



City Charter

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PREAMBLE

We, the Citizens of Keene, Texas, dedicated to the principle of local self-government, under law, as interpreted by the light of reason, and administered to secure justice, do invoke the guidance of God in establishing a municipal government and do hereby ordain and establish this Home Rule Charter in accordance with the statutes of the State of Texas; and we do hereby declare the residents of the City of Keene, in Johnson County, Texas, living within the legally established boundaries of said City, to be the Citizens of a political subdivision of the State of Texas incorporated forever under the name and style of the “City of Keene” with such powers, rights, and duties as are herein provided.

ARTICLE I FORM OF GOVERNMENT AND BOUNDARIES

SECTION 1.01: INCORPORATION

The citizens of the City of Keene, Johnson County, Texas, do hereby declare that the City of Keene is incorporated as a political subdivision of the State of Texas under the name of “City of Keene,” hereinafter referred to as the “City,” and with the duties, rights, and powers provided in this Charter and State law.

SECTION 1.02: FORM OF GOVERNMENT

- A. The City government shall be a “Council-Manager Government.” Pursuant to the provisions of and subject only to the limitations imposed by this Charter and by the state constitution and statutes, the City Council shall be vested with all the powers of the City.
- B. The City Council shall be composed of a Mayor and six (6) Council Members elected under a geographic ward and an at-large place system. The Mayor and each Council Member shall be elected at large and, unless sooner removed under the provisions of this Charter, shall serve a term of two (2) years and until their successor has been elected and duly qualified.
- C. The City shall be divided into three (3) geographic wards, consisting of Wards I, II and III, and three (3) places, consisting of Places 1, 2 and 3. Wards I and III, and Place 2 shall be elected in odd-numbered years, and Ward II, Places 1 and 3, and the Mayor shall be elected in even- numbered years. The three (3) City Council wards shall be defined by ordinance, and the boundaries thereof shall be subject to periodic review by the City Council to ensure equal voting rights for all citizens under state and federal law. City Council ward boundaries shall be redefined by ordinance to compensate for any significant change in population within a given ward. Each Council Member representing a City Council ward must at the time of his or her election and during the term of office reside in the ward which he or she represents. Each Council Member representing a City Council place must reside in the City at the time of his or her election and during the term of office reside in the City, and may reside in any part of the City.

SECTION 1.03: BOUNDARIES

The boundaries of the City shall be the ones that exist when this Charter is adopted and shall remain in effect until changed.

SECTION 1.04: CHANGE OF BOUNDARIES

The City Council may annex territory lying adjacent to the City in accordance with State law. The City Council may disannex territory within the City and/or exchange territory with other cities and towns in accordance with State law.

**ARTICLE II
RIGHTS AND POWERS OF THE CITY**

SECTION 2.01: GENERAL

The City shall have all the rights and powers granted to municipalities and cities under the general laws, and all the rights and powers of self-government that now exist or may hereafter be granted to Home Rule municipalities by the Constitution and the general and special laws of the State of Texas, together with all the rights and powers so granted as fully and completely as though they were enumerated in this Charter. Such rights and powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by applicable State law or by this Charter, and when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the City Council. This Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and not as a limitation of power on the government of the City in the same manner as the Constitution of Texas is construed as a limitation on the powers of the legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent of the people of the City to expressly grant to the City shall be construed to be granted to the City by this Charter.

SECTION 2.02: CONSTRUCTION AND SEVERABILITY

In the event of conflict between the City and other governmental agencies or bodies, corporations, or individuals, the specific mention of particular rights or powers in this Charter shall not be construed as limiting in any way the general rights or powers stated in this Article. In addition, should any phrase, clause, sentence, or provisions of this Charter be declared invalid by a court of competent jurisdiction, the validity and applicability of the remainder of this Charter shall not be affected.

SECTION 2.03: ENUMERATED POWERS

- A. To enact, establish, and enforce codes, licenses, and ordinances for the maintenance of just government and the interest and well-being of its inhabitants.

- B. To cooperate with the government of the State of Texas, or any agency or political subdivision thereof, and the government of the United States or its agencies, for any lawful purpose for the advancement of the interest, safety, convenience, and welfare of its inhabitants.
- C. To exercise the right of eminent domain, the right to regulate in the extraterritorial jurisdiction, and to have exclusive dominion over all public property in any manner permitted by the Constitution and the laws of the State of Texas.
- D. To contract and be contracted with, to sue, buy, sell, lease, mortgage, hold, manage, and control such property as its interests require.
- E. To establish, maintain, improve, alter, abandon, or vacate public streets, rights-of-way, sidewalks, alleys, squares, parks, and other public ways and to police the use thereof.
- F. To construct and maintain, within its corporate limits, streets, flood control facilities, sanitary, sewer, water and storm drainage facilities in, over, under, or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements.
- G. The City Council, consistent with State law, may by ordinance give the Mayor, or the Mayor's designate, emergency power in cases of any malignant, infectious, or contagious disease or epidemic that is prevalent in the City or probably will become so; or in case of public calamity arising by reason of flood, hurricane, tornado, fire, or other disaster, the Mayor may be given the power to take all steps and use all measures necessary to avoid, suppress, or mitigate such disease and relieve distress caused by flood or resulting from tornado, hurricane, fire, or other disaster. The City Council shall prepare and maintain an emergency action plan which shall comply with State law and which shall include, but not be limited to, the following:
 - a.) Chain of Command,
 - b.) Emergency purchases,
 - c.) Emergency ordinance, and
 - d.) Conditions for declaration of an emergency.

SECTION 2.04: TRANSFER OF RIGHTS, POWERS, AND OBLIGATIONS

- A. The City shall succeed to all rights, claims, actions, orders, contracts, and legal or administrative proceedings pending or in process at the effective date of this Charter, except as modified pursuant to the provisions herein; and each matter shall be maintained, carried on, or dealt with by the City as appropriate under this Charter.
- B. All City ordinances, resolutions, orders, and regulations in force on the date this Charter or any Charter amendment becomes fully effective are repealed to the extent that they are inconsistent or interfere with the operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Texas

permit, all laws governing this City or its agents, officers, or employees at the time this Charter or any Charter amendment becomes fully effective are superseded and void to the extent that they are inconsistent or interfere with the operation of this Charter or of ordinances or resolutions adopted pursuant hereto.

ARTICLE III THE CITY COUNCIL

SECTION 3.01: CITY GOVERNMENT

The governing body of the City shall be known as the “City Council of the City of Keene,” hereinafter referred to as the “City Council.” The City Council shall be composed of a Mayor and six (6) Council Members. The terms “Mayor” and “Council Member” are distinct terms and the Mayor is not considered a Council Member unless expressly designated as such in a particular Charter provision.

