

**NOTICE OF ELECTION CITY OF NAVASOTA HOME RULE
CHARTER AMENDMENT ELECTION
MAY 4, 2024**

The ballot propositions for the proposed amendments to the City of Navasota Home Rule Charter (sometimes referred to herein as "Navasota City Charter" or "Charter") are as follows:

PROPOSITION A:

Shall all affected Articles and Sections of the Navasota City Charter be amended by 1) making corrections to grammar, spelling and punctuation errors; 2) deleting redundant or surplus wording, and deleting outdated or antiquated wording; 3) making non-substantive vocabulary changes in order to use modern and consistent terminology; 4) deleting reserved sections; and 5) renumbering affected Articles and Sections due to deletions?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition A is approved: None

PROPOSITION B:

Shall Article III, Sections 8(a) and 8(b); Article IV, Section 20; Article IV, Section 35; Article VI, Section 3; Article VII, Section 1; Article VII, Section 4; Article VII, Section 7; Article X, Section 11 and Article 12, Section 5 of the Navasota City Charter be amended by updating and correcting references to current state laws, deleting provisions of the Charter that are inconsistent with current law or are preempted by current law, and deleting references to obsolete laws?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition B is approved: None

PROPOSITION C:

Shall Article II, Section 2 of the Navasota City Charter be amended by revising the authority, procedures and timelines for annexation of territory to be consistent with applicable state law, and clarifying the authority and procedures for the disannexation of territory from the City boundary limits?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition C is approved: None

PROPOSITION D:

Shall Article II, Section 3 of the Navasota City Charter be amended by deleting all provisions concerning platting of real property as unnecessary due to existing state laws providing for and regulating municipal platting requirements and procedures?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition D is approved: None

PROPOSITION E:

Shall Article III, Section 12 of the Navasota City Charter be amended by deleting the provisions creating the Planning and Zoning Commission as unnecessary due to existing state laws providing for the creation and appointment of a Planning and Zoning Commission by the City Council?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition E is approved: None

PROPOSITION F:

Shall Article IV, Section 2 of the Navasota City Charter be amended by deleting the provisions stating that members of the City Council are to be compensated as provided in the Charter, due to its conflict with Article IV, Section 15 of the Charter stating that the members of the City Council serve without compensation?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition F is approved: None

PROPOSITION G:

Shall Article IV, Section 3 of the Navasota City Charter be amended by requiring a filing fee in the amount of \$100.00 to be a candidate for City Council; providing for a process for submitting a petition to the City Secretary with a sufficient number of signatures as an alternative to paying the \$100.00 filing fee; and providing for the review of the validity of such a petition and the accompanying signatures supporting the petition?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition G is approved: If Proposition G is approved at the special charter amendment election, it is anticipated that the City of Navasota will receive additional revenue in the form of candidate filing fees to be used to defray a portion of the costs of the election of municipal officers. The actual amount of revenue to be received by the City is dependent upon the number of candidates that choose to pay the candidate filing fee instead of submitting a petition in lieu of paying the candidate filing fee.

PROPOSITION H:

Shall Article IV, Section 7 of the Navasota City Charter be amended by providing that the regular general election of City Council members shall be held each year on the first Saturday of May, as required by current state law, or on any other date authorized by applicable law?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition H is approved: None

PROPOSITION I:

Shall Article IV, Sections 5, 5A, 7, and 8 of the Navasota City Charter be amended by changing the terms of office of the members of the City Council from two (2) years to three (3) years; providing that a candidate for a City Council position having a term of office of more than two (2) years must be elected by a majority vote, as required by state law; providing for a runoff election process in the event no candidate for a City Council position receives a majority of the votes cast in an election; providing for the staggering of the terms of office of City Council members such that beginning at the May, 2024 election, the Place 1 City Council member shall serve a term of three (3) years, beginning at the May, 2024 election, the Place 2 and 3 City Council members shall serve a term of two (2) years, and beginning at the May, 2025 election, the Place 4 and 5 City Council members shall serve a term of three (3) years; and providing that beginning at the May, 2025 election and continuously thereafter all City Council members shall serve terms of three (3) years?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition I is approved: If Proposition I is approved at the special charter amendment election, it is anticipated that the City of Navasota may incur additional election costs for the election of municipal officers in the event it is necessary for the City to hold a runoff election for a candidate to be elected by a majority vote of the voters. The actual amount of costs to be incurred by the City is dependent upon the number of runoff elections that are required to be held. The estimated cost for each runoff election is \$7,500.

PROPOSITION J:

Shall Article IV, Section 12 of the Navasota City Charter be amended by providing that vacancies on the City Council shall be filled by special election to be held within one hundred twenty (120) days of the vacancy unless the vacancy occurs not more than 120 days prior to the next regular election, in which case the vacancy shall be filled at a special election to be held on the same date as the next regular election; and providing that if the remaining unexpired term of any vacant City Council position is twelve (12) months or less, the vacant City Council position, after public notice of the vacancy and the opportunity for qualified persons to submit applications requesting appointment to the vacancy, shall be filled by appointment by the remaining City Council members, and the appointed City Council member shall serve for the unexpired term of the vacant council position to which the person was appointed?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition J is approved: If Proposition J is approved at the special charter amendment election, it is anticipated that the City of Navasota may incur additional election costs in the event it is necessary to hold a special election to fill a vacant City Council position. The actual amount of costs to be incurred by the City is dependent upon the number of elections that are required to be held to fill a vacant City Council position. The estimated cost for each special election to fill a vacancy is \$7,500.

PROPOSITION K:

Shall Article IV, Sections 11 and 23 of the Navasota City Charter be amended to clarify that an individual City Council member may be removed for knowingly permitting any provision of the Charter to be violated without exercising the City Council member's power to prevent the violation; and providing that a vacancy created by the removal of a City Council member may be filled by the City Council appointing a qualified person to fill the vacant City Council position pursuant to article IV, section 12 of this Charter?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition K is approved: None

PROPOSITION L:

Shall Article IV, Section 24 of the Navasota City Charter be amended by authorizing the City Council to adopt rules of ethics governing the conduct of City Council members?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition L is approved: None

PROPOSITION M:

Shall Article IV, Section 26 of the Navasota City Charter be amended by providing that, in addition to performing duties required by the Charter and the City Council, the City Secretary shall perform duties as may be required by applicable law, city ordinances and resolutions, or the City Manager?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition M is approved: None

PROPOSITION N:

Shall Article IV, Sections 27 and 28 of the Navasota City Charter be amended by providing that an ordinance may be enacted finally on the date it is introduced, read, voted upon and passed at one (1) meeting of the City Council; and by deleting Section 28 providing for emergency measures as no longer being necessary if ordinances may be introduced, read, voted upon and passed at one (1) meeting of the City Council?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition N is approved: None

PROPOSITION O:

Shall Article IV, Section 34 and Article V, Sections 2(a) and 2(h) of the Navasota City Charter be amended by clarifying that the City Manager is authorized to determine the salaries and wages of all employees of the City?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition O is approved: None

PROPOSITION P:

Shall Article V, Section 1(a) of the Navasota City Charter be amended by providing that the City Manager may be removed by a vote of four (4) members of the City Council, rather than a majority of the City Council?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition P is approved: None

PROPOSITION Q:

Shall Article V, Section 1(a) of the Navasota City Charter be amended by providing that in the event the City Manager does not reside within the corporate limits of the City when employed by the City as the City Manager, the City Manager shall establish residence within the corporate limits of the City within a reasonably prompt period of time after employment, as determined solely by the City Council?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition Q is approved: None

PROPOSITION R:

Shall Article V, Section 2(a) of the Navasota City Charter be amended by providing that the City Manager is authorized to appoint and remove one or more Assistant City Managers?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition R is approved: The City will incur the costs for the salary, benefits and other expenses associated with each Assistant City Manager position. However, funding for each Assistant City Manager position will also be included in the annual budget approved by the City Council.

PROPOSITION S:

Shall Article VI, Section 2 of the Navasota City Charter be amended by providing that a delinquent tax policy adopted the City Council shall be subject to the provisions of state law allowing the tax assessor/collector to adopt a policy accepting partial payments of property taxes?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition S is approved: None

PROPOSITION T:

Shall Article VII, Section 2 of the Navasota City Charter be amended by providing that the Municipal Court Judge shall not serve in any other elected public office except as allowed by applicable law?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition T is approved: None

PROPOSITION U:

Shall Article VII, Section 10 of the Navasota City Charter be amended by deleting the provisions authorizing the Grimes County Attorney to prosecute cases in Navasota Municipal Court due to state law providing that the County Attorney has no power, duty, or privilege in Grimes County relating to criminal matters?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition U is approved: None

PROPOSITION V:

Shall Article VIII, Section 2 of the Navasota City Charter be amended by providing that the City's proposed budget shall be posted on the City's website at least seventy-two (72) hours prior to the meeting(s) at which the proposed budget will be discussed by the City Council members; and providing that failure to post the proposed budget on the City's website shall not prohibit the City Council from discussing the proposed budget at said meeting(s)?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition V is approved: None

PROPOSITION W:

Shall Article VIII, Section 4 of the Navasota City Charter be amended by providing that the City Council shall see that the City's financial accounts are kept in compliance with generally accepted accounting principles and the standards adopted by the Governmental Accounting Standards Board applicable to cities?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition W is approved: None

PROPOSITION X:

Shall Article VIII, Section 5 of the Navasota City Charter be amended by deleting the provisions authorizing the City Manager to publish in a newspaper monthly reports showing the receipts and disbursements for the preceding month and fiscal year to date?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition X is approved: None

PROPOSITION Y:

Shall Article VIII, Section 7 of the Navasota City Charter addressing the temporary borrowing authority of the City through deficiency warrants be deleted because this type of debt instrument is outdated and unnecessary due to other borrowing authority being provided for in state law?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition Y is approved: None

PROPOSITION Z:

Shall Article IX, Section 3 of the Navasota City Charter be amended by providing that all ordinances granting, renewing or extending franchises for public utilities shall be read at two (2), rather than three (3), separate regular meetings of the City Council?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition Z is approved: None

PROPOSITION AA:

Shall Article X, Section 4 of the Navasota City Charter be amended by requiring that a sinking fund or other monetary funds of the City shall only be invested or reinvested in compliance with applicable law and the City's investment policy, and all amendments thereto?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition AA is approved: None

PROPOSITION BB:

Shall Article XI, Sections 1 and 2 of the Navasota City Charter be deleted as unnecessary and redundant due to the municipal election provisions set forth in Article IV of the Charter providing for and regulating elections conducted by the City?

