituted by the City. Such proclamation shall be published one time at least ten (10) days before the date of such election in a newspaper of general circulation within the City, and shall also be posted in at least five (5) conspicuous places within such City not less than ten (10) days preceding such election.

The ballots used for the submission of such questions shall be substantially as follows:

FOR abandoning the City Manager form of government in the City of Seagoville.

AGAINST abandoning the City Manager form of government in the City of Seagoville.

If a majority of all votes cast at such election shall be in favor of the abandonment of the City Manager plan, then governing body of the City of Seagoville shall within sixty (60) days after such election discharge the City Manager, and shall then assume the powers and duties delegated to such governing body under the terms of the Charter of the City of Seagoville, in the same manner and to the same extent as though the provisions of the article had never been instituted.

Section 1.02 Boundaries

The citizens of the City, Dallas and Kaufman County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Seagoville" with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided.

Section 1.03 Extension of Boundaries

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, by the method hereinafter set forth:

- (1) The City Council shall have the power by ordinance to fix the boundary limits of the City and provide for the alteration and extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, in any manner provided by law.
- (2) When any additional territory has been so annexed, same shall be a part of the City and the property situated therein shall bear taxes levied by the City, and the citizens thereof shall be entitled to all the rights and privileges of the other citizens of said City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

**ARTICLE II
POWERS OF THE CITY**

Section 2.01 General Powers of the City

The City shall have all powers and rights of self-government and home rule that exists now or may be granted to municipalities by the Constitution and laws of the State of Texas, unless such power or right is expressly prohibited or restricted by this Charter.

Section 2.02 General

(a) The City of Seagoville, as such body politic and corporate, shall have perpetual succession; may use a corporate seal; may sue and be sued; may contract and be contracted with; implead and be impleaded in all courts; may take, hold and purchase such lands, within or without the City limits, as may be needed for corporate purposes of said City, and may sell any real estate or personal property owned by it; perform and render all public service, and when deemed expedient, may condemn property for corporate use, and may hold, manage and control the same; and shall be subject to all duties and obligations now pertaining to or incumbent upon said City as a corporation, not in conflict with the provisions of this Charter; and shall enjoy all rights, immunities, powers, privileges and franchises now possessed by said City and hereinafter conferred and granted; and except as prohibited by the Constitution of the State of Texas or restricted by this Charter, the City of Seagoville shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. In addition to the powers herein otherwise granted, the City shall have all powers enumerated in State law, as hereafter amended, as though such State law were set forth herein.

(b) The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Seagoville shall have, and may exercise, all powers which under the Constitution and Statutes of the State of Texas it would be competent for this Charter specifically to enumerate. All powers of the city, whether expressed or implied, shall be exercised in the manner prescribed by this Charter or, if not prescribed therein, then in the manner provided by ordinance or resolution of the City Council.

Section 2.03 Public Improvements

The City shall have the power to, among others, construct and maintain, within or without its corporate limits, streets, flood control and sanitary facilities, water and storm drainage facilities, in, over, under or upon all public property or easements granted for the purpose and to levy assessments for the costs of such improvements. It shall have the power to cause liens and costs to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

Section 2.04 Real Estate

All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise, all public buildings, fire stations, parks, airports, streets and alleys; and all property, whether real or personal, of whatever kind, character or description now owned or controlled by the City of Seagoville shall vest in, inure to, remain and be the property of said City of Seagoville this Charter; and all causes of action, chooses in action, rights or privileges of every kind and character and all property of whatsoever character or description which may have been held and is now held, controlled or used by said City of Seagoville for public uses or in trust for the public, shall vest in and remain and inure to the City of Seagoville under this Charter, and all suits and pending actions to which the City of Seagoville heretofore was or now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the adoption of this Charter, but shall continue unabated.

Section 2.05 Street Powers

The City of Seagoville shall have the power to lay out, establish, open, alter, widen, lower, extend, grade abandon, improve and maintain streets, alleys, sidewalks, squares, parks, public places and bridges and regulate the use thereof and require the removal and regulate such public property or places, all obstructions, when same constitutes a hazard to the public, encroachments of every nature or character upon any said public property, and to vacate and close private ways; and when a street or alley has been vacated or abandoned, the City shall have the right to sell the same as now provided by the general laws of the State of Texas.

Section 2.06 Street Improvements and Assessments Therefore

The City shall have the right under the Texas Transport Code, together with all amendments thereof, adopted and made a part of this Charter, to authorize the City Council to provide for the payment and costs of improvements to highways and streets, and provide for the proper assessment of any such improvement in accordance with law. Any street improvement project shall be reviewed by a civil engineer licensed under the laws of the State of Texas.

Section 2.07 Regulation of Vehicles Used for Hire

The City Council shall have the power, expressed or implied, by ordinance or otherwise, to license, operate and control the operation of all character of vehicles using public streets.

Section 2.08 Regulation of Public Utilities

The City Council shall have the power, by ordinance, to determine, fix and regulate the charges, fares or rates of compensation, by ordinance, to be charged by any person, firm or corporation enjoying a franchise in the City of Seagoville, and shall, in determining, fixing and regulating such charges or rates or compensation, base the same upon the fair rate of return upon the fair value of the property of such person, firm or corporation devoted to furnishing service to such

City of inhabitants thereof, as may be permitted by law. The City Council may prescribe the character, quality and extent of service to be rendered and shall have the power to regulate and require the extension of lines or services of such public utility.

Section 2.09 Municipal Owned Public Utilities

The City shall have the power to build, construct, purchase, own, lease, maintain and operate, as established under the Texas Local Government Code or general laws, within or without the City limits, light, and power systems, a sewer system, sanitary disposal equipment and appliances, natural gas systems and public services.

Section 2.10 Transportation

- (a) General: The City Council may grant franchises and the City may acquire, maintain and operate a transportation service and issue warrants, assignments of revenues and bonds and use public funds for such purpose.
- (b) Airports: The City Council shall have the power to establish, maintain and operate an airport(s), and heliport(s) or any other appropriate transportation facilities within or without the city limits, including landing fields, radio beams, beacons and other apparatus, buildings, equipment and appurtenances necessary or convenient therefor, and to make suitable charges for their use.

Section 2.11 Parks

The City shall have the right to acquire and have exclusive control of all City parks and playgrounds, whether within or without the City limits and the structures and apparatuses located therein; and to prevent any encroachments thereon; and, to provide for the improvement, construction and maintenance of such parks or facilities located therein.

Section 2.12 Underground Construction

The City may require the placing of all wires or overhead construction of public utilities within the business area or fire limits of the City under the surface of the ground under such regulations as may be prescribed by the City Council from time to time.

