

CHARTER CITY OF RAYMONDVILLE

MARCH 29th, 1955

To The Citizens of Raymondville

In November 1954, the Mayor and the City Commissioners of the City of Raymondville appointed a Charter Commission and delegated to it the responsibility of preparing a home-rule charter for the City of Raymondville. The Charter Commission has completed its work and presented the completed Charter to the City Commission, together with an order, as required by State Law, setting a date for the submission of the proposed home-rule charter to the qualified voters of the City of Raymondville for adoption or rejection. The date set for the special charter election is Tuesday, March 29th, 1955. This charter, prepared by the Charter Commission which is composed of fifteen citizens in Raymondville, will give the City a modern, progressive form of government.

The present form of government of the City of Raymondville, namely Mayor-Commission form, is retained in this charter; however, instead of having two Commissioners, we have four under the proposed home-rule charter. The Mayor and Commissioners can, however, by ordinance create the office of City Manager and appoint a qualified man to fill the post.

The Charter Commission, in preparing this home-rule charter, has carefully studied charters of many cities in Texas who have had this form of government for a long period of years, together with charters from cities who have recently adopted new charters. We have tried to incorporate all progressive features that have been used and proved workable in other cities comparable to Raymondville.

Therefore, your Charter Commission submits this home-rule charter to the voters of Raymondville in the belief that it gives us a desirable basis for good municipal government. We believe that this charter will provide us with the facilities in the future that we will need in our industrial growth and expansion. We commend this charter to the present City Commission and we recommend its adoption by the qualified voters of the City of Raymondville.

For the Charter Commission of  
the City of Raymondville

By Mrs. E. Cannon, Chairman  
/S/ Mrs. E. Cannon

ORDER CALLING FOR AN ELECTION

TO THE GOVERNING BODY OF THE CITY OF RAYMONDVILLE, TEXAS:

The Charter Commission, heretofore having been chosen to frame a charter for the City of Raymondville, Willacy County, Texas, hereby reports that it completed its work on the 10 day of January, 1955.

The charter, as framed by the Charter Commission, is hereby submitted to the Governing Body and the Charter Commission hereby respectfully requests that the charter be submitted to the qualified voters of the city of Raymondville, Texas, at an election to be held on March 29, 1955

It is recommended that the election ballot be prepared as follows:

FOR ADOPTION OF THE CHARTER

AGAINST ADOPTION OF THE CHARTER

Respectfully submitted:

Mrs. E. Cannon /S/  
Mrs. E. Cannon  
Chairman of the Charter  
Commission

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ORDER DECLARING RESULTS OF THE ELECTION TO DETERMINE  
WHETHER THE CITY OF RAYMONDVILLE SHOULD ADOPT A CHARTER:

On this the 30th day of March, 1955, the Board of Commissioners of the City of Raymondville of Willacy County, Texas, convened at its regular meeting place in the City Hall of said City upon call of the Mayor with the following members present to-wit: Mary C. Frost, Mayor; Joe Rodriguez, Commissioner; Frank Bell, Commissioner; C. E. Likin, City Secretary; and A. F. McCormick, City Attorney.

Whereupon there came on to be considered the returns of the election held on March 29, 1955, in the City of Raymondville, for the purpose of determining whether the City of Raymondville should adopt the charter which had been prepared and submitted by a Charter Commission, and it appearing that said election was in all respects legally held, and that returns of said election were duly and legally made, and that there were cast at said election 655 valid and legal votes, of which number there were cast:

For adoption of the Charter, 335 votes.

Against the adoption of the Charter, 320 votes.

It is therefore found, declared and so ordered by the Board of Commissioners of the City of Raymondville that a majority of the qualified voters of said City voting at said election, voted for the proposition to adopt the proposed City Charter, which is on file in the City Records, and that therefore this commission does hereby declare said proposition to have carried, and that said Proposed Charter is now the Charter of the City of Raymondville.

Unanimously passed and approved, this the 30th day of March, 1955.

/S/ Mary C. Frost  
Mayor, City of Raymondville

ATTEST:

/S/ C. E. Likin  
City Secretary, Raymondville, Texas

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THE CHARTER OF THE CITY OF RAYMONDVILLE

## ARTICLE 1

## INCORPORATION, POWERS, AND TERRITORY

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Corporate Name and Statue

Section 1: The inhabitants of the City of Raymondville in Willacy County, Texas, residing within its territorial limits, as these limits are now established, or are hereafter established in the manner provided by this charter, shall continue to be and are hereby constituted a body politic and corporate by the name of the City of Raymondville, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, and control such property as its interest may require; may cooperate with the Federal Government or any agency of the government of the United States or the government of the State of Texas or any agency of the government of the State of Texas, or any political subdivision of the State of Texas, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the City or its inhabitants; and may pass such ordinances as may be expedient for main-

taining and promoting the peace and government and welfare of the City, and for the performance of the functions thereof; and, except as prohibited by the Constitution and laws of the State of Texas or restricted by this Charter, the City shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every nature whatsoever.

#### Enumerated Powers

Section 2: The City shall have the power to define all nuisances and prohibit the same within the city and outside the city for a distance of 5000 feet; to have the power to police all parks or grounds owned by the city, to inspect dairies, slaughter pens and slaughter houses inside or outside the limits of the city from which meat or milk is furnished to the inhabitants of the city.

(a) The city shall have the power to license, regulate, or prohibit the erection of signs or bill boards as may be provided by charter or ordinance.

(b) The city shall have the power to provide for a sanitary sewer system and to require property owners to connect their premises with such sewer system; to provide for fixing penalties for failure to make sewer connections; and shall further have the right to fix charges and compensation to be charged by the city sewerage system, providing rules and regulations for the collection thereof.

(c) The city shall have the right by ordinance to adopt and prescribe rules and regulations for the handling and disposition of all garbage, trash and rubbish within the city of Raymondville and shall further have the right to fix charges and compensation to be charged by the city for the removal of garbage, trash, and rubbish, providing rules and regulations for the collection thereof.

(d) The city shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise maintain and improve streets, alleys, sidewalks, parks squares, public places and bridges, and regulate the use thereof and require the removal from streets, alleys, sidewalks and other public property or places of all obstructions and all fruit stands, show cases and encroachments of every nature or character upon any of said streets or sidewalks.

(e) The city shall have the exclusive dominion, control and jurisdiction in, upon, and over and under the public streets, avenues, alleys and highways of

the city, and may provide for the improvement thereof by paving, repaving, raising, draining or otherwise.  
Enumerated Powers Not Exclusive

Section 3: The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Raymondville shall have, and may exercise, all powers of local self-government, and all powers enumerated in Chapter 13, Title 28, Article 1175 of the Revised Civil Statutes of the State of Texas, of 1925, and amendments thereto and thereafter enacted, or any other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed by ordinance or resolution of the Board of Commissioners.

#### Special Provision for Damage Suits

Section 4: Before the City shall be liable to damage claim or suit for injury to one's person or property, the person who is injured or whose property is damaged or someone in his behalf shall give the Mayor or City Secretary notice in writing within thirty days after the occurring of alleged injury or damage, stating specifically in such notice when and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for injury to one's person or property prior to the expiration of sixty days after the notice herein before described has been filed with the Mayor or City Secretary. After the expiration of the sixty days aforementioned the complainant may then have two years in which to bring an action at law.

#### Provision Relating to Assignment, Execution, and Garnishment

Section 5: The property, real and personal belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment; nor shall the City be liable to garnishment on account of any debt it may owe or funds or pro-

perty it may have on hand belonging to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

#### Altering City Limits

Section 6: Territory may be annexed to or excluded from the City in any manner in this section provided.

(a) By Petition: Whenever a majority of the inhabitants of any territory adjoining the then City Limits of the City of Raymondville who are qualified to vote for members of the State Legislature, or in case there are no qualified voters in said territory, then when persons owning a majority in area of the land in said territory desire the annexation of such territory to Raymondville, they may present a written petition to that effect to the Board of Commissioners 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 in area of the land in said territory; and thereupon the Board of Commissioners at a regular session held not sooner than twenty days after the presentation of said petition may by ordinance annex such territory to Raymondville and thenceforth the said territory shall be a part of Raymondville, 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.

(b) By the Board of Commissioners: The Board of Commissioners shall have power by ordinance to fix the boundary limits of Raymondville; and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the territory and inhabitants annexed. Upon the introduction of such an ordinance by the Board of Commissioners, it shall be published in some newspaper in Raymondville one time, and shall not thereafter be finally acted upon until at least thirty days have elapsed after the first publication thereof. Any citizen of Raymondville, or of

the territory to be annexed, shall have the right to contest said annexation by filing with the Board of Commissioners a written complaint setting out the reasons for said contest, and after such citizen or citizens shall have been given an opportunity to be heard, said ordinance, in original or amended form, as said Board of Commissioners in its judgment may determine, maybe finally passed, and the territory so annexed shall be a part of Raymondville, and the inhabitants thereof shall be entitled to all rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of said city.

(c) There shall be set forth in every ordinance in and by which territory is annexed to the City of Raymondville a clear and definite description of the territory annexed, either by metes and bounds, or otherwise, so as to clearly and definitely define the same, but it shall not be necessary to embody such description in the title or caption of such ordinance.

A map shall be kept and maintained showing the municipal boundaries as they exist.

(d) All territory annexed to the City of Raymondville under the provisions of this section shall become and be thereafter liable for all just and legal indebtedness of the city, without reference to when such debts were contracted, and the Board of Commissioners shall have power to provide for the assessment and collection of taxes upon all property within such annexed territory to meet any such indebtedness, on the same basis as other property in the city.

## ARTICLE 11

### GOVERNING BODY

#### The Board of Commissioners

Section 1: Except as otherwise provided in this Charter, all powers of the City of Raymondville shall be vested in a Board of Commissioners consisting of a Mayor and four Commissioners, to be known as the Board of Commissioners of the City of Raymondville.

#### Election and Tenure of Mayor and Commissioners

Section 2: Except as otherwise in this Charter provided, the Mayor and four Commissioners of the City shall be elected at large by the qualified voters of



the City of Raymondville at elections to be held for that purpose, and shall hold office for two years and until their successors shall have been elected and qualified.

(a) The Mayor of the City of Raymondville elected in April, 1955 shall remain in office until the first Tuesday in April, 1957, and until his successor is elected and qualified.

(b) The Commissioners of the City of Raymondville elected in April, 1955 shall remain in office and constitute two of the Commissioners of the City, until the first Tuesday in April, 1957, and until their successors have been elected and qualified.