Estimate of the anticipated fiscal impact to the City of Navasota if Proposition BB is approved: None

The following is a redlined version of the Navasota Home Rule Charter showing the proposed revisions to the Charter, with each proposed revision referencing the Ballot Proposition corresponding to the proposed revision. For example, "PROP. A" references Ballot Proposition A.

CHARTER*
ARTICLE I. CORPORATE NAME

Sec. 1. Corporate Name.

All of the inhabitants of the City of Navasota, in Grimes County, Texas as the boundaries and limits of ~~said~~the [PROP. A] city are herein established, or as hereafter established in the manner provided by this Charter, shall be a body politic, incorporated under, and to be known by the name and style of the "City of Navasota" with such powers, rights and duties as are herein provided.

ARTICLE II. MUNICIPAL BOUNDARIES

Sec. 1. Boundaries.

The boundaries of the City of Navasota shall be the same as have been heretofore established and now exists, and as may hereafter be amended, and the existing boundaries of ~~said~~the [PROP. A] City of Navasota are established as those shown on the official map of the City of Navasota maintained in the office of the city secretary of the City of Navasota, in the city hall building of Navasota, Grimes County, Texas. The City may cause the boundaries of the City of Navasota

to be marked by appropriate monuments or markers.

Sec. 2. Extension of Boundaries Annexation and Disannexation of Territory [PROP. C].

~~(a) Upon petition.~~ Whenever a majority of the qualified voters who are citizens of the State of Texas and inhabitants of any territory adjoining Navasota, as said territory may be designated by the council or in case there are no qualified voters in said territory, then when persons owning a majority of the land in the area in said territory desire the annexation of such territory to Navasota, they may present a written petition to that effect to the council and shall attach to said petition the affidavit of one or more of their number to the effect that said petition is signed by a majority of such qualified voters, or in case there are no qualified voters, said affidavit shall be to the effect that there are no qualified voters in said territory, and that the persons signing said petition own a majority of the land in the area in said territory; and thereupon the council at regular session held not sooner than twenty (20) days after the presentation of said petition may by ordinance annex such territory to Navasota, and henceforth the said territory shall be a part of the City of Navasota, the property situated therein shall bear its prorated part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all of the rights and privileges of other citizens and shall be bound by the acts, ordinances, ~~resolutions and regulations of said city.~~ [PROP. C]

~~(b) By action of the council.~~ [PROP. C] The council shall have power by ordinance to ~~fix~~ establish [PROP. A] the boundary limits of the City of Navasota; and to provide for the alteration and extension of said boundary limits and the annexation of additional territory lying adjacent to the city ~~and the disannexation of territory from the city, with or without the consent of the territory and its inhabitants annexed~~ [PROP. C]. The authority and [PROP. C] procedures regarding the adoption of any such ordinance by the council shall be governed by ~~the procedures established in~~ [PROP. C] the applicable provisions of the state statutes governing the annexation and disannexation of territory; and upon the final passage of any such ordinance, the boundary limits of the city shall thereafter be ~~fixed~~ established [PROP. A] in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Navasota, and the property situated therein shall bear its prorated part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the city. Upon the final passage of any ordinance disannexing territory from the city, the boundary limits of the city shall be reduced by the territory so disannexed. [PROP. C]

(c) The annexation of additional territory upon petition or by action of the council shall be governed by the Charter provisions contained hereinabove and by the provisions of the state statutes governing annexation as same now exists or as same may be hereinafter amended, provided that where a conflict exists between the charter provisions and the state statutes, the provisions of the ~~state statutes shall control.~~ [PROP. C]

Sec. 3. Platting property. [PROP. D]

~~Should any property situated within the corporate limits of the city, as now or may hereafter be established, or within the extraterritorial jurisdiction of the city, be hereafter platted into blocks and lots, the owner or owners of said property shall comply with all of the provisions of Chapter 242 of the Texas Local Government Code, as may be amended and all other applicable provisions of state statutes.~~ [PROP. D]

Sec. 1. General.

ARTICLE III. CORPORATE POWERS

(a) The City of Navasota, made a body politic and corporate by the legal adoption of this Charter, shall have perpetual succession; may use a common seal; may sue and be sued.; [PROP. A] may contract and be contracted with; may [PROP. A] implead and be impleaded in all courts and places and in all matters whatever; may take, hold and purchase such lands within and without the city limits as may be needed for corporate or governmental purposes of ~~said~~ the [PROP. A] city, and may sell any real estate or personal property owned by it.; may [PROP. A] perform and render all public services.; ~~and~~ [PROP. A] when deemed expedient may condemn property for corporate or governmental use, and may hold, manage and control the same; and shall be subject to all the duties and obligations now pertaining to or incumbent upon ~~said~~ the [PROP. A] city as a municipal corporation not in conflict with the provisions of this Charter, and shall enjoy all rights, immunities, privileges, and franchises now possessed by ~~said~~ the [PROP. A] city and herein conferred and granted, and except as prohibited by the constitution of the State of Texas, or restricted by the Charter, the City of Navasota 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 all applicable state statutes as heretofore amended, as though such statute were set forth in full herein; or as hereinafter amended.

(b) The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, unless expressly restricted herein, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City of Navasota 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. Included, but not limited by, the enumeration herein contained ~~here~~ are [PROP. A] all powers heretofore or hereafter delegated by the constitution and statutes of the State of Texas to municipal corporations and all powers of the city, whether express or implied, shall be exercised in the manner prescribed by this Charter, but if not prescribed herein, then in the manner provided by the ordinance or resolution of the council.

Sec. 2. Powers of ordinances.

The city shall have the power to enact and enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove all nuisances and preserve and enforce good government, and order and security of the city and its inhabitants; and to enact and enforce ordinances on any and all subjects; provided that no ordinances shall be enacted inconsistent with the provisions of this Charter, or general laws or constitution of the State of Texas; it being the intention to obtain, by the adoption of this Charter, full power of local self- government [PROP. A], and the City shall have and exercise all the powers of local self- government [PROP. A] granted to cities having more than five thousand (5,000) inhabitants by what is known as the Home Rule Amendment to the Constitution of the State of Texas, and to the Home Rule Enabling Act passed by the Legislature of Texas, and now known as Chapter 9 of the Texas Local Government Code.

Sec. 3. Style of ordinances.

The style of all ordinances of the city shall be:

"Be it ordained by the Council of the City of Navasota,"

but the same shall be omitted when the ordinances of the city are codified and published in book or pamphlet form by the city or under the authority of its governing body.

Sec. 4. Real estate, etc., owned by the city.

All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all public buildings, fire stations, parks, streets, alleys, and all property, whether real or personal, or whatever kind, character or description now owned or controlled by the city shall vest in, inure to, remain and be the property of ~~said~~ the [PROP. A] city under this Charter; and all causes of 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~~ the [PROP. A] city for public uses or in trust for the public, shall vest in and remain and inure to the city under this Charter and all suits and pending actions to which the city heretofore was or now is a part, plaintiff or defendant, shall ~~in no wise~~ not [PROP. A] be affected or terminated by the adoption of this Charter, but shall continue unabated.

Sec. 5. Acquisition of property.

The city shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation or otherwise any character ~~erof~~ [PROP. A] property, within or ~~without~~ outside [PROP. A] its municipal boundaries, including any charitable or trust funds, or trust property.

Sec. 6. Public property exempt from execution.

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

Sec. 7. City funds not subject to garnishment.

No funds of the city shall be subject to garnishment and the city shall never be required to answer in any garnishment proceedings.

Sec. 8. Liability for damages.

