



BRADY
THE CITY OF
TEXAS

CITY OF BRADY
HOME RULE
CHARTER

AS AMENDED

MAY 2015



HOME RULE CHARTER

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HOME RULE CHARTER^{i*}

ARTICLE I. FORM OF GOVERNMENT

Section 1.01 Incorporation:

The inhabitants of the City of Brady, Texas, within the corporate limits as now established or as hereafter established in the manner provided by law and by this Charter, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the “City of Brady.”

Section 1.02 Form of Government:

The municipal government provided by this Charter shall be a “Council-Manager Government.” Pursuant to its provisions and limitations imposed by the State Constitution, the Laws of the State, and this Charter, all powers of the City shall be vested in the elective Council, and referred to as the “Council”. The Council shall enact local legislation, adopt budgets, determine policies, make appointments, control the funds of the City, and other powers and duties provided in ARTICLE III. THE CITY COUNCIL. All powers of the City shall be exercised in the manner provided by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance as provided in Section 3.16 Ordinances.

The Mayor shall be the Chief Executive Officer of the City as provided in Section 3.05 Mayor. The Council shall appoint a City Manager who shall be responsible to the Council for the execution of the laws and the routine administration of the government either as prescribed in Section 4.01 City Manager, or by the Council through ordinance.

(Section 1.02 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 1.03 General Powers:

The City shall have all powers possible for a City to have under the Constitution and laws of this State, as fully and completely as though they were specifically enumerated in this Charter. All such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed in this Charter, and when not prescribed herein, in such manner as may be provided by ordinance or resolution of the Council of the City of Brady.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and in addition to the powers enumerated herein the City shall have all other powers which, under the Constitution of the State of Texas, it would be proper for the Charter specifically to enumerate. The City of Brady shall have and exercise all the powers conferred upon cities by the Home Rule Amendment to the Constitution of the State of Texas and all other laws passed or which may hereafter be passed by the legislature relating to the powers of home rule cities.

The City of Brady may exercise any of its powers and perform any of its functions with the government of Texas or any agency thereof, or with the Federal Government or any agency thereof, or with the government of any county, city or political subdivision to accomplish any lawful municipal purpose.

Section 1.04 Particular Powers:

The City:

- (1) May use a corporate seal, sue and be sued, contract and be contracted with, implead and be impleaded in all courts in all matters whatsoever.
- (2) May own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lessor interest or estate by purchase, gift, devise, lease or condemnation.
- (3) May sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire.
- (4) May, subject to the limitations hereinafter set out, have the right to lease or let its property that is inside or outside its boundaries.
- (5) May contract, own, lease, operate and regulate public utilities.
- (6) May assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation.
- (7) May borrow money on the faith and credit of the City by the issuance and sale of bonds, certificates of obligation, warrants, notes or other evidence of indebtedness of the City.
- (8) May appropriate the money of the City for all lawful purposes.
- (9) May regulate and control the use, for whatever purpose, of the streets and other public places.
- (10) May make and enforce all police, health, sanitary and regulations.
- (11) May pass such ordinances as may be expedient for the protection and maintenance of good government, for peace and welfare of the City, for the performance of the functions of the City and for the order and security of its residents.
- (12) May provide suitable penalties for the violations of any ordinance enacted by the City of Brady.

- (13) May, except where prohibited by the Constitution and laws of this State or where restricted in this Charter, exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Section 1.05 Power of Eminent Domain:

In accordance with the State Constitution and the laws of the State of Texas, the City shall have full power and right to exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of the State.

The City shall have and possess the power of condemnation for any municipal or public purpose even though not specifically enumerated in this charter.

ARTICLE II. BOUNDARIES OF THE CITY

Section 2.01 The Boundaries:

The boundaries and limits of the City of Brady shall, until changed in the manner hereinafter provided, be the same as have heretofore been established and as exists on the date of the adoption of this Charter. Such boundaries are described in the files of the City Secretary.

Section 2.02 Extension of Boundaries:

The boundaries of the City of Brady may be extended from time to time by the annexation of additional territory by any of the methods hereinafter designated. All annexations of territory to the City must be consistent with State law and must meet the limitations established in Chapter 43, Municipal Annexation, Local Government Code as now exists or as amended. Such annexations shall be accomplished by ordinance providing for the alteration and extensions of the boundary limits.

Prior to the first reading of the ordinance, the Council must publish notice and provide for a public hearing on the proposed annexation in accordance with State law. Only one (1) contiguous area proposed for annexation be described in any one (1) ordinance. Upon final acceptance of property for annexation by any of the methods prescribed herein, the boundaries of the City shall be so extended and the territory shall become a part of the City; and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the City and such the residents shall be entitled to all the rights and privileges of other citizens of the City.

(1) Annexation by Petition.

The owners or owner of any property which is without residents, or if inhabited, the majority of the residents of such property who are qualified electors in this State may petition the Council in a written request that the property be annexed to the City of Brady. Such property to be considered for annexation:

- (a) Must be contiguous and adjacent to the limits of the City.
- (b) Must lie entirely within the extraterritorial jurisdiction of the City.
- (c) Must be described in the petition by metes and bounds in such manner as is accepted in this County.

Together with the above written request, the petitioner(s) must submit to the Council a document describing plans for extending utilities and other City services to the area proposed for annexation. This planning document must:

- (a) Be prepared at the expense of the petitioner(s).
- (b) Be coordinated with and/or reviewed by the appropriate members of the City staff prior to its submission to the Council.

- (c) State the estimated costs to the City of extending such utilities and services to the area.
- (d) Estimate a time for providing such utilities and services.
- (e) Satisfy the requirements of Chapter 43, Municipal Annexation, Local Government Code, as now exists or as amended.

The Council shall hear all petitions and provide for annexation by ordinance and may accept or refuse the ordinance as prescribed above. The Planning Document shall be appended to the ordinance annexing the proposed area and shall be considered at all readings of the ordinance. The territory described in the ordinance shall become annexed only after the final passage of the ordinance and proper recording in the records of the City.

(2) Annexation by the City.

The Council, upon its own initiative, may annex territory which is contiguous to the limits of the City by the method prescribed herein, subject to other procedural rules as may be prescribed by State Law. Such property:

- (a) Must be described in the annexation ordinance by metes and bounds.
- (b) Must lie entirely within the extraterritorial jurisdiction of the City.
- (c) Must meet the limitations as prescribed in Chapter 43, Municipal Annexation, Local Government Code, as now exists or as amended.

When initiating annexation procedures for annexing a specific area, the Council shall cause to be prepared an ordinance for the annexation of the territory and a document describing the plans for extending utilities and other City services to the area proposed for annexation. This Planning Document must:

- (a) State the estimated costs to the City of extending such utilities and services to the area.
- (b) State the method whereby the costs of such services will be paid.
- (c) Estimate a time schedule for providing such utilities and services.
- (d) Satisfy the requirements of Chapter 43, Municipal Annexation, Local Government Code.

The Planning Document shall be appended to the ordinance annexing the proposed area and shall be considered at all readings of the ordinance. The ordinance shall be subject to public hearing and all the stipulations prescribed in this Section. The territory described in the ordinance shall become annexed only after the final passage of the ordinance and proper recording in the records of the City.

(3) Annexation of City-owned Property.

The City may annex any property owned by the City subject only to the procedural rules as prescribed by State Law. Annexation of City-owned property shall be by ordinance as prescribed for other categories of property.

(Section 2.02 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 2.03 Contraction of Boundaries:

Subject to the limitations prescribed by State Law, the Council may contract the boundaries of the City by passing an ordinance removing territory from the limits of the City. The procedures for disannexing territory from the City must be consistent with State law.

If there is property within the limits of the City which is not suitable for development, the Council may initiate action to disannex the property. Prior to final action on the ordinance, the City must obtain the written approval of the majority of the qualified voters residing in the area, or if uninhabited, the approval of the majority of the owners of that area. If the City is unable to obtain such approval, the Council may order an election to be held within the City; and, if at the election, the majority of the legal voters voting at the election cast their vote in favor of disannexing said area, the Council shall cause the property to be disannexed and thereby adjust the limits of the City.

ARTICLE III. THE CITY COUNCIL

Section 3.01 Number, Selection, Term and Transition:

The legislative and governing body of the City shall consist of a mayor and five (5) Councilmembers and shall be known as the “Council of the City of Brady, Texas.” The Mayor and Councilmembers shall be elected from the City at large. The places on the Council shall be the Mayor and places One (1) through Five (5), consecutively.

The terms of the Mayor and the Councilmembers shall be limited to three (3) consecutive terms of three (3) years. With a layout of three (3) years, members could again be reelected for three (3) consecutive terms. There shall be no more than a total of three (3) consecutive terms in any position of Council Member or Mayor without a layout of a three (3) year period. There shall be two (2) members of the Council elected each year.

The Mayor and each Council Member shall serve until his successor is elected and qualified to serve. Regular terms of office shall commence at the first regular city council meeting following the uniform May Election Date of each year.

Section 3.02 Qualifications:

The Mayor and each Council Member shall, on the date of his election, have the following qualifications:

- (1) Be a citizen of the United States;
- (2) Be a resident of the City of Brady for at least twelve (12) consecutive months prior to election day and must remain a resident of the City throughout the elected term;
- (3) Be a registered voter of the State of Texas;
- (4) Except as otherwise allowed by law, no member of the council shall, during his term of office, hold any other public office or employment, compensation for which is paid out of public funds.
- (5) Not be delinquent in any indebtedness to the City; and
- (6) Be 21 years of age or older.
- (7) Retain residency within the City of Brady throughout the elected term.

Section 3.03 Council to be Judge of Election & Qualification:

The Council shall be judge of the election and qualifications of its new members.