(c) Vacancies exist in the offices of two commissioners by virtue of the adoption of this Charter, and said vacancies shall be filled at a special election to be held not later than 60 days after this Charter goes into effect. The present Mayor and Commissioners shall order said special election, and in said order shall fix the date of the election, specify the polling place or places, and the names of the officers of the election. The said election shall be conducted and held in the manner in this Charter provided for municipal elections. The two commissioners so elected to fill said vacancies shall hold their offices until the first Tuesday in April, 1956, and until their successors are elected and qualified.

(d) On the first Tuesday in April, 1957, and on the first Tuesday in April of each odd-numbered year thereafter, a mayor and two Commissioners shall be elected at elections to be held for said purpose to succeed the Mayor and Commissioners whose terms of office expire on said dates.

(e) On the first Tuesday in April 1956, and on the first Tuesday of each even-numbered year thereafter, two Commissioners shall be elected at elections to be held for such purpose, to succeed the two Commissioners whose terms of office expire on said dates.

#### Qualifications of Mayor and Commissioners:

Section 3: The Mayor and the several commissioners shall be qualified electors of the City of Raymondville, shall have resided for at least two years next preceeding the election, within the corporate limits of the City of Raymondville; provided that if any territory shall have been legally annexed to and incorporated within the boundaries of the City of Raymondville after the going into effect of this Charter, any person who shall have resided in such annexed territory for two years next preceeding such election, and who possesses all of the other qualifications for commissioner or mayor herein provided, shall be eligible to be elected Mayor or commissioner; but shall not be in arrears in the payment of any taxes, or other liability to the

City. A member of the commission ceasing to possess any of the qualifications specified in this section, or any convicted of a felony while in office, shall immediately forfeit his office. ✓

#### Vacancies

Section 4: In case of vacancy in the office of an elective officer by death, resignation, failure or refusal to qualify, or any other cause, the Board of Commissioners shall have a special election to fill such vacancies, such election to be held within forty-five days after the vacancy occurs; and provided notice of said election shall be given by posting of notice of said election on the official bulletin board in the City Hall, and by the publication of said notice in one of the official newspapers, one time, at least thirty days prior to the date of said election; provided that no election shall be held to fill any vacancy occurring within forty-five days next preceding the general election of said City. 45

#### Salaries

Section 5: Unless and until otherwise provided by ordinance, the Mayor shall receive as compensation for his services a salary of \$1200.00 per year, payable in equal monthly installments, and each Commissioner shall receive a salary of \$600.00 per year, payable in equal monthly installments; provided that no increase in the salaries of the mayor or commissioners shall be effective during the term of office of the Mayor or any of the Commissioners in office at the time any such increase is provided for, and further provided that the salary set for the Mayor shall never be less than twice the amount of the salary of each commissioner.

'In addition to the salary herein provided, the commission may reimburse the Mayor and Commissioners for expenses incurred in the performance of additional duties, provided such additional duties are authorized by the City Commission and further provided that an itemized statement is furnished of actual expenses incurred'.

#### Forfeiture of Offices

Section 6: The Mayor or any Commissioner who shall absent himself from as many as three consecutive

regular meetings of the Board of Commissioners or from as many as three regular meetings out of five successive regular meetings, shall forfeit his office as Mayor or Commissioner, and it shall be the duty of the remainder of the Board of Commissioners in any such case to declare such office vacant and fill the vacancy as provided in Section 4 of article 11 of this Charter; provided, if any such absence from a meeting has been excused by the Board of Commissioners at or prior to such meeting, and noted in the minutes of the Board; or if such absence is found by the remainder of the Board of Commissioners to have been occasioned by illness of such Mayor or Commissioner, or his justified absence from Willacy County, any such absence so excused or occasioned shall not constitute an absence forming a basis for forfeiture of the office of the absentee.

## ARTICLE 111

### PROCEDURES OF THE BOARD OF COMMISSIONERS

#### LEGISLATION

##### Meeting of the Board of Commissioners

Section 1: At ten o'clock in the morning on the second Tuesday of April following a regular municipal election, the Board of Commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the Board of Commissioners shall meet at such time as may be prescribed by ordinance of resolution, but not less frequently than once each month. Special meetings shall be called by the City Secretary upon written request of a majority of the Board of Commissioners or upon written request of the Mayor. Any such notice shall state the subject or subjects to be considered at the special meeting and no other subject or subjects shall be there considered. All meetings of the Board of Commissioners and of Committees thereof shall be open to the public, and the rules of the Board of the Board of Commissioners shall provide that the citizens of the City shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat; but the Board of Commissioners or a Committee thereof may by a majority vote of all the members authorize an executive meeting.

##### Mayor and Mayor Pro Tem

Section 2: At the first meeting of the Board of

be necessary to adopt any ordinance, resolution, or order; except that a vote to adjourn, or an action regarding the attendance of absent members, may be adopted by a majority of the members present. No member may be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

#### Introduction and Passage of Ordinances and Resolutions

Section 5: Ordinances and resolutions shall be introduced in the Board of Commissioners meetings only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject or subjects, of all ordinances shall be clearly expressed in the caption. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on three separate days, unless the requirements for reading it on three separate days be dispensed with by a vote of not less than a majority of all the members of the Board of Commissioners. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Board of Commissioners prior to such reading. The vote of "yea" and "nay" shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Board of Commissioners. The enacting clause of all ordinances shall be "Be it ordained by the Board of Commissioners of the City of Raymondville, Texas."

#### When Ordinances and Resolutions Shall Take Effect

##### Emergency Measures

Section 6: Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of City affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in the Charter, all other ordinances and resolutions passed by the Board of Commissioners shall take effect at the time indicated therein, but not less than ten days from the date of their passage. The affirmative vote of at least a majority of all the members of the Board of Commissioners shall be required to pass any ordinance or resolution as an emergency

Commissioners each year, immediately following the election and qualification of new members of said Board elected at said election, or as soon thereafter as practicable, the Board of Commissioners shall choose one of the Commissioners as Mayor Pro Tem. The Mayor shall preside at all meetings of the Board of Commissioners, at which he is present, and shall exercise such other powers and perform such other duties as are or may be imposed upon him by this Charter and the ordinances of the City. The Mayor shall be entitled to vote upon all matters considered by the Board of Commissioners but he shall have no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency, the Mayor shall, if so authorized by order of the Board of Commissioners, take command of the police, maintain and restore order, and enforce the law; and for that purpose may summon, deputize, and command such additional officers from among the citizenship of the city as he may determine necessary for the purpose. During any absence of the Mayor, or his inability to act, the Mayor Pro Tem shall have the authority and perform the duties of Mayor.

#### Rules of the Board of Commissioners

Section 3: The Board of Commissioners shall be the Judge of the Election and qualification of its members and, in such cases, shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the Board of Commissioners in any case shall be subject to review by the courts.

The Board of Commissioners shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

#### Quorum

Section 4: A majority of all the members of the Board of Commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of all the members of the Board of Commissioners shall

measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

#### Authetication and Publication of Ordinances

Section 7: Upon its final passage, each ordinance or resolution shall be authenticated by the signatures of the Mayor and of the City Secretary and shall be systematically recorded in a manner approved by the Board of Commissioners. Every ordinance imposing any penalty, fine, imprisonment, or forfeiture shall, after passage thereof, be published in caption in one issue of the official paper; and proof of such publication shall be made by the printer or publisher of such paper, making affidavit before some 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 so published shall take effect, and be in force, from and after ten days after publication thereof, unless otherwise expressly provided. Ordinances not required to be published shall take effect, and be in force, from and after their passage, unless otherwise provided.

#### Official Newspaper

Section 8: The Board of Commissioners shall, as soon as practical after the commencement of each fiscal year enter into contract with a newspaper or newspapers published in the City as qualified by State Statutes, as the official newspaper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by this Charter or by the ordinances of the city to be published.

### ARTICLE 1V

#### NOMINATIONS AND ELECTIONS

##### Municipal Elections

Section 1: As provided in subdivisions (d) and (e) of section 2, of Article 2 of this Charter regular elections for the choice of members of the Board of Commissioners whose terms of office then expire shall

be held on the first Tuesday of April 1957 and of each year thereafter. The Board of Commissioners may, by resolution, order special elections other than provided for elsewhere in this Charter, fix the time and provide all means of holding same.

#### Regulations of Elections

Section 2: The Board of Commissioners shall make all needful rules and regulations, not inconsistent with this Charter or with the election laws of the State of Texas, for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud. The Board of Commissioners shall provide for any number of voting precincts in City elections, as needed, but in no event shall there be less than two election precincts for City elections.

#### Candidates

Section 3: Any person possessing the qualifications for office set forth in Section 3 Article 11 may become a candidate for any elective office to be filled at any regular municipal election herein provided for, and have his name placed upon the official ballot for such office, by

(a) Filing with the City Secretary, not more than 90 days nor less than 31 days before such election, his own petition, in writing, in form, signed and sworn to substantially as follows:

To the City Secretary of the City of Raymondville:

I, the undersigned \_\_\_\_\_, do hereby certify and petition as follows:

My street address is No. \_\_\_\_\_, \_\_\_\_\_ street, in the City of Raymondville, Texas. I possess all of the qualifications for the office of \_\_\_\_\_ of said City of Raymondville, as prescribed by the Charter of said City.

I am a candidate for said office of \_\_\_\_\_, to be voted upon at the election to be held in said city on the first Tuesday in April, 19\_\_\_\_, and request that my name be placed upon the official ballot to be voted on at said election as a candidate for said office, and I will serve if elected.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, A. D., 19\_\_.

(Title of Officer Administering Oath)

The name of the candidate, his street address, and the office for which he is a candidate shall be inserted in said petition at the places therein provided.

#### Posting Notice

Section 4: The City Secretary shall at least ten days before the printing of ballots for each City election at which officers are to be elected post in a conspicuous place in his office for inspection of the public a list of the names of all candidates who have filed their own petitions or who have been nominated by petition for the offices to be voted on at such election.