(a) The city shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts, or sidewalks being out of repair, because of the negligence of said city, unless the same shall have remained in such state of disrepair for ten (10) days after special notice in writing of ~~said state of disrepair is given to the city manager of said city.~~ [PROP. B]

(b) The city shall not be liable to any person for injuries received in any park, playground or public building belonging to said city or because of any apparatus, furnishings, fixtures or improvements thereon being defective or out of repair, because of the negligence of said city, unless the same shall have remained in such state of disrepair for ten (10) days after special notice in writing of ~~said state of disrepair is given to the city manager~~ manager of said city. [PROP. B]

~~(c) [PROP. A] Before the city shall be liable for damages for personal injuries of any kind, or for injuries to or destruction or damage to property of any kind, the person injured or the owner of the property so injured, damaged or destroyed, must give written notice to the mayor and council of said the [PROP. A] city of said injury, damage or destruction, duly verified, within one hundred and eighty (180) days after the same has been sustained, stating in such written notice when, where and how the injury, damage or destruction occurred, the apparent extent thereof, the amount of damages sustained, the amount for which the claimant will settle, the street and residence number of the claimant at the time and date such claim was ~~for was~~ [PROP. A] presented, ~~and~~ [PROP. A] the actual residence of such claimant for the six (6) months immediately preceding the occurrence of such injuries, damage or destruction, and the names and addresses of the witnesses upon whom the claimant relies to establish this claim, and a failure to so notify the mayor and council within the time and the manner provided herein shall exonerate, excuse and exempt the city from any liability whatsoever. This notice shall be filed with the city manager of ~~said~~ the [PROP. A] city and the filing therewith shall constitute such notice.~~

Sec. 9. City not required to give bond.

It shall not be necessary in any suit or proceeding in which the city 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 shall be liable as if the security or bond had been duly executed.

Sec. 10. Right to eminent domain.

The city shall have the right of eminent domain for public purposes whenever the governing authority council [PROP. A] shall deem it necessary, as granted under the constitution and statutes of the State of Texas and all the amendments thereto. The exercise of the power of eminent domain shall be controlled by the procedure under the constitution and statutes of the State of Texas and all the amendments thereto.

Sec. 11. Street improvements.

(a) The city shall have the power to improve any street or highway within its limits by filling, grading, raising, paving or repaving the same in a permanent manner, or by the construction or reconstruction of sidewalks, curbs and gutters or necessary appurtenances thereto, including sewer and drains. In the event there shall be a conflict between the method of improving the streets and other public areas, as provided for by the statutes of the State of Texas as amended, and in the provisions of this Charter, the council may elect to follow either the provisions of this Charter or the provisions of said statutes.

(b) All contracts, assessments and other proceedings heretofore taken under previously existing Charter powers of the city shall continue in full force and effect, and the rights of all parties in connection with the collection of street improvements, assessments or liens on property previously made ~~are to~~ shall not [PROP. A] be ~~in no wise~~ [PROP. A] affected or damaged.

Sec. 12. Zoning.

The council shall have full power and authority to zone the city and pass any necessary ordinances, rules, regulations, or restrictions under the authority of Chapter 211, Texas Local Government Code, and all the amendments thereto.

~~The planning and zoning commission, which is to be appointed by the council, is to contain not more than seven (7) members. No two (2) members of the planning and zoning commission are to have the same or similar occupation. Each person serving on the commission shall comply with all applicable state statutes governing conflicts of interest of local public officials. No person shall be appointed for a term to exceed (2) years, and said terms shall be staggered by ordinance.~~ [PROP. E]

Sec. 13. Power to compromise and settle claims and lawsuits.

The 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~~ [PROP. A] city, including suits by ~~said~~ the [PROP. A] city to recover delinquent taxes.

Sec. 14. Underground construction.

The council may require the placing of all wires or overhead construction of public utilities, or such part thereof as may be deemed best, from time to time, under the surface of the ground, under such regulations as may be prescribed by the council from time to time; and may provide for such construction and change thereof in any franchise hereafter granted..

Sec. 15. Fires.

The council shall have power by ordinance or otherwise to provide means for protection against conflagrations and for the establishment, maintenance, support and regulation of a fire department and for the guarding against fires. It may prescribe fire limits, stipulate and provide for minimum requirements for construction of buildings within such fire limits, regulate or prohibit the erection, building, replacing or repairing of wooden buildings within such limits; and may prescribe that the buildings within such fire limits be made or constructed of fire resisting material; and may prohibit the repairing of wooden buildings within such limits when the same have been damaged to within fifty (50) per cent of the value thereof; and may declare all dilapidated buildings to be nuisances and direct the same to be repaired, removed or abated in such manner as the council may prescribe; and may further prescribe limits within which only fireproof roofing may be used, it may also by ordinance regulate, prescribe, govern or forbid the storage of lumber, building materials of any kind, or inflammable or explosive goods, wares and merchandise or any kind and every kind, within certain limits, and prescribe limits within which such materials may be stored, housed or carried.

ARTICLE IV. CITY COUNCIL

Sec. 1. Governing body.

The governing and lawmaking body of the city council shall consist of five (5) council members, one of whom shall be the mayor, and said body shall be known as the "city council."

Sec. 2. Elective officers.

The members of the council as provided for in this Charter shall be the only elective officers of the city; and they shall be elected and hold office ~~and be compensated~~ [PROP. F] as herein provided. All council members shall be elected from the city at large; and shall elect one of their members to act as mayor. All individuals seeking election to serve as council member must indicate the place number they desire to run for on the prescribed candidate application.

Sec. 3. Conduct of elections; election laws control.

The provisions of the general election laws of the State of Texas shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation and in compliance with filing procedures prescribed by the general election laws of the State of Texas.

Any persons having the qualifications required for candidates for city council shall file for office in accordance with the general election laws of the State of Texas. Each candidate's application for a place on the ballot must be accompanied by a nonrefundable filing fee of one hundred and no/100 dollars (\$100.00), payable to the City of Navasota and submitted to the city secretary to be applied to costs incurred by the city in conducting its elections; or, in lieu of the payment of a filing fee, a valid petition signed by no less than twenty-five (25) qualified voters of the city.

Applications and filing fees, or petitions, shall be signed and filed in the office of the city secretary as prescribed by the general election laws of the State of Texas. The city secretary shall promptly examine each such petition to determine its validity and the validity of the signatures on the petition. If a petition is found to not be valid, the city secretary shall, upon determining such invalidity, promptly deliver to the person who filed the petition a statement certifying and listing the insufficiencies of the petition. Within the required time for filing applications for a place on the ballot, a new petition may be filed for the same candidate whose previous petition was determined to not be valid. The petition of each candidate applying for a place on the ballot in the city council election shall be preserved by the city secretary in compliance with the applicable records retention laws of the State of Texas. [PROP. G]

All elections shall be conducted and the result canvassed and announced by the election authorities as prescribed by the general laws of the State of Texas, which shall control in all municipal elections of the City of Navasota, except as otherwise provided herein.

Sec. 4. Official ballot.

The full name of each candidate for council as herein provided, except if such candidate has withdrawn, dies or become ineligible, shall be printed on the official ballot without party designations. If two (2) or more persons with the same surnames, or with names so similar as to likely cause confusion, are candidates for city council, their names shall be placed on the ballot in accordance with the general election laws of the State of Texas. All names of candidates shall be placed on the official ballot and shall be arranged in accordance with a ballot drawing which will be held as prescribed by general election laws of the State of Texas.

Sec. 5. Plurality Majority vote required [PROP. I].

Each candidate for the office of council member who receives the ~~largest number~~ majority [PROP. I] of all [PROP. I] votes cast for the office that person seeks [PROP. I] in such election shall be declared elected to the council place for which the person was a candidate.

Sec. 5A. Tie vote Runoff elections [PROP. I].

~~(a) In the event of a tie vote, the same shall be resolved by lot in the following manner: Two (2) slips of paper, of uniform size, one in blank and the other containing the figure "4," shall be securely folded and placed in a receptacle and each candidate having received a tie vote shall draw a slip from the receptacle, and the candidate drawing the slip with the figure "4" thereon shall be declared elected [PROP. I] In the event any candidate for the office of council member fails to receive, at any regular or special election, a majority of all votes cast for that particular office, the mayor or, if the mayor fails to do so, the council shall no later than the fifth day following the official canvass of the election order a runoff election to be held within thirty (30) days of said canvass. At said runoff election the two (2) candidates that received the highest number of votes cast for such particular office in the first election, at which no one was elected to such office by receiving a majority of all votes cast for all candidates for such particular office, shall be voted on again. [PROP. I]~~

~~(b) If in the first election more than two (2) candidates tie for the highest number of votes in the election, an automatic recount shall be conducted in accordance with the general election laws of the State of Texas. If the recount does not resolve the tie, the tied candidates shall cast lots to determine which two (2) are to be the runoff candidates. [PROP. I]~~

~~(c) If in the first election two (2) or more candidates tie for the second highest number of votes in the election, an automatic recount shall be conducted in accordance with the general election laws of the State of Texas. If the recount does not resolve the tie, the tied candidates shall cast lots to determine which one is to be the second candidate in the runoff election. [PROP. I]~~

~~(d) The candidate who receives the majority of the votes cast for the particular office in the runoff election shall be elected to such office and shall take office as soon thereafter as said candidate is qualified. If the candidates in a runoff election tie, an automatic recount shall be conducted in accordance with the general election laws of the State of Texas. If the recount does not resolve the tie, the tied candidates shall cast lots to determine the winner. [PROP. I]~~

~~(e) The presiding officer of the final canvassing authority for the election shall supervise the casting of lots under this Section 5A. [PROP. I]~~

Sec. 6. Notice of election.

In accordance with the general election laws of the State of Texas, the council members shall order the election, in which order the offices to be filled shall be named, and the voting places and the names of the presiding judges of such

election shall be sent out. Notice of such election shall be given as provided for in the general election laws of the State of Texas.

Sec. 7. Time of election and staggered terms.