Section 3.04 Compensation:

The Mayor shall be paid one hundred dollars (\$100.00) per month. The Mayor Pro Tem shall be paid sixty dollars (\$60.00) per month. Each other Councilman shall be paid fifty dollars (\$50.00) per month. These amounts are not intended to be salaries for services rendered but compensation for routine expenses. This compensation may be reviewed by the Council at five (5) year intervals and be adjusted at the will of the Council; except that no member shall be paid an increased amount during the term of office in which the change was approved. In addition, each shall be paid for any actual and necessary expense incurred while in the discharge of the non-routine duties of the office upon presentation of an itemized statement of such expense to the Council. No member shall hold or exercise more than one (1) civil office of emolument.

Section 3.05 Mayor:

The Mayor shall be the Chief Executive Officer of the City and shall serve as the ceremonial head of the City government. The Mayor shall preside at meetings of the Council and shall work closely with the Council to provide proper legislative functions, and, with the City Manager, to ensure they are enforced.

The Mayor may participate in the discussion of all matters coming before the Council. The Mayor shall not be entitled to vote on legislative or other matters except in case of a tie when the Mayor shall have the right to cast the deciding vote. The Mayor's right to vote is also expressly provided for in this Charter in Section 3.06 Mayor Pro Tem, and Section 3.07 Removal from Office.

The Mayor may have signatory authority for all legal contracts and commitments of the City. The Mayor may sign all ordinances and resolutions as provided in Section 3.16 Ordinances and Section 3.19 Resolutions. The Mayor shall have veto power over ordinances in accordance with Section 3.18 Veto of Ordinances by the Mayor.

The Mayor may take command of the police and govern the City by emergency ordinance in accordance with Section 3.17 Emergency Ordinances and maintain order and enforce all laws.

The Mayor or two Council Members shall recommend to the Council appointees for the boards and commissions. The Council shall approve appointees for boards and commissions.

The Mayor shall have all powers provided by this Charter, by the Laws of the State, or by the Council.

(Section 3.05 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 3.06 Mayor Pro Tem:

At the first regular meeting after election of new members of the Council each year, the Council shall elect one (1) of its own members to be Mayor Pro Tem for (1) year. Each Council Member, except the Mayor, is to be considered automatically nominated and the Mayor shall

have a vote. The vote shall be taken orally and the Mayor Pro Tem shall be the Council Member who receives the most votes. In the absence of the Mayor, the Mayor Pro Tem shall perform the duties of the office of the Mayor and in this capacity shall be vested with all powers conferred on the Mayor. When presiding over Council proceedings, the Mayor Pro Tem shall retain the right to vote as a Council Member.

(Section 3.06 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 3.07 Removal from Office:

The Mayor or any member of the Council may be removed from office in accordance with the procedures set forth in this Chapter, if such member:

- (1) Fails at any time to maintain the qualifications specified in Section 3.02.
- (2) Willfully violates any express prohibition of this Charter.
- (3) Is proven guilty of official misconduct.
- (4) Is found to be incompetent to perform the duties of the office.
- (5) Is removed from office by action of a recall election.
- (6) Willfully violates any law duly enacted by procedures prescribed by this Charter.
- (7) Fails to attend four (4) consecutive regular meetings of the Council without first being excused by three (3) of the remaining members.

If a member of the Council is charged by another elected official with a ground for removal as described in this Section, except for a recall, a hearing shall be held not less than seven (7) nor more than twenty-one (21) days from the date on which the written charges are presented to the member accused. The purpose of the hearing shall be to determine whether or not the charges are sufficiently grounded to initiate recall procedures. The Mayor shall preside at the hearing before the Council and Council may subpoena witnesses and records as required or necessary. If the Mayor is the accused, the Mayor Pro Tem shall serve as the presiding officer at the hearing. The accused shall have the right to present evidence in his own defense, but shall not have a vote as to his innocence or guilt. At the conclusion of this hearing, a vote shall be taken and the Mayor shall be allowed to vote, unless he is the accused.

The vote shall determine whether the Council shall call an election to recall the accused member. Four (4) votes in the affirmative shall be required to initiate the recall election proceedings. The minutes of the hearing shall record the vote by roll call. If a member of the Council is removed from office, that place on the Council shall be deemed vacant and shall be filled in accordance with the rules prescribed in this Charter.

If recall election proceedings are so initiated, these proceedings shall be in accordance with Article VIII, Recall of Officers, except the hearing described above shall be sufficient for the Council to call the election per Section 8.08 et seq. and the petitioning process described in Section 8.02 through Section 8.07 shall not be required.

It is the intent that only the qualified electorate shall remove an elected official from office. The mere fact that an elected official has been charged by another elected official shall not deprive the accused official of his rights as a member of the Council.

Section 3.08 Vacancies:

The office of Mayor or Councilmember shall become vacant upon the death or resignation of the incumbent, or upon his or her removal from office by any manner authorized by law or in this Charter. Any vacancy or vacancies, whether in the office of Mayor or places on the Council, shall be filled by special election in accordance with this Charter called for such purposes within one hundred and twenty (120) days after such vacancy or vacancies occur. Vacancies cannot be filled by appointment. The date for special elections to fill vacancies shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that if no such election date falls within 120 days after the date of the vacancy, the Council shall, without regard for the uniform election dates specified in the Texas Election Code, order such election to be held on a Saturday within 120 days from the date of the vacancy. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled. No election will be required if the vacated office has a term of 120 days or less remaining.

Section 3.09 Meetings:

The Council shall hold at least two (2) regular meetings each month and as many additional (special) meetings as it deems necessary to transact the business of the City and its citizens. The Council shall fix by ordinance the dates and times of the regular meetings and such meetings must be at least two (2) weeks apart. Special meetings of the Council shall be held on the call of the Mayor or of a majority of the Councilmembers and whenever practicable upon no less than twelve (12) hours notice to each member. Meetings shall be open to the public and public notice shall be given by posting an agenda in accordance with the Open Meetings Act, Chapt. 551, Tex. Gov't. Code. Executive meetings closed to the public shall be permitted in accordance with the Open Meetings Act. In case of special meetings, the subjects to be discussed must be posted in City Hall at least two (2) hours before the special meeting is convened. All meetings must be called to order in public session during which the presiding officer must clearly announce the subjects to be discussed in executive session.

The Mayor shall approve all agendas to be posted but shall not approve an agenda which does not specify the subjects to be discussed in executive session. Any two (2) Councilmembers may require the Mayor to include an additional subject on the agenda for which notice may be given in compliance with the Open Meetings Act and any such addition must be posted at least two (2) hours prior to the meeting.

Section 3.10 Quorum:

Whether or not the Mayor is present, three (3) Councilmembers shall constitute a quorum for the purpose of transacting business unless otherwise stated in this Charter, and no action of the Council shall be valid or binding unless adopted in an open meeting with a quorum present. Less than a quorum may adjourn any meeting.

Section 3.11 Voting:

All members of the Council present, excluding the Mayor, shall vote upon every resolution, ordinance, or other binding action requiring a vote of the Council; provided that, if any member of the Council has a conflict of interest, that fact shall be stated in the minutes and such member shall abstain from consideration of the issue and from voting. A majority vote of the members present, there being a quorum, shall decide all issues except that any ordinance providing for fines, penalties, taxes, franchises, annexation, disannexation, or setting of rates shall require four (4) affirmative votes to pass. If there are only four (4) members present, one (1) of which is the Mayor, no vote may be taken on any ordinance requiring four (4) votes to pass.

Section 3.12 Rules of Procedures:

The Council shall, by ordinance, determine its own rules and order of business except that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter. Minutes shall be kept by the City Secretary for all meetings and all such minutes shall be complete so as to provide a public record of the transaction of the Council meeting. The minutes shall record the vote on all issues voted and shall record by roll call the vote of the members on all ordinances and resolutions. All minutes must be approved by the Council at the next regular Council meeting and the approved minutes shall be attested to by the presiding officer and the City Secretary. Such minutes so approved shall be filed by the Secretary and become archives of the City.

The ordinance prescribing the procedures of the Council may provide for compelling members to attend Council meetings and may provide for penalties for failure to attend. The ordinance shall require that prior to being sworn in, all newly elected Mayors and Councilmembers shall read and be familiar with this Charter, the City code of ordinances, the current City budget, the file of resolutions, and any other records or documents as the Council deem appropriate for orientation. Each elected official shall take the oath of office as prescribed by state law and further affirm that "I have read and will uphold and abide by the articles and sections of the City Charter and the ordinances of this City." Prior to the second meeting of the newly elected Council, the City Manager shall conduct a briefing for orientation of the new members.

Section 3.13 Records of the Council:

The Council shall require the City Secretary to keep a separate and complete file of all minutes of Council meetings, a separate and complete file of all ordinances, separate and complete file of

all resolutions passed by the Council, and such files shall form the archives of the City. The Council shall codify all civil and criminal ordinances and shall cause the authenticated City code to be published in a loose leaf form so that it may be kept current by insertion of new pages as ordinances are amended or new ordinances are passed.

Section 3.14 Powers and Duties of the Council:

The Council shall have all the powers necessary and incident to the proper discharge of the duties imposed upon it, and is hereby vested with all powers necessary to carry out the terms and provisions of the Charter; it being intended that the Council shall have all powers that are now or hereafter granted to municipalities by the Constitution, laws of the State of Texas, and by this Charter, except where specific powers are conferred on some other officer by this Charter. The following powers and duties are not exclusive but are enumerated for greater clarity:

- (1) Appoint and remove the City Manager as herein provided;
- (2) Ensure enforcement of the provisions of this Charter and provide adequate administrative organization to enforce same;
- (3) Adopt the budget of the City;
- (4) Call bond elections and authorize the issuance and sale of bonds;
- (5) Provide control of all City finances;
- (6) Provide for boards and commissions as prescribed in this Charter or as deemed necessary and appoint all such boards and commissions upon the recommendations of the Mayor;
- (7) Adopt, modify and carry out the plans proposed by the Planning and Zoning Commission and other boards and commissions;
- (8) Adopt, modify and enforce building codes, fire codes, and health codes;
- (9) Provide for all public utilities and serve as the primary regulatory agency for the rates thereof, whether City-owned or furnished by private utility companies;
- (10) To pass ordinances and resolutions as necessary, or as prescribed in this Charter;
- (11) Provide police powers to ensure the safety of all citizens, protect their health, life and property, prevent and summarily abate and remove all nuisances, preserve and enforce good government, order and security of the City and its inhabitants; and
- (12) Make investigations into municipal affairs.