SECTION 3.02: EXPENSE REIMBURSEMENT

Each Member of the Council and the Mayor shall receive as compensation for services the sum of \$10.00 for each scheduled meeting of the Council duly attended. The Mayor shall receive a monthly expense allowance of \$50.00. In addition to the above, the City shall, upon receiving receipts and other appropriate documentation for authorized expenditures, reimburse the Members of the City Council and the Mayor for other necessary expenses incurred by them in the performance of their official duties. All activities that require reimbursement must have approval of the Council.

SECTION 3.03: MAYOR AND MAYOR PRO TEM

The Mayor shall sign all contracts and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter. The Mayor shall be recognized as the official head of the City by the court for the purpose of serving civil process, by the governor for the purpose of enforcing military law, and for all ceremonial purposes. The Mayor shall preside at City Council meetings, and shall be recognized as head of the City government. As a Member of the Council, the Mayor may participate in the discussion of all matters coming before the Council, but shall be entitled to vote only in case of a tie upon all affairs considered by the Council, and shall have no veto power. The Mayor, at the City Council meeting in which election results are canvassed and new elected officials are sworn, shall make one (1) nomination for Mayor Pro Tem and the City Council shall elect one of its Members Mayor Pro Tem to serve a one (1) year term. Should the City Council not elect the member nominated by the Mayor, the City Council may appoint a Mayor Pro Tem by selecting one of its members without the Mayor’s nomination. The Mayor Pro Tem shall act as Mayor in the absence of the Mayor and shall have the same duties and powers as the Mayor when doing so. The Mayor Pro Tem shall retain the right to vote as a Council member. All legal documents shall be served to the Mayor, City Manager, and/or City Secretary.

SECTION 3.04: GENERAL DUTIES AND POWERS

Except as otherwise provided by law or by this Charter, all powers of the City shall be vested in the City Council. The City Council shall exercise these powers to ensure the performance of all

duties and obligations imposed on the City by law and by this Charter. Specifically, the City Council is provided with, but not limited to, the following powers:

- a.) To enact municipal legislation.
- b.) To appoint and remove all persons appointed by the City Council. *See also* Charter Section 7.01.
- c.) To set the compensation of all appointed City officers.
- d.) To establish operating policy.
- e.) To establish the boundaries of the City.
- f.) To establish salary structures for each job classification.

SECTION 3.05: PROHIBITIONS

- A. *Holding other office.* Except where authorized by law, no Member of the City Council, including the Mayor, shall hold any other City office or employment with the City during the term for which the Council Member or Mayor was elected to the City Council. No former member of the City Council shall hold any compensated appointed City office or employment with the City for a period of two (2) years after the expiration of his or her term of office. Council Members and the Mayor shall not hold any other public office except that of Notary Public, member of the National Guard or any military reserve, or any public office to which they may be appointed because said office is required to be filled by a member of the legislative body of the City. This latter provision is specifically designed to validate appointments such as memberships on regional boards, committees, or commissions which require that representatives be appointed from each member, City, or jurisdiction.
- B. *Appointments and Removals.* Neither the City Council nor any of its Members, which shall include the Mayor, shall, in any manner, dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint.
- C. *Interference in Administrative Matters.* Except for the purpose of inquiry or investigation, the City Council, which shall include the Mayor, shall deal with the administrative departments and the personnel of these departments solely through the City Manager. Neither the City Council nor any Member shall give an order, either publicly or privately, to any subordinate of the City Manager. The City Manager may by written directive, filed with the City Secretary, designate a qualified City employee to exercise the powers and perform the duties of the City Manager during the City Manager's temporary absence or disability. In the absence of the City Manager filing a written directive with the City Secretary, or in the event that the City Manager's temporary absence or disability exceeds thirty (30) days, the City Council may appoint a person to perform the duties of City Manager until the City Manager shall return or such disability shall cease.

SECTION 3.06: VACANCIES AND FORFEITURE OF OFFICE

- A. *Vacancies.* The office of a Council Member and Mayor shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter. All vacancies shall be filled in accordance with Article IV of this Charter.
- B. *Forfeiture of Office.* A Council Member or the Mayor shall forfeit office if the official:
1. During the term of office lacks at any time any qualifications for the office prescribed by law or by this Charter.
 2. Violates any express prohibition of this Charter as determined by the City Council. The matter requires an affirmative vote of at least four (4) Council Members.
 3. Fails to attend three (3) consecutive regular meetings of the City Council without consent of the City Council.
 4. Fails to attend four (4) regular Council meetings during any one quarter.
 5. Is convicted of a felony or a misdemeanor crime of moral turpitude while in office.
 6. Ceases to reside in the ward to which elected, if elected to a ward, or ceases to reside in the city, if elected to a place or to the position of Mayor.
 7. Commits two or more willful violations of the City's adopted Code of Conduct (Ord. No. 2024-668), as may be amended, excluding any violation of the City's adopted City Council Rules of Order and Procedure, as may be amended.
- C. *Determination of Forfeiture.* The City Council shall be the final judge in matters involving forfeiture of office by a Council Member or the Mayor.

SECTION 3.07: INVESTIGATIONS

The City Council may investigate the affairs of the City and the official conduct of any City department, office, or agency. For this purpose, the City Council may as allowed by law subpoena witnesses, administer oaths, take testimony, and compel the production of all pertinent evidence. Any person who fails or refuses to obey a lawful order issued by the City Council shall be guilty of a misdemeanor as provided by ordinance.

SECTION 3.08: MEETINGS OF THE CITY COUNCIL

- A. The City Council shall hold regular meetings and as many additional meetings as it deems necessary to transact the business of the City.
- B. All meetings shall comply with State and Municipal law.

- C. Special meetings may be called by the City Secretary on the written request of the Mayor or any two (2) City Council Members. All City Council meetings shall be held at City Hall or at such place in the City that will permit the attendance of the general public. All City Council meetings and all sessions of the City Council shall be open to the public; however, the City Council may recess for the purpose of discussing in an executive session those matters permitted by State law.
- D. All executive sessions must be called and provided for in a public meeting and must state the general subject to be discussed. No final action or vote with regard to any matter considered in an executive session shall be made except in a public meeting.
- E. *Rules and Journal.* The City Council shall determine its own rules and order of business, and shall provide for keeping a journal of all its proceedings. This journal shall be public record.
- F. *Voting.* The ayes and nays shall be recorded in the journal. Four (4) Council Members of the City Council shall constitute a quorum. All matters may be passed by majority of the quorum except as otherwise provided herein.