Section 2.13 Fires

The City Council shall have the power, by ordinance or otherwise, to provide for a fire rescue department and regulation thereof; and to provide, by ordinance or resolution, such regulation to protect the public against conflagrations or threat thereof within the City.

Section 2.14 Health

The City Council shall have the power to provide for a health and sanitation department and to establish all necessary rules and regulations, by ordinance or otherwise, to protect the health of the City and for the establishment of regulations to protect the public health to include, but not to the exclusion of other powers, the following:

- (1) To regulate, license and inspect persons, firms, corporations, common carriers or associations operating, managing or conducting any hotel or any other public sleeping or eating place, or any place or vehicle where food or drink or containers therefor, of any kind is manufactured, processed, prepared, stored or packed for sale or resale within the City; and shall have the power to prescribe health regulations with reference to any and all workers or employees hired or used in any of said places or vehicles, or about said places and vehicles; or who deliver products to and from said places and vehicles; and shall have the power to inspect, license and regulate the sanitary condition of said places and vehicles and to condemn all articles not wholesome or fit for human consumption, and to prohibit and summarily prevent the sale or dispensing of any such condemned articles.
- (2) To define all nuisances and prohibit the same within the City and outside the City limits for a distance of five thousand (5,000) feet; to police all parks or grounds, speedways, or boulevards owned by said City and lying both outside and inside said City; to prohibit the pollution of any stream, draw, drain or tributaries thereof, water deposit and reservoir, whether above or below the ground, which may constitute the source or storage of water supply, and to provide policing of same, to inspect, license and regulate dairies, slaughter pens and slaughterhouses inside or outside the limits of the City from which meat or milk is furnished to the inhabitants of the City; to require property owners to make connection to the sewer system, if and when available, with their premises, and to provide for fixing a lien against the property of owners who fail or refuse to make it a personal liability.
- (3) To provide for the fixing of penalties for failure of any person, firm or corporation or association to comply with any such rules and regulations so prescribed by the City Council under the provisions of this section; it being the intention to vest in the City Council not only the powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health of the City of Seagoville and its inhabitants.

Section 2.15 Police Department

The City shall have the power, by ordinance, to establish and maintain a police department. The head of the police department of said City shall be known and designated as "Chief of Police"; and, the Council shall budget for the personnel and operation thereof.

Section 2.16 Power to Compromise and Settle Claims and Lawsuits

The City Council shall have the power and authority to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the said City, including suits by said City to recover delinquent taxes.

Section 2.17 Contracts

(a) The City may enter into a contract which may bind the City to pay for personal or professional services to be rendered for the performance of a specific act or for a specific period of time for a period of time not to exceed two (2) years, except municipal solid waste and public utilities which may not exceed five (5) years.

(b) The City or anyone authorized by Council may make any contract for goods, materials, services or supplies as authorized by State law, including a contract for the use or purchase or other acquisition of personal property by lease with an option to purchase, an installment purchase, or other form considered appropriate by the City Council, and subject only to applicable Constitutional restrictions, the City Council may obligate taxes or revenues for the full term of contract for the payment of the contract.

Section 2.18 Alcoholic Beverages

(a) No person shall be allowed to sell liquor in all or part of the residential sections of the City.

(b) The City Council may, by ordinance, prohibit the sale of beer in any residential area of the City and/or regulate the sale of beer and prescribe the hours when it may be sold as allowed by State law.

(c) The City Council may, by ordinance, regulate alcoholic beverages as permitted under the Constitution and laws of the state.

Section 2.19 Miscellaneous Powers

The City shall have the power to, among others, establish and maintain ordinances and regulations governing the use of lands within the City and to enforce by all lawful means these ordinances and regulations, within and without its corporate limits. The City shall have the power to authorize, regulate and inspect all construction and existing structures within or without its limits, consistent with State statutes, and to establish and enforce ordinances and regulations concerning their use, construction and reconstruction. The City shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade when authorized by State law. The City shall have all powers, expressed and implied, granted by any section of this Charter, and, under the Constitution laws of the State of Texas.

**ARTICLE III
THE CITY COUNCIL**

Section 3.01 Mayor and City Councilmembers

(a) Composition: The “City Council” shall be composed of a “Mayor” and five (5) at large places “Councilmembers”, and said City Council shall be elected at large by a majority vote. In reference to matters in this Charter that refer to the vote of the City Council, such reference does not include the Mayor unless the voting is permitted in Section 3.05 of this Charter.

(b) Eligibility: Only qualified voters of the City and residing within the respective district as provided herein shall be eligible to hold the office of Council for each district. Only qualified voters residing in the City, as provided herein, shall be eligible to hold the office of the Mayor. No person may be eligible, elected or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date.

(c) Date of Election: The regular election of Councilmembers and Mayor shall be held on the uniform election day in May or on a uniform date as provided by the Texas Election Code.

(d) Runoff: In the event no candidate for a given office shall have received the necessary majority, the City Council shall, at the first regular Council meeting following the completion of the official canvass, call a runoff election to be held in accordance with the requirements of the Texas Election Code, in accordance with the Texas Election Code. At the runoff election, the ballot shall list in that order the names of the two candidates receiving at the first election the first and second highest number of votes for given office. Should one of the candidates withdraw, die or become ineligible, a second election shall not be held and the other shall be declared elected to office.

(e) Term of Office: At the first election under this Charter, the Councilmembers from odd place being 1, 3 and 5 shall be elected for a two (2) year term, At the second election under this Charter, Councilmembers from even-numbered districts, being 2 and 4, and the Mayor shall be elected for a two (2) year term.

(f) An individual shall serve no more than three (3) consecutive two (2) year terms as a Councilmember, excluding the Mayor. If a person is elected to fill more than fifty percent (50%) of an unexpired term, the term shall be considered a full term for reason of calculating term limits.

Section 3.02 Qualifications of City Council

In addition to any other qualifications prescribed by law, the Mayor and each Councilmember shall:

- (1) be residents of the City of one (1) year; and
- (2) have resided in their district for a minimum of one (1) year prior to the date of the election and shall reside in that district during the term of office.

Section 3.03 Compensation

The City Council shall serve without compensation. The City Council shall be entitled to reimbursement for actual reasonable expenses incurred in the performance of official duties. The City Council may, by ordinance or resolution, adopt rules or regulations to govern the reimbursement of a Councilmember for such expenses under this section.