Section 3.15 Prohibitions:

Council to act as a Body. The Council shall have powers only as a body meeting with a quorum present and no Member shall have power to act individually except where that power is conferred upon the Member in this Charter or by the Council. However, each Member shall have the right to inquire into any matter whether or not such matter is brought before the Council in order to serve as an independent Member of the Council.

Other officers. Except where authorized by law, no Mayor or Council Member shall hold any other City office or City employment during the term, and no former Member of the Council or Mayor shall hold any City office with compensation until one (1) year after the expiration of the term.

Orders to City Employees. Neither the Council nor any Member shall give orders directly to any City employee, except where authorized in this Charter or when empowered to do so by emergency proclamation, and/or ordinance as provided in Section 3.17 Emergency Ordinances.

(Section 3.15 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 3.16 Ordinances:

The Council shall legislate by ordinance and the enacting clause of every ordinance shall read: “BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS.”

An ordinance must be enacted: whenever the purpose is to regulate persons and property; whenever there is imposed a penalty, fine, forfeiture, or tax; whenever the purpose is to set a rate paid by consumers; whenever an ordinance is required by State law or the Charter; or when an ordinance is being amended.

An ordinance must be enacted to legally commit the City to any contract that: (1) affects rates for services or utilities, and/or (2) that will in any manner require the expenditure of City funds either currently or in the future. Expenditures shall be clearly defined in monetary terms in all contracts. No such ordinance shall be enacted as an emergency ordinance. This provision shall not apply to contracts for professional services as prescribed in Section 13.16 General Provisions/Definitions.

The form of all ordinances shall include in the following order:

- (a) A unique number to be used for indexing and filing.
- (b) A descriptive caption consisting of a concise summary of the subject, any penalties provided for its violation and whether the ordinance was passed as an emergency as provided in Section 3.17 Emergency Ordinances.

- (c) A preamble is optional but should be used whenever the Council desires to define the reason for the ordinance.
- (d) The ordaining clause.
- (e) The body of the ordinance.
- (f) A final statement, “PASSED AND APPROVED THIS ____ DAY OF _____,” and the signature blocks. All ordinances must be signed by the Mayor, Mayor Pro Tem, or any two (2) Councilmembers. The City Secretary shall attest to all signatures.

Each ordinance, except when deemed an emergency, shall be read and considered at two (2) regularly scheduled meetings of the Council. The Council may dispense with full readings by a majority vote of those present, provided the caption is read and the ordinance was distributed to all Council Members at least two (2) days prior to the meeting.

Each ordinance shall be submitted in writing prior to the meeting at which it is introduced. The ordinance may be modified or amended by the Council at any meeting when it is read and considered; except it cannot be changed at the meeting when it is finally voted upon. All ordinances, duly passed, shall be filed and maintained by the City Secretary as prescribed by Section 4.07 City Secretary. Unless prescribed otherwise, an ordinance shall become effective on the fourth day following passage.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for violation of any of its provisions and of every other ordinance required by law to be published by causing the ordinance or its caption to be published in the official newspaper at least one (1) time within ten (10) days after final passage thereof. The ordinance shall take effect ten (10) days after the date of such publication. Any Emergency Ordinance shall become effective upon passage as provided in Section 3.17 Emergency Ordinances.

(Section 3.16 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 3.17 Emergency Ordinances:

To meet a public emergency affecting life, property or the public peace, the Council may adopt emergency ordinances. Such ordinances shall not: levy taxes,; grant, renew or extend a franchise; regulate the rate charged by any public utility or City service; annex or disannex any territory; nor authorize the borrowing of money, except as provided in Section 6.06 Borrowing to Meet Emergency Appropriations of this Charter.

An emergency ordinance shall be introduced in the form and manner prescribed for other ordinances. Emergency ordinances shall be plainly designated in the caption. The emergency ordinance shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or may be rejected at the meeting at which it is introduced. The affirmative

vote of a majority of the Council Members present shall be required for adoption. After adoption, if necessary, the ordinance shall be published as required for other adopted ordinances and shall become effective immediately upon its being published. Otherwise the emergency ordinance shall become effective immediately upon passage. Additional references to emergency ordinances are included in Section 3.15 Prohibitions and Section 3.16 Ordinances.

(Section 3.17 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 3.18 Veto of Ordinances by the Mayor:

Upon passage of an ordinance, the Council must present it to the Mayor for his signature. Thereupon the Mayor may sign the ordinance or refuse to sign; if he refuses to sign, he must write out his objections to the ordinance and file the same with the City Secretary within three (3) days after the day of passage. If the Mayor fails to file a statement of objections within three (3) days, the ordinance automatically becomes law in accordance with the procedures prescribed in Section 3.16 of this Charter. If the Mayor timely files a statement of objection to an ordinance, the Council at the next regular meeting may override his objection by casting a two-thirds (2/3) vote for adoption of the ordinance in its original form. The Mayor shall not veto any ordinance declared an emergency.

Section 3.19 Resolutions:

The Council must set policy, and may state opinion, accept grants, make findings of fact, authorize and direct its officers and employees to take any lawful action, and may call and canvass any general or special election, by resolution, and all resolutions shall contain the enacting clause "BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS." The form of resolutions shall be the same as for ordinances. All resolutions shall be signed by the Mayor, Mayor Pro Tem, or any two (2) Councilmembers, and filed in the archives of the City.

Each resolution shall be drafted before the meeting wherein it is to be first considered but may be drafted at that meeting. The resolution must be in final written form and duly signed before it becomes effective. The file of resolutions shall form the "policy manual" for the City.

Section 3.20 Official Bonds for City Employees:

The Council may require the City Secretary and certain other officers to enter into a good and sufficient fidelity bond or insurance in a sum to be determined by the Council. Such bond or insurance shall be conditioned upon a faithful discharge of the duties of such persons and shall be payable to the City of Brady. Such bond or insurance shall be signed as surety by some company authorized to do business under the laws of the State of Texas. The premium of such bond or insurance shall be paid by the City of Brady.

Section 3.21 Investigation by the Council:

The Council shall have the power to inquire into the conduct of any office, department, agency, officer or employee of the City; to make investigations into municipal affairs and to subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce such books, papers or other evidence as ordered under the provisions of this Section shall constitute a misdemeanor and shall be punishable by a fine to be set by the Council.

ARTICLE IV. ADMINISTRATIVE SERVICES

Section 4.01 City Manager:

Appointment of Qualifications. The Council by majority vote of the entire Council shall appoint a City Manager. The method of selection shall be left to the discretion of the Council so long as the method insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The City Manager shall be chosen solely upon the basis of his executive and administrative training, experience and ability and need not when appointed be a resident of the City; however, during the tenure of his office he shall reside within the City. The City Manager may be bonded at City expense in an amount to be determined by the Council. The Mayor and no member of the Council shall, during the time for which he is elected and for one (1) year thereafter, be appointed City Manager.

Compensation. The City Manager shall receive compensation as may be fixed by the Council according to his experience, education, and training.

Removal. The City Manager may be removed at the discretion of the Council by vote of the majority of the entire Council. The action of the Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the Council.

Powers and Duties. The City Manager shall be the chief administrative officer of the City and shall be responsible to the Council for the proper administration of all the affairs of the City and be required to:

- (1) See that all State laws and City ordinances are effectively enforced.
- (2) Appoint, suspend or remove all or any City employee, except department heads as provided in Section 4.02 unless otherwise provided for in this Charter.
- (3) Attend all meetings of the Council except when excused by the Council.
- (4) Prepare the budget annually and submit it to the Council for review with each Department Supervisor, amendment if necessary, and after final approval, the City Manager will then be responsible for the administration of the budget.
- (5) Keep the Council advised of the financial condition of the City on a monthly basis and make recommendations.
- (6) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- (7) Make such other reports as the Council may require concerning the operations of the city.

- (8) Perform such other duties as may be prescribed in this Charter or required of him by the Council.

Acting Manager. In the case of the absence or disability of the City Manager, the Council may designate some qualified person to perform the duties of the office and set the compensation paid to such person during such absence or disability.

Section 4.02 Administrative Departments:

There shall be such administrative departments as established in this Charter and by ordinance.

The Council shall have power by ordinance to establish administrative departments or offices not provided in this Charter. The Council may discontinue, redesignate, or combine any of the departments and/or administrative offices established by ordinance. No changes shall be made by the Council in the organization of the City until the recommendations of the City Manager thereon shall have been heard by the Council. A department head shall be appointed and can be removed from office by the City Manager with the approval of the Council. Two (2) or more departments may be headed by the same individual and the City Manager may head one (1) or more departments on a temporary basis.

Job duties shall be established for each Department Head. The job duties shall be furnished to such employee in writing. Each employee shall be evaluated by the City Manager and reviewed by the City Council no less than annually.

The head of each department shall have supervision and control over his/her department, and shall establish job descriptions and initiate evaluations as the Department Head and shall submit the evaluation annually for review by the City Manager and the City Council.

Section 4.03 Police Department:

There shall be established and maintained a Department of Police to preserve order and protect the residents and all property.

Chief of Police. The Chief of Police shall be the chief administrative officer of the Police Department. He shall, with the approval of the City Manager, appoint and remove all employees of said department and shall perform such duties as may be required of him by the Council. The Chief of Police shall be appointed by the City Manager with the approval of the Council. The Chief of Police shall be responsible to the City Manager for the administration of his department and the carrying out of the directives of the Council. He may be removed from office by the City Manager only with the approval of the Council. The Chief of Police shall establish job descriptions and initiate evaluations on all employees as Chief and shall submit the evaluations annually for review by the City Manager and the City Council. The Chief of Police and the Police Department will be evaluated annually by the City Manager and reviewed by the City Council.

Special Police. No person except as otherwise provided by general law or this Charter or the ordinance passed pursuant thereto shall act as Special Police or Special Detective.