SECTION 3.09: PASSAGE OF ORDINANCES

- A. The City Council shall legislate by ordinance, and the enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of Keene, Texas ..."
- B. Any ordinance which repeals or amends an existing ordinance or part of the City code shall clearly set forth the provision or provisions being repealed or amended.
- C. The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property, or the public peace. In particular, such ordinance 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 in this Charter.
- D. Any emergency ordinance shall be for not more than sixty-one (61) days, renewable by the City Council, and 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.
- E. An emergency ordinance may be introduced at any Council meeting and can be adopted or rejected with or without amendment. The affirmative vote of at least four (4) members of the City Council shall be required for adoption.

- F. Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practical.
- G. All such emergency ordinances, where printed and published by authority of the City Council, may be admitted and received in all courts, subject to the rules of evidence and laws of the jurisdiction where proof of such ordinances is tendered, without further proof.

SECTION 3.10: STATE OF EMERGENCY

- A. A state of emergency shall be deemed to exist during periods of impending or actual public crisis or disaster. Whenever conditions threaten to render inadequate the normal procedures of the City for protection of persons or property, a state of emergency may be declared by the vote of the Council, or by order of the Mayor, or, in the Mayor's absence or disability, the Mayor Pro Tem, if a meeting of the Council cannot be called within the time available. During a state of emergency, the Mayor, or in the Mayor's absence or disability, the Mayor Pro Tem shall have all the powers which would be vested in the Council by state law to the extent the Mayor considers reasonable or necessary for the protection of persons or property.
- B. The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency.

SECTION 3.11: AUTHENTICATION, RECORDING, AND CODIFICATION

- A. *Authentication and Recording.* The City Secretary shall record in full, in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the City Council. This record shall be authenticated by the signature of the City Secretary.
- B. *Codification.* After adoption of this Charter, the City Council may provide for the updating of the general codification of all City ordinances and resolutions having the force and effect of law.

**ARTICLE IV
MUNICIPAL ELECTION**

SECTION 4.01: ANNUAL ELECTIONS

The regular election for City Council Members and Mayor shall be held on the first Tuesday after the first Monday of November, or as otherwise provided by State law.

SECTION 4.02: CITY COUNCIL WARDS, PLACES & TERMS

- A. All members of the City Council, other than the Mayor, shall be elected by ward or place under the ward/ place system set forth in Section 1.02 of this Charter. All eligible voters shall be entitled to vote for candidates for all places and wards and for the office of the Mayor.

- B. The Mayor and each Member of the City Council shall hold office for a two (2) year term. The Mayor, Ward II and Places 1 and 3 shall be elected in even-numbered years, and Wards I, III and Place 2 shall be elected in odd-numbered years.
- C. All members of the City Council, including the Mayor, holding office at the time of passage of this Charter shall continue to hold their respective place and office until their respective term of office for which they were elected expires.

SECTION 4.03: REGULAR OR SPECIAL ELECTION

All general and special elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this Charter and ordinances or resolutions adopted by the Council for the conduct of elections. The Council shall appoint the election judges and shall provide for the compensation of all election officials in the City elections and for all other expenses in holding said elections.

**SECTION 4.04: POLITICAL ACTIVITIES OF SALARIED OFFICERS,
EMPLOYEES, AND CANDIDATES**

- A. While serving in an official capacity, no employee of the City shall engage in any political activity to influence the nomination, election, or defeat of any candidate for Mayor or Council Member; or campaign for or against the recall of the Mayor or any Council Member. This provision shall not prohibit the ordinary exercise of the right to express opinions and to vote.
- B. No candidate for municipal office may solicit the support, the endorsement, or the financial contributions of any City employee.

SECTION 4.05: QUALIFICATIONS FOR CANDIDACY

- A. Each Member of the City Council, including the Mayor, shall meet the following qualifications: (1) be a registered voter of the City; (2) for election to a ward, have resided in the City and the ward in which he or she represents for one (1) year before the date of election and continue residency in the City and the ward in which he or she represents during the term of office; (3) for election to a place, have resided in the City for one (1) year before the date of the election and continue residency in the City during the term of office; (4) not hold more than one public elective office; (5) not hold an appointed office of the City excluding boards, committees, and commissions; (6) be at least 21 years of age; (7) not currently be subject to a finding of mental incompetence by a final judgment of a court; and (8) not have been finally convicted of a felony from which the person has

not been pardoned or otherwise released from the resulting disabilities.

- B. No candidate may file for more than one City office per election.

SECTION 4.06: FILING FOR OFFICE

Any qualified person may file for a place on the official ballot as a candidate for office of Council Member or Mayor by completing an application as required by State law.

SECTION 4.07: THE OFFICIAL BALLOT

The name of all candidates for office, except such as may have died, withdrawn, or become ineligible, shall be printed on the official ballot, as required by State law, without party designation in the order determined in a drawing of lots conducted by the City Secretary.

SECTION 4.08: OATHS OF OFFICE

Every officer of the City shall, before entering upon the duties of his or her office, take and subscribe to the oath or oaths required by State Law.

SECTION 4.09: CANVASSING OF ELECTION AND DECLARATION OF RESULTS

Returns of each municipal election shall be delivered by the Election Judge to the City Secretary and to the City Council as required by State law. The City Council shall canvass the returns according to the Texas Election Code. To be elected to an office of the municipality, a person must receive a majority of the votes cast for the office. Should any candidate for City Council or Mayor fail to receive a majority of votes at the regular election for the office for which they are a candidate, the City Council shall immediately order a runoff election between the two highest candidates in the race to be held in accordance with State law.

SECTION 4.10: VACANCIES

- A. If a vacancy occurs in the office of the Mayor, it shall be filled by the Mayor Pro Tem. Any other vacancy on the City Council, including a position vacated by the Mayor Pro Tem, shall be filled by appointment by a majority vote of all of the remaining City Council Members until the next regular November election.
- B. Any vacancy in a Council position with an unexpired term of less than three (3) months may not be filled before the next regular election unless occupancy of that office is necessary to constitute a quorum.