The regular general election of city council members shall be held each year on the ~~second~~first [PROP. H] Saturday of May, or on any other date authorized by applicable law. [PROP. H]

The city council members shall be elected to Places 1 through 5. ~~Council members elected to Places 1 through 3 shall be elected in even-numbered years. Council members elected to Places 4 and 5 shall be elected in odd-numbered years.~~ [PROP. I] Beginning at the May, 2024 election, the term of office for city council Place 1 shall be for three (3) years, and continuously thereafter the term of office for city council Place 1 shall be for three (3) years. [PROP. I]

Beginning at the May, 2024 election, the term of office for city council Places 2 and 3 shall be for two (2) years, and continuously thereafter the term of office for city council Places 2 and 3 shall be for three (3) years. [PROP. I]

Beginning at the May, 2025 election, the term of office for city council Places 4 and 5 shall be for three (3) years, and continuously thereafter the term of office for city council Places 4 and 5 shall be for three (3) years. [PROP. I]

Sec. 8. Regular term of office.

The regular term of office for council member shall be ~~two (2)~~three (3) [PROP. I] years, or until a successor is qualified, in the event of a vacancy, except as otherwise provided herein.

Sec. 9. Officers, oath and bond of.

All officers of the city, whether elective or appointive, shall qualify by taking the oath prescribed by the constitution of Texas, and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the city.

Sec. 10. Qualifications.

Members of the council shall be resident qualified voters of the city and shall have been a resident citizen of the City of Navasota for twelve (12) months immediately preceding such election and shall not hold any other public office except that of notary public or as otherwise provided by law. Any member ceasing to have any of these qualifications, or who shall be convicted of a felony while in office, shall forfeit his office immediately.

Sec. 11. Removal.

Any member of the council who knowingly permits any provision of this Charter to be violated without exercising his power as a council member to prevent it shall be subject to removal from office as provided in article IV, section 23 herein below. [PROP. K] and prosecuted in the manner provided by law.

Sec. 12. Vacancy.

~~If a vacancy should occur in the council, the remaining members of the council by a majority vote shall: 1) appoint a qualified resident voter to fill such vacancy for the remainder of the term; 2) provide for a special election to fill said vacancy consistent with the general election laws of the State of Texas; or 3) allow said vacancy to remain open until such time at which the vacancy may be filled at the next regular general city election.~~ [PROP. J] Vacancies in the city council arising from resignation, forfeiture, removal, death, or any other cause shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty

(120) days after such vacancy or vacancies occur. If any such vacancy shall occur within one hundred twenty (120) days preceding a regular election, then the special election to fill the vacancy for the unexpired term shall be held on the same date as the next regular election. Additionally, if the remaining unexpired term of the vacant council position is twelve (12) months or less, then no special election to fill the vacancy shall be held and the vacant Council position, after the Council provides public notice of the vacancy and the opportunity for qualified persons to submit applications requesting appointment to the vacancy, shall be filled by appointment by the remaining council members, and the appointed council member shall serve for the unexpired term of the vacant council position to which the person was appointed. Appointed council members are required to have the same qualifications as required for an elected council member. [PROP. J]

Sec. 13. Mayor.

The council members shall elect one of their members as ~~chairman~~mayor [PROP. A] at the first regular meeting following the regular general election each May. ~~He~~The shall be called [PROP. A] mayor; ~~and~~ [PROP. A] shall be the presiding officer of the council. ~~He~~The mayor [PROP. A] shall vote as a member of the council on all matters coming before the body; sign all bonds, warrants, and other official documents; be the official head of the city; and exercise all power and perform all duties imposed upon ~~him~~the mayor [PROP. A] by applicable law, [PROP. A] this Charter and by the ordinances of the city and resolutions of the council.

Sec. 14. Mayor pro-tem.

The mayor pro-tem shall be elected from among the members of the council at the first regular meeting following the regular general election ~~each May~~of city council members [PROP. A], and shall perform all the duties of the mayor in the event of the mayor's absence or disability.

Sec. 15. Compensation.

The mayor and each council member shall serve on the city council without compensation; however, the mayor and council members shall be entitled to reimbursement for any expenses approved and provided for by the city budget and incurred in the performance of their official duties as a member of the city council.

Sec. 16. Conflict of interest.

Except as otherwise allowed by law, no member of the council shall, during his term of office, hold any other public office or employment, compensation for which is paid out of public funds. Nor shall any member of ~~said~~the [PROP. A] council, appointive officer, ~~for~~or [PROP. A] employee of the city be ~~pecuniarily~~financially [PROP. A] interested, directly or indirectly, in any contract ~~let~~authorized [PROP. A] by the city ~~not~~except [PROP. A] in accordance with applicable provisions of State Law and Chapter 171 of the Texas Local Government Code governing conflicts of interest of local public officials.

Sec. 17. Legislative body.

The council shall constitute the legislative and governing body of the city, and shall have and exercise all the powers and authority herein granted. It shall pass and adopt all needed ordinances and resolutions, and adopt necessary regulations to govern the different departments of the city.

Said ordinances, resolutions and regulations shall be consistent with the provisions of this Charter and the constitution and general laws of the State of Texas.

Sec. 18. Meetings of the council.

The council shall hold at least one regular meeting in each month at a time to be ~~fixed~~established [PROP. A] by it for such regular meetings; and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens.

Sec. 19. Special meetings of the council.

Special meetings shall be called by the city secretary upon the request of the mayor, mayor pro-tem, the city manager, or any two (2) members of the council, and may be held at any time in accordance with the provisions of state law. Notice of special meetings shall be provided in accordance with Chapter 551 of the Texas Government Code and all amendments thereto.

Sec. 20. Meetings open to the public.

All meetings of the council and committees thereof shall be open to the public, except as provided in Chapter 551, Texas Government Code, and all amendments thereto. Any ~~inhabitants of the city~~member of the public [PROP. B] shall have a reasonable opportunity to be heard at any meeting of the council on any matter.

Sec. 21. Canvass returns and declare results of elections.

The council shall, within the period of time after each regular and special election as provided for by state law, or as soon thereafter as practicable, canvass the returns and declare the result of such election.

Sec. 22. Time for qualification and assumption of duties.

As soon as practicable, but not earlier than the date for canvassing the election results as provided by law., ~~the~~ [PROP. A] council shall meet in the council chamber of the city hall or a location suitable for such meeting, at which time the council shall qualify and assume the duties of their offices.

Sec. 23. Council to be judge of election and qualification of its members.

The council shall be the judge of the election and qualification of its own members, and such authority shall include, but not be limited to, the authority to remove a council member for violation of article IV, section 11 of this Charter, and to appoint a qualified person to fill a vacant council position pursuant to article IV, section 12 of this Charter. [PROP. K]

Sec. 24. Rules of the council.

The council shall determine its own rules of procedure and ethics [PROP. L], and shall compel the attendance of its members.

Sec. 25. Legislative procedure.

Three (3) members of the council shall constitute a quorum to do business. The affirmative vote of a majority of the five-member council present and voting shall be necessary to adopt any ordinance or resolution, except as otherwise provided herein. 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. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage shall be recorded in a bound record kept for that purpose, and shall be authenticated by the signature of the presiding officer and the person performing the duties of city ~~clerk~~or [PROP. A] secretary.

Sec. 26. City secretary.

The council shall choose a city secretary who shall keep the records of the council and perform such other duties as may be required by applicable law. [PROP. M] this Charter, ~~or city ordinances and resolutions.~~ [PROP. M] the council or the city manager. [PROP. M]

Sec. 27. Ordinances and resolutions, enactment of.

Each proposed ordinance or resolution shall be introduced in written or printed form, and shall contain not more than one subject, which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contract of indebtedness or issuance of bonds or other evidence of indebtedness. ~~No~~An [PROP. N] ordinance, ~~unless it is declared an emergency measure, shall~~may [PROP. N] be passed finally on the date it is introduced, ~~but instead must be passed,~~ [PROP. N] read, ~~and~~ [PROP. N] voted upon and passed [PROP. N] at ~~two (2) separate~~one (1) [PROP. N] meetings [PROP. N] of the council.

Sec. 28. Emergency measures, defined[RESERVED] [PROP. N].

~~An emergency measure is an ordinance or resolution for the immediate preservation of the public business, property, health or safety, or providing for the usual daily operation of a municipal department in which the emergency is set forth in such ordinance or resolution. Ordinances or resolutions appropriating money to defray current or other expenses of the city may be passed as emergency measures, but no ordinance or resolution making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate or rates to be charged for service furnished the public generally by any public utility shall ever be passed as an emergency measure.~~ [PROP. N]

Sec. 29. Ordinances, when and how published.

Every ordinance imposing any penalty, fine or forfeiture shall, after passage thereof, be published in one (1) issue of the official paper and in accordance with state law; however, the city may publish a caption of an adopted ordinance that summarizes the purpose of the ordinance and any penalty for violating the ordinance in lieu of the requirement that the full text of the ordinance be published. Proof of such publication shall be made by the printer or publisher of such paper, making affidavit before ~~some~~an [PROP. A] officer authorized by law to administer oaths, and filed with the person performing the duties of city secretary and shall be prima facie evidence of such publication and promulgation of such ordinance in all courts of the state; and such ordinance so published shall take effect, and be in force, from and after five (5) days after publication thereof, unless otherwise expressly provided. Ordinances not required to be published shall take effect, and be in force, from and after passage, unless otherwise provided.