Section 4.04 Fire Department and Emergency Services:

There shall be maintained a City Fire Department consisting of a City Fire Chief and other salaried personnel who shall administer the functions of the department and maintain the equipment and fire station. The Fire Department shall also administer the functions of Emergency Medical Services. The City Fire Chief shall be appointed by the City Manager with the approval of the City Council. The Fire Chief shall serve as the administrative head of the City Fire Department and shall be responsible to the City Manager for the administration of the department and the carrying out of the directives of the Council. The City Fire Chief shall be in charge at all fire scenes. He or she may be removed from office by the City Manager only with the approval of the Council. The City Fire Chief shall establish job descriptions and initiate evaluations on all employees annually for review by the City Manager and the City Council. The City Fire Chief and City Fire Department will be evaluated annually by the City Manager and reviewed by the City Council. The City Council shall also have the authority to contract for fire or emergency services with volunteer fire departments if doing so is in the best interest of the City. (Amended by Ord. 1117 at an election held on May 11, 2013, prop. 7)

Section 4.05 Municipal Court:

There shall be established and maintained a court, designated as a "Municipal Court" for the trial of misdemeanor offenses with all such powers and duties or may be prescribed by laws of the State of Texas relative to municipal courts. The judge of the Court shall be appointed by the Council to serve at the discretion of the Council. The Municipal Judge shall be a qualified voter of the City. The Council shall have the power to create and appoint additional judges as provided by law. All fines and court costs imposed by the Municipal Court shall be collected and deposited into the City Finance Department where funds are accounted and disbursed in accordance with all applicable State and local laws. The Municipal Judge may be removed from office by the City Council. The Municipal Court operation and/or judge may be reviewed by the City Council at its discretion. (Amended by Ord. 1117 at an election held on May 11, 2013, prop. 8)

Section 4.06 City Attorney:

The Council shall appoint a competent and duly licensed attorney practicing law in the State of Texas who shall be the City Attorney. He shall receive for his services such compensation as may be fixed by the Council and shall hold his office at the pleasure of the Council. The City Attorney shall advise the City on all legal matters and shall represent the City in all litigation and other legal proceedings. However, the Council may retain different or additional attorneys for specific matters when it deems same to be necessary. The City Attorney will be evaluated annually by the City Manager and reviewed by the City Council.

Section 4.07 City Secretary:

The City Council shall appoint the City Secretary. The City Secretary shall be a qualified voter of McCullough [McCulloch] County. The City Secretary shall report to the City Council and may be removed by the City Council, but shall work under the general supervision of the City Manager. The duties of the City Secretary shall include:

- (1) Giving notice of City Council, board, and commission meetings;
- (2) Keeping the minutes of the meetings of the City Council;
- (3) Recording in full, and authenticating by the City Secretary's signature all ordinances, resolutions, and contracts;
- (4) Performing such duties as the Council shall assign and those provided by this Charter and State law;
- (5) Maintaining files of all contracts and other legal documents relating to the City; and
- (6) Keeping the City Seal.

(Amended by Ord. 1117 at an election held on May 11, 2013, prop. 9)

Section 4.08 Emergency Medical Service:

Emergency Medical Service is included and described in Section 4.04 Fire Department and Emergency Service as amended by Ordinance 1117 at an election held on May 11, 2013.

(Section 4.08 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

ARTICLE V. MUNICIPAL PLANNING AND ZONING

Section 5.01 Platting and Property:

Each owner of the tract of land situated within the corporate limits of the City of Brady and its extraterritorial jurisdiction who may divide the same into two (2) or more parts for the purposes of laying out any commercial and/or residential subdivision or any addition to the City, shall comply with the provisions of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Local Government Code, as now exists or as amended.

(Section 5.01 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 5.02 Planning and Zoning Commission:

There shall be a City Planning and Zoning Commission, which shall consist of seven (7) citizens of the City of Brady who shall be qualified voters of the City. The members of said Commission shall be appointed by the Council for a term of three (3) years, and expiration of terms shall be staggered so that an overlapping of terms occurs (for example, within any three year period, the terms of two members shall expire during one of those years, and the terms of two full members shall expire during the second year and three the third year). Terms of office of Commission members shall expire on the first (1st) day of June of any given year. Members of the Commission do not have term limits and may serve consecutive terms if approved by the City Council.

Section 5.03 Duties:

The Council shall prescribe the duties of the Planning and Zoning commission by ordinance, which duties shall include, but not be limited to, those prescribed herein.

Section 5.04 Comprehensive City Plan:

The Planning and Zoning Commission shall prepare a Comprehensive City Plan (the "Plan") within eighteen (18) months of its appointment. The Plan shall contain the Planning and Zoning Commission's recommendations for growth, development and beautification of the City. A copy of the Plan shall be forwarded to the City Manager, who shall submit such Plan to the Council with his recommendation.

The Council may adopt the Plan by ordinance as a whole or in parts and may adopt any amendment thereto after at least one (1) public hearing on the proposed action. The Council shall act on such Plan within sixty days. If such Plan or part thereof should be rejected by the Council, the Planning and Zoning Commission may modify such Plan or part thereof and again forward it to the City Manager for submission to the Council. All amendments to the Plan recommended by the Planning and Zoning Commission shall be submitted in the same manner as that outlined above to the Council for approval. The Planning and Zoning Commission and the City Manager must submit to the City Council suggested additions to the City Comprehensive Plan as necessary.

The City Manager shall update, on an annual basis during the month of November, the Citizens of Brady as to the status of all current projects, by placing an article in the official newspaper.

Section 5.05 Legal Effect of Comprehensive City Plan:

Upon adoption of the Comprehensive City Plan by the Council, no action affecting growth, development and/or beautification which is in conflict with the Plan shall be permitted unless a variance is granted by the Planning and Zoning Commission. If a variance is not granted by the Planning and Zoning Commission, the party requesting the variance may appeal to the Council, which shall have the power to grant such variance and upon such grant, the party may proceed. The failure of the Planning and Zoning Commission to act within thirty (30) days after submission of a request for variance shall be deemed approval of the variance unless a longer period be granted by the Council or the submitting party.

Section 5.06 Board of Adjustment:

The Council may by ordinance establish a Board of Adjustment which shall have the power to hear and determine appeals from the refusal of building permits, appeals resulting from administrative decisions and to permit exception to or variation from the zoning regulations. Members of the Board of Adjustment shall hold no other City office and no former member of the Council shall serve as a member of the Board of Adjustment until one (1) year after completion of his Council term.

ARTICLE VI. FINANCIAL ADMINISTRATION

Section 6.01 Fiscal Year:

The fiscal year of the City shall begin on the first day of each October and end on the last day of September of the succeeding year. All funds collected by the City during any fiscal year including both current and delinquent revenues, shall belong to such fiscal year; and except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the City, may be applied to the payment of expenses incurred during such fiscal year.

Section 6.02 Public Records:

Copies of the budget adopted shall be public records and shall be made available to the public for inspection upon request.

Section 6.03 Annual Budget:

Content. The budget shall provide a complete financial plan of all City funds and activities and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the City's debt position and include such other material as the City Manager deems desirable or the Council requires. The budget shall begin with a clear general summary of its contents; and shall show in detail all estimated revenues, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated funds available from all sources. The budget shall be so arranged as to show comparative figures for actual and estimated revenues and expenditures of the current fiscal year and actual revenue and expenditures of the preceding two (2) fiscal years, compared to the estimate for the budgeted year. It shall include in separate sections:

- (1) An itemized estimate of the expense of conducting each department, division and office.
- (2) Reasons for proposed increase or decrease of such items of expenditure compared with the current fiscal year.
- (3) A narrative statement for each department indicating projects to be accomplished by the department during the year and additional desirable projects to be accomplished if possible. The narrative shall state specifically all capital expenditure items to be purchased during the year, all capital expenditure items to be purchased if funds become available, all major projects on which work will be performed during the year and any extraordinary items included in the budget.

- (4) A statement of the total probable revenues of the City from taxes for the fiscal year.
- (5) Tax levies, rates, and collections for the preceding five years.
- (6) An itemization of all anticipated revenue from utilities and all sources other than the tax levy.
- (7) The amount required for interest on the City's debts, for sinking fund and for maturing serial bonds.
- (8) The total amount of outstanding City debts, with a schedule of maturities on bond issues.
- (9) The total amount established for addition to reserve funds.
- (10) A capital program, which may be revised and extended each year to indicate capital expenditures pending or in process of construction or acquisition, shall include the following items:
 - (a) A summary of objectives, accomplishments and proposed programs.
 - (b) A list of all capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such expenditures.
 - (c) Cost estimates, method of financing and recommended time schedules for each such expenditure.
 - (d) The estimated cost of operating and maintaining the facilities to be constructed or acquired.
- (11) Such other information as may be required by the Council.

Submission. On or before the thirtieth (30) day of June of each year, the City Manager shall submit to the Council a proposed budget and an accompanying message. The Council shall review the proposed budget and revise it as deemed appropriate prior to general circulation for public hearing.

Public Notice and Hearing. The Council shall post in the City Hall and publish in the official newspaper a general summary of the proposed budget and a notice stating:

- (1) The time and places where copies of the message and budget are available for inspection by the public.

- (2) The time and place, not less than fifteen (15) days after such publication, for a public hearing on the budget.
- (3) Such other public hearings as are necessary or required by law.

Amendment Before Adoption. After the hearing the Council may adopt the budget with or without amendment. In amending the budget the Council may add or increase programs or amounts and may delete or decrease any programs or amounts except expenditures required by law or for debt service. No amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated funds available from all sources.

Adoption. The budget shall be finally adopted by ordinance not later than the first day of October. Should the council take no final action on or prior to that day, the budget as submitted shall be deemed to have been finally adopted by the Council.