Section 3.04 Mayor and the City Councilmember; Qualifications; How Nominated and Elected; Official Ballot

The names of candidates for City Councilmember and Mayor shall be placed on the official ballot upon the filing of a petition, in accordance with the Texas Election Code, with the City Secretary stating the candidate has resided in the City of Seagoville for a period of at least one (1) year prior to such election. The petition shall be signed, in addition to the candidate, by twenty-five (25) qualified voters residing within the City which the candidate is seeking election. A qualified voter may sign more than one (1) petition of a candidate but in no event shall a qualified voter sign more than one (1) petition for one (1) place. Upon filing, such name shall be printed upon the official ballot. The order in which the names of the candidates for City Council shall appear on the ballot shall be determined by lot, in a drawing held under the supervision of the City Secretary.

Section 3.05 Mayor, Mayor Pro Tem and Deputy Mayor Pro Tem

- (a) The Mayor shall preside at all meetings of the City Council, and shall be recognized as head of the City Government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall not be entitled to vote as a member thereof on all legislative or any other matters except in order to break a tie vote of the City Council. He/she shall sign resolutions/ordinances and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter; and such other documents that he/she may be authorized by Council or by law. The Mayor shall not have power to veto any legislative or other matter.
- (b) The City Council shall elect a Mayor Pro Tem at the first meeting as provided herein.
- (c) The Mayor Pro Tem shall be a Councilmember elected by the City Council at the first regular meeting after each election of Councilmembers and/or Mayor. The Mayor Pro

Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

Section 3.06 Vacancies, Forfeiture and Filling of Vacancies

In the event of a vacancy existing in the office of Mayor or City Council from any cause whatsoever, the remaining members of the City Council shall by a majority vote therefor at a regular meeting elect a member or members to fill the vacancy or vacancies thus existing, and such member or members so elected by the City Council shall serve in such position for the remainder of the unexpired term.

Section 3.07 Duties and Powers of the City Council

(a) The City Council shall have the powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all powers necessary to carry out the terms of this Charter; it being intended that the City Council and Mayor shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by this Charter, the Constitution or laws of the State of Texas.

(b) Any member of the City Council shall have the unabridged right to place an item on the agenda of a duly convened regular meeting of the Council; nothing contained in this Charter shall be construed to limit or circumscribe such right.

(c) During each calendar year, the City Council shall undertake at least one (1) annual and mid-year reviews of the performance of the City Manager, City Secretary, City Attorney and Municipal Court Judge. The City Council may from time to time conduct such additional review as it deems appropriate. The City Manager shall be responsible for implementing annual performance reviews for all other employees of the City, except the City Secretary and other Council appointed positions.

(d) All powers of the City and the determination for all matters of policy shall be vested in the City Council shall have all powers authorized to be exercised by the Constitution and laws of the State of Texas and as set forth in this Charter. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager;
- (2) Appoint and remove the Municipal Judge(s) of the Municipal Court;
- (3) Appoint and remove the City Attorney; and other special legal counsel;
- (4) In consultation with the City Manager; appoint and remove the City Secretary;

- (5) Establish administrative departments;
- (6) Establish an ad valorem tax levy and adopt the budget for the City;
- (7) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs through the City Manager;
- (8) Exercise, individually and collectively, all of the powers and authority as provided in Article II of this Charter.

Section 3.08 Limitations of Authority

(a) Except where authorized by law or by this Charter, Mayor or Councilmember shall not hold any other City office or City employment during his or her term as Mayor or Councilmember. No former Mayor or Councilmember shall hold any compensated appointive office, receive any appointment or City employment with the City until one (1) year after the expiration of the term for which they were elected or appointed to the City Council. No person may be eligible, or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date.

(b) Members of the City Council shall not in any way dictate the appointment or removal of the City administrative officers or employees whom the City Manager or any of the City Manager's subordinates are empowered to appoint. The City Council, at a meeting called for that purpose, may express its views fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(c) Except for the purpose of inquiries and investigations as provided by this Charter, the City Council shall deal with the City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. The City Council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this Charter.

Section 3.09 Investigations by the City Council

The City Council shall have the power to inquire into the official conduct of any department, agency, office, officer or employee of the City. For that purpose, the City Council shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by the ordinance.

Section 3.10 Meetings of the City Council

- (a) Regular Meetings: The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City. The City Council shall fix by ordinance, the date and time of the regular meeting.
- (b) Special Meetings: Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Councilmembers upon provision of public notice in accordance with State law. Notice of any special call meeting of the City Council shall be posted at City Hall, City website and otherwise comply with State law.
- (c) Open Meetings: All meetings of the City Council shall be held in public as provided State law.
- (d) Quorum: Three (3) Councilmember shall constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present. In no event shall any ordinance, resolution or official action be approved except by an affirmative vote of at least three (3) Councilmembers.
- (e) Minutes, Resolutions, Ordinance and Records: Minutes of all proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. All adopted ordinances or resolutions, shall be kept in the archives of the City and shall be authenticated by the signature of the presiding officer and the City Secretary.

Section 3.11 Disaster Clause

In case of disaster when a legal quorum of the City Council cannot be assembled due to multiple deaths or injuries, the surviving members of the City Council, or the highest surviving city official if no elected official remains, must, within twenty-four (24) hours of such disaster, or as soon as practicable, take such action as to ensure the basic health, safety and welfare of the citizens and undertake whatever action is necessary under the laws of the State of Texas to call for a special election. Until such election is held and Council qualified, the remaining members or highest ranking officer if no elected official remains, shall only undertake those actions necessary to protect the basic health, safety and welfare of the citizens which such action may be subsequently ratified by the full City Council.

Section 3.12 Conflict of Interest

- (a) Should any person on the City Council have a conflict of interest, pursuant to any State laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the City Council, he or she shall openly declare same before discussion proceeds, and he or she is thereby prohibited from discussing the item or voting on the question, and it is not considered as present and voting for the purposes of the tally, and must file

appropriate conflict of interest statement with the City Secretary. The City Secretary shall verify with the City Attorney to ensure the required disclosure and/or conflict forms are executed and filed.

(b) The City Council shall adopt rules concerning ethical standards of conduct for governance of meetings and actions as councilmembers.

Section 3.13 Rules of Procedure

The City Council shall adopt, every two (2) years; the latest version of Robert's Rules of Order, and any other rules of order and business; and, the Council may adopt rules to compel attendance of its members. The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be public record and shall be kept and maintained by the person performing the duties of the City Secretary.

Section 3.14 Abstention

All Councilmembers shall vote on any and all matters properly placed on a posted agenda unless there is a conflict of interest under state or local law. A councilmember may remove themselves from consideration of an agenda after disclosure and statement of reason in an open meeting prior to deliberation and voting. Councilmember shall vote on all matters brought before the City Council for determination unless there is a valid conflict of interest or ethical prohibition.