Sec. 30. [RESERVED]

Sec. 31. Ordinances and resolutions, admissibility as evidence[RESERVED] [PROP. A].

~~Any ordinance or resolution appearing of record in the book mentioned in section 25 of this article, or a copy thereof duly certified by the person performing the duties of city secretary under the seal of said city, and all the ordinances or resolutions of the city, published in book, compact disc (CD) or pamphlet form and purporting to be published or created "By the authority of the council of the City of Navasota," shall be received by all courts of this state as prima facie evidence of the due passage and publication of such ordinance or resolution.~~ [PROP. A]

Sec. 32. Contracts for personal services, supplies, etc.

No contract shall ever be made which binds the city for personal services to be rendered for any stated period of time, but all appointive officers and employees shall be subject to preemptory discharge and when discharged shall only be entitled to compensation up to and including the date of their discharge; however, notwithstanding this or any other provision of the charter, the city may enter into an agreement with the city manager regarding personal services to be rendered to the city and containing any additional terms and conditions mutually acceptable to the city council and the city manager.

(a) Nor shall the city or any agent of the city acting for it make any contract for goods, materials, services or supplies for the current use of any department of the municipality for more than one (1) year, except as in this Charter provided, unless ~~said~~the [PROP. A] contract and the cost thereof has been included in the annual budget of the city and unless an appropriation has been made therefore, and no contract or purchase shall exceed the amount appropriated. All contracts, except for professional services, shall be made upon specifications, and no contract shall be binding until it has been signed by a designated representative of the city. Whenever the costs of any contracts charged to any appropriation equal the amount of such appropriation, no person representing the city shall sign or make any additional contracts chargeable to such appropriation. Any contract for current expenditures exceeding the amount set up in the budget or the appropriation therefore shall be void.

(b) Notwithstanding any provision of this charter that relates to the notice of contracts, advertisement of the notice, requirements for the taking of sealed bids based on specifications for public improvements or purchases, the manner of publicly opening bids or reading them aloud, the authority for utilizing alternative project delivery methods, or the manner of or authority for making purchases and letting contracts, the city council may elect to expend city funds and enter into contracts pursuant to and in accordance with the laws of the State of Texas, as hereafter amended. The city council may elect to have ~~said~~the [PROP. A] state laws related to contracting and purchasing supersede any conflicting provision of this charter.

Sec. 33. Departments may be consolidated, etc.

The council may abolish or consolidate such offices and departments as it may deem to the best interest of the city, and may divide the administration of any such department as it may deem advisable, create new departments and may discontinue any offices or departments ~~of~~at [PROP. A] its discretion, except as to the office of city manager.

Sec. 34. Compensation of appointive officers and employees. [PROP. O]

The council may ~~fix~~and [PROP. A] determine the salaries and wages of all appointive officers and employees [PROP. O] of the city.

Sec. 35. Payment of claims[RESERVED]. [PROP. B]

~~No warrant for the payment of any claim shall be issued by the city unless such claim shall be evidenced by an invoice or itemized account, and approved by the city manager and audited and approved by such manager and all warrants shall be signed by the city manager.~~ [PROP. B]

Sec. 36. Nepotism.

Except as provided by Chapter 573 of the Texas Government Code, and any amendments thereto, no person related within the second degree by affinity, or within the third degree by consanguinity, to the mayor or any other member of the council, or the city manager, shall be appointed to any office, position ~~or clerkship~~ [PROP. A] or other service of the city.

ARTICLE V. CITY MANAGER.

Sec. 1. Qualification, term, removal, compensation, absence or inability to perform duties.

(a) The council shall employ a city manager who shall be the chief executive officer of the city, and he shall devote all of his time to the performance of his official duties. He shall be employed solely on the basis of his ~~fitness~~qualifications [PROP. A] for the position as determined by the city council [PROP. A]. The city manager shall be appointed for an indefinite term and may be removed by a majority [PROP. P] vote of four (4) the [PROP. P] members of the council. Except as may otherwise be provided in a personal services agreement between the city and the city manager, removal may not become effective until thirty (30) days after the manager shall have been notified in writing of the council's intention to remove him, and until after a public hearing on the question of the manager's removal shall have been held, if such hearing is requested of the council in writing by the manager. In the event the city manager does not reside within the corporate limits of the city when employed by the city as the city manager, he shall establish his residence within the corporate limits of the city within a reasonably prompt period of time after employment, as determined solely by the city council. [PROP. Q]

(b) The city manager shall receive compensation in the amount and manner provided by the council.

(c) In the absence or inability of the city manager to perform his duties, the council by a majority vote may designate a qualified administrative officer to perform the duties of city manager during such absence or disability.

Sec. 2. Powers and duties.

(a) R all department heads. He shall have the power to appoint for an indefinite term and to remove all other employees in the administrative [PROP. A] service of the city. He may authorize the head of a department to appoint and remove subordinates in his respective department. The city manager shall determine the salaries and wages of all employees of the city. [PROP. O]

Except of the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager. They shall not in any manner take part in the appointment or removal of any person subordinate to the city manager, nor shall they give any instructions to any subordinate of the city manager.

(b) He shall exercise supervision and control over all departments created by this Charter or that may hereafter be created by the council.

(c) He shall attend all meetings of the council with the right to take part in the discussion, but having no vote; and he shall be notified of all special meetings of ~~said~~the [PROP. A] council in the time and manner this Charter requires such notice to be given to the members of ~~said~~the [PROP. A] council.

(d) He shall see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the council.

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(e) He shall act as budget officer and as such to prepare and submit to the council prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the estimated amounts required by ~~months~~ [PROP. A] for the efficient operation of each department of the city government ~~and the reasons for such estimated expenditures.~~ [PROP. A]

(f) He shall make a full written report to the council as soon after the close of each month's accounts as possible, showing the operation and expenditures of each department of the city government for the preceding month, and a comparison of such monthly expenditures, by departments, with the monthly allowances made for such departments in the annual budget, and to keep ~~said~~ [PROP. A] council fully advised at all times as to the financial condition and needs of the city.

(g) He shall act as purchasing agent for the city and purchase all merchandise, material and supplies needed by the city and may establish, ~~if needed,~~ [PROP. A] a suitable storehouse where such supplies shall be kept and from which same shall be issued as needed; and to adopt such rules and regulations governing requisition and the transaction of business between himself as such purchasing agent and the heads of departments, appointed [PROP. A] officers and employees of the city as the council may approve.

(h) He shall recommend to the council the ~~salaries~~ compensation [PROP. O] to be paid each appointed officer ~~and subordinate employee~~ [PROP. O] of the city, and it shall be the duty of ~~said~~ [PROP. A] council to ~~take action upon~~ ordinances or resolutions, from time to time, fixing determine the [PROP. O] rates of compensation of said appointed officers [PROP. O].

(i) He shall recommend to the council, in writing, from time to time, for adoption, such measures, as he may deem necessary or expedient.

(j) He shall do and perform such other duties as may be prescribed by this Charter or be required of him by the ordinances and resolutions of the council.

ARTICLE VI. TAXATION

Sec. 1. Levy of annual ad valorem tax.

The council shall have the power and it is hereby authorized to levy annually and collect an ad valorem tax on all real, personal and other property within the corporate limits of the city, not exempt from taxation by the constitution and laws of the State of Texas.

Sec. 2. Powers of council generally.

The council shall have the power to establish by ordinance: The form and content of future ordinances establishing the tax rate; the procedure to be used in issuing refunds on tax payments; subject to the provisions of state law allowing the tax assessor/collector to adopt a policy accepting partial payments of property taxes. [PROP. S] a delinquent tax policy in regard to partial payments before and after judgment, before and after filing suit; the affixing of a tax lien in favor of the city for all taxes levied against all real, personal, and other property; and to enact ordinances in other such instances as may be necessary.

Sec. 3. Compliance with tax code.

The City of Navasota shall comply with all provisions of the Tax Code of the State of Texas, as same now exists or as same may hereafter be amended, ~~in the operation and administration of the city tax office.~~ [PROP. B]

Sec. 4. Occupation taxes.

The council shall have the power to levy and collect an occupation tax on all occupations, ~~callings,~~ [PROP. A] businesses and ~~provisions~~ other taxable persons and entities [PROP. A], ~~taxes~~ taxed [PROP. A] by the State of Texas from time to time, to the amount of one-half of the amount of occupation tax levied by the state and shall have the power by ordinance to provide adequate means for enforcing the collection of the same.

ARTICLE VII. Municipal Court, City Attorney and Other Legal Counsel

Sec. 1. Municipal court created.

There shall be a court for the trial of misdemeanor offenses known as the "municipal court," with such powers and duties as are defined and described in applicable ~~state statutes~~ law. [PROP. B] and ~~as thereafter amended and in the Texas Code of Criminal Procedure and as thereafter amended~~ all amendments thereto. [PROP. B]

Sec. 2. Judge.

The council shall appoint a citizen of the City of Navasota to be judge of ~~said~~ the municipal [PROP. A] court, whose title shall be "municipal judge," and who must meet the following qualifications:

- (1) shall have been a resident citizen of the City of Navasota for a period of one (1) [PROP. A] year immediately preceding such appointment;
- (2) shall not hold any other electd [PROP. T] public office ~~except that of notary public~~ as allowed by applicable law [PROP. T];
- (3) shall have paid up to date all outstanding city taxes and utilities; and [PROP. A]
- (4) shall not have been convicted of a felony or any crime involving moral turpitude.