(Final paragraph of Section 6.03 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 6.04 Administration of Budget:

Payments and Obligations Prohibited. No payment shall be made or obligation incurred except in accordance with appropriation duly passed and unless the Finance Officer first certifies there is a sufficient unencumbered balance and sufficient funds are or will be available to meet the obligation when it comes due and payable. If funds are not currently available to make an appropriate payment, but will become available within the fiscal year, the Finance Officer may request the Council for authority to borrow money to make payment provided that the money will be repaid by the end of the fiscal year. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment made illegal. Such action shall be the cause for removal of any officer who, not acting in good faith, knowingly authorized or made such payment or incurred such obligations.

However, this prohibition shall not be interpreted to prevent the making or authorizing of payments or making of contracts for capital expenditures. These payments may be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, certificates of obligation or other similar evidence of indebtedness. Nor may they prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that action is made or approved by ordinance. Section 6.06 Borrowing to Meet Emergency Appropriations and Section 6.07 Borrowing in Anticipation of Property Taxes discuss additional borrowing provisions. Borrowing Provisions for capital expenditures are detailed in ARTICLE X. BONDS, Section 10.01.

Financial Reports. In the event there is no Department of Finance, the City Manager, with approval of the Council, shall designate a person as Finance Officer for the City. The Finance Officer shall be responsible to the City Manager and the Council for preparing all reports.

Some Additional Duties of the Finance Officer. The Finance Officer shall submit to the Council at the second regularly scheduled meeting each month reports as needed to present accurately the financial condition of the City. The financial records of the City will be maintained on a modified accrual basis to support this type of financial management.

These reports shall include, but not be limited to: Balance Sheet, Revenue and Expenditure Statement in summary form for the preceding month, Year-to-Date Expenditure Statement for each department, detailed statement of each category of Revenue and Expense by department, and an analysis of all funds invested including rates.

(Section 6.04 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 6.05 Amendment and Supplemental Budgets:

Emergency expenditures may be necessary to protect public health, safety or welfare. These emergency expenditures may be authorized to meet conditions which were not anticipated in the original budget. They shall be authorized by a majority of the Council Members present as provided in Section 3.17 Emergency Ordinances. Supplements and amendments shall be approved by ordinance as provided in Section 3.16 Ordinances and Section 3.17 Emergency Ordinances and shall be filed with the original budget. Borrowing to meet deficit spending is provided in Section 6.06 Borrowing to Meet Emergency Appropriations.

(Section 6.05 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 6.06 Borrowing to Meet Emergency Appropriations:

In the absence of available funds to meet emergency appropriations provided for under the preceding Section 6.05 Amendment and Supplemental Budgets, the Council may authorize the borrowing of money to meet the deficit as provided by Federal or State Law or as provided in Section 3.17 Emergency Ordinances.

(Section 6.06 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 6.07 Borrowing in Anticipation of Property Taxes:

In any fiscal year in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may authorize the borrowing of money not to exceed in any fiscal year an amount equal to seventy-five percent (75%) of the ad valorem property tax for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated, "Tax Anticipation Note for Year 19__ (stating the tax year). Such notes shall mature and be payable not later than the end of the fiscal year in which issued.

Section 6.08 Depository:

Every four (4) years, beginning with the first fiscal year after adoption of this Charter, the Council shall in its first meeting in the month of August select a depository or depositories for City funds on the basis of bids received from such institutions in accordance with the provisions of Local Government Code, Chapter 105, et. seq. as now or hereafter amended. Provided

however, that the Council may by resolution invest reserve funds in any state or federally chartered bank or savings institution. All monies received by any person, department or agency of the City for or in connection with affairs of the City shall be promptly deposited by the Finance Officer in the City depository or depositories. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the Mayor or designated assistant. The Council, under such regulation and limitations as it may prescribe, may by ordinance authorize the use of machine imprinted facsimile signatures of such persons on such checks, vouchers and warrants. (Amended by Ord. 1117 at an election held on May 11, 2013, prop. 13)

Section 6.09 Purchase Procedure:

All purchases made and contracts executed by the City shall be made in accordance with the requirements of the constitution laws of the State of Texas, and shall be documented in a purchasing policy that addresses protocols and procedures for all purchases and contracts for the City. Such policy shall be reviewed and approved by resolution of the City Council. (Section 6.09 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 6.10 Audit Board:

The Council shall designate one or more of its members to serve on the Audit Board. The designated councilman shall meet with the Finance Officer to approve payment of all invoices and expenditures prior to issuance of checks, vouchers or warrants for same, except the Council may authorize payment of certain specified items prior to a meeting of the Audit Board. (Amended by Ord. 1117 at an election held on May 11, 2013, prop. 14)

Section 6.11 Independent Audit:

The City shall follow the State of Texas Chapter 103, Local Government Code, for Audit of Municipal Finances. At the close of each fiscal year, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. This audit shall be made as soon as practicable after the close of the fiscal year, but not later than 180 days past the end of the fiscal year. The certified public accountant shall have no personal interest, directly or indirectly, in the financial affairs of the City or of its officers. Upon completion, the audit shall be published on the official website of the City of Brady and copies of the audit placed on file in the City Secretary's office as public record. (Section 6.11 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 6.12 Appropriation of Funds:

Within thirty (30) days after the close of each fiscal year, the City Manager shall report to the Council all nondesignated funds. The Council shall designate such funds as appropriated funds for a specific purpose including appropriate reserves. The budget may be amended to reflect this designation of funds.

ARTICLE VII. NOMINATION AND ELECTIONS

Section 7.01 City Elections:

Schedule. The regular City election will be held annually as prescribed by State Law. The Council shall be responsible for ordering such election.

Special Elections. As allowed in this Charter, the Council may order a special election for ordinances, bond issues, Charter amendments, recall, Council vacancies, initiatives, referendums or other purposes deemed appropriate by the Council. The Council will specify the time and place for holding such special elections in accordance with State law and provide all means for holding same.

Voter Eligibility List. A certified list of voter registrants within the City, as prepared by the County Voter Registrar, shall be maintained current by the City Secretary and shall be available for inspection by any City resident.

Conduct and Regulation of Election. All City elections shall be governed by the Constitution of State of Texas and general laws of the State, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed or approved by the Council. However, the Council may contract for the conduct of elections if such a service is available in the County.

Section 7.02 Filing for Office:

Each candidate for an elective City office shall meet the following qualifications:

- (1) Have all the qualifications for a Councilman as described in Section 3.02.
- (2) An incumbent seeking reelection must file for the same place presently serving.
- (3) No candidate may file for more than one (1) office or place per election.
- (4) No candidate may withdraw from an election and file for another office or place at the same election.
- (5) Each candidate shall file such application as required by State Election Laws.

Section 7.03 Official Ballots:

Names on Ballot. The names of each candidate who has filed for office shall be printed on the official ballots without party designation or symbol. If two (2) or more candidates have a similar surname, their residence addresses shall also be printed with their names on the ballot.

Order of Listing. The order of the candidate's names on the ballot shall be determined by lot in a drawing to be held under the supervision of the City Secretary.

Absentee Ballots. The procedures for voting by absentee ballots shall be consistent with the current edition of the Texas Election Code.

Ballot Title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement approved by majority of the entire Council describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: “Shall the above described (ordinance or other type of election) be adopted?” Immediately below or to the left of such question shall appear in the following order the words “Yes” and “No” - each with a square in which the voter may cast his vote by making a cross (x).

Write-In Voting. The procedure for write-in voting shall be consistent with the Texas Election Code.

Section 7.04 Canvassing:

The returns of every municipal election shall be delivered by the election judges to the City Secretary at City Hall not later than twelve (12) hours after the closing of the polls in accordance with State Law. The Council shall canvass the return in accordance with State Law after the conclusion of the election. The returns of every municipal election shall be recorded in the minutes of the Council by totals for each candidate, or, for or against each issue submitted.

Section 7.05 Election by Majority:

A majority vote for an elective office is that number of votes which is greater than one-half (1/2) of the total number of valid ballots cast for the office concerned. Any candidate for elective office who receives a majority vote shall be declared elected.

Section 7.06 Run-Off Election:

In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election, a run-off election shall be held between the two (2) candidates who received the greatest number of votes. Such run-off election shall be held in accordance with State election laws.

ARTICLE VIII. RECALL OF OFFICERS

Section 8.01 Scope of Recall:

Any elected City official shall be subject to recall or removal from office by the qualified voters or the City for reason of incompetence, noncompliance with the Charter, misconduct or malfeasance in office. The people of the City reserve (a) the power to recall the Mayor or any other Member of the City Council and (b) the sole authority to determine if the reasons cited on the recall petition are valid. (Amended by Ord. 1117 at an election held on May 11, 2013, prop. 18)

Section 8.02 Petition for Recall:

Before the question of recall of an elected official shall be submitted to the voters of the City, a petition demanding such question shall first be filed with the City Secretary. The petition shall be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of votes cast in the last regular municipal election of the City or 250, whichever is greater. Each person signing a recall petition shall affix his residence address and date of signing.

Section 8.03 Recall Procedures:

Any five qualified voters of the City may commence recall proceedings by filing with the City Secretary an affidavit stating that they will constitute the petitioners' committee. The committee shall be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address(es) to which all notices to the committee are to be sent. The committee shall provide the name of the person or persons to be recalled and the reasons for the recall. The City Secretary, within a period of five (5) working days from the time the affidavit was filed, shall issue petition blanks to the person(s) making such affidavit. The petition blanks shall bear the signature of the City Secretary and be of such form as prescribed in Section 8.04 and shall be consecutively numbered, dated, and indicate the name(s) of the person to whom issued. The City Secretary shall keep a record of all petition blanks issued. (Amended by Ord. 1117 at an election held on May 11, 2013, prop. 20)

Section 8.04 Form of Recall Petition:

The recall petition must be addressed to the Council and must distinctly and specifically state the reason(s) for removal. The petition shall specifically state each reason with such certainty as to give the official to be removed notice of such matters and things with which he is charged. Recall petition blanks issued by the City Secretary shall be in form as follows:

We, the undersigned registered voters of the City of Brady, hereby demand the question of removing (Name of Official) from the office of (Name of Office) be submitted to a vote of the registered voters of the City. The charges and specifications upon which this demand for removal is predicated are as follows:

NAME

ADDRESS

DATE

The petition blank may consist of one (1) or more pages for signatures, all of which pages are to be consecutively numbered. The last page of the petition blank shall contain the following oath:

STATE OF TEXAS §
COUNTY OF MCCULLOCH §

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn to and subscribed before me this ____ day of _____, ____.