Section 3.15 Passage of Ordinance in General

(a) The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Seagoville...". Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title. General appropriation ordinances, or ordinances authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of any proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for the City Council meeting; and if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

(b) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become

effective only after having been published once in its entirety or by caption form after adoption, in a newspaper designed as the official newspaper of the City.

Section 3.16 Emergency Ordinances

(a) The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter or by State law.

(b) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms.

(c) An emergency ordinance may be introduced at any City Council meetings and can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of at least three (3) Councilmembers shall be required for adoption.

(d) Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists or otherwise in accordance with this Charter or by State law.

Section 3.17 Authentication, Recording, Codification

(a) All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(b) The City Council shall maintain the codification of ordinances of the City. This codification shall be known and cited as "The Seagoville City Code" and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the code shall be furnished to City Officers, placed in City offices and made available for purchase by the public at a reasonable price to be fixed by the City Council.

(c) The City Council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be fixed by the City Council.

Section 3.18 Bond

The City Council shall require bonds of all municipal officers and employees who receive or pay out any monies of the City. The amount of the bonds shall be determined by the City Council and the cost shall be borne by the City.

Section 3.19 Boards and Commissions

(a) The City Council shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commission and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.

(b) The City Council may appoint persons to serve on any boards, commissions or committees. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation but may be reimbursed for actual expenses as approved by the City Council. The City Council may, by an affirmative vote of four (4) council members, waive any requirement that a person may only serve on one (1) board or commission.

(c) All boards, commissions or committees of the City shall keep and maintain minutes if any proceedings held and shall file the minutes or any written report of such proceedings with the City Secretary no more than three weeks following each meeting.

(d) No officer or employee of the City or any person who holds a compensated appointive position or other elective office shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity to that board, commission or committee, except and unless such appointment is provided for in state statute.

(e) No Councilmember shall serve on any board or commission, except the City Council may appoint no more than two (2) members of the City Council to serve on the Seagoville Economic Development Corporation.

(f) No person shall be eligible to serve on any Board or Commission that does not meet the following qualifications:

1. Be a qualified voter within the City at the time of appointment.
2. Not be in arrears on City taxes, utility service charges, or other obligations owed to the City.
3. Have not been convicted of a felony or class A misdemeanor.
4. Not be adverse party to pending litigation against the City.

Section 3.20 Ordinance Now in Effect

All ordinances of the City of Seagoville now in existence and not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the City Council.

Section 3.21 Ordinances; Pleadings of and Admissibility, as Evidence

It shall be sufficient in all judicial proceedings to plead any ordinance of the City by caption without embodying the entire ordinance in the pleadings, and all pleaded ordinances or codes of ordinances shall be admitted in evidence in any suit and shall have the same force and effect as the original ordinance. Certified copies of the ordinances may also be used in evidence in lieu of original ordinances.

**ARTICLE IV
CITY MANAGER**

Section 4.01 City Manager

The City Council shall appoint, upon an affirmative vote of four (4) Councilmembers, a City Manager who shall be the Chief Executive Officer of the municipal government and shall be responsible for the efficient administration of all departments.

Section 4.02 Compensation

The City Manager, when so appointed, shall receive a salary and other compensation as set by the City Council.

Section 4.03 Qualifications of City Manager

The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practices with respect to the duties of his office as hereinafter outlined. No person elected to membership on the Council shall, subsequent to such election, be eligible for appointment as City Manager until (1) year has elapsed following the expiration of the term for which he was elected. Prior to consideration for appointment, the City Council shall first obtain a thorough background review.

Section 4.04 Powers and Duties of City Manager

(a) The City Manager shall hold his office for an indefinite period and shall be suspended or removed at the will and pleasure of the City Council upon an affirmative vote of four (4) members of the full City Council. The action of the Council in suspending or removing the City Manager shall be final, since it is the intention of this section to vest all authority and fix all responsibility for such suspension or removal wholly in the City Council. In no event shall a City Manager be terminated within ninety (90) days after a general election, except for misconduct, malfeasance, or misfeasance.

(b) It shall be the duty of the City Manager to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that the ordinances of the City and the laws of the state are enforced; to make such recommendations to the Council concerning the affairs of the City as may seem to him/her desirable; to execute all contracts as authorized by Council; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate; to prepare and submit to the Council such reports as may be required by that body; attend relevant State and Regional meetings on behalf of the City; and, to network with State organizations and cities for and on behalf of the City and perform such other duties as may be prescribed by this section or required of him by ordinance or resolution of the Council not inconsistent with this section.

(c) The City Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his/her charge, and to that end he/she shall have the power to appoint and remove all officers and employees, unless otherwise provided in this Charter; but the City Manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Appointments made by, or under the authority of, the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in work which they are to perform. All such appointments shall be without definite term unless for provisional, temporary, or emergency service not to exceed the maximum periods prescribed by such regulations as may be imposed under the authority of the Charter.

(d) Any officer or employee appointed by the City Manager, or a head of a department or office, may be removed by the City Manager or other appointing officer at any time and except as otherwise provided herein, the decision of the City Manager or other appointing officer shall be final.

(e) The City Manager shall attend all meetings of the Council, except where excused by the Council, and shall have the right to take part in all discussions, but shall have not vote.

(f) The City Manager may with the advice and consent of the City Council, obtain an independent forensic audit firm to conduct an appropriate inquiry or investigation into allegations of misappropriation of municipal funds by a City employee.

Section 4.05 Official Bond

The City Manager shall give an official bond as established by City Council, payable to the City of Seagoville, conditioned as may be prescribed by resolution or ordinance of the Council. Such bond shall be procured from some regularly accredited surety company, authorized to do business under the laws of the State of Texas, and the premiums to such surety company shall be paid by the City of Seagoville.

**ARTICLE V
OTHER OFFICERS**

Section 5.01 City Secretary

(a) Upon consultation with the City Manager, the City Council, by majority vote, may appoint and remove a City Secretary. He/she shall serve at the pleasure of the City Council and receive such compensation as determined by the City Council. Unless excused by the City Council for good cause, he/she shall attend all meeting of the City Council and keep accurate minutes of its proceedings; he/she shall preserve and keep in order all books, papers, documents, records and files of the City Council of the executive departments. He/she shall keep a record of all commissions and licenses issued and shall countersign the same. He/she shall appoint such assistants and staff as may be approved in the adopted budget of the City. He/she shall have custody of the seal of the City and shall affix sample to such documents and, obligations of the City as he/she may be legally authorized to do. The City Council may adopt such ordinances or resolutions as are necessary to administer and govern such offices.