Sec. 3. Term of office.

The term of office of the municipal judge shall be filled by appointment by ~~said~~ the [PROP. A] council for a term of two (2) years; however, the municipal judge may be removed from office by the council at any time at its discretion.

In the event the appointed municipal judge is removed from office, is unable to serve due to death, illness, or tenders a written letter of resignation to the city council, such vacancy in the position of the judge shall be filled by a vote ~~from~~ of [PROP. A] a majority of the members of the city council. Such appointment shall be for the remainder of the existing term or for a full two (2) year term, as applicable.

Sec. 4. Jurisdiction.

~~Said~~ The [PROP. A] municipal court shall have jurisdiction as provided under Article 4.14, Texas Code of Criminal Procedure in applicable law. [PROP. B] and all amendments thereto.

Sec. 5. Clerk.

The municipal judge shall be ex officio clerk of ~~said~~ the [PROP. A] municipal court, unless the city council has provided for the appointment of a municipal court clerk.

Sec. 6. Duties of clerk.

It shall be the duty of ~~said~~ the [PROP. A] clerk to keep ~~a~~ minutes [PROP. A] of the proceedings of ~~said~~ the [PROP. A] court; to issue all processes, and generally, to do and perform all the duties of a clerk of a court as prescribed by law for the clerk of the county court, in so far as said provisions may be applicable.

Sec. 7. Right of trial before jury.

Every person brought before the judge to be tried for an offense for which the penalty may be a fine shall be entitled, if he shall demand it, to be tried by a jury of six (6) ~~legal voters~~ residents [PROP. B] of the city, who shall be summoned, ~~empaneled~~ empaneled [PROP. A] and qualified as jurors ~~in justice courts.~~ [PROP. B] under the laws of the State of Texas.

Sec. 8. Rules of pleading, practice and procedure.

All rules of pleadings, practice and procedure now established in Chapter 45, Texas Code of Criminal Procedure, as may be amended, and as otherwise provided by applicable law, shall apply in ~~said~~ the [PROP. A] municipal court. Complaints before ~~said~~ the [PROP. A] court may be sworn to before the judge, clerk or ~~said~~ the [PROP. A] court, his deputy, or the city attorney; ~~and each and all of which officers for that purpose shall have the power to administer oaths;~~ [PROP. A] or it may be sworn to before any other officer authorized by law to administer oaths.

Sec. 9. Seal of municipal court.

The ~~said~~ [PROP. A] municipal court shall have a seal having engraved thereon a star of five (5) points in the center and words "Municipal Court, in Navasota, Texas," the impress of which shall be attached to all proceedings, except subpoenas, issued out of ~~said~~ the [PROP. A] court, and shall be used to authenticate the official acts of the judge where he is authorized or required to use the seal of office.

Sec. 10. Complaint, how commenced and concluded.

In all prosecutions in ~~said~~ the [PROP. A] court, whether under an ordinance or under the provision of the Penal Code of this state, the complaint shall commence: "In the Name and by the Authority of the State of Texas" and shall conclude: "Against the Peace and Dignity of the State," and where the offense is covered by ordinance, the complaint may also conclude "Contrary to the City Ordinance"; and all prosecutions in ~~said~~ the [PROP. A] court shall be conducted by the city attorney or by his deputy; ~~but the county attorney of Grimes County, if he so desires, shall also represent the State of Texas in such prosecution, but in all such cases the said county attorney shall not be entitled to receive any fees or other compensation, whatever, for said services, and in case shall the said county attorney have the power to dismiss any prosecution pending in said court, unless for reasons filed and approved by the judge of said court.~~ [PROP. U]

Sec. 11. Council to prescribe rules for collecting fees and costs, etc.

The council shall from time to time by ordinances or resolutions, prescribe such rules, not inconsistent with the provisions of this Charter nor the laws of this state, as in the discretion of the council may be proper to enforce against the property of the defendant, or ~~imprisonment~~ confinement [PROP. A] of the defendant for the collection of all costs and fines imposed by ~~said~~ the [PROP. A] court; and shall also have the power to adopt such rules and regulations concerning practice and procedure in ~~said~~ the [PROP. A] court as ~~said~~ the [PROP. A] council may deem proper not inconsistent, however, with the provisions of this Charter nor the general laws of this state.

Sec. 12. Fines and costs to be paid into the city depository.

All costs and fines imposed by ~~said~~ the court [PROP. A] in prosecutions [PROP. A] therein, shall be paid into the city depository in the general fund of the City of Navasota for the use and benefit of ~~said~~ the [PROP. A] city, or as otherwise required by state law.

Sec. 13. Costs to be collected.

There shall be taxed against and collected of such defendant, in case of his conviction before ~~said~~ the [PROP. A] court, such costs as are prescribed by law to be collected of defendants convicted in municipal court.

Sec. 14. Jury and witness fees, etc.

The provisions of the Code of Criminal Procedure of the State of Texas regulating the amount and collection of jury and witness fees, and for enforcing the attendance of witnesses in criminal cases tried before a municipal court judge shall, in so far as practicable, govern and be applicable to the trial of cases before the municipal court herein created and established.

Sec. 15. Powers available to judge.

The judge of ~~said~~ the [PROP. A] court shall have the power to punish for contempt as provided by applicable law. The judge shall have power to take recognizance, admit to bail, and forfeit recognizance and bail bonds, under such rules and regulations as now govern the taking and forfeiture of the same as provided by state law.

Sec. 16. Processes, how served.

All processes issued out of ~~said~~ the [PROP. A] municipal court shall be served by the officer performing the duties of the chief of police, or any police officer of the city, under the same rules and regulations as are now provided by law so far as the same are applicable; but each defendant shall be entitled to at least one day's notice before any trial of any complaint against him if such time be demanded or as applicable under the Texas Code of Criminal Procedure.

Sec. 17. Writs of judge.

Writs issued by the municipal judge of ~~said~~ the [PROP. A] court for offenses against the laws of this state may be executed and the accused person or persons arrested by the chief of police or any police officer of the City of Navasota anywhere within Grimes County or as otherwise provided under Article 15.06 and 15.07 of the Code of Criminal Procedure of the State of Texas and all amendments thereto.

Sec. 18. Appeals.

All appeals from judgments rendered in ~~said~~ the [PROP. A] court shall be to the county court in and for Grimes County, to be perfected in the manner and within the time prescribed by the applicable provisions of the Texas Code of Criminal Procedure; and in all such appeals, the trial in the county court shall be de novo, the same as if the prosecution had been originally commenced in that court.

Sec. 19. City attorney; qualifications, powers and duties.

The city attorney shall be appointed by the city council and shall hold office during the time he shall perform the duties of his office to the satisfaction of the council, and may be removed at any time by the council, where it appears for the best interest of the city that his services be dispensed with. He shall be a resident citizen of the State of Texas and shall be a qualified voter thereof, and shall be a regularly licensed and practicing attorney. He shall serve as the chief legal advisor to the council, the city manager and all city departments, offices and agencies. He shall have the authority to take complaints or violations of the ordinances of the city and violations of the laws of the State of Texas committed within the jurisdiction of the municipal court, and to prosecute said violations, unless such prosecutorial duties are vested in another pursuant to the city's appointment of a city prosecutor. He shall represent the city in all legal proceedings, unless otherwise directed by the council and shall receive such compensation as may be provided by the council.

Sec. 20. Temporary or additional counsel authorized.

In the event of a vacancy in the office of city attorney, making it advisable for the city and its officers to have legal advice, then the council may employ a legal advisor, with as good qualifications as required of the city attorney and allow him the same compensation as allowable to the city attorney; and when in the judgment of the city council legal questions or litigation of more than usual importance to the interests of the city and its citizens, arising, making it advisable in the judgment of the council, to employ additional counsel and to allow reasonable compensation for the services thereof.

ARTICLE VIII. CITY FINANCES

Sec. 1. Fiscal year.

The fiscal year of the city government shall be for the period beginning October first (1st) [PROP. A] and ending September thirtieth (30th) [PROP. A] of each year.

Sec. 2. Budget.

The city manager shall prepare and submit to the council an annual budget on or before August thirty-first (31st) [PROP. A] of each calendar year or as set by ordinance in accordance with applicable provisions of state law. The budget shall be prepared on the basis of estimates, expenses and incomes of the various departments of the city. These departmental estimates showing the anticipated expenses and income of the departments as well as the expenses and income of the preceding budget year [PROP. A] reconciled with actual expenditures and income, shall indicate wherein increases or ~~diminutions~~ decreases [PROP. A] are recommended for the ensuing budget year, and notice shall be published in accordance with the applicable provisions of state law, stating that the annual budget has been prepared and printed, and that copies of the estimates shall be available to any person upon request. Due notice shall be made of the time when the budget is to be discussed by the council members, and copies of the budget shall be available to any person in accordance with the applicable provisions of state law. The proposed budget shall also be posted on the city's website at least seventy-two (72) hours prior to the meeting(s) at which it will be discussed by the council members. Failure to post the budget on the city's website as provided in this section shall not prohibit the city council from discussing the proposed budget at said meeting(s). [PROP. V] The discussion shall be given in open meeting and adequate time shall be given in said open meeting to hearing protests and objections, if any, to any items in the budget or to omissions therefrom.

Sec. 3. Expenditures.

All expenditures of the city shall be made in accordance with budgeted appropriations.