ARTICLE V ADMINISTRATION

SECTION 5.01: CITY MANAGER

A. *Powers and Duties.* The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Council. The City Manager is appointed by and serves at the will of the City Council. The City Manager shall be appointed solely on the basis of the City Manager's administrative ability, experience, and training. The City Manager shall administer the business of the City, and the City Council shall ensure that such administration is efficient. The City Council may by ordinance delegate to the City Manager any additional powers or duties it considers proper for the efficient administration of City affairs. Responsibilities of the City Manager shall include the following:

1. Except as otherwise provided in this Charter, the City Manager shall be responsible for, and have the power to appoint, suspend, layoff, demote and/or remove all or any one of the directors or heads of administrative departments. No director or head of any administrative department, however, shall be appointed or removed without prior notice and consultation of the City Council.
2. Supervise and control directly or indirectly all administrative departments, agencies, officers, and employees, except those exempted by this Charter. Set up job classifications and job descriptions within each department with salaries and wages commensurate with the employee's ability and qualifications.
3. Attend all City Council meetings acting in a consulting capacity to take part in the discussion but have no vote.
4. Prepare and submit an annual budget and be responsible for its administration after it is adopted.
5. Submit to the City Council a report at the end of the fiscal year on the finances and administrative activities of the City for the preceding year.
6. Keep the City Council advised of the financial condition and the future needs of the City and make such recommendations to the City Council on matters of policy and other matters as may seem desirable.
7. Combine, abolish, or create administrative departments subject to the approval of the City Council.
8. Have such other powers and perform such other duties as prescribed by this Charter and the City Council, in accordance with State law.
9. Enforcement of all State laws and City ordinances.

- B. *Appointment and Qualifications.* The City Council shall employ a City Manager by affirmative vote of at least four (4) Council Members. The City Council shall by majority vote determine the City Manager's compensation. The City Manager shall be chosen upon the basis of executive and administrative training, experience, character, and abilities, without regard to political considerations. Neither the Mayor nor any Council Member may be appointed City Manager while holding office or for a period of two (2) years after his or her term has ended.
- C. *Removal of the City Manager.* The City Council may suspend or remove the City Manager at any time by an affirmative vote of at least four (4) Council Members. The City Council shall give the City Manager written notice for removal and/or suspension and give the Manager an opportunity to respond and present a defense against any accusations made. The City Council's decision in such matters shall be final.
- D. In the absence or disability of the City Manager, the City employee designated by the City Manager pursuant to Section 3.05 (c) of the Charter shall perform the duties of the office, or if no written designation is made by the City Manager or the City Manager's absence or disability exceeds thirty (30) days, the City Council may appoint a person to perform the duties of the City Manager until the City Manager shall return or such disability shall cease.

SECTION 5.02: ADMINISTRATIVE DEPARTMENTS

All administrative departments shall remain in effect as presently established unless changed by the City Council by ordinances.

At the head of each administrative department, there shall be a director who shall be an officer of the City.

The work of each administrative department may be distributed among such divisions thereof as may be established by ordinance.

SECTION 5.03: ADDITIONAL POSITIONS

- A. *City Secretary.* The City Council shall appoint the City Secretary, who shall be an officer of the City, by affirmative vote of at least four (4) Council Members, and who shall report to the City Council. The City Council shall by majority vote determine the City Secretary's compensation. The City Secretary shall:
 - 1. Give notice of all official public meetings of the City Council.
 - 2. Attend all public meetings and hearings of the City Council.
 - 3. Keep a journal of the minutes of the proceedings of all public official meetings and hearings of the City Council.
 - 4. Act as custodian of all official records of the City Council.

5. Perform other duties as assigned.
- B. *Removal of City Secretary.* The City Council may suspend or remove the City Secretary at any time by affirmative vote of four (4) Council Members.
- C. *City Attorney.* The City Council shall appoint a competent, duly qualified, licensed attorney, practicing law in the State of Texas, well versed in municipal law, who shall be the Attorney for the City. The City Attorney shall receive for services such compensation as determined by the City Council and shall hold office at the pleasure of the City Council.
- D. *Special Counsel.* The City Council shall have the authority to retain special counsel for specific purposes.

ARTICLE VI FINANCE

SECTION 6.01: FISCAL YEAR

The fiscal year of the City shall be set by City ordinance. Such fiscal year shall also constitute the budget and accounting year.

SECTION 6.02: ANNUAL BUDGET

The budget shall provide a complete financial plan of all City funds and activities and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. The City Council shall adopt the proposed budget by an affirmative vote of at least four (4) Council Members after public hearings and before the first day of the ensuing fiscal year.

SECTION 6.03: CAPITAL PROGRAM

The City Manager shall propose annually a five (5) year capital program for consideration by the City Council on or before ninety (90) days prior to submission of the budget.

Capital Program Contents. The capital program shall contain the following:

1. A summary of proposed programs;
2. A list of all capital facilities and property improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing, and recommended time schedules for each such improvement with the estimated effect on the tax levy and;

4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired over the five (5) year period.

SECTION 6.04: CERTIFICATION

A copy of the budget, as finally adopted, shall be filed with the City Secretary and the County Clerk as required by law.

SECTION 6.05: BUDGET ESTABLISHES APPROPRIATIONS

From the effective date of the budget, the amounts stated therein as proposed expenditures shall be appropriated for the expenditures therein named.

SECTION 6.06: BUDGET ESTABLISHES AMOUNT TO BE RAISED BY PROPERTY TAX

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall determine the amount of the levy for the purposes of the City in the corresponding tax year.

SECTION 6.07 UNALLOCATED RESERVE FUND

The budget may contain a reasonable sum set aside as an unallocated reserve fund to meet unexpected and unforeseen contingencies in current operating costs of any budget project.

SECTION 6.08: AMENDMENT AND SUPPLEMENTAL BUDGET

In case of public necessity, expenditures to meet unusual and unforeseen conditions which could not, by reasonable diligence, thought, and attention have been included in the original budget, may from time to time be authorized, upon the affirmative vote of four (4) Council Members, as amendments or supplements to the original budget. Such supplements and amendments shall be approved in a form acceptable to the Council and shall be filed with the original budget.

- A. *Defects in the Budget.* Defects in the form or preparation of the budget or the failure to perform any procedural requirement shall not invalidate any tax levy, nor shall it invalidate the tax roll.
- B. *Lapse of Appropriations.* Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.
- C. *Inter-Fund Loans.* Loans are permitted by approval of the City Council with a payback

provision in place.

SECTION 6.09: MONTHLY FINANCIAL REPORTS

The City Manager shall present a monthly financial report in a form acceptable to the City Council.

SECTION 6.10: ANNUAL AUDIT

The City Council, by an affirmative vote of at least four (4) Council Members, shall select and contract with a municipally oriented certified public accounting firm for the purpose of rendering an independent annual audit of all accounts and other financial records of the City government. The personnel of the firm conducting the audit shall not hold any public office in the City nor have any personal financial interest in the fiscal affairs of the City government or any of its offices. After completion of any audit of the City, the auditor shall prepare and submit a financial statement to the City Council as part of the agenda, at a regular Council meeting, within one hundred twenty (120) days after the end of the fiscal year.