(b) In no event shall a City Secretary be terminated within ninety (90) days after a general election, except for misconduct, malfeasance or misfeasance.

Section 5.02 City Finance Director

The Finance Director of the City shall be appointed by the City Manager and shall perform the duties of the City Treasurer as imposed by State law or obligation of the City. He/she shall receive for his/her services such compensation as the City Council may fix. He/she shall sign all checks or vouchers given by the City and perform any other duties required by the general laws of the State of Texas and by ordinance adopted by City Council.

Section 5.03 Municipal Court, Creation and Jurisdiction; Fines

(a) The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as are now, or as may be, prescribed by the laws of the State of Texas.

(b) The City Council shall appoint by majority vote of its full membership such Municipal Judges of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. In the event a duly qualified attorney is not available, the City Council shall then select a qualified person to the Municipal Judge. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of his/her term(s) of office. The appointment of the Municipal Judge(s) may be terminated, for cause, at any time by a majority vote of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.

(c) The Clerk and Deputy Clerks of the Municipal Court(s) shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court, and perform all usual and necessary clerical acts in conducting the business of the Court(s) including but not limited to, the keeping of records and accounts of the Municipal Court(s).

(d) All special expenses and fines imposed by the Municipal Court(s) shall be paid into the City Treasury for the use and benefit of the City, as may be consistent with present and future laws.

Section 5.04 City Attorney

(a) Appointment and Qualification: The City Council, in consultation with the City Manager, shall appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas who shall serve as the City Attorney. In no event shall a City Attorney be terminated within ninety (90) days after a general election, except for misconduct, malfeasance or misfeasance.

(b) Removal: The City Attorney shall serve at the pleasure of the City Council and as such shall have no property right to continued employment.

(c) Duties: The City Attorney shall be required to:

- (1) Serve as a legal advisor to the City Council and City Manager.
- (2) Represent the City in litigation and legal proceedings as directed by the City Council and City Manager.
- (3) Review and provide opinions as requested by the City Council and/or City Manager on contracts, legal instruments and ordinances of the City.

(d) Compensation: The City Attorney shall receive compensation as may be determined by the City Council.

(e) Additional Attorneys: The City Attorney, with approval of the City Council, may select additional attorneys to act for and on behalf of the City as its legal counsel for representation and litigation.

(f) Firm may designate individual to serve as City Attorney: The City Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm to serve as City Attorney.

ARTICLE VI FINANCE

Section 6.01 Powers of Taxation

(a) The Council shall have the power to levy, for general purposes, and ad valorem tax on real, personal, and mixed property within the territory of the City of Seagoville, not exempt from taxation by the Constitution, and laws of the State of Texas, based upon its true value as provided by law to the extent of the constitutional limit permitted by the State of Texas to cities.

(b) The Council may levy taxes on all property, privileges and franchises of every kind of description within the City limits or having its situs therein on January first of each year, and from any other local source. The place, time and manner of payment thereof, with costs and penalties, shall be established by the Council as it determines, not in violation of the laws of this State.

Section 6.02 Payment of Taxes

The taxes herein and hereby authorized to be levied shall become due and payable October first of the year assessed, and same shall be payable in cash, credit, debit or clearing house funds, at the office of the Assessor and Collection of Taxes or such other office as the City may, by ordinance, prescribe.

Section 6.03 Delinquent Taxes

(a) Taxes shall be deemed and become delinquent if not paid prior to February first of the year following assessment, and such delinquent taxes shall be subject to the penalties and collection procedures authorized by State law.

(b) Such delinquent taxpayer shall be subject to the payment of all costs and expenses incurred in the advertisement of such delinquent property and the collection of such taxes through any method provided by this Charter and/or the laws of the State of Texas. Such penalties and interest shall be an obligation of the taxpayer and be secured by the same lien and collected in the same manner as other taxes.

Section 6.04 Tax Lien and Liability

(a) A special lien is hereby created on all real, personal and mixed property, located in the City of Seagoville, in favor of the City of Seagoville, for all taxes, ad valorem, occupational or otherwise. Said lien shall exist from the date of delinquency in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, of judicial writ of any kind, can ever defeat such lien, but the Assessor and Collector of Taxes can pursue such property, and whenever found may, by judicial writ, seize and sell enough thereof to satisfy such taxes.

(b) All persons or corporations owning real, personal or mixed property on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year.

Section 6.05 Budget

The City Manager, as the Budget Officer, shall, in accordance with State law, prepare each year a municipal budget to cover the proposed expenditures of the City for the succeeding fiscal year. Such budget shall be prepared in conformity with the provisions of State law, together with any amendments thereto enacted. No public money shall ever be spent or appropriated, except in case of an emergency or public calamity, unless funds are currently in the possession of the City to cover said expenditures or appropriations. No expenditures shall ever be made by the City except upon checks drawn upon the account, for which a previous appropriation shall have been made, signed by the Mayor and City Manager or designee. Such budget shall, upon and after presentation, be presented to the Council and the public, in an open, called meeting for the purpose in accordance with State law. A proposed or preliminary budget shall be filed with the City Secretary and City Council for public review on a date established by State law and by rules adopted by the City Council. If, by the first day of October, the City Council has not adopted a budget, the budget from the preceding year shall remain in effect until such time as the Council adopts a budget, but such adoption shall be no later than the second regular meeting in October.

Section 6.06 Audit and Examination of the City Books and Accounts

The City Council shall cause audits annually to be made of the books of accounts of each and every department of the City. Such audits shall be made by a competent public accountant who shall be selected by the City Council, and a contract entered into from year to year; and such contract shall provide that the books of the City shall be audited at least annually and such auditor's report to the City Council shall be available to the public or for publication.

Section 6.07 Emergency Measures Defined

An emergency measure is an ordinance for the immediate preservation of the public business, property, health or safety, or providing for the usual daily operation of municipal departments, in which the emergency is set forth in such ordinance.

Section 6.08 Depository

The City Council is authorized to select a depository for City funds in accordance with Chapter 105 of the TEXAS LOCAL GOVERNMENT CODE, as amended, not to follow all the terms and provisions of the same.

Section 6.09 Occupation Tax

The City Council shall have the power to levy and collect taxes upon trades, professions, callings or other business carried on to the full extent permitted by the general laws of the State of Texas, to prescribe penalties for nonpayment thereof, and to regulate the operation of any business, trade or calling or profession.

Section 6.10 Contract for Collection of Delinquent Taxes

The City Council shall have the power to contract with any attorney-at-law for the collection of delinquent taxes owing the City.

**ARTICLE VII
RECALL**

Section 7.01 Scope of Recall

Any elected City official shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetency, misconduct, misfeasance or malfeasance. The following definitions shall apply:

Incompetent. Lack of ability, legal qualifications or fitness to discharge the required duty.