#### Ballots

Section 5: The full names of candidates who have filed their own petitions, or who have been nominated, for Mayor or Commissioner or City Judge, in accordance with the provisions of this Charter, except such as may have withdrawn, died, or become ineligible, shall be printed on the official ballots as candidates for said respective offices, for the election at which the office, or offices are to be filled, which official ballots shall be printed at least 21 days before the election, so as to provide for absentee voting as provided by law. There shall be printed at the head of the ballot used at each such election the words "OFFICIAL BALLOT" and on said ballots there shall be printed the titles of the offices to be filled at said election, and the names of all candidates for office who shall be entitled to have their names printed on said ballots under the provisions of this Charter shall be printed under the title of the respective offices for which they are candidates. Immediately under the title of "Commissioner" there shall be printed, in parenthesis, the following: (Two to be elected). If there be more than one candidate for any given office, the order in which their names are to appear on the ballot shall be determined by fair and impartial drawing by the City Secretary, who shall notify the candidates concerned the time and place of such drawing, and each of said candidates or his designated



representative shall be entitled to be present and witness such drawing. The Board of Commissioners may, not later than 60 days before the election, by order, prescribe the method by which such drawing shall be conducted, and how the order of the names on the ballot shall be determined, to insure fairness. Any such order so passed for any previous election, and that shall not have been superseded by another order, shall govern future drawings for said purpose.

#### Election by Majority

Section 6: At the regular general municipal election (or any special election) held to fill vacancies occurring in the City Commission, candidates for the offices of Mayor, City Judge, or Commissioners who receive a majority of the votes cast for the office for which he is a candidate, shall be declared elected.

(a) Should no candidate for a given office, receive a majority of the votes cast for this office in the election (Sec. 6, the City Commission shall immediately order a special election to be held not less than ten nor more than twenty days after the results of the general election have been declared, and the ballot shall be prepared in this manner:

1. Where a single office is to be filled, the names of the two candidates receiving the highest number of votes for this office in the election as described in Section 6, shall be printed on the ballot, and the name of the candidate who received the greater number of votes shall be printed in the first position.

2. Where two similar offices are to be filled, the names of the three candidates receiving the greatest number of votes in the election as described in Section 6, shall be printed on the ballot and he who received the greatest number of votes shall have his name printed in the first position; the candidate with the second largest number of votes shall have his name in second position, etc.

3. Where two or more candidates receive the same number of votes for the same office, the results shall be declared a "Tie" and the names of such candidates shall appear on the ballot and in the same order as they appeared in the election as described in Section 6. The results of this special election in this instance shall be declared on the basis of a plurality--i. e. the candidate receiving the greatest number of votes for a single office for which he is a candidate, shall be declared elected; and /or the two candidates receiving the greatest number of votes for the offices for which

they are candidates, shall be elected.

(b) Any situations arising in the course of these above described elections that are not specifically covered in this Charter, shall be dealt with as prescribed in the general election laws of the State of Texas.

#### Laws Governing City Elections

Section 7: All City elections shall be governed, except as otherwise provided by this Charter by the laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto; and in event there should be any failure of the general laws of this Charter to provide for some feature of the City elections, then the Board of Commissioners shall have the power to provide for such deficiency, and no informalities in conducting a City election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable, and the Charter and ordinances of the City.

#### Canvassing Elections

Section 8: All elections held under this Charter, whether for the choice of candidates or for the submission of questions to the electors, shall be conducted in accordance with the general election laws of the state; and except as otherwise provided in this Charter, such general laws shall be applicable to and control all such elections. The election judges and other necessary election officials for conducting all such elections shall be appointed annually by the Board of Commissioners. The election judges shall conduct the elections, open the ballot boxes, take therefrom and count the ballots, whether for candidates or questions, and enter the result on the tally sheet as provided by the general election laws of Texas, or as may be provided by ordinance. They shall certify to the count so made, seal the tally sheet up with their certificate and return it at once to the City Secretary; Within five days after an election, or as soon thereafter as practicable. The Board of Commissioners shall meet, open the returns, canvass and officially declare the result of the election as to candidates and questions, and issue certificates of election to candidates elected as hereinbefore provided.

## Absentee Voting

Section 9: Such elector shall make application for an official ballot to the City Secretary in writing, signed by the elector, or by a witness. Such application shall be accompanied by the poll tax receipt or exemption certificate of the elector, or, in lieu thereof, his affidavit in writing that the same has been lost or mislaid.

(a) At any time not more than twenty days, nor less than three days, prior to date of such election, such elector making his personal appearance before the City Secretary at his office and delivering to him his application aforesaid, shall be entitled to receive one official ballot which has been prepared in accordance with law for use in such election, which ballot is then and there, in the office of the City Secretary and in the presence of City Secretary and of no other person except as otherwise provided by the laws of this State:

(b) The above provision of this section of the Charter and the subsequent manner of conducting such absentee voting shall conform in all provisions to Article 2956, Revised Civil Statutes of 1925, and amendments thereto.

## ARTICLE V

### ADMINISTRATIVE SERVICE

#### Duties and Powers of the Mayor

Section 1: The Mayor shall preside over all meeting of the City Commission, except that in the event of the Mayor's absence due to illness or when excused by the Commission; and the Mayor shall have all the duties imposed by and powers as conferred and provided by Articles Numbers 994, 995, 996, and 997 of the Revised Civil Statutes of the State of Texas as they are upon the adoption of this Charter or as they may be amended in the future. He may also be the Budget Officer of the City, if so ordered by Board of Commissioners.

(a) He shall have full power and authority to administer official oaths and other oaths or affirmations in trials and all investigations being made or conducted before him or the Board of Commissioners, and in all such proceedings may compel witnesses to testify and punish all contempts by fine and imprisonment, or either, in the same manner and to the same extent as County Judges or County Courts are now or may

hereafter be empowered by law. And all such fines shall be enforced in the same manner as fines in the City Corporation Court, and when collected, shall be paid into the City Treasury as other fines.

(b) The Mayor shall have the power and authority to summarily dismiss and remove any employee or officer appointed by him and shall also have the power, if in his judgment, it will be to the best interest of the City, to suspend any appointive officer or employee of the Commission until action by the Commission upon such person's removal may be had. Such action to be taken within 15 days from the date of removal.

#### City Manager

Section 2: The Commission may appoint a City Manager who shall be the administrative head of the Municipal Government and shall be responsible for the efficient administration of all departments; he may, or may not be, at the time of his appointment, a resident of the City of Raymondville, but shall immediately establish his residence upon acceptance of his office. He shall hold his office at the will of the Board of Commissioners and until the population of the City of Raymondville shall have reached 15,000 he shall receive a salary for his services not to exceed \$6,000.00 per annum. When the population of the City of Raymondville shall have reached 15,000, the maximum salary of the City Manager may be increased not to exceed \$2000.00 per annum. When the population of the City of Raymondville shall have reached 20,000 the maximum salary of the City Manager may be increased not to exceed \$2000.00 per annum.

(a) City Commission may authorize Mayor to perform duties of City Manager:

The Commission may, by proper ordinance or resolution, in lieu of the appointment of a City Manager, confer upon the Mayor the powers and duties of the City Manager, and the Mayor, when so acting and performing such duties, shall be clothed with all the authority and controlled by all the restrictions governing the City Manager as therein provided; and the City Commission may allow the Mayor such additional compensation for his services as City Manager in addition to his salary as Mayor, as may be fixed by order or resolution of the Commission, the aggregate of which shall in no event exceed the limits as set for the City Manager in Article V, Section 2 of this Charter. In

the event the Mayor shall perform the duties of the City Manager, he shall devote his full time to the business of the City/

#### Powers and Duties of City Manager

Section 3: The City Manager shall be appointed by the Board of Commissioners and shall, under the supervision and control of the Board of Commissioners, be the chief administrative officer of the Municipal Government and shall be responsible for the efficient administration of all departments. He shall hold office at the will of the Board of Commissioners and may be removed by it at any time in the discretion of the Board of Commissioners without notice, with or without cause, without a hearing and without trial of any kind and without the right of appeal to any officer or court or other tribunal. It shall be his duty, (a) to supervise and direct all appointive officers and employees of this City in the discharge of their official acts and duties; and he may recommend to the Board of Commissioners the appointment, employment and removal of all officers and employees of the City. He shall have the authority to temporarily remove all subordinate employees of the City upon just cause, for a period of not to exceed 15 days, subject to a hearing with the Board of Commissioners. All such appointments and employments shall be upon merit and fitness alone; (b) to attend all meetings of the Board of Commissioners with the right to take part in the discussion but having no vote; (c) to recommend to the Board of Commissioners, for adoption, such measures as he may deem necessary and expedient; (d) to keep the Board of Commissioners fully advised as to the financial condition and needs of the City; (e) to perform such other duties as may be prescribed by this Charter or that may be required of him by ordinance or resolution of the Board of Commissioners. The City Manager shall furnish corporate surety bond for the faithful performance of his duties in such amount as may be provided by ordinance.

#### Chief of Police, Appointment, Powers, Duties, Etc.

Section 4: The Board of Commissioners shall appoint a Chief of Police, who shall hold his office until the first Tuesday in April, 1957, such appointment thereafter shall be for a term of two years unless sooner removed by action of the Board of Commissioners. He may appoint one or more police officers, which appointment shall be valid only upon the approval of the Board of

Commissioners. He shall be responsible for and have supervision over all other police officers or other employees of such office.

(a) He shall have like power with the Sheriff of Willacy County, Texas, to execute warrants and make arrests within the territorial limits of the City of Raymondville.

(b) He shall either in person or by deputy attend upon the Corporation Court while in session, and shall promptly and faithfully cause to be executed all writs and process issued from said Court.

(c) He shall be active in quelling riots, disorder and disturbances of the peace, within the City limits, and shall take into custody all persons so offending against the peace of the City, and shall have authority to take suitable bail for the appearance before the Corporation Court of any person charged with an offense against the ordinances or laws of the City.

(d) It shall be his duty to arrest or cause to be arrested all violators of the public peace and all who obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbance whatever; to prevent a breach of the peace, or preserve quiet and good order. In the prevention and suppression of crime and arrest offenders, he shall have, possess and execute like power, authority and jurisdiction as the Sheriff.

(e) He shall perform such other duties and possess such other powers and authority as the Board of Commissioners may by ordinance require and confer, not inconsistent with the Constitution and laws of this State.

(f) The Chief of Police shall give such bond for the faithful performance of his duties as the Board of Commissioners may require, and shall receive such salary as may be fixed and provided by the Board of Commissioners.

City Secretary, Appointment, Powers, Duties, Etc.

Section 5: The Board of City Commissioners shall appoint a City Secretary, who may also be the Treasurer, Assessor and Collector of taxes for the City; who shall hold his office until the first Tuesday in April, 1957. Thereafter such appointment shall be for a term of two years unless sooner removed by action of the Board of Commissioners. He shall be a competent person, experienced and well qualified to administer the modern double entry system of bookkeeping and accounting.