Sec. 4. Bookkeeping/Financial Records. [PROP. W]

The city's accounts shall be kept in such a manner as to show fully at all times the financial condition of the city, and the ~~books~~ financial records [PROP. W] shall at all times be open to the public inspection. The council shall see that accounts are kept in compliance with the most approved fashion generally accepted accounting principles and the standards adopted by the Governmental Accounting Standards Board applicable to cities [PROP. W], including all necessary balance sheets in detail and in summary, revenue and expense statements, treasury statements, store accounts, operating statistics, and other reports necessary to show completely each month the state of the city finances.

Sec. 5. Monthly reports.

The city manager shall make to the council, if desired by it, a monthly report in writing showing in detail the receipts and disbursements for the preceding month and fiscal year to date. ~~These reports of the city manager, after having been first approved by the council, may be published in a newspaper.~~ [PROP. X]

Sec. 6. Annual audit.

The council shall request an independent audit to be prepared annually by a certified public accountant covering all of the city's financial affairs, including operating results for the year and financial statement at the close of the fiscal year. This audit shall be made as soon as practicable after the close of the fiscal year, but not later than one hundred eighty (180) days past the end of the fiscal year.

Sec. 7. Temporary borrowing [RESERVED] [PROP. Y].

~~The council is authorized to borrow money, for not longer than the end of the current fiscal year, by issuance of deficiency warrants in amounts no greater than necessary to supplement the revenues of the city in paying current expenses. The same shall become due not later than the end of the fiscal year.~~ [PROP. Y]

Sec. 8. Depository.

The council shall designate one or more depository banking institutions in which all city funds shall be deposited. The designated depository shall be required to pledge as securities only as allowed by applicable law and the amount of securities to be pledged shall equal the city funds on deposit in the depository bank. Should the securities pledged by the depository bank to secure city funds at any time be in excess of the amount on deposit, the council shall permit the release of such excess by written permission; and should the city funds deposited at any time increase beyond the amount of securities pledged, then the depository bank shall immediately pledge additional securities with the city's governing body or pledge bank, so that the securities pledged shall at no time be of a value less than the total amount of city funds on deposit in ~~said~~ the [PROP. A] depository bank. The determination of such value shall be in the discretion of the city council whose decision shall be final and binding upon such depository. The right of substitution of securities shall be granted to depositories, provided the securities are authorized by applicable law.

State law shall govern in the selection of the city depository, provided, however, that a prospective depository bank shall not be excluded from selection because a council member, appointive officer, or employee of the city owns stock in ~~said~~ the [PROP. A] bank or serves on the bank board, so long as the ~~said~~ [PROP. A] council member, appointive officer, or employee does not take part in the selection of ~~said~~ the [PROP. A] depository. It shall not be considered a conflict of interest as the same is defined in this Charter for a council member, appointive officer, or employee to own stock in or be on the board of directors of a depository bank.

Sec. 9. Funds.

All moneys arising from the collection of taxes by the city shall be divided into two (2) funds, and designated as "general funds" and "interest and sinking fund."

ARTICLE IX. FRANCHISES AND PUBLIC UTILITIES*

Sec. 1. Powers of council.

The council shall have power by ordinance to grant, renew and extend all franchises, and to regulate all public utilities of every character within the city and for such purposes is granted full power:

1. To prohibit the occupancy and use of any street, alley, or other public place in the city, either on, in, over or under the same, by any telegraph or telephone line; system or exchange, electric light and power line, plant or system, street railway, interurban railway, steam railway, bus line or system, gas works and system, or any other character of public utility, without a franchise, and upon payment of such compensation as may be lawfully prescribed. Any occupancy and use of any street, alley, or other public place in the city shall be subject to lawful regulation by the council;
2. To prescribe and enforce all rules and regulations necessary or expedient for securing safe, efficient, faithful and continuous service to the public from such public utilities, and to prescribe and regulate the character, quality, and efficiency and manner of service to be rendered, given, performed, and furnished to the public, and to change such character, quality, and efficiency and manner of services from time to time upon reasonable notice, as conditions require.
3. To determine, fix [PROP. A] and regulate the charges, fares and rates to be paid by the public for the services and commodities of any such utilities after reasonable notice, and to change such requirements and regulations from time to time upon reasonable notice, as conditions require.
4. To inspect the books and other records and papers of the public utility furnishing such service and compel the production of such books, papers and records and the attendance of witnesses for the purpose of making such investigation into the charge, fares and rates to be paid by the public;
5. To require the holder of any franchise now or hereafter granted, at the holders' own expense, to furnish the city a correct complete map or plat, within thirty (30) days of a written request from the city, showing the location, extent and such other general information as may be desired of all improvements and equipment of whatever nature located on, in, over [PROP. A] or under the streets, avenues, alleys or public grounds of said the [PROP. A] city;
6. To prescribe the forms of accounts kept by each such utility, where a public utility keeps its accounts and books, according to a system prescribed by federal or state authority or commission; ~~the keeping of such accounts and books in the manner so prescribed shall be deemed a compliance with the foregoing provisions of this subsection six (6);~~ [PROP. A] and at any time to examine and audit the accounts and other records including reports on local operations by each such utility;
7. To repeal any franchise by ordinance at any time for the failure to begin construction or operation within the time prescribed or to cause prosecution of proceedings for judicial forfeiture for failure to otherwise comply with the terms of the franchise;
8. To enforce by appropriate penalties all requirements and rules lawfully enacted by the city for the regulation of public utilities, or for carrying into effect and forcing any other powers over public utilities herein granted to the city.

Sect [PROP. A]. 2. Period of franchise, etc.

No franchise of any kind shall ever be granted by the council for a longer period than thirty (30) years, and shall provide that such franchise may be reviewed on a periodic basis not to exceed once every three (3) years wherein revisions may be made in the franchise regarding rates and other matters coming before the attention of the council. No determinate franchise shall ever be granted except upon the condition that the city shall have the right to purchase property of the franchise holder either at the expiration of the franchise period or upon termination of the franchise, nor shall any franchise ever be exclusive. No franchise shall be transferable, except with the approval of the council expressed by ordinance.

Sect [PROP. A]. 3. Franchise ordinances.

All ordinances granting, renewing or extending franchises for public utilities shall be read at ~~three~~

~~(3)two~~ (2) [PROP. Z] separate regular meetings of the council, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until sixty (60) days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for three (3) consecutive weeks in a newspaper published in the city and in compliance with any other requirements of state law, and the expense of such publication shall be borne by the proponent of the franchise, provided however that in lieu of publishing the entire ordinance, the city may choose to publish the caption of the ordinance as allowed by State law.

If, at any time before any such ordinance takes effect, a petition shall be submitted to the council, signed by the required number of qualified voters of the city as provided by Chapter 311 of the Texas Transportation Code, the council shall submit the question, of granting, renewing or extending such franchise to a vote of the qualified voters of the city at the next succeeding general election to be held therein, in accordance with the general election laws of the State and said chapter of the Transportation Code; and notice of such election shall be published in a newspaper in accordance with Chapter 311 of the Transportation Code before election day, which notice shall contain a full copy of said ordinance; and the expense of such publication shall be borne by the proponent of the franchise.

If within ten (10) years prior to the expiration of any franchise period, the franchise holder has applied for a new franchise, and such application is refused by the council, and a petition, complying with the foregoing provisions of this section is presented to the council, then the council shall submit the question of granting of the franchise to the qualified voters in the same manner as provided in this section. The failure or refusal of the council to act upon the application for a franchise within four (4) months after the same is filed with the council shall be construed as a refusal.

The ballot used at said the [PROP. A] election shall briefly describe the franchise to be voted on and the terms thereof, and shall contain the words, "For the Granting of the Franchise" and "Against the Granting of the Franchise" as provided by said Chapter of the Texas Transportation

Code and any subsequent amendments. If a majority of those voting at such election shall vote in favor of granting the franchise, the council, upon canvassing the returns, shall so declare, and said the [PROP. A] franchise shall take effect in accordance with its terms; but no franchise shall extend beyond the period ~~fixed~~ established [PROP. A] for its expiration.

Sec. 4. Public record.

The city shall compile and maintain a bound public record of all public utility franchises, renewals and extensions thereof.

Sec. 5. Extensions

All service extension of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use or maintain any extension shall expire with the original grant, and shall be terminable as provided in subsection seven (7) of [section 1 of this Article IX](#).

In the event of an extension of a public utility operated under a franchise hereafter granted such right shall be terminable at the same time ~~and under the same time~~ [PROP. A] and under the same conditions as the original grant.

ARTICLE X. BONDS AND WARRANTS*

Sec. 1. Powers of council; proposition of issuance.

The council shall have the power to issue and sell negotiable bonds of the City of Navasota for all permanent public improvements and for all public and municipal purposes as now, or as may be, permitted by the constitution and any and all laws of the State of Texas, and to refund same where appropriate.

The proposition of the issuance of bonds pledging the proceeds of taxes of the City of Navasota for any permanent public improvement, public utility, or municipal purpose (except revenue bonds and bonds to refund indebtedness of the city as herein above provided) shall be submitted to the qualified voters of the city at an election to be held for that purpose. The time, place and manner of calling, providing notice, canvassing and declaring the results thereof, shall be prescribed by ordinance adopted by the council at any legally convened meeting thereof; provided that all requirements of such election, shall be consistent with, and conformable to, the requirements of the constitution and general election laws of the State of Texas applicable thereto. ~~Unless~~ Said bonds may be issued if [PROP. A] a majority of the qualified voters of the city, voting at such

election on the proposition of the issuance of the bonds, vote in favor thereof, ~~the same shall not be issued.~~ [PROP. A]

The council shall have full power and authority after such bonds have been approved by the qualified voters, to issue and sell the same, at one time, or from time to time, as the necessities of the city require, and as provided by the existing laws of the State of Texas or as the same may hereafter be amended.