Malfeasance. The commission of some act which is positively unlawful or wholly wrongful.

Misconduct. A transgression of an established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior, willful in character, which is improper or wrong behavior; it being [sic] synonyms being misdeed, misbehavior, delinquency, impropriety, mismanagement but not negligence or carelessness.

Misfeasance. The wrongful and injurious exercise of lawful authority by which another person is injured.

Section 7.02 Petitions for Recall

The Mayor or any other member of the City Council may be removed from office in the following manner by the electors qualified to vote for a successor of such incumbent:

- (1) When an affidavit, signed by one or more qualified voters, naming the member being recalled, and stating specific grounds for the recall, is presented to the City Secretary, he/she shall mark the affidavit with the date received and retain it for office files.
- (2) Within three (3) days after receiving the affidavit for recall, the City Secretary shall prepare and have available at City Hall for delivery to persons signing the affidavit petition forms which shall be addressed to the City Council and bear the seal of the City Secretary. The petition form shall name the member intended to be recalled, set forth the grounds for the recall as they appear on the affidavit, and provide space for the printed names, addresses, dates of birth and signature. The City Secretary may provide space for any other information or format helpful in certifying a person as a qualified voter, but the absence of said information shall not invalidate the petition. Persons accepting delivery of the petition forms shall acknowledge delivery by signing a receipt bearing the date of delivery. Said receipt shall be retained by the City Secretary for office files. Petitioners must take delivery of the prepared petition forms within three (3) working days of notification that they are available.
- (3) The petition must be signed by persons entitled to vote for a successor to each member sought to be removed as follows:
 - (a) Thirty (30%) percent of the persons that actually voted in the municipal election for Mayor, if the recall petition be for the Mayor; and
 - (b) Thirty (30%) percent of the persons that actually voted in the municipal election of the Councilmember sought to be recalled.
- (4) Within thirty (30) days of the delivery date, the signed petition must be filed with the City Secretary for verification. If the petition is not filed within the prescribed delivery period, it shall be invalid. Petitions on forms other than those provided by the City Secretary shall be invalid. If a request is made within the original thirty (30) day period, the City Secretary shall provide additional petition forms promptly on request of the initiators of the recall.
- (5) Each signer of a recall petition shall sign his/her name in ink or indelible pencil, shall print his/her name, and shall provide such other information as may be required on the petition form to verify voter eligibility.

Section 7.03 Form of Recall Petition

The recall petition mentioned above must be addressed to the Council of the City of Seagoville, must, as provided for in the Affidavit for recall, distinctly and specifically point out the factual basis and grounds upon which such petition for removal is predicated, and, if there be more than one ground, shall specifically state each ground with such detail and certainty as to give the

officer sought to be removed notice of the matters and things with which he/she is charged. Signatures on the petition shall be verified by oath in the following form:

We, the undersigned qualified voters of the City of Seagoville hereby demand that the question of removing _____ from the City Council be submitted to a vote of the qualified voters.

Name (printed)

Residence of Address (street and number)

Voter Registration Certificate Number (optional)

Signature

Date

STATE OF TEXAS
COUNTY OF DALLAS

_____ being duly sworn, deposes and says that he is the circulator of the foregoing petition paper and that the signatures that were made in his presence and are genuine signatures of the persons whose names they purport to be.

Signed _____

Subscribed and sworn before me this _____, day of 20__.

Notary Public in and for State of Texas

Section 7.04 Various Papers Constituting Petition

The petition may consist of one or more copies, circulated separately, but the signatures thereto shall be upon the paper or papers containing the form of petition. Verifications provided for in Section 7.03 of this Article may be made by one or more petitioners. All papers comprising a recall petition shall be assembled and filed with the City Secretary as one (1) instrument on the same day, and said City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his/her Seagoville address. Within ten (10) days of the date of filing of a recall petition, the City Secretary shall determine the sufficiency thereof and attached thereto a certificate showing the result of his examination. If he/she shall certify that the petition is insufficient he/she shall set forth in the certificate the particulars in which it is defective and shall at once notify the petitioners of the original affidavit for recall by registered mail at his/her Seagoville address. The finding of the insufficiency of a recall petition shall not prejudice the filing of a new petition for the same purpose subject to the provisions of Section 7.11 of this Article.

Section 7.05 Presentation of Petition to the Council

Within fourteen (14) business days after the date of the finding of sufficiency of the papers constituting the recall petition, the person performing the duties of the City Secretary shall place on the agenda such petition for presentation at the next regularly convened meeting of the City Council

Section 7.06 Public Hearing to be Held

The officer whose removal is sought may, upon presentation of such petition at a convened meeting of the City Council, request that a public hearing be held to permit him/her to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall thereafter order such public hearing to be held, not less than five (5) business days but not more than ten (10) business days after receiving such request for public hearing.

Section 7.07 Election to be Held

If officer whose removal is sought does not resign within five (5) business days after the presentation of the petition at a convened meeting of the City Council, or in the event of a public hearing, within five (5) business days after the closing of the public hearing, then it shall become the duty of the Council to order an election and fix a date for holding such recall election in accordance with the uniform election dates as provided in the Texas Election Code, as amended.

Section 7.08 Ballots in Recall Election

Ballots used at recall elections shall conform to the requirement of the Texas Election Code, as amended, in substantially the following form:

“[] For the recall of (name of Mayor or Councilmember)”

“[] Against the recall of (name of Mayor or Councilmember)”

The voter, by striking out either of these propositions, may indicate his vote for the one not so stricken out. Under the propositions shall appear the word “candidates” and the direction “vote for one,” and beneath this the names of the candidates nominated as herein provided. The person whose recall is sought shall not have his name printed on the ballot as a candidate. Except that the space left for the names and dates shall be filled by the correct names and date, the ballots used in a recall election shall be in a form substantially as follows:

RECALL ELECTION

City of Seagoville

(Month and Day of Month)

For the recall of _____

Against the recall of _____

CANDIDATES

Vote for One

Except as provided in the section, ballots used in recall elections shall comply with the provisions of this Charter regarding ballots for a regular municipal election.

Section 7.09 Result of Recall Election

If a majority of the votes cast at a recall election shall be "No," that is, against the recall of the person named on the ballot, he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before. If a majority of the votes cast at such an election be "Yes," that is, for the recall of the person named on the ballot, he/she shall be deemed removed from office and the vacancy created be filled as vacancies in the Council are filled due to disqualification's or death as provided in this Charter.