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(a) He shall draw all warrants on the Treasurer, countersign the same and keep an accurate account thereof in a book provided for that purpose.

(b) He shall be the general accountant of the Corporation, and shall keep in the books regular accounts of the receipts and disbursements for the City, and separately under proper heads, each cause of receipt and disbursement, and also accounts with each person including officers who have money transactions with the City, crediting accounts allowed by proper authority and specifying the particular transaction to which such entries apply.

(c) He shall keep a register of bonds and bills issued by the City, and all evidence of debt due and payable to it, noting the particulars thereof, and all facts connected therewith, as they occur.

(d) He shall carefully keep all contracts made by the City Commission; and he shall perform all other duties as may be required of him by law, ordinance, resolution or under the City Commission.

(e) He shall furnish such Corporation Surety Bond or security for faithful discharge of the duties of his office as may be prescribed by the City Commission and shall receive such salary or compensation as may be determined and fixed by the City commission.

(f) He shall do and perform such other acts and duties as the Board of Commissioners may require by ordinance or resolution.

Treasurer, Assessor and Collector of Taxes  
Powers, Duties, Etc.

Section 6: The Board of Commissioners shall have the power and authority to appoint a Treasurer and or a Tax Assessor and Collector of the City, and to separate and consolidate the offices of City Secretary, City Treasurer and Tax Assessor and Collector of the City when deemed by them to be expedient and to the best interests of the citizens of the city. He or they shall hold office or offices for a period of two years.

(a) He or they shall furnish such Corporation Surety bond or security for faithful discharge of the duties of his or their office or offices as may be prescribed by ordinance or resolution of the Board of City Commissioners, and shall receive such salary or compensation as may be determined or fixed by the Board of Commissioners.

(b) He shall carefully prepare ad valorem tax inventories covering each and every piece or parcel of tax-

able property located within the Corporate Limit of the City. He shall receive at his office all renditions there tendered him by owners or agents of taxable property, administer oaths thereto, between January first and April first of each year. He shall make assessment of all taxable property to the owner or agent thereof where known and when the owner or agents are unknown, then assessment of such property shall be listed as unknown. Such assessments shall be as further provided by the General Laws of the State relating to Cities, Towns and Villages. He shall also be Secretary of the Board of Equalization, delivering all assessment rolls, tax rolls, block books, etc. to said Board of Equalization of such days as it first convenes as set by the governing body of the City. He shall record and keep record of all actions of said Board, in a journal for that purpose. He shall give written notice to those whose valuations have been increased and have duly rendered their property. He shall compile the tax rolls, rendered and unrendered on forms provided and in the manner directed by the general accountant of the City or ordinances of the Board of Commissioners. He shall make out and mail current and delinquent tax notices on forms provided and in the manner directed by the general accountant or ordinances of the Board of Commissioners. He shall revive and collect all tax monies, ad valorem, penalties, interest and cost thereof, Occupation Tax, License fees, issuing receipt thereof on forms provided and in manner directed by the general accountant of the City or ordinances of the Board of Commissioners. He shall make proper record of all such collections, totaling and balancing Cash Collected against each source of collection, reconciling total cash collected against total of all sources of monies, daily deliver all such collections together with such computations to the Treasurer of the City, daily taking the Treasurer's receipt therefor; he shall do and perform such other duties as may be required of him by the General Laws of this State and ordinances or resolutions of the Board of Commissioners.

(c) He shall receive all monies collected by any and all departments or agencies of the City whatsoever, giving such department or agency his receipt therefor, which monies he shall deposit daily in the official depository of the City and in the name of the City. He shall keep the Cash receipt journal as provided, entering therein all monies received by him in the manner



directed by the general accountant of the City. He shall issue and sign all checks or vouchers and only when authorized to do so by ordinances or resolutions of the Board of Commissioners. He shall record all such issued checks or vouchers in a disbursement journal provided for that purpose and in the manner directed by the general accountant of the City. He shall report to the Board of Commissioners on or before the first meeting thereof in April of each year or as soon thereafter as is practicable, the amount of receipts and expenditures of the City Treasury, the amount of money on hand in each fund, and the amount of bonds or warrants falling due for the redemption of which provisions must be made; also the amount of interest to be paid the next fiscal year, and whensoever at other times he may be required by the Board of Commissioners to do so. He shall do and perform such other duties as may be required of him by the General Laws of this State and ordinances and resolutions of the Board of Commissioners.

#### Resignation of Officers

Section 7: Resignation of any officer authorized by this Charter to be elected or appointed shall be made to the Board of Commissioners in writing, subject to their approval and acceptance.

### ARTICLE VI

#### CITY PLANNING AND ZONING COMMISSION

##### Establishment, Membership, Duties, Terms

Section 1: The Board of Commissioners may at any time after the adoption of the Charter establish and maintain a City Planning and Zoning Commission of five members, to serve, without compensation, and to have such powers and duties as the Board of Commissioners may prescribe relative to City Planning and Zoning under the authority of Article 1011A, to 1011J, Revised Civil Statutes of Texas, 1925. The term of each of the five appointed members shall be 5 years; except that of the five members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Any vacancy in and during the unexpired term of an appointed member shall be filled by the Board of Commissioners. The Mayor shall provide the

the Commission with the necessary clerical help, office equipment and supplies.

#### Create Other Offices or Departments

Section 2: The Board of Commissioners shall hereby have the power and authority to create other offices or departments, by ordinance, not herein specified, and to appoint therefor officers or heads of such departments, provide compensation for such appointees, such as Superintendent or Director of Public Works, Superintendent of Streets and Parks, Superintendent of Water and Sewer departments, may create and provide for, by ordinance, an independent Utility Board to manage and operate city owned utilities; may create and provide for by ordinance, a retirement system for city employees and participate in and join with the Texas Municipal System as provided by State Law.

### ARTICLE VII

#### DEPARTMENT OF LAW.

##### City Attorney

Section 1: The Board of Commissioners shall appoint a city attorney who shall be qualified attorney-at-law who is licensed to practice in the State of Texas. The City Attorney shall receive for his services such compensation as may be fixed by the Commissioners and shall hold his office until his successor is appointed and qualified.

##### City Attorney Powers and Duties

Section 2: The City Attorney shall be the chief legal adviser of the Board of Commissioners, of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. He shall represent the City in all legal proceedings. It shall be his duty to perform all services incident to his position as may be required by statute, by this Charter or by ordinance.

##### Removal From Office

Section 3: The City Attorney shall be removable at any time during his term of office at the will and

pleasure of the Board of Commissioners. The City Attorney in office when this Charter goes into effect shall hold office until the first Tuesday in April, 1957, subject to removal as herein provided.

#### Other Provisions

Section 4: The Board of Commissioners may employ any counsel other than the City Attorney as they may deem advisable to assist the City Attorney or to represent the City in any special cases in which the City may be involved in litigation, when the Board of Commissioners feels the need for the advise of a specialist in some field of the law such as bond law attorneys, paving assessment attorneys, etc.; and they, the board of Commissioners may also employ attorneys to collect or assist in the collection of the delinquent taxes of the City, but if an attorney be employed to collect delinquent taxes, his fee may not exceed 15% of all delinquent taxes which he collects or assists in the collection of.

#### Corporation Court

Section 5: There shall be a court for the trial of misdemeanor offenses known as the "Corporation Court of the City of Raymondville" with such powers and duties as are given and prescribed by the laws of the State of Texas.

(a) There shall be a magistrate of said Corporation Court known as the city judge who shall be elected to office as provided in Section 5, Article 4 of this Charter. His term of office shall be for two years and he shall possess the same qualifications of office as provided in this Charter for the Mayor and Commissioners. All costs and fines imposed by the Corporation Court, or by any other court in cases appealed from judgments of the Corporation Court, shall be paid into the City Treasury for the use and benefit of the City. The City Judge shall receive such compensation as may be provided by ordinance from time to time. In the event of vacancy in the office of City Judge, the same shall be filled as herein provided.

### ARTICLE VIII

#### FINANCIAL ADMINISTRATION

Director of Finance

Section 1: The Board of Commissioners shall have the power and authority to create a department of finance when by it deemed expedient and to the best interests of the citizens to do so provided, however, if at least 10 % of the qualified electors of the city voting at the last municipal election at which the Mayor was elected; petition the Board of Commissioners to create this department.

(a) When such department is so created there shall be a director thereof who shall be elected to such office as provided in Article 4 of this Charter. Such Director of Finance shall be qualified to do municipal accounting, versed in tax matters and shall have had experience in budgeting, and, financial control. He shall provide a Corporate Surety bond in such an amount as the board of Commissioners may require of him for the faithful performance of his duties and acts.

(b) In lieu of the creation of a Department of Finance by the Board of Commissioners said Board shall delegate such acts and duties herein provided by this article and sections thereof as the acts and duties of any now existing office or offices, such delegation and delineation shall be done by ordinance or resolution.

#### Powers and Duties

Section 2: The director of finance shall have charge of the administration of the financial affairs of the city and to that end he shall have authority and shall be required:

(a) To prepare the budget, as outlined in Section 3, 4, and 5 of this Article, and to assist the designated officer in its execution after authorization by the Board of Commissioners, as required by Section 6.

(b) To maintain accounting control over the finances of the City Government, for which purpose it is empowered to operate a set of general accounts embracing all the financial transactions to the City, and such subsidiary accounts and cost records as may be required by ordinance or by the Director of Finance for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bill, or claims to be filed by all departments and agencies of the City government; to examine and approve all contracts, order, and other documents by which the City incurs financial obligations, having ascertained before approval that monies have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against

the City Government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the City government, to make monthly reports on funds, appropriations, allotments, encumbrances and authorized payments, to the Board of Commissioners, and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained in any department or agency of the City government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the City government as the Board of Commissioners may require by ordinance.

(c) To control the purchase, storage, and distribution of all supplies, materials, equipment and contractual services required by the city government, or by any department or agency thereof, in the manner provided by ordinance; to establish and enforce standard specifications with respect to such supplies, materials and equipment; to inspect or supervise the inspection of all deliveries of supplies, materials, and equipment, and to determine their quality, quantity, and conformance with specifications; to have charge of such general storerooms and warehouses as the Board of Commissioners may provide by ordinance; and to transfer to or between City departments supplies, materials and equipment.

(d) To assess all property within the City for taxation, to prepare tax maps, and to make all special assessments for public improvements, and to give such notice of these assessments to the property owners as may be required by law.