SECTION 6.11: PURCHASING

All purchases shall comply with State law and Municipal laws.

SECTION 6.12: FEES SHALL BELONG TO CITY

All city-related fees received by any officer or employee shall belong to the City.

SECTION 6.13: SALE OF CITY PROPERTY

All items of City property to be sold shall be sold in accordance with State Law.

SECTION 6.14: CONTRACTS FOR IMPROVEMENTS

Any City improvement costing more than a said dollar amount established by City ordinance shall be executed by contract except where such improvement is authorized by the Council to be executed directly by a city department in conformity with detailed plans, specifications and estimates. All improvement contracts for more than a said dollar amount established by City Ordinance shall be awarded in accordance with State requirements for competitive public bids or other procurement methods authorized by State law. Alterations in any such contract shall be made in accordance with State law concerning alterations to competitive bid contracts and other procurement methods authorized by State law.

Any bid received by the City must be a sealed bid, with provisions for a public opening at a date and hour to be designated by the City Council, or as otherwise allowed by State law.

SECTION 6.15: DISBURSEMENT OF FUNDS

All checks, vouchers, or warrants for the withdrawal of money from the City depository shall require two signatures authorized by the City Council.

SECTION 6.16: BORROWING

- A. *Authority to Incur Indebtedness.* The Council shall have the power to incur, create, refund and refinance indebtedness, and borrow money for public purposes; to issue special or general obligation bonds, revenue bonds, funding and refunding bonds, time warrants and other evidences of indebtedness and to secure and pay the same in the manner and in accordance with the procedures provided and required by State law.
- B. *General Obligation Bonds.* The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by law and this Charter and to issue refunding bonds to refund outstanding bonds previously issued.

All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for purposes for which they were issued. Any bond, excluding refunding bonds, to be issued under the provisions of this section shall not be issued without an election held in accordance with the provisions of State law.

- C. *Revenue Bonds.* The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing of public utilities, recreational facilities, or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas.
- D. *Bonds Incontestable.* All bonds of the City having been issued and sold and having been delivered to the purchaser thereof shall thereafter be incontestable, and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange be incontestable.
- E. *Borrowing in Anticipation of Property Tax.* In any budget year, the Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the property tax for the same year whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.
- F. *Certificates of Obligation.* The City shall have the power to issue Certificates of Obligation in accordance with the laws of the State of Texas.

- G. *Sale of Bonds.* No bonds issued by the City shall be invalid because they are sold for less than par value and accrued interest. The Council shall have the right to reject any or all bids.

SECTION 6.17: CITY TAXES

The City Council shall have the power to levy and collect taxes for any municipal purpose not prohibited by State law or restricted by this Charter.

SECTION 6.18: EXEMPT PROPERTY

The City Council may authorize property tax exemptions that are authorized by State law.

SECTION 6.19: TAX LIENS

- A. The tax levied by the City is hereby declared to be a lien, charge, or encumbrance upon the property as of January 1 of each year, upon which the tax is due, which lien, charge, or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property is such as to give the State courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this State or person whose residence is unknown, but also as against the unknown heirs of any person who owns the property upon which the tax is due and also as against nonresidents. All taxes upon real estate shall especially be a lien and charge upon the property upon which the taxes are due, and such lien may be foreclosed in any court having jurisdiction to the extent as allowed by law. Such lien shall be prior to all other claims, and no gift, sale, assignment, or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.
- B. In addition to the lien herein provided, on the first day of January of any year, the owner of real and personal property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have the power to, as allowed by law, sue for and recover personal judgment for taxes without foreclosure; or to foreclose its lien or liens; or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City Assessment Rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property intended to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or personal judgment against the owner for such taxes.
- C. Any property having taxes or assessments for improvements delinquent for a period of three (3) years or more shall be subject to foreclosure.

ARTICLE VII BOARDS AND COMMISSIONS

SECTION 7.01: BOARDS AND COMMISSIONS - GENERAL

The City Council shall be empowered to create and/or disband all boards and commissions that it deems necessary and/or that are required by State law. Members of boards and commissions are considered City officers for purposes of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

SECTION 7.02: VACANCIES

Any vacancy on any board shall be filled following the same procedure provided for making the original appointment. The replacement shall sit on the board for the remainder of the original term.

ARTICLE VIII MUNICIPAL COURT

SECTION 8.01: ESTABLISHMENT OF THE MUNICIPAL COURT

A municipal court, known as the "Municipal Court in Keene, Texas," is hereby established. The Municipal Court shall have the jurisdiction, powers, and duties given and prescribed by the laws of the State of Texas. The City Council shall have the power to create and establish by ordinance additional Municipal Courts.

SECTION 8.02: FINES, FEES, AND COSTS

All fines, fees, or costs collected by the Municipal Court shall be deposited in the City treasury. No fee or cost shall be charged except those authorized by State law. Neither the compensation of the Judge of the Municipal Court, nor of a full or part-time employee of the City, shall be based upon a percentage of the fines imposed or collected by the Municipal Court.

SECTION 8.03 JUDGE OF THE MUNICIPAL COURT

The City Council shall appoint a state-qualified Judge and Associate Judges, as needed, who shall be known as the "Judge of the Municipal Court" and as the "Associate Judge of the Municipal Court." The Judge and Associate Judges shall be appointed for a two (2) year term. The City Council shall set the compensation for the Judge and Associate Judges. The City Council shall have the authority to remove the Judge for good cause as determined by the City Council. A hearing must be held. Appointment and removal shall require an affirmative vote of at least four (4) Council Members. If the office of the Judge or Associate Judge is declared vacant, it shall be filled by appointment by the City Council in accordance with this section.

SECTION 8.04: CLERK OF THE MUNICIPAL COURT

The City Manager shall appoint or remove the "Clerk of the Municipal Court," with City Council approval. The Clerk of the Municipal Court shall keep the records and the proceedings of the Court, issue all processes, and generally perform all of the duties prescribed by law for clerks of such courts, insofar as those duties are applicable.

ARTICLE IX UTILITY AND PUBLIC SERVICE FRANCHISES AND LICENSES

SECTION 9.01: AUTHORITY

- A. Any ordinance granting, renewing, extending, or amending a public service or utility franchise must comply with State and Federal law.
- B. No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal, or extension of any franchise.

SECTION 9.02: ORDINANCE GRANTING FRANCHISE

- A. Any ordinance granting, renewing, extending or amending a public service or utility franchise must comply with State and Federal law.
- B. No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of any franchise.