Section 7.10 Multiple Recalls Allowed at Same Election

The question of recalling any number of members of said City Council may be submitted at the same election, but as to each member whose removal is sought, a separation petition shall be filed and there shall be an entirely separate ballot.

Section 7.11 Recall, Restrictions Thereon

No recall petition shall be filed against any officer of the City within six (6) months after his/her election, nor within six (6) months after the filing of a previous petition for recall, nor within six (6) months of the end of the term for the officer sought to be recalled.

Section 7.12 Failure of the Council to Call an Election

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

Section 7.13 General Power of Initiative and Referendum

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

- (a) Initiative. Such power shall not extend to the budget or capital program or any ordinance not subject to initiative as provided by State law, relating to appropriation of money, issuing of bonds, levying of taxes or salaries of City officers or employees.
- (b) Referendum. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance no subject to referendum as provided by State law, relating to appropriation of money, issuing of bonds or levying of taxes.

Section 7.14 Initiative and Referendum

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate or, if within thirty (30) days after final passage, repeal legislation through referendum by submitting an affidavit which requests the submission of a proposed ordinance or resolution, or an ordinance or resolution repealing any such ordinance or resolution, as set forth below:

- (1) When an affidavit, signed by one or more qualified voters, outlining and stating a specific ordinance or resolution being sought or repealed, is presented to the City Secretary, he/she shall mark the affidavit with the date received and retain it for office files.
- (2) Within three (3) business days after receiving the affidavit for initiative or referendum, the City Secretary shall prepare and have available at City Hall for delivery to persons signing the affidavit petition forms which shall be addressed to the City Council and bear the seal of the City Secretary. The petition form shall provide space for the printed names, addresses, dates of birth

and signatures. The City Secretary may provide space for any other information or format helpful in certifying a person as a qualified voter, but the absence of said information shall not invalidate the petition. Persons accepting delivery of the petition forms shall acknowledge delivery by signing a receipt bearing the date of delivery. Said receipt shall be retained by the City Secretary for office files. Petitioners must take delivery of the prepared petition forms within three (3) business days of notification that they are available.

(3) Said petition must be signed by thirty percent (30%) of the number of votes cast at the last regular Mayoral election, and each copy of the petition shall have attached to it a copy of the legislation being proposed or repealed. The petition shall be signed in the same manner as recall petitions are signed, as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Within ten (10) days of the date of filing of a recall petition, the City Secretary shall determine the sufficiency thereof and attach thereto a certificate showing the result of his examination. If he/she shall certify that the petition is insufficient he/she shall set forth in the certificate the particulars in which it is defective and shall at once notify the petitioners of the original affidavit for recall by registered mail at his/her Seagoville address.

(4) Within thirty (30) days of the delivery date, the signed petition must be filed with the City Secretary for verification. If the petition is not filed within the prescribed delivery period, it shall be invalid. Petitions on forms other than those provided by the City Secretary shall be invalid. If a request is made within the original thirty (30) day period, the City Secretary shall provide additional petition forms promptly on request of the initiators of the recall.

(5) Within fourteen (14) days after the date of the finding of sufficiency of the papers constituting the petition for initiative or referendum, the person performing the duties of the City Secretary shall place on the agenda such petition for presentation at the next regularly convened meeting of the City Council.

(6) Upon presentation to the City Council, it shall become the duty of the City Council within two (2) regularly scheduled City Council meetings after the receipt thereof, to adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to repeal, if that be the case, the ordinance or resolution. If the City Council does not adopt or repeal, whichever the case, the ordinance or resolution, then it shall be the duty of the City Council to order an election and fix a date for holding such election in accordance with the uniform election dates as provided in the TEXAS ELECTION CODE, as amended. Unless otherwise provided by law, any election for an initiative or referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

Section 7.15 Suspension of Ordinances or Resolutions While Subject to Referendum

Pending the holding of such election as provided for in the Article, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

Section 7.16 Voluntary Submission of Legislation by the City Council

The City Council, upon its own motion and by the vote of three-fourth (3/4) of the full membership of the City Council, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, or resolution, or measure, in the same manner and with the same force and effect as provided in this Article for submission of petition, and may at its discretion call a special election for this purpose.

Section 7.17 Form of Ballots

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

“For the Ordinance” or

“Against the Ordinance” or

“For the Resolution” or

“Against the Resolution”

Section 7.18 Publication of Proposed and Referred Ordinances

The person performing the duties of City Secretary of the City shall publish at least twice in the official newspaper of the City the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required by law in municipal elections and by the ordinance or resolution calling said election.

Section 7.19 Adoption of Ordinances

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

Section 7.20 Inconsistent Ordinances

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes “For the Ordinance” or “For the Resolution” shall prevail.

Section 7.21 Ordinances Passed by Popular Vote, Repeal or Amendment

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

Section 7.22 Further Regulations by the City Council

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

Section 7.23 Franchise Ordinances

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

Section 7.24 Failure of the City Council to Call an Election-Initiative or Referendum

In case that all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the initiative or referendum petition, or order such initiative or referendum election, or discharge any other duties imposed on the City Council by provisions of this Charter with reference to such initiative or referendum, then the District Judge of Dallas County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the City Secretary or by the City Council.

ARTICLE VIII

BONDS, WARRANTS AND OTHER EVIDENCE OF INDEBTEDNESS

Section 8.01 Right to Issue Bonds, Etc.

In keeping with the Constitution of Texas, and not contrary thereto, the City of Seagoville shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidence of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the general laws of the State of Texas.

Section 8.02 General Laws of Texas

Bonds and warrants of the City of Seagoville shall be issued in the manner provided by the general laws of Texas applicable to cities and towns.

**ARTICLE IX
GENERAL PROVISIONS**

Section 9.01 Qualified Voter

A “qualified voter” means a person who is qualified under the provisions of Section 11.002 of the Texas Election Code, except as herein elsewhere defined within the meaning of the terms of this Charter.

Section 9.02 Jurors

In any action or proceeding in which the City of Seagoville may be party at interest, no person shall be an incompetent judge, justice, witness or juror by reason of his/her being an inhabitant, freeholder or taxpayer of the City of Seagoville.

Section 9.03 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager or other City employee shall be employed by or contracted with for the City. This shall not apply to the following:

- (1) Any person continuously employed or contracted six (6) months prior to election or appointment of Mayor, Councilmember or City Manager, or
- (2) Any person who is a seasonal employee or intern of the City.

Section 9.04 Public Act

This Charter shall be deemed a public act and judicial notice shall be taken thereof in all courts.