(e) To collect, have custody of, and disburse all taxes, licenses, fees, and other monies belonging to the City government, subject to the provisions of this Charter and ordinances enacted thereunder; to have custody of all investments and invested funds of the City or in possession of the City in a fiduciary capacity; and to keep a record of such investments, and to have custody of all bonds and certificates unissued or cancelled, and the receipt and delivery of City bonds and certificates for transfer, registration, or exchange.

#### Fiscal Year

Section 3: The fiscal year of the City government shall begin on the 1st day of October each year and shall end on the last day of September the following year. Such year shall constitute the budget year of the City government.

## City Budget

Section 4: The Director of Finance shall prepare each year, not later than August 15, a Budget to cover all proposed expenditures of the government of the City for the succeeding year. Such budget shall be carefully itemized so as to make a clear comparison as practicable, with the information then at hand, between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget must also be so prepared as to show as definitely as possible each of the various projects for which appropriations are set up in the budget, and the estimated amount of money carried in the budget for each of these projects. The budget shall also contain a complete financial statement of the City showing all outstanding obligations of the City, the cash on hand to the credit of each and every fund, the funds received from all sources during the previous year, the funds available from all sources during the ensuing year, the estimated revenue available to cover the proposed budget, and the estimated rate of tax which will be required.

## Budget Filing

Section 5: The budget prepared by the Director of Finance in the manner hereinbefore described shall be filed with the City Secretary not less than thirty days prior to the time the Board of Commissioners makes its tax levy for the current fiscal year, and such budget shall be available for the inspection of any taxpayer.

## Public Hearing, Etc.

Section 6: The board of Commissioners shall each year provide for a public hearing on such budget, which hearing shall take place on some date to be fixed by the Board of Commissioners, not less than fifteen days subsequent to the time such budget is filed as provided in Section 5, and prior to the time the Board of Commissioners makes its tax levy. Public notice of the hour, date and place of such hearing shall be given by the Board of Commissioners in a newspaper published in the City of Raymondville for at least one issue immediately preceding the date of said hearing, and any taxpayer of the City shall have the right to be present and participate in such hearing. At the conclusion of such hearings the budget as prepared by the Director of Finance shall be acted upon by the Board of Commissioners.

The Board of Commissioners shall have the authority to make such changes in the budget as in their judgment the law warrants and the best interests of the taxpayers of the City demand. When the budget has been finally approved by the Board of Commissioners, the budget as so approved shall be filed with the City Secretary and taxes levied only in accordance therewith, and no expenditure of the funds of the City shall thereafter be made except in strict compliance with such adopted budget, except that in case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions, which could not, by reasonable diligent thought and attention, have been included in the original budget, may from time to time be authorized by the Board of Commissioners. Immediately after the adoption of said budget, or any amendment thereto, the Director of Finance shall file or cause to be filed, a true copy of said approved budget and all amendments thereto, in the office of the County Clerk of Willacy County, Texas, and with the State Comptroller at Austin, Texas. In the preparation of the budget, the Director of Finance shall have the authority to require the heads of all departments to furnish such information as may be necessary for him to have in order that the budget covering the expenditures of the City may be properly prepared. Any funds collected in excess of taxes levied for the budget year may be expended for any purpose authorized by this Charter.

#### Work Program and Allotments

Section 7: Immediately before the beginning of the fiscal year the head of each department or agency of the City government shall submit to the department of finance a work program for the year, which program shall include all appropriations for its operations and maintenance and for acquisition of property, and shall show the requested allotments of said appropriations for such department or agency by quarters (or by months) for the entire fiscal year. The Board of Commissioners, with the assistance of other officials in the Department of Finance, shall review the requested allotments in the light of the work program of the department or agency concerned, and may, if they deem necessary, revise, alter, or change such allotments before authorizing the same. The aggregate of such allotments shall not exceed the total appropriation available to said department or agency for the fiscal year. The Department of Finance shall authorize all expenditures for the departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. The approved allotments may be revised during the fiscal year by the Director of Finances. If, at any time during the fiscal year, the Director of Finance shall ascertain that

the available income, plus fund balances, for the year, will be less than the total appropriations, he shall reconsider the work programs and allotments of the several departments and agencies and revise them so as to forestall the making of expenditures in excess of the said income and fund balances.

#### Transfer of Appropriations

Section 8: The Board of Commissioners may transfer any unencumbered appropriation balance or any portion thereof within a department or agency of the City government or from one department or agency to another.

#### Money to be Drawn from Treasury in Accordance With Appropriation

Section 9: No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditures of money be incurred, except in pursuance of the annual appropriation ordinance or of such ordinance when changed as authorized by this Charter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation; but appropriations may be made by the Board of Commissioners, to be paid out of income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

#### Purchase Procedure

Section 10: Before the City makes any purchase or contract for supplies, materials, equipment or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the Board of Commissioners may prescribe by ordinance. All expenditures for supplies, materials, or equipment, or contractual non-professional services involving more than \$2000.00 shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance.

#### Custody of City Moneys

Section 11: All moneys received by any department



or agency of the City for or in connection with the business of the City government shall be paid promptly into the treasury and shall be deposited with the depository of the City, which shall be selected as provided by law for selecting City depositories. All interest on moneys belonging to the City shall accrue to the benefit of the City government.

#### Issuance of Bonds

Section 12: The City may issue bonds to pay for any property or public improvement which it may lawfully acquire or construct, to pay for any improvement the cost of which is to be assessed wholly or in part against abutting or benefitting property, or to fund or refund any indebtedness outstanding at the time this Charter takes effect for which inadequate provision for payment has been made; but no bonds shall be issued to pay current expenses. The enumeration, in the preceding sentence, of particular powers of the City in connection with the issuance of bonds shall not be held or deemed to be exclusive; and, in addition to the powers enumerated or implied in the preceding sentence, or appropriate to the exercise of such powers, it is intended that the City of Raymondville shall have and may exercise the authority to issue revenue bonds for the purchase of utilities or any other self-liquidating asset for which revenue bonds may lawfully be issued. It is intended that the City of Raymondville shall have and may exercise the authority to issue bonds for the construction and maintenance of dams or airports to comparable improvements or facilities within or without the City limits. All tax bonds of the City shall be authorized by ordinance passed by an affirmative vote of at least a majority of the members of the Board of Commissioners and approved by a majority of the qualified voters of the City of Raymondville who are property taxpayers voting at the election called for the purpose of authorizing the issuance of tax bonds. Such election shall be ordered by the Board of Commissioners and notice thereof shall be given by the Mayor, at least thirty days prior to the date of the election, through publication, in accordance with the manner prescribed by State Law, in some newspaper published in the City. Bonds for the acquisition of property, or the construction of improvements, shall be issued for a period not to exceed the probable usefulness of the property or improvement for which they are used; but in no case shall bonds be issued for a longer period than forty years. All bonds hereafter issued by the City shall mature in annual installments and the

first installment of principal shall fall due and be payable not later than two years after the date of issue.

#### Temporary Borrowing

Section 13; For the purpose of temporary borrowing, the Board of Commissioners shall have the power by ordinance to raise money on the credit of the City by the issuance of notes or warrants in anticipation of the collection of taxes or of special assessments. Such notes or warrants may be converted into bonds by giving public notice of intention to do so as provided by law.

#### Contracts for City Improvements

Section 14: Any City improvement costing more than \$2000.00 shall be executed by contract except where such improvement is authorized by the Board of Commissioners to be executed directly by a City department in conformity with detailed plans, specifications, and estimates. All such contracts for more than \$2000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the Board of Commissioners shall have the power to reject all bids and advertise again. Alterations in the contract may be made when authorized by the Board of Commissioners.

#### Independent Audit

Section 15: As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the City government by Certified Public Accountants, selected by the Board of Commissioners, who have no personal interest directly or indirectly, in the financial affairs of the City government, or any of its officers. The results of this audit shall be published immediately upon its completion.

### ARTICLE 1X

#### TAXATION

##### Power to Tax

Section 1: The Board of Commissioners shall have the power under provisions of State Law to levy, assess,

and collect an annual tax upon properties within the City.

#### Assessment and Collection of Taxes

Section 2: The Board of Commissioners shall have the power by ordinance to regulate the mode and manner of making out tax lists, inventories and appraisements of property for taxation, and to prescribe the oath that shall be administered to each person on such renditions of his property, and to prescribe the manner and form of assessment rolls, and to fix the duties and define the power of the City Assessor and Collector, and adopt such measures as the Board of Commissioners may deem advisable to secure the assessment of all property subject to taxation within the City and to provide for the equalization of all taxes assessed.

#### Board of Equalization

Section 3: The Board of Commissioners shall either sit each year as a Board of Equalization for the purpose of equalizing assessments upon all property assessed for City purposes, or shall appoint three residents who shall be qualified voters and real property owners as a Board for that purpose. The Board of Equalization shall act under such rules as may be prescribed by ordinance. It shall be the duty of such Board to examine, and, if necessary, revise assessments as returned by the City Assessor and Collector, to the end that all property within the City shall be assessed as fairly and equally as possible. Not less than one week before the first meeting of the Board of Equalization in any year, notice shall be given of the time and place of such meeting by publication in at least one paper published in the City. Notice of the first meeting of the Board may also be given by other means. The first meeting of the Board of Equalization shall be held on June 1 of each year, or as soon thereafter as practicable. After such first meeting, the Board may adjourn from time to time, and vote of adjournment to a particular time and place shall be sufficient notice of the meeting so held. Any person who may object or complain as to the assessment of his property for City purposes shall have the right to appeal to the Board of Equalization either in person or by authorized agent, and such appeal may be made either by personal appearance before the Board or in writing. The Board of Equalization shall have power to summon any property owner of the City before them, to take testimony under oath and to require the production of books, papers, accounts and

other evidence of the ownership and value of property within the City. Any person failing to appear before the Board when summoned, or failing to give or produce such testimony or evidence, shall be guilty of contempt and may be punished by the Board with a fine not to exceed one hundred dollars. The assessment of property for the City purposes as revised or fixed by the Board of Equalization after the property owner has had an opportunity for hearing as provided by State law shall be final.

#### Seizure and Sale for Delinquent Taxes

Section 4: The Board of Commissioners shall have full power and authority to provide by ordinance for the seizure and sale by the City Assessor and Collector of a sufficient amount of personal property of any delinquent taxpayer to pay all taxes, due on said personal property by said delinquent, to the City, together with all interest, penalties, and costs, which seizure and sale shall be made without necessity of any writ and by virtue of the tax rolls of said City, which shall be sufficient warrant for said purpose, and such shall be conducted and notice given in the same manner now provided by law for the sale for personal property by county tax collectors, and at such sale the purchasers shall acquire absolute title to the property sold.