Notary Public in and for McCulloch County, Texas

Section 8.05 Various Papers Constituting Recall Petition:

The petition may consist of one (1) or more petition blanks circulated separately, however the reason stated for removal must be the same on each petition blank. Verifications may be made by one (1) or more petitioners and the petition blanks may be filed separately and by different persons. The petition must be filed with the City Secretary within forty-five (45) days of issuance of the petition blanks. Upon filing, the City Secretary shall immediately notify the accused official in writing by registered mail. The City Secretary shall follow the certification procedures as described in Section 9.04. (Amended by Ord. 1117 at an election held on May 11, 2013, prop. 22)

Section 8.06 Presentation of Recall Petition to Council:

The City Secretary shall present such certified petition to the Council at the next regular Council meeting.

Section 8.07 Public Hearing to be Held on Recall Petition:

Within five (5) days after such recall petition has been presented to the Council, the accused official may request a public hearing so that he may answer the charges specified in the recall petition. The Council shall order such public hearing to be held not less than five (5) days nor more than fifteen (15) days after receiving such request.

Section 8.08 Recall Election to be Called:

If the accused official does not resign, the Council shall order an election within 45 days of the petition signatures being certified, by special election as outlined in section 7.01 or at the earliest City or general election that falls within 45 days. (Amended by Ord. 1117 at an election held on May 11, 2013, prop. 24)

Section 8.09 Form of Ballots:

Ballots used at recall election shall state the question as to whether or not the accused official shall be removed from office followed by “Yes, remove official from office” or “No, do not remove official from office.” (Amended by Ord. 1117 at an election held on May 11, 2013, prop. 23)

Section 8.10 Result of Recall Election:

If a majority of the votes cast at a recall election shall be against the recall of the official named on the ballot, he shall continue in office for the remainder of his unexpired term subject to recall as allowed in Section 8.11. If a majority of the votes cast at such an election are for the recall of the official named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as prescribed in Section 3.08.

In no instance shall any official removed from office by recall election succeed himself nor shall his name appear on a ballot for elective office of the City of Brady within a period of two (2) years following the date of the election at which he was removed from office.

Section 8.11 Recall Restrictions:

No recall petition shall be filed against any official of the City of Brady within six (6) months after his election nor within six (6) months after an election for such official’s recall.

Section 8.12 Failure of Council to Call an Election:

If the Council refuses to order a recall election, the City Secretary or the County Judge of McCulloch County shall order that such election be held on the earliest lawful date in accordance with State election laws.

ARTICLE IX. INITIATIVE AND REFERENDUM

Section 9.01 General Authority:

Initiative. The qualified voters of the City shall have power to propose ordinances to the Council, except ordinances appropriating money, levying of taxes, affecting zoning or ordinances repealing ordinances, appropriating money or levying taxes, and, if the Council fails to adopt an ordinance so proposed, to adopt or reject it at a City election.

Referendum. The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election. Such power shall not extend to the budget, capital expenditure program, any emergency ordinance, any ordinance relating to levy of taxes, or to bonds issued pursuant to the authority of an election or elections previously held.

Conflict. No initiative or referendum action shall conflict with this Charter, the State constitution or laws of the State of Texas.

Section 9.02 Commencement of Proceedings:

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address(es) to which all notices to the committee are to be sent, and providing in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Immediately after the affidavit of the petitioners' committee is filed, the City Secretary shall issue the appropriate petition blanks to the committee.

Section 9.03 Petition:

Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of votes cast in the last regular municipal election of the City or 250, whichever is greater.

Form and Content. The format of the petition blanks shall be substantially the same as that for recall petition blanks provided for in Article VIII.

Time for Filing Petitions. The petition must be filed with the City Secretary within forty-five (45) days of issuance of the petition blanks.

Section 9.04 Determination of Sufficiency:

Certificate of City Secretary. The City Secretary shall complete a certification as to the sufficiency of the petition within ten (10) days after it is filed. Sufficiency shall be based solely upon the timeliness of the petition submission(s) and the required number of certified signatures.

Sufficient Petition, Final Determination. If the petition is certified sufficient, the City Secretary shall present the certificate to the Council by the next regular Council meeting and the certificate shall be final.

Insufficient Petition, Final Determination. If a petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review, the City Secretary shall present a certificate to the Council by the next regular Council meeting which shall be final.

Insufficient Petition, Appeal. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, the committee may, within two (2) working days after receiving notice of insufficiency, file a request that it be reviewed by the Council. The Council shall review the certificate at its next regular meeting following the filing of such request and approve or disapprove it, and the determination of Council shall then be final.

Insufficient Petition, Amending. A petition certified insufficient for lack of required number of valid signatures may be amended one (1) time if the petitioners' committee files a notice of intention to amend with the City Secretary within two (2) working days after receiving notice of insufficiency and files a supplementary petition with additional names within two (2) weeks after receiving such notice. Such supplementary petition shall comply with the requirements of Section 9.03.

Within five (5) days after the amended petition is filed, the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and shall within twenty-four (24) hours send a certificate to each member of the petitioners' committee by registered mail as in the case of an original petition. The petition shall be determined in the same manner as prescribed for original petitions in Section 9.04.

(Amended by Ord. 1117 at an election held on May 11, 2013, prop. 26)

Section 9.05 Referendum Petitions; Suspension of Effect of Ordinance:

When a referendum petition is determined to be sufficient, the ordinance sought to be reconsidered shall be suspended; and such suspension shall continue until the Council repeals the ordinance or the ordinance is upheld by election.

Section 9.06 Action on Petition:

Action by Council. Within sixty (60) days after the date the initiative or referendum petition has been finally determined sufficient, the Council shall:

- (1) Adopt a proposed initiative ordinance without any change in substance.
- (2) Repeal a referred ordinance.
- (3) Call an election on the proposed or referred ordinance as specified in Section 9.06.

Submission to Voters. The vote of the City on a proposed or referred ordinance shall be held as soon as possible in accordance with State election laws. Said election may coincide with a regular City election should such City election fall within the specified period. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months. No ordinance substantially the same as an initiated ordinance which has been defeated shall be adopted by the Council within two (2) years of the election. No referred ordinance which has been repealed at any election may be adopted by the Council within two (2) years from the date of such election. Copies of the proposed or referred ordinance shall be made available at the polls.

Publication of Proposed and Referred Ordinance. The City Secretary shall publish at least once in the official newspaper of the City the proposed or referred ordinance within fifteen (15) days prior to the election.

Withdrawal. An initiative or referendum petition may be withdrawn at any time prior to the time the petition has been determined to be sufficient, by filing with the City Secretary a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 9.07 Form of Ballots:

The ballots used when voting upon such proposed and referred ordinances shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE."

Section 9.08 Results of Election:

Initiative. If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

Repeal or Amendment of an Initiated Ordinance. An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two (2) years by an affirmative vote of four (4) Councilmembers.

Referendum. If a majority of the qualified voters on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority

of the qualified voters voting on a referred ordinance vote for the ordinance, it shall be considered in effect and the petition shall become void.

Adoption of an Ordinance Repealed by Referendum. An ordinance repealed by referendum may be reenacted at any time after the expiration of two (2) years by an affirmative vote of four (4) Councilmembers.

ARTICLE X. BONDS

Section 10.01 Borrowing for Capital Expenditures:

Borrowing. Except as prohibited by law, the Council shall have the power to borrow money by whatever method it may deem to be in the public interest.

General Obligation Bonds and Certificates of Obligation. The Council shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.

Revenue Bonds. The Council shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon the payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which issued.

Bonds Incontestable. All bonds of the City having been issued and sold and having been delivered to the purchaser thereof shall thereafter be incontestable. All refunding bonds issued in exchange for outstanding bonds previously issued shall and after said exchange be incontestable.

Ordinance Required. The procedure for adoption of any ordinance relative to borrowing for capital expenditures shall be:

- (1) A copy of the proposed ordinance shall be furnished to: (1) each Councilman, (2) the City Attorney, and (3) any citizen of the City for inspection upon request to the City Secretary, at least three (3) days before the date of the meeting at which the ordinance is to be first considered.
- (2) Any ordinance relative to borrowing for capital expenditures must follow the procedures stated in Section 3.16 before final passage.

ARTICLE XI. TAX ADMINISTRATION

Section 11.01 Powers of Taxation:

The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas.

The City shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.

Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, partnership, company or other legal entity so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

(Section 11.01 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 11.02 Office of Taxation:

The City shall designate or contract for a Tax Collector for the City. All taxes due the City shall be payable at the office of the City Tax Collector, or at such location or locations as may be designated by the City Council.

(Section 11.02 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 11.03 Assessment of Property for Tax Purpose:

The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and Laws of the State of Texas.

Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, partnership, company or other legal entity so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

(Section 11.03 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 11.04 Taxes: When Due and Payable:

All taxes due the city may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year shall be paid before February 1 of the next succeeding year, and all such taxes not paid prior to that date shall be deemed delinquent, and shall be subject to penalty and interest as the City Council shall provide by ordinance. The City Council may provide discounts for the payment of taxes prior to January in an amount not to exceed those established by the laws of the State of Texas.

(Section 11.04 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 11.05 Tax Liens:

All taxable property located in the City on January 1 of each year shall stand charged from that date with a special lien in favor of the City for the taxes due. All persons purchasing any such property on or after January 1 in any year shall take the property subject to the liens provided above. In addition to the liens herein provided, on January 1 of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due for that year.