SECTION 9.03: TRANSFER OF FRANCHISE

No public service or utility franchise is transferable, except with the approval of the City Council. However, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

SECTION 9.04: FRANCHISE VALUE NOT TO BE ALLOWED

Franchise granted by the City are of no value in fixing rates and charges for public services or utilities within the City and in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

SECTION 9.05: RIGHT OF REGULATION

In granting, amending, renewing, and extending public service, transportation, and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- A. To repeal the franchise by ordinance for failure to begin construction or operation within

the time prescribed, or for failure to comply with terms of the franchise.

- B. To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same condition as the original grant.
- C. To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency.
- D. To require reasonable standards of service and quality of product and prevent rate discrimination.
- E. To impose reasonable regulations and restrictions to ensure the safety and welfare of the public.
- F. To examine and audit accounts and records and to require annual reports on local operations of the public service or utility.
- G. To require the franchisee to obtain prior approval by permit to place subsurface utilities.
- H. To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal. No asphalt or concrete street or thoroughfare shall be cut without the City Manager or the City Manager's designee's written approval.
- I. To require the franchisee to furnish to the City, within a reasonable time, at the franchisee's expense, a general map outlining current location, character, type of structure, size, length, depth, height, and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction.
- J. To require compensation, rent, or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

SECTION 2.06: REGULATION OF RATES

- A. The Council shall have full power after due notice and hearing to regulate, by ordinance, the rates, charges, and fares of all public utility franchise holders operating in the City as authorized by state and federal law.
- B. The City, public service, or utility must show the necessity for the change by any evidence required by the City Council, including, but not limited to, the following:
 - 1. Cost of its investment for service to the City.

2. Amount and character of expenses and revenues connected with rendering the service.
 3. Copies of any reports or returns filed with any State or Federal regulatory agency within the last three (3) years.
 4. Demonstration that the return on investment, if any, is within State and Federal limitations.
- C. If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors, and attorneys to investigate and, if necessary, litigate requests for rate changes.

SECTION 9.07: LICENSES

The City shall have the power to license, levy, and collect fees in order to license any lawful business, occupation, or calling subject to control pursuant to the police powers of the State of Texas and for any other purpose not contrary to the Constitution and laws of the State of Texas.

ARTICLE X INITIATIVE, REFERENDUM, AND RECALL

SECTION 10.01: GENERAL AUTHORITY

- A. *Initiative:* The registered voters of the City shall have power to propose ordinances to the City Council, and if the Council fails to adopt an ordinance so proposed without any change in substance, the voters shall adopt or reject it at a City election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of City officers or employees.
- B. *Referendum:* The registered voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, the voters shall approve or reject it at a City election. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.
- C. *Recall:* The registered voters of the City shall have power to remove any official serving in an elective office.

SECTION 10.02: PETITIONERS COMMITTEE

- A. Any twenty (20) registered voters may commence proceedings contemplated by this article by filing with the City Secretary an affidavit stating that they will constitute the petitioners committee. They will be responsible for preparing, printing, and circulating the petition. They will file it in proper form and specify the address to which all notices to the committee are to be sent. The affidavit shall set out in full the proposed initiative ordinance or cite the

ordinance sought to be reconsidered, or in the case of recall, state the identity of the official whose recall is being sought.

- B. In the case of recall, the City Secretary shall immediately notify in writing the subject of the recall petition that the affidavit has been filed.

SECTION 10.03: PETITION CIRCULATION

- A. All petition blanks used for circulation by the members of the petitioners committee or their designers shall be numbered, dated, and bear the signature of the City Secretary.
- B. No petition may be circulated and no signatures obtained until after the affidavit is filed.

SECTION 10.04: FORM OF PETITION

- A. All pages of petition shall be uniform in size and style and shall be assembled as one instrument for filing. All signers of a petition must declare on the petition that they are registered voters of the City. They shall personally sign and print their own name in ink or indelible pencil and shall write after their name and place of residence within the boundaries of the City, giving name of street and number, or place of residences. Each petitioner shall write the date, including the month, day, and the year their signatures were affixed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered, or in the case of a recall petition, the identity of the official whose recall is being sought.
- B. Each page of a petition shall have attached to it when filed an affidavit executed by the circulator stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, or sought to be reconsidered, or the identity of the official whose recall is being sought.
- C. Locations for twenty (20) signatures shall be provided on each blank petition.

SECTION 10.05: PRESENTATION OF PETITIONS

- A. A petition to the City Council for initiative or referendum, containing the signatures of registered voters equal in number to thirty (30) percent of the total number of the qualified voters of the City that voted in the last regular municipal election, but in no event less than two hundred (200) signatures of registered voters, shall be filed with the City Secretary no later than thirty (30) days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.
- B. A petition to the City Council for recall, containing the signatures of registered voters equal in number to thirty (30) percent of the total number of the qualified voters of the City that voted in the last regular municipal election, but in no event less than two hundred (200)

signatures of registered voters, shall be filed with the City Secretary no later than thirty (30) days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

**SECTION 10.06: SUSPENSION OF EFFECT OR ORDINANCE FOR
REFERENDUM PETITIONS**

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect unless such suspension will create an immediate breach of public health and safety as determined by resolution of the City Council. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or
2. The City Council repeals the ordinance, or
3. Upon the certification of election results by the election officials.

**SECTION 10.07: CERTIFICATION OF PETITIONS AND PRESENTATION TO
THE CITY COUNCIL**

- A. Within ten (10) days after the petition is presented, the City Secretary shall complete a certificate of sufficiency or insufficiency. Sufficiency shall be determined by compliance to Section 10.03 and Section 10.04 of this Article.
- B. If the petition is certified sufficient, the City Secretary shall present the certificate to the council at the next regular city council meeting. City Council shall verify determination of sufficiency of the petition.
- C. If a petition has been certified insufficient, the City Secretary shall send the committee a Certificate of Insufficiency by registered mail, which shall include the particulars in which the petition is defective. The committee may, within five (5) working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next regular meeting following such a request and approve or disapprove it. Such determination shall then be final. If no City Council review is requested within five (5) working days, the City Secretary's certification is final.

SECTION 10.08: ACTION ON INITIATIVE AND REFERENDUM PETITIONS

When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the City Council fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) days, or fails to repeal a referred ordinance within forty-five (45) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the

City at the earliest available date allowed by the Texas Election Code.