#### Advertisement and Sale of Property: Delinquent taxes

Section 5: The Board of Commissioners shall have full power and authority to pass all ordinances necessary to regulate advertisements and sales, by the Assessor and Collector, of personal property upon which taxes may be unpaid, and to provide for the perpetuation of all proceedings with reference to such advertisements and sale; and to pass all ordinances necessary to enforce the collection of such taxes.

#### Taxes--When Due and Payable: Interest and Penalties

Section 6: All taxes, excises and charges heretofore levied or made by the City of Raymondville, and remaining unpaid, in whole or in part, at the time this Charter takes effect, shall remain subject to and governed by the laws of the State, and the ordinances, rules and regulations of the City of Raymondville, now existing applicable thereto.

(a) All ad valorem taxes levied by the City of Raymondville for the year 1953 and subsequent years shall

become payable on the first day of October of said respective years and delinquent on February 1, next following the year in which they are levied, shall thereafter bear interest at the rate of six per cent per annum, until paid, and in addition thereto, there shall be collected an additional ten per cent upon the amount of such taxes as a penalty against the person, firm or corporation failing, neglecting or refusing to pay such taxes by the time the same began to bear interest as aforesaid, and costs in the amount of \$1.00 each year tax is cleared by redemption receipt. Interest, penalty, and costs shall become a part of the tax and collected in the same manner. In any case in which a suit is brought for collection of delinquent taxes, there shall also be charged and collected an amount equal to 10% of the taxes, penalties, and interest due, as collection costs, and the same shall be secured by the lien securing the payment of such taxes.

(b) All taxes due and to become due to the city of Raymondville shall be payable at the office of the City Assessor and Collector, and no demands shall be required to be made upon any taxpayer, it being the duty of each such taxpayer to attend at the Collector's office and pay his taxes.

(c) A lien is hereby created on all property, real and personal, in favor of the City of Raymondville for all taxes, ad valorem, occupation, or otherwise, assessed against such property. Said lien shall exist from the first day of January in each year during which the tax is levied until the taxes are paid; such lien shall be prior to all other claims, and no gift, sale, assignment, or transfer of any kind, or judicial writ of any kind can ever defeat such lien, but the assessor and collector of taxes can pursue such property and whenever found may seize and sell enough thereof to satisfy such taxes, or the City may enforce and foreclose said liens, by suit or otherwise, in any court having jurisdiction, and may cause all or any part of such property to be sold to satisfy such taxes.

(d) The Board of Commissioners may by ordinance provide that all taxes, either current or delinquent, due the City of Raymondville, may be paid in installments.

#### Tax Liens

Section 7. The annual assessment of taxes made by the City of Raymondville upon landed property shall be a special lien thereon and all property, both real and personal, belonging to any delinquent taxpayer shall be li-

able to seizure and sale for the payment of all taxes and penalties due by such delinquent; provided that the homestead of such delinquent shall only be liable for the taxes, interest, penalties and costs due or accruing thereon.

(a) All real property in the City of Raymondville upon the first day of January of each year and subject to taxation by said City, shall stand charged with a special lien in favor of the City for all taxes levied against the owner thereof during the year, superior to all mortgages and other liens thereupon, except the liens for taxes due other public taxing units authorized by law to levy taxes thereon and for which tax lien is given by law on such property, and all persons purchasing the same after the first day of January of any year shall take the same subject to such lien, and the City may intervene in any suit for the foreclosure of any other lien and assert its right or may institute an independent suit and make all mortgages and lien holders and subsequent purchasers parties for the purpose of enforcing its lien, or recovering personal judgment for its taxes; and said City shall be authorized and it is hereby made the duty of the City Tax Assessor and Collector to file the proper statement of the taxes in any court or bankruptcy administering the estate of any bankrupt taxpayer.

(b) In all cases where a taxpayer makes an assignment of his property for the payment of his debts, or where his property is levied upon by creditors by writs of attachment or otherwise, or where the estate of a decedent has become insolvent and the taxes assessed against such in whole, the amount of such unpaid taxes shall be a first lien upon all such property; provided that when taxes are due upon the estate of a deceased person the lien herein provided for shall be subject to the allowances to widows and minors, funeral expenses and expenses of last sickness, and such unpaid taxes shall be paid by the assignee when said property has been assigned, by the sheriff out of the proceeds of sale in case such property has been seized by attachment or other writ, and by the administrator or other legal representatives of decedents; and if said taxes shall not be paid, all said property may be levied on by Tax Collector and sold for such taxes in whomsoever's hands it may be found.

#### Personal Property--Removal and Procedure

Section 8: If it comes to the knowledge of the City

Assessor and Collector at any time after the levy of taxes for the year that any personal property subject to taxation in the City is about to be removed from the City, and the owner of such property has no other tangible property in the City sufficient to satisfy all assessments against him, the Assessor and Collector shall, if said property has not been assessed, proceed at once to assess the same and he shall thereupon levy upon a sufficiency of such property to satisfy such taxes and all costs and sell the same as provided in the preceding section; and the ordinance levying taxes for the year and the assessment made upon such property shall be sufficient warrant for so doing and to vest title in the purchaser.

#### Tax Suits--Foreclosure and Redemption:

Section 9: The City of Raymondville shall be authorized and it is hereby given the right to institute suit in any court in Willacy County having jurisdiction under the constitution and Laws of the State at any time after taxes become due and are delinquent as herein provided, and recover personal judgment for the amount of taxes remaining unpaid by any person, firm or corporation, together with all interest, penalties, and costs, and if any part of such delinquent tax shall be due upon any landed or personal property, the City shall have the right in the same or any subsequent suit to have its lien thereon foreclosed, and such property sold as provided by Law for the foreclosure and sale of property under mortgage or other liens; provided that in all cases where lands are sold the owner shall have the right within two years from the date of the filing of the tax deed to redeem his land from the purchaser under such judgment, as provided by Section 12, Acts 1937, 45th Leg, Ch. 506, p. 1949-a, as amended, or as may hereafter be provided by the Laws of Texas or by ordinance of the City of Raymondville, and failing to do so, the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption shall constitute part of the judgment and deed made to the purchaser and in such cases need not be inserted therein.

#### Tax Suits--Parties and Process

Section 10: The applicable provisions of the laws and Rules of Civil Procedure of the State relating to parties and process in suits for the collection of delinquent ad valorem taxes and the foreclosure of the

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liens thereof shall govern in such tax suits of the City of Raymondville.

#### Tax Suits--Citation by Publication and Trial

Section 11: In all tax suits in which service of process is by publication or posting, the case shall stand for trial at the time and in the manner as provided by law or the rules of Civil Procedure in similar cases. The suit shall be held in all respects to be a proceeding in rem, and the court shall here prove, and render judgment in favor of the City against each parcel of land for the amount of the tax, interest, penalty, and costs legally chargeable against the same and shall foreclose the lien of the City thereon and condemn the land to be sold as under execution for the purpose of satisfying such judgment; provided that for the purpose of foreclosing the lien of the City on all lands and lots where the owners thereof are alleged to be unknown, it shall not be necessary to institute a separate suit against each piece of property, and all such property may, if the City so elects, be embraced in one suit and judgment entered against each parcel and condemning the same to be sold as aforesaid.

#### Tax Suits--Procedure

Section 12: It shall be competent in all cases to supplement the description contained in the assessment rolls with full proof of the identity of the whole tract or parcel of land therein assessed, and in suits to enforce collection of taxes by the City, such additional matters may be inserted in the petition and reference may be made to any map, plat or survey of said City or any addition made thereto or to any deed or decree or other instrument describing the same, which shall be on file or of record in the General Land Office of Texas in the office of the District or County Clerk of Willacy County, and such reference shall constitute part of such petition and all proceedings had in said suit.

#### Tax Suits--Evidence

Section 13: In all suits for the collection of taxes which have been heretofore or which may hereafter be levied upon the tax rolls of said City a certified statement made therefrom by the Assessor and Collector shall be prima facie evidence of the truth of all recitation and facts shown by said rolls and shall be held



to be sufficient proof (subject to rebuttal only by pleading and proof by defendant) of the following facts, viz:

(a) That the person, firm or corporation therein show to be a taxpayer was such and owned the property herein listed, and that such property was subject to Taxation in such City and was rendered by such, person, firm or corporation or by his or its agent at the value placed thereon in such rolls, or was unrendered and placed on the unrendered rolls.

(b) That the taxes due upon such property were duly and legally levied for the purpose shown in such rolls and that the same are valid and unpaid.

(c) That all acts and proceedings required by law or by ordinance of said City in the manner for rendering, appraising and fixing the values of said property and the giving of all notices to such taxpayers have each and all been performed and complied with at the time and in the manner and form required and that all things that might be construed as conditions precedent to the lawful demand upon such taxpayers to pay the amount of taxes in such rolls shown to be due by him or then have been performed at the time and in the manner required by law provided that in the event that defendant shall show that his property was voluntarily rendered by him, and that the valuation of the same was subsequently changed by the Assessor or Board of Equalization without notice to him or his agent, or show that said rate of taxation for any purpose was to any extent illegal, judgement shall thereupon be rendered against him for the proper amount due, based upon the value of his property as rendered by him and the amount of tax which is found to be legal.

#### Cose in Tax Suits

Section 14; In all suits for the collection of taxes the costs of such proceedings shall be collected in the same manner provided by law for the collection of costs in suits for taxes by the state and county.

#### Tax Sales--Purchases

Section 15: When any property, real or personal, is sold to enforce the collection of taxes, the City of Raymondville shall not become the purchaser thereof unless no one else is present who will purchase the same and pay the full amount due the City, including all costs and penalties, and it is hereby the duty of the City Attorney as such to attend all sales and bid for the City, and upon

such sale, the officer making the same shall execute to the City or other purchaser proper evidence of the title and place the purchaser of personal property in possession thereof.

#### Assessment of Taxes--Supplemental

Section 16: If the City Assessor and Collector shall discover any property, real or personal, which was subject to taxation for any year heretofore and which from any cause had escaped taxation, he shall require the same to be listed and assessed according to the rate of taxation levied for the year or years it was omitted and enter the same as a supplement to his next roll, stating the year, and the taxes thereon shall be collected in the same manner as other assessments and be subject to the same penalties; providing that such supplemental rolls shall be due at once upon the approval of such rolls by the Board of Commissioners, and if not paid within sixty days thereafter shall bear interest at the rate of six percent per annum, and may be collected by seizure and sale or suit as herein provided for the collection of other taxes.