Sec. 2. Execution of Bonds

All bonds shall be issued in the name of the City of Navasota, ~~and~~ [PROP. A] shall be executed on its behalf by the mayor ~~thereof~~ [PROP. A], and shall be attested by the city secretary under the corporate seal of said the [PROP. A] city. ~~[PROP. A] and~~ The [PROP. A] bonds shall not [PROP. A] be ~~invalid~~ ~~valid~~ ~~notwithstanding the fact that even though~~ [PROP. A] any official or officials whose signature, ~~or facsimile thereof~~, [PROP. A] appears upon said the [PROP. A] bonds or whose ~~facsimile signature appears upon~~ [PROP. A] any interest coupons appertaining thereto shall have ceased to be such officers prior to no longer holds said office(s) on [PROP. A] the date said the [PROP. A] bonds are delivered to the purchaser ~~thereof~~ [PROP. A]. The execution of bonds shall be in compliance with the existing laws of the State of Texas relating to the issuance of bonds as may hereafter be amended and such laws of the State of Texas shall govern where any conflict may exist between such laws and the provisions hereof.

Sec. 3. Tax levy for payment of bonds.

At or before the time of the issuance and delivery of any bonds ~~hereunder~~ authorized by this Article X [PROP. A], it shall be the duty of the council, in the ordinance authorizing said the [PROP. A] bonds, to levy for each year that said the [PROP. A] bonds will be outstanding, an ad valorem tax on all taxable property in said the [PROP. A] city to create an interest and [PROP. A] sinking and interest [PROP. A] fund for each issue of said the [PROP. A] bonds sufficient to pay the interest thereon [PROP. A] and principal thereof [PROP. A] as same shall respectively they [PROP. A] become due and mature, which such tax shall be levied each year so long as said the [PROP. A] bonds are outstanding and unpaid.

Sec. 4. Investment of sinking funds.

The council shall supervise and be charged with the responsibility for all investments made with the money and assets of any sinking fund or funds established under this Charter, or heretofore so established. The money and assets of the sinking fund or funds shall only be invested or reinvested in ~~bonds of the United States government, or of U.S. Government agencies having the full faith and credit of the U. S. Government~~ compliance with applicable law, the city's investment policy, and all amendments thereto. [PROP. AA]

Sec. 5. Ceiling on bonded indebtedness.

The net bonded indebtedness of the city, excluding revenue bonds, shall at no time exceed the limits set by the State of Texas as they now exist or as same may hereafter be amended.

Sec. 6. Revenue bonds.

The council shall have the power to issue negotiable revenue bonds of the City of Navasota, payable from the revenues and income of any public utility or utilities acquired, condemned or owned by said the [PROP. A] city under the provisions of this Charter, or other specific sources of income as they may be provided by ordinance.

All such revenue bonds may be, at the option of the council, additionally secured by a mortgage upon the property or properties ~~so~~ [PROP. A] to be acquired, owned or operated, provided that no such revenue bond shall ever be a debt of the City of Navasota, but shall constitute solely a charge upon the property or properties so encumbered or upon such sources of revenue that may be pledged thereto and shall never be reckoned in determining the power of the city to issue any bonds for any purpose authorized by the constitution and laws of the State of Texas or by this

Charter, and every such revenue bond shall carry a recital that "the holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be [PROP. A] raised by taxation."

Sect [PROP. A]. 7. Purpose of issuance of revenue bonds.

Such revenue bonds may be issued for any of the purposes set forth in the constitution and laws of the State of Texas as they [PROP. A] now exist [PROP. A] or as same [PROP. A] may hereafter be amended.

Sect [PROP. A]. 8. Power to re-fund revenue bonds.

The council shall have the power and is hereby authorized to re-fund the ~~[PROP. A] City of Navasota revenue bonds~~ [PROP. A], and such re-funding revenue bonds shall be authorized by ordinances of the council, and it shall not be required under this Charter to submit the proposition of the issue thereof to the legal voters of said the [PROP. A] city for their approval, unless such is required by the general laws of the State of Texas.

Sect [PROP. A]. 9. Procedure for issuance of revenue bonds.

The council shall, by ordinance, provide for the issue of all revenue bonds hereunder, which shall be conformable to all requirements of the constitution and general laws of the State of Texas, and which shall specify the purpose(s) ~~or purpose~~ [PROP. A] for which they are issued.

Such revenue bonds shall be executed by the same officials and in like manner as provided in Section 2 of this article, and approved in the manner provided by law.

Sec. 10. Investment of certain funds.

The council shall have power to make such provisions for the investment of the monies in any fund created or established under the provisions of this Charter for the security, payment and retirement or redemption of revenue bonds issued hereunder upon such terms, conditions and limitations as may be ~~fixed~~ established [PROP. A] in the proceedings authorized and creating the issue of such bonds.

Sec. 11. Diversion of funds prohibited.

The cash and securities to the credit of any sinking fund herein provided for shall be kept in the city depository and shall be kept separate from the cash and securities of any other city funds. Any officer or employee of the city who shall divert or use the cash, and securities of any sinking fund for any purpose other than the purpose for which the sinking fund was created shall be ~~deemed guilty of a felony and~~ [PROP. B] subject to prosecution under the laws of the State of Texas.

When an issue of bonds has been retired in full, its respective sinking fund shall be abolished and any remaining balance shall be applied to any lawful purpose.

ARTICLE XI. ELECTIONS* [RESERVED] [PROP. BB]

Sec. 1. ~~Time of holding:~~ [PROP. BB]

The regular municipal election of the City of Navasota shall be held on the second Saturday of May ~~of each year, as herein provided and required by the laws of the State.~~ [PROP. BB]

Sec. 2. ~~Election laws control:~~ [PROP. BB]

All elections provided for in this chapter, except the regular elections to be held on the second Saturday of May of each year shall be called special elections; and all elections shall be conducted and the result canvassed and announced by the election authorities as prescribed by the general laws of the State of Texas; and said general election laws shall control in all municipal elections of the City of Navasota, ~~except as otherwise provided herein.~~ [PROP. BB]

ARTICLE XII. AMENDMENTS AND SAVING CLAUSES

Sec. 1. Amending charter.

This Charter, after its adoption by the qualified voters of the City of Navasota, may be altered or amended in accordance with the constitution and laws of the State of Texas in effect at the time and applicable to cities containing more than five thousand (5,000) inhabitants.

Sec. 2. Ordinances and resolutions continued in force.

All ordinances and resolutions in force at time of taking effect of this Charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

Sec. 3. ~~Continuance of present officers:~~ [PROP. A]

All present officers of the City of Navasota, whether elective or appointive, shall continue in office until their successors shall have been elected or appointed, as the case may be, under the provision of ~~this Charter, and shall have qualified under the terms of this Charter.~~ [PROP. A]

Sec. 4. ~~Continuance of contracts and vested rights:~~ [PROP. A]

All vested rights of the city shall continue to be vested and shall not in any manner be affected by the adoption of this Charter, unless otherwise herein expressly provided to the contrary. All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall be taken under the laws in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws. [PROP. A]

Sec. 53. [PROP. A] Continuation of powers; conflict of laws; severability; repealer.

All powers granted heretofore to cities are hereby preserved. In case of an irreconcilable conflict between the provisions of this Charter and any superior law, the powers of the city and its officers shall be as defined in such superior laws. ~~In case of any insufficiency or omission in this Charter which insufficiency or omission may be supplied by reference to its former Charter powers or the general laws, such provisions of such Charter and general laws are hereby adopted, and the city shall have and exercise all of the powers that it could have acquired by expressly adopting and incorporating into the Charter all of the provisions of such superior and general laws and Charter provisions referred to in this section; it being the intent of this Charter that no lawful power of the city shall fail because of any omission, insufficiency or inconsistency in this Charter appearing.~~ [PROP. B] The insufficiency or invalidity of any portion of this eCharter [PROP. A] shall not in any way affect the remaining portions of the eCharter [PROP. A] but the same shall be construed as if adopted without such portions so found invalid or ~~impotent~~ ineffective [PROP. A]. All Charter provisions; ~~laws and parts of laws~~ [PROP. B] in conflict with the provisions of this Charter ~~any superior law or part thereof.~~ [PROP. B] and not saved by express reference to same herein, are hereby repealed.

Sect. 64. [PROP. A] Conflicts.

In reading the provisions contained in the entire Charter, where references are made to state laws, the reader must consult the state law to determine if the state laws controls, and where there is a conflict in the state statutes and the provisions of this Charter, it is to be understood that the provisions contained in the statutes shall in fact, control over the provisions shown in the Charter.

Sec. 75. [PROP. A] Meanings of certain words.

Unless some other meaning is manifest, the word "city" shall be construed to mean "City of Navasota, Texas;" the word "council" shall be construed to mean "the city council of the City of Navasota, Texas;" and the word "and" may be read "or" and the word "or" may be read "and" if the sense requires it; words in the present tense include future tense, except when a more restricted meaning is manifest.

Sec. 86. [PROP. A] Gender.

Throughout this Charter words used expressing masculine gender shall be construed to include the feminine