SECTION 10.09: FORM OF BALLOTS

- A. *Initiative.* Ordinances shall be submitted by ballot title, which shall be reviewed by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance, and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two (2) statements, one above the other, in the order indicated:

"For adoption of the ordinance" and "Against adoption of the ordinance"

Immediately below or to the left of each statement shall appear a square in which the voter may cast his vote by making a mark, or other approved method of vote tabulation authorized by State and Federal law.

- B. *Referendum.* Ordinances being considered for repeal shall be submitted by ballot title, which shall be reviewed by the City Attorney. The ballot title may be different from the legal title of any such ordinance, and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two (2) statements, one above the other, in the order indicated:

"For adoption of the ordinance" and "Against adoption of the ordinance"

- C. *Recall.* Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

"Shall (name of person) be removed from the office by recall?"

Immediately below each such question there shall be printed the two (2) following statements, one above the other, in the order indicated:

"For the removal of _____ by recall."
"Against the removal of _____ by recall."

Immediately below or to the left of each statement shall appear a square in which the voter may cast his vote by making a mark, or other approved method of vote tabulation authorized by State and Federal law.

SECTION 10.10: RESULTS OF ELECTION

- A. If a majority of registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, then one

receiving the greater number of affirmative votes shall prevail.

- B. An ordinance adopted by initiative may be repealed or amended at a time after the expiration of two (2) years by a majority vote or after one (1) year by unanimous vote of all Council Members.
- C. If a majority of the registered electors on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the registered electors vote for the referred ordinance, the ordinance shall be considered in effect upon certification of the election results.
- D. An ordinance repealed by referendum may be reenacted at any time after the expiration of two (2) years by a majority vote or after one (1) year by unanimous vote of all Council Members.
- E. If a majority of the votes cast on the question of recall at a recall election shall be against the removal of the elected official named on the ballot, the official shall continue in office for the remainder of the unexpired term, subject to recall as before within the limitations of Section 10.11 below. If a majority of the votes cast on the question of recall at a recall election shall be for the removal of the elected official named on the ballot, the official shall, regardless of any technical defects in the recall petition, be deemed removed from office, and the vacancy shall be filled in accordance with the provisions of this Charter for the filing of vacancies.

SECTION 10.11: LIMITATIONS AND RESTRICTIONS

- A. No recall petition shall be filed against any official of the City within six (6) months after being elected, or within six (6) months of such a petition being filed with the City Secretary, pursuant to Section 10.05, and found insufficient by the City Secretary or, if applicable, found insufficient by the City Council, pursuant to Section 10.07. A new petition for recall cannot be resubmitted within one (1) year after an election for such official's recall.
- B. In no instance shall an official removed from office by recall election serve in an elective office of the City within a period of five (5) years following the date of the election at which the official was removed from office.
- C. Unless withdrawn, no petition shall again be filed on a proposed or referred ordinance of substantially the same content within a period of two (2) years of the failure of the petition at a City election.

SECTION 10.12: FAILURE OF CITY COUNCIL TO CALL AN ELECTION

If all the requirements of this Charter have been met and the City Council fails or refuses to receive the recall petition, or order such recall election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such recall, then any petitioning citizen

may file with the appropriate court for a writ of mandamus to force the City to call the election.

ARTICLE XI GENERAL PROVISIONS

SECTION 11.01: PUBLIC MEETINGS

Meetings of all elected commissions and all boards or commissions appointed by the City Council shall be open to the public in accordance with the laws of the State of Texas, except as may be authorized by State law. Meetings of the City Council shall be held in accordance with provisions of this Charter. Minutes, transcriptions, and recordings of all open session public meetings shall be archived according to State law and shall be public records.

SECTION 11.02: PUBLIC RECORD

Municipal records shall be available for public inspection during normal business hours, in accordance with State law. The cost to any person requesting reproduction of public records shall be established by the City Council.

SECTION 11.03: EFFECTIVE DATE OF THIS CHARTER

This Charter shall become effective on and after the date and time of the first meeting of the City Council following the election at which a majority of votes cast by registered voters of the City affirms adoption of this Charter. The City Council shall, immediately after canvassing said election, declare by resolution that this Charter is adopted. The City Council shall then order that this resolution be recorded upon the records of the City of Keene, Texas, and the records of the Secretary of State of Texas, as prescribed by the laws of the State of Texas.

SECTION 11.04: AMENDING CHARTER

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided in Chapter 9 of the Texas Local Government Code, and as now or hereafter enacted.

SECTION 11.05: CONFLICT OF INTEREST

Elected officials, officers, or employees of the City shall abide by all applicable State and local conflict of interest laws. Failure to do so shall constitute a violation of this Charter.

SECTION 11.06: NEPOTISM

Elected officials, officers, or employees of the City shall abide by all applicable State and local nepotism laws. Failure to do so shall constitute a violation of this Charter.

SECTION 11.07: SURETY BONDS FOR CITY EMPLOYEES

If required by State law or local ordinance, the City Council shall require bonds for City Manager and all municipal employees and officials who receive or disburse any funds of the City. The

amount of such bonds shall be determined by the Council, and the cost thereof shall be paid by the City.

SECTION 11.08: MAY ACCEPT GOVERNMENTAL AID

The City may accept monetary aid or other character of aid or benefit from the Federal Government, the State Government, the County Government, and from any agency thereof, and/or any individual, and/or a private agency; and shall have the full right of power and authority to do the things and perform the acts necessary to permit the City to receive such aid.

SECTION 11.09: NO OFFICER OR EMPLOYEE TO ACCEPT GIFTS

No officer or employee of the City shall accept any gift, favor, privilege, or employment from any firm, individual, or corporation doing business or proposing to do business with the City in violation of State law or local ordinance regarding such matters.

SECTION 11.10: DEPOSIT OF CITY FUNDS

City funds shall be deposited as required by State law.

SECTION 11.11: NOTICE OF INJURY OR DAMAGE

Before the City shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or his authorized representative shall notify the City Secretary. The notification shall be in writing and shall state specifically how, when and where the death, injury, or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The person giving notice under this section shall give the addresses of every place that he has resided during the six (6) month period prior to the damage or injury and subscribe his name to the notice under oath that the statements and facts contained in said notice are true and correct. The notification shall be filed within six (6) months of the date of injury or damage or, in the case of death, within six (6) months of the date of death.

SECTION 11.12: OFFICIAL MEDIUM

The City Council shall, by resolution, designate one or more local newspaper(s) of general circulation in the City as the official newspaper(s) for publication of official business. All ordinances, notices, and other matters that are required to be published officially by this Charter, the ordinances of the City, or the laws of the State of Texas shall be publicized in said medium.

SECTION 11.13: GENDER OF WORDING

The gender of wording used throughout this Charter shall be interpreted to mean either sex.