Section 9.05 Amendments and Charter Review

(a) This Charter may be amended at any time in accordance with the provisions applicable thereto contained in Chapter 9 of the TEXAS LOCAL GOVERNMENT CODE or any amendment thereto or any amendments in that may be made hereafter thereto. This Charter may be amended no more than once every two (2) years as provided by the laws of the State of Texas.

(b) The City Council shall appoint a Citizens Charter Review Commission not less than every six (6) years, with the Mayor and each Councilmember selecting two (2) members for appointment. Such Commission shall review the Charter and make recommendation to the City Council as to any necessary amendments.

Section 9.06 Effect of Any Provisions Hereof Being Declared Invalid

If any provision of this Charter violates any statutes of the Constitution of the State of Texas, or if any court holds such provisions for naught for any reason, the remaining provisions shall not be affected thereby and shall continue in effect.

**ARTICLE X
FRANCHISES, PRIVILEGES AND LICENSES**

Section 10.01 Franchises

(a) The right to control, easement, use and ownership of and title to the streets, highways, public thoroughfares and property of the City, its avenues, parks, bridges and all other public places and property, are hereby declared to inalienable except by ordinance duly passed by a majority of all members of the City Council, and no grant of any franchise or lease, or right to use the same, either on, through, along, across, under or over the same, by any private corporation, association or individual shall be granted by ordinances by the City Council for a longer period than twenty (20) years unless submitted to the vote of the legally qualified voters of the City; provided, however, that when any application is made for any greater grant of franchise, lease, right or privilege by any person or corporation, the Council shall submit it, at an election called for that purpose, the expense of which shall be borne by the applicant, and if the majority of the votes cast at said election shall be in favor of making the grant as applied for, said grant shall be made for a term of years as specified in the ordinance calling said election.

(b) The City Council may, of its own motion, submit any franchise application to an election at which the people shall vote upon the proposition therein submitted, the expense of such election to be borne by the applicant.

(c) No franchise shall ever be granted until it has been approved by a majority of the City Council, after having been read in full at two (2) regular meetings of the City Council, nor shall any such franchise, grant or privilege ever be made unless it provided for adequate compensation or consideration therefor to be paid to the City.

(d) The City Council may, by ordinance or resolution passed by a majority vote, grant such other licenses or permits or privileges for use such property as it deems to be in the public interest and benefit.

Section 10.02 Obligations of Franchisee

Every such franchise or grant shall make adequate provision, by way of forfeiture of the grant or otherwise, to secure efficiency of public service at reasonable rates and to maintain the property devoted to the public service in good repair throughout the term of the grant of said franchise.

Section 10.03 Exclusivity Prohibited

No franchise grant shall ever be exclusive.

Section 10.04 Forms, Method of Accounting Prescribed

The City Council may prescribe the forms and methods of the keeping of accounts of any grantees under franchise, provided that the forms and methods of keeping such accounts have not already been prescribed by a state or federal agency.

**ARTICLE XI
MISCELLANEOUS**

Section 11.01 Acquisition of Property

The City of Seagoville shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation or otherwise, any character of property authorized by law to be used for public purposes, within or without its municipal boundaries, including any charitable or trust funds.

Section 11.02 Public Property Exempt for Execution

No public property or any other character of property owned or held by the City of Seagoville shall be subject to any execution or attachment of any kind or nature.

Section 11.03 City Funds Not Subject to Garnishment

No funds of the City of Seagoville shall be subject to garnishment, and the City of Seagoville shall never be required to answer to a garnishment proceeding.

Section 11.04 Liability for Negligence

(a) The City of Seagoville shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts or sidewalks being out of repair because of negligence of said corporation unless the same shall have remained so for ten (10) days after special notice in writing is given to the Mayor and City Council.

(b) The City of Seagoville shall not be liable to any person for damages sustained in any park, playground or public building belonging to said City or because of any apparatus, furnishings, fixtures or improvements thereon or thereupon situated being defective or out of repair unless the same shall have remained so for ten (10) days after special notice in writing is given to the Mayor and City Council.

(c) Before the City of Seagoville shall be liable for any personal injury or death or for claims for damages or injury to real or personal property alleged to have been caused by the negligent act or omission of any officer, agent or employee of the City, the person who has been injured, the person who may have a cause of action under the law by reason of such death or injury, the person whose property has been injured or damaged, or someone on his/her behalf, shall file a claim in writing with the City Secretary within six (6) months after said injury, death or damage has occurred, stating specifically when, where and how the injury, death or damaged occurred, the full extent thereof, the amount of damages claimed or asserted, and the basis of liability on the part of the City. The person giving notice under this section shall give the address of every place that he/she has resided during the last six (6) months prior to the injury, death or damage and shall subscribe his/her name thereto. Neither the Mayor, City Councilmember, City Manager, City Secretary, City Attorney nor any other officer or employee of the City shall have authority to waive any or the provisions of this section, but the same may be waived by unanimous vote of the City Council made and passed before the expiration of said six (6) month period.

Section 11.05 Not Required to Give Bond

It shall not be necessary in any suit or proceeding in which the City of Seagoville is a party for any bond, undertaking or other security to be demanded or executed by or on behalf of the City in any of the State courts, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond had been given, and the City of Seagoville shall be liable as if the security or bond had been duly executed.

Section 11.06 Right of Eminent Domain

The City of Seagoville shall have the right of eminent domain for public purposes whenever the governing authority, shall deem it necessary; and to take any private property, within or without the City for any municipal purposes that may be authorized by law. The power herein granted for the purpose of acquiring private property shall include, but not exclusively, the power of improvement and enlargement of water works, including water supply, riparian rights, standpipes, water sheds, dams, the construction of supply reservoirs, wells, parks, squares, pleasure grounds, and airports, and for the purpose of strengthening or improving the channel of any stream, branch, draw or drain, or the straightening or widening or extension of any street, alley, avenue, boulevard or other public highway. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of this State or in the manner and form that may be provided by ordinance of the City Council. The power of eminent domain hereby conferred shall include, the right of the governing authority of the City, when so expressed,

to take the fee in the land so condemned, and such power or authority shall include the right to condemn public property for such purpose.

ARTICLE XII CONSTRUCTION

Section 12.01 Interpretation

In interpreting the provisions of this Charter, the same should be construed as broadly as permitted under State law and the TEXAS CONSTITUTION to grant authority and not to limit authority.

Section 12.02 Use of Words

The use of the singular number includes the plural, and the plural the singular, and words used in the masculine gender include the feminine also, unless by reasonable construction, it appears that such was not the intention of the language.

Section 12.03 Codification and Organization

The City Council may by Ordinance provide for the codifying, organizing, arranging and numbering of any sections not approved by the voters, provided that such codifying, organizing, arranging and numbering in no way alters the wording or intent of those sections.