#### Tax Lien--Unrendered Property: Unknown Owner

Section 17: The City Assessor shall list all property which for any cause has not been rendered to him for taxation in such form as may be prescribed by the Board of Commissioners, such valuation thereon as he may deem just, provided same shall not be higher than rendered property of like character. If the owners of such property are unknown to the Assessor, he shall so state, and such assessments shall be sufficient warrant for the collection of taxes due upon said property by seizure and sale or suit as herein provided for the collection of taxes on other property.

#### Statute of Limitation--Regularities of Procedure

Section 18: No taxes due the City of Raymondville shall ever be held to be barred by any statute of limitation and no irregularities in the time and manner of making the annual levy of taxes or in making any inventory, list or appraisalment, or in making or returning the city assessment rolls or the approval thereof shall ever be held to invalidate any assessment, and all taxes heretofore levied by the Board of Commissioners of said City and which are unpaid, are hereby continued in force

and may be collected by seizure and sale of the property of the person owning the same or by suit as herein provided.

#### Property Subject to Taxation

Section 19: All property, real or personal or mixed, made taxable by the laws of the State of Texas, which is situated in the City of Raymondville on the first day of January of each year, and all personal property owned and controlled by persons residing herein and taxable by law at the place where the owner or agent in charge may reside, shall be subject to taxation by said City for all purposes provided in this Charter.

#### Laws Continued in Force--Occupation Tax

Section 20: The Board of Commissioners shall have the power to levy a tax on all occupations, calling, businesses and professions taxed by the State of Texas from time to time to the amount of one-half of occupation tax levied by the State, and shall have power by ordinance to provide adequate means for enforcing the collection of same.

(a) All laws and parts of laws now in force providing for the levy and collection of taxes not in conflict with this Charter relating to the City of Raymondville are hereby continued in full force and effect.

(b) If the Board of Commissioners shall fail, refuse or neglect to pass an ordinance levying taxes for any year, the ordinance last passed levying taxes shall be considered in force and a failure to pass such an ordinance shall in nowise invalidate the collection of any taxes.

### ARTICLE X

#### Condemnation and Special Assessments:

##### Power of Condemnation and Special Assessment

Section 1: The City shall have power:

(1) to acquire property by condemnation within or without its corporate limits for any municipal purpose, and for the purpose or (a) protecting, preserving, and facilitating and improvement, or (b) financing and improvement, or (c) bringing about such development of property along or in the vicinity of an improvement as will make such development harmonious with and adjusted to the improvement, or any combinations of such purposes.

(2) To provide for the payment of all or any part of the costs of public improvements by the levying and collecting of special assessments upon properties specially benefitted, in accordance with authorizations provided by State laws and such amendments as may be made thereto.

#### Special Assessment Method and Procedure

Section 2: The method and procedure for determining the amount to be assessed, the spread and apportionment of the amount to be assessed, and the boundary and location of the property, lots, district or area to be assessed, for the making and approval of the plans and specifications, for the notices to property owners and other interested parties, for the hearings, for the composition, organization and procedure of boards of revision or appraisal, for the levy of the assessment and for any and all other determinations, steps, measures, resolutions, ordinances, and actions in relation to the assessment shall be governed by either (a) the provisions of the special assessment statutes of the State of Texas, or (b) the provisions of a general ordinance setting forth such method and procedure, which general ordinance may be enacted by the Board of Commissioners and shall be subject to amendment or repeal. Relative to (a) above, it is the intent and purpose hereof to write into and make a part of the Charter of the City of Raymondville the powers, terms, and provisions contained in Chapter 17 of Title 28, Revised Civil Statutes of the State of Texas, 1925.

#### Street Improvements--Legislative Acts Invoked

Section 3: As exclusive of the power described in this Article and the municipal powers stated or implied elsewhere in this Charter and wholly alternative to these powers, the City shall have the power, by ordinance, to adopt all and singular the rights, powers, and provisions of Chapter 9, Title 28, Revised Civil Statutes of the State of Texas, 1925.

#### Eminent Domain

Section 4: In addition, or as alternatives, to all other powers on the subject conferred by this Charter or existing by law, the City of Raymondville shall have and may exercise all the powers enumerated in Acts 1925, 39th Leg., p. 334, Ch. 137, Sec. 1, relating to the acquisition of property.

## ARTICLE XI

## Franchises and Public Utilities

## Powers of the City

Section 1: In addition to the City's power to buy, own, construct, maintain and operate utilities and to manufacture and distribute electricity, gas, water or anything else that may be needed or used by the public (see powers made part of this Charter in Article I. Section 2), the City shall have further powers as may be now or hereafter granted under the constitution and laws of the State of Texas

## Franchises: Power of Board of Commissioners

Section 2: The Board of Commissioners shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities of every character operating within the City of Raymondville and for such purpose is granted full power, provided this does not authorize or allow amendment to a valid existing franchise that would be effective to impair or reduce the rights of the holder thereof without the consent of such holder. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at three separate regular meetings of the Board of Commissioners, and shall not be finally passed until thirty days after the first reading; and no such ordinance shall take effect until sixty days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four consecutive weeks in the official newspaper in the City of Raymondville, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferrable except with the approval of the Board of Commissioners by ordinance.

## Right of Regulation

Section 3: All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

(a) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the

terms of the franchise, such power to be exercised only after due notice and hearing.

(b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(c) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports on local operations by each public utility.

(d) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public.

(e) To at any time require such compensation and rental as may be permitted by the laws of the State of Texas.

#### Consent of Property Owners

Section 4: The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but nothing in this Charter or in any franchise granted thereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his property as now or hereafter provided by law.

#### Extensions

Section 5: All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 3. In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

#### Other Conditions

Section 6: All franchises heretofore granted are recognized as contracts between the City of Raymondville

and the grantee, and the contractual rights as contained in any such franchises shall not be impaired by the provisions of this Charter, except the general power of the City heretofore existing and provided for to regulate the rates and services of a grantee. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article; whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way as specifically stated the discretion of the Board of Commissioners or the electors of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant.

#### Franchise Records

Section 7: Within six months after this Charter takes effect every public utility and every owner of a public utility franchise shall file with the city, as many as may be prescribed by ordinance, certified copies of all franchises owned or claimed, or under which such utility is operated. The City shall compile and maintain a public record of public utility franchises.

#### Accounts of Municipality Owned Utilities

Section 8: Accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such city ownership and operation, including all assets, appropriately subdivided into different classes, all liabilities subdivided by classes, depreciation, appreciated reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show the actual capital cost to the city of each public utility owned, also the cost of the extensions, additions and improvements, and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other City or governmental department. The Board of Commissioners shall annually cause to be made and published a report showing the financial results of such city ownership and operation, giving the information specified in this section or such data as the Board of Commissioners shall deem expedient.

#### Regulations of Rates and Service

Section 9: The Board of Commissioners shall have

full power after due notice and hearing to regulate by ordinance the rates and service of every utility operating in the city of Raymondville.

## ARTICLE XII

### GENERAL PROVISIONS

#### Publicity of Records

Section 1: All records and accounts of every office, department, or agency of the City shall be open to inspection by any citizen, any representative of a citizen's organization or any representative of the press at all reasonable times and under reasonable regulations established by the Board of Commissioners.

#### Personal Interest

Section 2: No member of the Board of Commissioners or any officer or employee of the City shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract of in the sale to the City or to a contractor supplying the City of any land or rights or interests in any land, material supplies or services, or in any matters in which he acts for the City. Any wilful violation of this section shall constitute malfeasance in office, and any officer or employees of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, express or implied of the person or corporation contracting with the City shall render the contract voidable by the Board of Commissioners.

#### Increasing Personnel or Payroll before Election:

Section 3: Neither the personnel nor payroll of or for any department of the City shall be increased within ninety days before any election of the Commissioners unless same be necessary to provide for an emergency first formally declared by resolution of the Board of Commissioners, which resolution shall state the nature of the emergency and specify the necessary increase in personnel and-or payroll to meet the same. No city ear or city monies shall be used for the purpose of participating in any political campaign. In the event of any violation of any provision of this section, any such attempted increase shall be void and any and every person in any manner participating in the authorization



or carrying out of any such increase shall be personally liable to the City for any money paid out on account of any such increase; and shall also be subject to removal from any position or office with or of the City which he may hold at the suit or complaint of any taxpayer of the City. Any such emergency in support of increase of personnel or payroll of any City-owned utility under the management of an independent board shall be declared by order or resolution of such board.

#### Oath of Office

Section 4: Every official or officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary. "I, \_\_\_\_\_ do solemnly swear (or affirm) that I will faithfully execute the duties of the office of \_\_\_\_\_ of the City of Raymondville, State of Texas, and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of this State and the Charter and ordinances of this City; and I furthermore solemnly swear (or affirm) that I have not directly nor indirectly, paid, offered, or promised to pay, contributed, or promised to contribute, any money or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected, or if the office is one of appointment, to secure my appointment, So Help Me God."

#### Official Bonds

Section 5: The Mayor and each of the Commissioners shall, upon entering office, execute official bonds, issued by a corporate Surety Company authorized to do business in the State of Texas, to be approved by the Board of Commissioners, in the amount, conditioned, and payable as provided by Article 1162, Revised Civil Statutes of Texas, 1925.

(a) All other officers and employees of the City of Raymondville whose duties require or involve the handling or possession of any funds, personal property, or supplies or other thing of value of the City of Raymondville shall enter into bonds to be approved by the Board of Commissioners, conditioned that they will faithfully account for and pay over or deliver all funds and personal property and other things of value belonging to the City of Raymondville coming into their possession. Said bonds shall be in such respective amounts as may be fixed by the Board of Commissioners.

(b) The premiums of all Corporate Surety bonds herein provided for shall be paid by the City.

(c) It shall be the duty of the Board of Commission-

ers to see to the execution of all bonds herein provided for.

#### Continuance of Contracts

Section 6: 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. Public improvements for which legislative steps have been taken under laws or ordinance existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and ordinances.

#### Employment by Independent Utility Board

Section 7: Any officer or employee of the City, may, with the consent and approval of the Board of Commissioners, be employed by an independent board controlling and operating a utility owned by the City, to fill any office or position of, or to perform any services for, such independent board. In any such case the total compensation of such officer or employee whose services are so shared between the City and such independent board shall be paid by the City and such independent board shall in the proportions that may be agreed upon between the Board of Commissioners and such independent board.