The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City shall have the right to plead a sufficient description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.
(Section 11.05 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 11.06 Joint Interest in Property:

Joint or undivided interest in property is provided for by the State of Texas in the Property Tax Code and is coordinated by the designated Tax Collector.
(Section 11.06 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 11.07 Arrears of Taxes Offset to Debt Against City:

State Law does not provide for offsets against Property (ad valorem) Taxes.
(Section 11.07 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 11.08 Board of Equalization:

The Board of Equalization is provided for by the State of Texas in the Property Tax Code and is coordinated by the designated Tax Collector.
(Section 11.08 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

ARTICLE XII. PUBLIC UTILITIES, FRANCHISES AND CONTRACTS

Section 12.01 Power to Provide Public Services and Utilities:

The City of Brady shall have the full power granted to cities by the Constitution and laws of the State of Texas unless otherwise restricted in this Charter to:

- (1) Buy, own, construct, lease, maintain and operate within and without the limits of the City a system or systems of gas, electricity, telephone, sewage, sanitation, water, parks, airports, swimming pools, G. Rollie White Complex, race tracks, transportation, communications, golf course, cemeteries, or any other public service or utility.
- (2) Manufacture, produce or provide its own electricity, gas or anything else that may be required by the public for municipal purposes.
- (3) Purchase gas, electricity, or any other commodity or article required by the public for municipal purposes and to contract with any person, corporation, or public utility for the purchase of same.
- (4) Distribute and/or sell any utility, commodity or service.
- (5) Mortgage and encumber such public utility or service systems in the manner provided in Chapter 1502, Public Securities for Municipal Utilities, Parks or Pools, Government Code as now exists or as amended, or any other laws of the State.

(Subsection (5) amended by Resolution 2015-007 pursuant to election held 5/9/2015)

- (6) Regulate and control the distribution of utilities and services within the City and its environs and to establish standards of service and quality of products.
- (7) Establish and enforce the rates to be paid by consumers of any utility or users of any service within the City and its environs.

These powers shall be vested in the Council and the Council may exercise the power of eminent domain as provided by State Law and this Charter whenever proper and necessary for carrying out the objectives of providing utilities and services to the public for municipal purposes.

Section 12.02 Franchise Power:

The Council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the City of Brady, including the airspace over and above the City. Franchise powers shall be exercised in accordance with State Law and the terms of this Charter. No individual, organization, political subdivision, corporation, public utility, or any provider of public service shall be granted a franchise or permit to use such City facilities without first making application

to and obtaining consent of the Council by ordinance. The franchise ordinance shall fully describe the terms of the agreement. The terms of such agreements shall be explicit so as to protect the interests of the citizens of Brady and shall include but not be limited to the terms prescribed in this Charter. No franchise ordinance shall be passed as an emergency ordinance. All franchise agreements shall be reviewed by the City Attorney.

Section 12.03 Franchise Not to be Exclusive:

No exclusive franchise shall ever be granted.

Section 12.04 Transfer of Franchise:

Franchises shall be transferable only to persons, firms, agencies, or corporations taking all or substantially all of the franchise's business in the City and only with the approval of the Council expressed by ordinance.

Section 12.05 Franchise Renewal Requires Approval:

The expiration date of all franchises shall be specifically stated and the terms shall be extended or renewed only after being considered by the Council and specifically renewed by ordinance.

Section 12.06 Franchise of Public Utilities:

The Council shall have the power to grant, amend, renew, or extend by ordinance the franchises of all public utilities of every character serving the citizens of Brady. Public utilities include, but are not limited to, individuals, agencies, organizations, and corporations providing electricity, gas, water, sewage service or any similar commodity or utility to the public. The effective period of public utility franchises may be set by the Council but shall not exceed thirty (30) years unless such extended term is specifically approved by a majority of the qualified voters of the City voting in an election called by the Council for that purpose.

Section 12.07 Franchise for Public Services:

The Council shall have the power to grant, amend, renew or extend by ordinance the franchises of all providers of public services to the citizens of Brady. Public services include, but are not limited to, ambulance services, television cable services, transportation services, communication services, sanitation services, and any other similar service provided to the citizens either now or in the future. The effective period of public service franchises may be set by the Council but shall not exceed ten (10) years.

Section 12.08 Right of Regulation of Franchises:

Even though the franchise agreement or franchise ordinance may not so state, all grants of franchises as authorized in this Charter shall be subject to the right of the Council to:

- (1) Determine, fix and regulate the charges or rates of compensation to be charged by any person, organization, firm or corporation granted a franchise.
- (2) Repeal the franchise by ordinance at any time upon the failure of the franchise to comply with the terms of the franchise, the ordinance, this Charter, any applicable statute of the State, or any rule of any applicable governing body.
- (3) Establish standards and quality of products or service.
- (4) Require such expansion, extension and improvement of plants and facilities as are necessary to provide adequate service to the public and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency.
- (5) Prescribe the accounts and accounting system to be used so that the franchise will accurately reflect the expenses, receipts, profits and property values used in rendering its service to the public. It shall be deemed sufficient compliance with this requirement if the franchisee keeps its accounts in accordance with the uniform system established by an applicable federal or state agency for such service.
- (6) Examine and audit at any time the accounts and other records of any franchise and to require annual and other reports prescribed in the franchise ordinance.
- (7) Require such compensation, rental and/or franchise fee as may be permitted by law.
- (8) Impose such regulations and restrictions as may be deemed desirable or conducive to the health, safety, welfare and accommodation of the public.
- (9) Require the franchisee to restore at his expense all public or private property to a condition equal to that before being damaged or destroyed by the franchise.

Section 12.09 Penalty Authorized:

The Council shall have the power and authority to assess a penalty for failure to comply and to review any franchise at any time to ensure that the franchisee is complying with the terms of the franchise agreement, this Charter, the franchise ordinance and the laws of the State. If in the opinion of the Council the terms of same are not being met, the Council shall so notify the franchisee in writing stating where the franchisee has failed to comply and setting a time for a hearing and deadline for correction. If after the hearing and time set by the Council for correction, the Council may repeal the franchise and/or enforce the penalty for failure to comply.

Section 12.10 Consent of Property Owners:

The, consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility. Nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property as is now or hereafter may be provided by law.

Section 12.11 Franchise Value Not to be Allowed:

In determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, nothing shall be included as to the value of any franchise granted by the City.

Section 12.12 Extensions:

All extensions of public utilities shall become a part of the aggregate property of the public utility and shall be subject to all the obligations and rights prescribed in this Charter and the original grant. The right to use and maintain any extension shall terminate with the original grant.

Section 12.13 Other Conditions:

All franchises heretofore granted are recognized as contracts between the City and the franchisee and the contractual rights as contained therein shall not be impaired by the provisions of this Charter except:

- (1) The power of the City to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved.
- (2) The general power of the City heretofore existing and herein prescribed to regulate the rates and services of a utility including the right to require adequate and reasonable extension of plant and service and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency shall be enforced.
- (3) The Council shall review each franchise at its first renewal date subsequent to the adoption of this Charter and may cause the franchise so reviewed to meet the provisions of this Charter.

Section 12.14 Franchise Records:

Within six (6) months after this Charter takes effect, every public utility or others holding a franchise with the City of Brady shall file with the City certified copies of all franchises owned or claimed under which such franchisee is operating within the City of Brady. The Council shall acknowledge all franchisee in force at that time and shall compile and maintain a public record of franchises.

Section 12.15 Election Required for City-Owned Utilities:

In accordance with State law, no City-owned electric utility, natural gas system, water system, sewer system, park or swimming pool shall ever be sold or leased in whole or in part without authorization by a majority vote of the qualified voters of the City, nor shall the same be encumbered except as authorized by State law. Such determination to sell, lease, or encumber such systems or facilities in whole or in part shall be ascertained at an election which shall be

held in accordance with the laws applicable to the issuance of municipal bonds by the City. Any encumbrance herein authorized shall be payable only from revenues derived from said system.

Section 12.16 Other Contracts Concerning City Property:

The Council shall have the power to grant, amend, renew or extend contracts concerning the management and/or use of any city-owned facility where such contract agreement would be in the best interests of the citizens. For purposes of this section, examples of such City facilities are the civic center, lake and related facilities, parks, golf course, swimming pools, G. Rollie White Complex, racing facilities, and any other such property. Such contracts shall fully describe the agreement in explicit terms to protect the interests of the citizens. All contracts shall be reviewed by the City Attorney prior to acceptance of the contract.

All such contracts shall not exceed ten (10) years. Such contracts shall not be renewed, amended or extended without first being reviewed and approved by the Council.

Section 12.17 Lease or Rent of City Facilities:

The Council may authorize the renting of City-owned facilities for the temporary use of an individual, organization, or group provided that the Council prescribes the rules and fees by ordinance.

Section 12.18 Regulation of Rates:

The Council shall by ordinance determine, fix and regulate with proper hearing and notice the rates to be charged for water, gas, electricity and any and all public utilities and public services operating within the City, unless such right is denied by the laws of the State of Texas. The Council shall also regulate the rates to be charged within the City for all public transportation whether for passengers, freight or baggage, including ambulance services. The Council shall by ordinance regulate the rates to be charged for any communication system operating in the City, including cable television, community television antenna services and any other services making use of the airspace over and above the City of Brady. The Council shall not voluntarily transfer the right to regulate utilities and rates for services to any other authority nor shall the Council contract such regulatory right except as authorized by a vote of the people per Section 12.15 of this Charter or when ordered to do so by State Law.

Section 12.19 Sale of Utility Services Outside the City:

The Council shall have the authority and power to sell and provide electricity, water, gas, sewer and/or other utility services to persons or firms outside the City limits of Brady and permit such to connect with City systems under contract with the City. The Council shall not deny service to any citizen within the City by reason of providing service outside the City and shall consider each case on a fair and equitable basis protecting the interest of the citizens of Brady. The Council shall have the authority to regulate the rates for such service, to prescribe the kind of materials used, to inspect same and require the system to meet City codes the same as if the

service was inside the City limits. Such regulations may include charges for installing electric or pipe lines. Such regulations may also set penalties for non-compliance.

If the Council is petitioned for service outside the City, the petitioner shall adhere to requirements established by the Council by ordinance as a condition of receiving service.