SECTION 11.14: QUALIFIED VOTER

The word “voter” as referred to in this Charter shall be defined as conforming to State law.

SECTION 11.15: OFFICIAL OATH OF OFFICE

Before entering upon the duties of their respective offices, all elected or appointed officials and members of boards and commissions of the City shall take and subscribe to any oath(s) required by State law.

SECTION 11.16: CITY EXEMPT FOR APPEAL BONDS

It shall not be necessary in any action, suit, or proceeding in which the City is a party for any bond, undertaking, or security to be executed in behalf of said City. All such actions, suits, appeals, or proceedings shall be conducted in the same manner as if such bond undertaking or security had been given; and the City shall be liable as if such obligation had been given and executed.

SECTION 11.17: FUNDS NOT SUBJECT TO GARNISHMENT

No funds of the City or within custody of the City or any of its officials in any official capacity shall be subject to garnishment, and the City shall not be required to answer in any garnishment proceedings, except where provided by State or Federal laws.

SECTION 11.18: CERTIFICATION AND SUBMISSION TO VOTERS

(This Section was not part of the Charter as submitted to the voters, but is added as an informational note to provide historical context to the Charter)

Pursuant to the obligations imposed on this Charter Commission by law, said Commission has determined and hereby certifies:

- A. That this Charter is a true and correct copy of the Charter prepared by this Charter Commission.
- B. That, in the submission of this Charter to the voters, it would be impractical to segregate each subject for a separate vote thereon for the reason that the Charter is so constructed that, in order to enable it to work and function, it is necessary for it to be adopted in its entirety; therefore, it is submitted so as to be voted upon as a whole.
- C. That the election for this purpose shall be held in the City of Keene on the 2nd day of November, 1999.
- D. That the Charter Commission completed its work on the 22nd day of September, 1999.

SECTION 11.19 CHARTER AMENDMENT

(This Section was not part of the Charter as submitted to the voters, but is added as an informational note to provide historical context to the Charter)

2014 Amendments

A Charter Amendment Committee formed by the City Council on February 27, 2014 for the purpose of recommending changes to the City Charter.

- A. City Council appointed the following committee members on February 27, 2014.

Billie Hopps	Louis Speyer	Richard Bothe
John Engel	Michael Nightingale	Roy Robinson
Nick Chesney	Gary Heinrich	David Patterson
Lorena Marin	James Chapline	Betty Ballard
Robert Cooper		

- B. The Committee completed their work on June 5, 2014 and the Council accepted the recommendation on June 17, 2014.
- C. Council ordered an election on July 17, 2014.
- D. An election was held on November 4, 2014. Amendments I - 7 and 9-14 passed. Amendment 8 failed.
- E. On November 13, 2014, the City Council ratified the results of the election and directed by ordinance #2014-488 to revise the Charter accordingly.

2024 Amendments

A Charter Amendment Committee formed by the City Council on April 4, 2024, for the purpose of recommending changes to the City Charter.

- A. The City Council appointed the following committee members:

Chuck Easley	Rob Foster	Gwen Beeson
James Belz	Ray Johnson	Robert Bradbury
Jen Baggett	Stephanie Andrew	Samantha Gillin
Troy Smith	Debbie Belz	Cheryl Schram

- B. The Committee completed their work on May 15, 2024, and the Council accepted the Charter amendment recommendation on June 20, 2024.
- C. The City Council ordered a Charter Amendment election on June 20, 2024.
- D. A Charter Amendment was held on November 5, 2024. Propositions A-G, and J passed. Propositions H and I failed.
- E. On November 18, 2024, the City Council canvassed the election results and enacted Resolution No. 2024-461 adopting a revised Charter.
- F. On November 21, 2024, the City Council adopted Ordinance No. 2024-675, adopting the form of the revised Charter and authorizing City staff to make non-substantive modifications to the City Charter as desired.

CITY OF KEENE, TEXAS

ORDINANCE NO. 2024-675

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KEENE, TEXAS, ADOPTING A REVISED CHARTER, AS APPROVED AND AMENDED BY THE VOTERS AT THE ELECTION HELD ON NOVEMBER 5, 2024, THROUGH THE PASSAGE OF EIGHT (8) HOME-RULE CHARTER AMENDMENTS; PROVIDING A SEVERABILITY AND CONFLICTS CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, on November 5, 2024, the City of Keene, Texas ("City"), conducted an election which, among other matters, submitted to the qualified voters of the City propositions for the adoption or rejection of certain proposed amendments to the Home-Rule Charter of the City of Keene, Texas ("City Charter"), pursuant to Section 9.004(a) of the Texas Local Government Code and Section 11.04 of the City Charter; and

WHEREAS, as established by the canvassing of the election results, eight (8) of the ten (10) proposed Charter amendments were adopted by the voters, with the result being the amendment of the City Charter to reflect the voter-approved changes and revisions; and

WHEREAS, the City Council of the City of Keene, through this Ordinance, desires to formally approve the form of the City Charter attached to this Ordinance and confirms that all changes, amendments and revisions approved by the voters are contained in the City Charter attached hereto, which City Charter shall be enrolled in the records of the City Secretary.

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

Section 1. Findings.

The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

Section 2. Amended City Charter.

The City Charter attached hereto is hereby confirmed and approved as containing all changes, amendments and revisions to the City Charter as approved by the voters at the election on November 5, 24 City staff is hereby authorized and directed to make copies of the attached City Charter available to the public. City staff is further authorized to create a table of contents for the City Charter and to print and publish the City Charter in the form and format selected by the City Manager, and to make non-substantive modifications to the City Charter as desired.

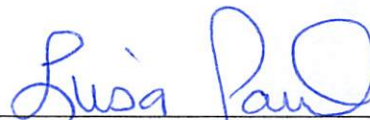
Section 3. Severability Clause; Conflicts with Ordinances.

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity which remaining portions shall remain in full force and effect. Additionally, the City Charter shall control over any ordinances of the City in conflict with the provisions of the City Charter and any conflicting provisions are hereby repealed, amended or modified to the extent of that conflict.

Section 4. Effective Date.

This Ordinance shall take effect immediately upon its adoption as provided by law and the City Charter.

PASSED AND APPROVED by the City Council of the City of Keene, Texas this the 21st day of November 2024.



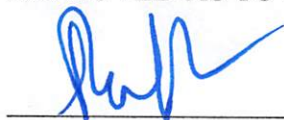
Lisa Parrish, Mayor

ATTEST:



Holly Russell, City Secretary

APPROVED AS TO FORM:



Robert F. Brown, City Attorney