#### City Not Required to Give Security or Execute Bond

Section 8: It shall not be necessary in any action, suit or proceeding in which the City of Raymondville is a party, for any bond, undertaking or security to be demanded or executed by or on behalf of said city in any of the state courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if bond, undertaking or security had been given as required by law, and said City shall be just as liable as if security or bond had been duly executed.

#### Effect of this Charter on Existing Laws

Section 9: All ordinances, resolutions, rules and regulations now in force under the City Government of the City of Raymondville and not in conflict with the provisions of this Charter, shall remain in force under this Charter until altered, amended or repealed by the Board of Commissioners after this Charter takes effect; and

all rights of the City of Raymondville under existing franchises and contracts are preserved in full force and effect.

#### Interim Municipal Government

Section 10: From and after the date of the adoption of this Charter and until there are four Commissioners, constituting the Board of Commissioners elected and qualified, the present Mayor and two Commissioners of the City of Raymondville shall constitute the Board of Commissioners of the City of Raymondville, and shall constitute the governing body of the City, and have all the power and duties conferred upon the Board of Commissioners by this Charter.

#### Amending the Charter

Section 11: Amendments to this Charter may be framed and submitted to the electors of the City by a Charter Commission in the manner provided by law for framing and submitting a new Charter. Amendments may also be proposed and submitted by ordinance, passed by a majority vote of the full membership of the Board of Commissioners, or by a petition signed by not less than ten per cent of the number of those who voted at the last regular municipal election; provided, however, that in the latter case the petition must bear the signatures of at least one hundred electors of the City. When such a Charter amendment petition shall have been filed with the Board of Commissioners, the Board of Commissioners shall forthwith provide by ordinance for submitting such proposed amendment to a vote of the electors. Any ordinance for submitting a Charter amendment to the electors shall provide that such amendment be submitted at the next regular municipal election, if one shall occur not less than sixty nor more than one hundred and twenty days after the passage of the ordinance; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Adequate notice of the proposed amendment or amendments shall be given by the publication in full of said amendment or amendments in the official newspaper or newspapers once each week for three consecutive weeks prior to the election at which the proposed amendment or amendments are submitted for adoption. If a proposed amendment to be approved by a majority of the electors voting thereon it shall become a part of the Charter at the time fixed therein. Each amendment shall be confined to one subject; and when more than one amendment shall be submitted at the

same time, they shall be so submitted as to enable the electors to vote on each clause separately.

#### Separability Clause

Section 12: If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not effect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

#### Submission of Charter to Electors

Section 13: This Charter shall be submitted to the qualified voters of the City of Raymondville at an election to be held for that purpose on the 29th day of March, 1955 and if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Raymondville, and after the returns have been canvassed, the same shall be declared adopted and the City Clerk or City Secretary shall file an official copy of the Charter with the Records of the City. The Clerk or City Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated, and certified by his signature and the Seal of the City shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

In not less than thirty days prior to such election the City Board of Commissioners shall cause the City Clerk to mail a copy of this Charter to each qualified voter of the City of Raymondville as appears from the Tax Collector's latest roll.

We, the undersigned members of the Raymondville Charter Commission, heretofore duly appointed to prepare a Charter for the City of Raymondville, Texas, do certify that this publication constitutes a true copy of the proposed and recommended Charter of the City of Raymondville, Texas.

Dated this the 10 day of January, 1955.

Mrs. E. Cannon--Chairman  
Fred Oliver  
Frank Dickerson  
A. J. Cody  
Oscar Cavazos  
Anna Hensley  
Debbie Shaw

Paul Weisser  
Eddie Starck  
B. E. Christoffel  
James C. Duddleston  
Milton B. Spurgeon  
Carl R. Miller

Mrs. Dale Manshaw-Walter Gene Smith

AMENDMENT VOTED 2ND. DAY OF APRIL, 1963

"Article II, Section 2(D) and (E) shall be as follows:

(D) on the first Tuesday in April, 1963, and on the first Tuesday in April at four year intervals thereafter, a Mayor and Two Commissioners shall be elected at elections to be held for said purpose to succeed the Mayor and Commissioners whose terms of office expire on said dates. That the terms of the Mayor and Commissioners elected in 1963, will expire in 1967, when their successors are elected and qualify for office. That hereafter, the Mayor and Commissioners will be elected to four year terms.

(E) That the terms of the two Commissioners who were elected to office in 1962, be and they are extended so as to end upon the election and qualifications of their successors in April, 1965, that is, their terms are extended one year. On the first Tuesday in April at four year intervals thereafter, two Commissioners shall be elected at elections to be held for such purpose, to succeed the two Commissioners whose terms of office expire on said dates. That the provisions of Article II, Section 2 (D) and (E) shall prevail over other sections of the Charter to the extent of any conflict regarding terms of office; but this provision will not affect the requirement for election by majority vote.

Article VII, Section 5(A) shall be as follows:

(A) There shall be magistrate of said Corporation Court known as the City Judge who shall be elected to office as provided in Section 5, Article 4 of this Charter. His terms of office shall be for four years and he shall possess the same qualifications of office as provided in this Charter for the Mayor and Commissioners. All costs and fines imposed by the Corporation Court, or by any other court in cases appealed from judgements of the Corporation Court, shall be paid into the City Treasury for the use and benefit of the City. The City Judge shall receive such compensation as may be provided by Ordinance from time to time. In the event of vacancy in the office of City Judge, the same shall be filled as herein provided. That the provision of Article VI, Section 5(A) shall prevail over other sections of the Charter to the extent of any conflict herewith regarding the term of office of said City Judge."

AMENDMENTS VOTED 7th DAY OF APRIL 1970, EFFECTIVE 14TH DAY OF APRIL 1970

"Article II, Section 2. The paragraph at the heading of said Section 2 shall be changed to read as follows:

The Mayor and four Commissioners of the City shall be elected at large by the qualified voters of the City of Raymondville at elections to be held for that purpose, and shall hold office for four years, and until their successors shall have been elected and qualified. The four Commissioners shall be elected to individual Places, designated by Numbers ONE, TWO, THREE AND FOUR, and for the City at large. Each Commissioners Place is to be a separate and distinct office, and the election to each numbered Place is to be considered as an election to a separate and distinct office. Any person desiring to file as a candidate for Commissioner shall designate in his application the Place for which he wishes to run, and the ballots will be drawn so as to show the Places for which the candidates are running.

ARTICLE II. Section 2. (f) This subsection section is an addition to the Charter.

The present Commissioners Places are designated as follows:

Ralph Cisneros	Place Number One (1);
Gilbert Castaneda	Place Number Two (2);
Gene Smith	Place Number Three (3);
Joe Rodriguez	Place Number Four (4).

Places one and two are to be filled by the regular election to be held in 1971, and places three and four are to be filled by the regular election to be held in 1973, and the two places for Commissioner are to be filled in the same order each two years. That is, a regular election for Commissioner shall be held in April of each odd numbered year at which time two Commissioners will be elected to fill the Place held by the two Commissioners who have held the two places for almost four years.

ARTICLE IV. Sections 5 and 6 are changed to read as follows:

Section 5. The full names of candidates who have filed their own petitions, or who have been nominated, for Mayor or Commissioner or City Judge, in accordance with the provisions of this Charter, except such as may have withdrawn, died, or become ineligible, shall be printed on the official ballots as candidates for said respective offices or places, for the election at which the office, Places, or offices are to be filled, which official ballots shall be printed at least 21 days before the election, so as to provide for absentee voting as provided by law. On each official ballot

where officers are to be elected there shall be printed on the left hand side of the name of each candidate a ☐ and there shall be printed below the words "OFFICIAL BALLOT" the following instruction "Vote for the Candidate of your choice in each race by placing an X in the square beside the candidate's name." Said ballot shall conform to the Texas Election Code. The ballot for officials will be for the office to which an official is to be elected, and where Commissioners are to be elected, the ballot will list the candidates who have filed under each Commissioner's Place which is vacant according to the place for which the candidate has filed. If there be more than one candidate for any given office, the order in which their names are to appear on the ballot shall be determined by fair and impartial drawing by the City Secretary, who shall notify the candidates concerned the time and place of such drawing; and each of said candidates or his designated representative shall be entitled to be present and witness such drawing. The Board of Commissioners may, not later than 60 days before the election, by order, prescribe the method by which such drawings shall be conducted, and how the order of the names on the ballot shall be determined, to insure fairness. Any such order so passed for any previous election, and that shall not have been superseded by another order, shall govern future drawings for said purpose.

#### ELECTION BY MAJORITY:

##### Section 6.

(a) At the regular general municipal election or any special election held to fill vacancies occurring in the City Commission, candidates for the offices of Mayor, City Judge, and each Commissioners Place who receive a majority of the votes of the electors voting in such election for such office or such Place shall be declared elected. In the event no candidate receives a majority of the votes cast for the candidates for the office or place for which he is a candidate, the Board of Commissioners, after canvassing the results of such first election as provided by law shall cause the names of the two (2) candidates receiving the highest number of votes to be placed on the ballot to be voted upon at the second election or run-off election. In the event of a tie by the two high candidates in the first election, then there shall be a run-off or second election between the two candidates who have tie votes unless one of the two candidates concedes to the other in which case no second election for said office shall be required. In Applying this rule as to majority vote it is to be understood that each Commissioners Place is a separate and distinct office, and that in filing for election, preparing ballots, holding the election, and declaring the results, each Commissioners Place is a separate and distinct office for which the candidate or candidates for such office are running.

That in the event it is necessary to have a run-off or second election, said election shall be held not less than thirty (30) or more than forty (40) days after the date when the results of the first election are declared. That regardless of the provisions of any other part of this charter and in order to correspond with the Election Code, the date for filing for office is set at not more than 90 days nor less than 30 days before such election, and this provision prevails over Section 3 of this Article."

"ARTICLE I. Section 2. That there shall be added to said Article and Section an additional paragraph which shall be designated as paragraph (f) as follows;

(f) The Board of Commissioners is authorized to appropriate and spend money from the general fund of the City for the purpose of establishing and/or maintaining a Board of City Development or other similar organization under whatsoever name, devoted to the growth, advertisement, improvement and increase of taxable values of the City. This subsection shall be interpreted in such a way as to authorize the City to use funds from the general fund for advertising and other means of development in order to aid and encourage growth, development, and improvement of the resources of the City".