Section 12.20 Airports:

The Council is authorized to plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports and navigation facilities within or without the limits of the City. This authority includes buildings and other facilities related to the airport for purposes of storing and servicing aircraft as well as for the accommodation of air passengers and crews. The Council may use any property. The City may own the property or it may purchase, lease or acquire by eminent domain proceedings any property needed for such purposes. This includes: easements or land outside the airport boundaries as are necessary for safe and efficient operation of the airport. It is intended that this authority is granted in accordance with Chapter 22 County & Municipal Airports, Transportation Code and Chapter 23 Airport Security Personnel, Transportation Code as now exists or as amended.
(Section 12.20 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 12.21 Utility Customer Rights:

The utility customers of the City of Brady have the right to decline installation and the right to request removal of any product and/or service of the City which the customer deems harmful to their person, property or privacy. The City of Brady shall notify customers by mail of these rights and include the manner and date the customer must notify the City of their intent to decline installation and/or request removal of product and/or service. Upon receipt of notification, the City of Brady shall comply with the customer's request to decline installation and/or request removal of the product and/or service within 30 days. The City shall restore all previously provided utilities at no charge to the customer. The City shall not impose a surcharge to customers who decline installation and/or request removal of any product and/or service. The City of Brady is civilly liable to the customer for personal injury, property damage or death during the time the customer was subjected to product and/or service. (Amended by Ord. 1117 at an election held on May 11, 2013, prop. 27)

ARTICLE XIII. GENERAL PROVISIONS

Section 13.01 Publicity of Records:

All public records of every office, department, or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that records closed to the public by law, shall not be considered public records for the purpose of this section. During normal office hours, any citizen of the City or any duly authorized representative of the press or other news media shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the Council or this Charter and in accordance with the Texas Public Information Act, as may be amended.

Section 13.02 Official Newspaper:

The Council shall annually by resolution designate a public newspaper of general circulation in the City as official newspaper.

Section 13.03 Nepotism:

No person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood/adoption) to the Mayor, any Councilman or City Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City prior to and at the time of election or appointment of the official related in the prohibited degree.

No Mayor, Council Member, or City Manager shall have any participation in the evaluation process involving any employees compensated by the City and related to the Mayor, Council Member, or City Manager within the second degree of affinity (marriage) or within the third degree of consanguinity (blood or adoption).

Section 13.04 Personal Financial Interest:

(1) No member of the Council nor any employee of the City with a financial interest, either directly or through any business entity in which such Councilperson or employee has a substantial interest shall vote or deliberate on:

- (a) Any contract with the City; or
- (b) The sale, lease, or rental to the City of any real property interest, including, without limitation, land, oil, gas or other mineral or hydrocarbon; or
- (c) The sale, lease, rental or furnishing to the City of any materials, supplies or services.

(2) "Business Entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law.

- (3) For the purpose of this section, a person has substantial interest in a business entity if:
- (a) The person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more of the fair market value of the business entity or funds received by the person's gross income for the previous year.
 - (b) A person has a substantial interest in real property if the interest is an equitable or legal ownership with an appraisal district market value of \$2,500.00 or more.
 - (c) A person is considered to have a substantial interest under this section if a person related to the person in the first degree by consanguinity (blood/adoption) or affinity (marriage) has a substantial interest under this section.
- (4) This section shall not apply in the following situations:
- (a) During or because of a public calamity.
 - (b) Procurement to preserve or protect the public health or safety or necessary because unforeseen damage to public machinery, equipment, buildings or other property provided an emergency or urgent public necessity exists.
 - (c) Items or services available from only one source (as defined in Chapter 252 of the Texas Local Government Code, relating to competitive bidding, as amended from time to time).
 - (d) To the purchase by the City from any employee of any land, buildings or similar real property interests, provided the property is purchased for its appraised market value as evaluated by the Appraisal District appraising the asset and the purchase is approved by the City Council.

Section 13.05 Assignment, Execution and Garnishment:

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. The funds belonging to the City in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officials or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Section 13.06 Power to Settle Claims:

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

Section 13.07 Notice of Claim Against City:

Before the City shall be liable to damage, claim or suit for personal injury, or damage to property, the person who is injured or whose property has been damaged or someone in his behalf shall give the City Manager or the City Secretary notice in writing duly certified within thirty (30) days after the date of the alleged damage or injury stating specifically in such notice when, where and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within thirty (30) days after the death of the injured person give notice as required above. Nothing herein contained shall be construed to mean the City waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the Constitution and laws of the State of Texas.

Section 13.08 Prohibitions:

Activities Prohibited.

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City positions or appointive City administrative office because of race, sex, political or religious opinions or affiliations.
- (2) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.
- (3) No City official or candidate for City office shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any candidate or for any political party or political purpose whatsoever from any person holding any compensated City position.
- (4) No appointed officer or employee of the City who receives compensation as such shall make, solicit or receive any contribution to the campaign funds of any candidate or of any political party to be used in a City election or for or against any candidate for City office or take any part in the management, affairs or political campaign of any candidate or of any political party in a City election, but he may exercise his rights as a citizen to express his opinions and to cast his vote. Nothing in this paragraph is intended to prohibit such person from participating in school district, special district, county, state or national campaigns, elections and political parties.

Penalties. Any person who either by himself or with others willfully violates any provisions of Section 13.08(a) shall be ineligible for appointment or election to a position in the City for a

period of one (1) year, and if he is an officer or employee of the City at the time of such violation, he shall immediately forfeit the office or position he holds.

Section 13.09 Separability:

If any section or part of a section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of a section of this Charter.

Section 13.10 Submission of Charter to Voters:

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of “yes” or “no” on the same, for the reason that the charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the Charter be voted upon as a whole and that it shall be submitted to the voters of the City of Brady at any election to be held for that purpose on August 7, 1982. Not less than thirty (30) days prior to such election, the Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Brady as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in such an election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Brady, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the Records of the City. The 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.

Section 13.11 Amendment of Charter:

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by Chapter 9 Home-Rule Municipality, Local Government Code, as now exists or as amended.

(Section 13.11 amended by Resolution 2015-007 pursuant to election held 5/9/2015)

Section 13.12 Charter Review Commission:

The Council shall appoint a Charter Review Commission of seven (7) registered voters of the City of Brady and shall appoint one of the members to act as temporary chairperson for the purpose of calling and chairing the organizational meeting of that commission.

Duties of the Commission.

- (1) The Commission shall serve for a term of four (4) years until a successor Commission is appointed.

- (2) The Commission shall:
- (a) Elect officers and prescribe its own rules.
 - (b) Inquire into the operation of the City government under this Charter and determine whether any provisions of the Charter require revision.
 - (c) Make recommendations to insure compliance with the provisions of the Charter by the Department of the City government.
 - (d) Propose amendments to this Charter to improve the effective application of the Charter to current City requirements.
 - (e) Reports its findings and present its proposed amendments, if any, to the Council.
 - (f) Act as a Review and Oversight Committee during its four (4) year term after appointment to determine whether the provisions of the Charter are observed by the City Council, the city and its employees. The Commission may at any time during its term notify the City of its belief that it has not adhered to the Charter provisions and shall outline the specific provisions violated and define relevant facts to support its position.
 - (g) Public hearings may be held and the Commission shall have the power to compel the attendance of any official or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing. The Commission shall be allowed to issue an opinion stating its findings of fact and determination of compliance. However, the Commission shall have no authority to make final or binding determination with regard to whether any provision of the Charter has been violated or whether any action or forbearance is required.

Action by the Council. The Council shall receive and have published in the official newspaper of the City a summary of any report presented by the Charter Review Commission; shall consider any recommendation made, and if any amendments be presented by such report, may order such amendment or amendments to be submitted to the voters of the City in the manner provided by Texas Local Government Code Chapter 9, as now exists or as amended.

Term of Office. The term of office of the Charter Review Commission shall be four (4) years. A report shall be presented to the Council prior to the end of said term of office. If during such four (4) year term no report is presented to the Council, then all records of the proceedings of such Commission shall be filed with the City Secretary and shall become a public record.

Vacancy on Commission. Should a Commission member vacate a seat on the Commission during his four (4) year term, the vacancy shall be filled by the Mayor by appointment for the remainder of what is left on the term.

Section 13.13 City Not Required to Give Bond:

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

Section 13.14 Gender:

Words of any gender used in this Charter shall be held and construed to include any other gender and words in the singular number shall be held to include the plural and vice versa.

Section 13.15 Noncompliance:

Any one hundred (100) or more qualified voters of the City may require the City Council to show cause as to an alleged noncompliance with the articles and sections of this Charter. Such voters may petition the City Council for a public hearing concerning an alleged noncompliance, by signing a letter addressed and mailed to the Mayor. The letter must clearly state the incidence(s) of alleged noncompliance and the specific article(s) and/or section(s) that was/were alleged violated, and ask that the Mayor call a public hearing for the purpose of explaining the alleged incidence(s) of noncompliance to the Citizens of Brady.

The Mayor shall call a public hearing to be held within ten (10) days from the receipt of such petition. Such hearing shall be properly announced and a notice of the hearing shall be published in the official newspaper. The entire Council shall be compelled to attend the public hearing, and the Mayor or some other Councilman appointed by the Mayor shall be prepared to explain the alleged noncompliance (s) with the articles and sections of the Charter as specified in the petition. To provide for order, only a delegation of three (3) persons who signed the petition to the Mayor shall be permitted to question the members of the Council, and the questions must pertain to the incidence(s) of noncompliance described in the petition letter. The Mayor shall preside at the hearing and strive to resolve the question of noncompliance. The intent is for the elected officials to explain their actions on the relevant incidence(s) and, therefore, neither the City Attorney nor any other Attorney or other person representing the Councilmembers may speak at the hearing.

Section 13.16 General Provisions/Definitions:

- (1) Identification and definition of Professional Services and Professional Services Companies:
 - (a) The terms include those listed in Texas Government Code Section 2254.022, as may be amended.
 - (b) In addition to those occupations listed in Texas Government Code Section 2254.002, as may be amended, for purposes of this Charter and City ordinances, the term shall

include those services involving a person with acceptable professional knowledge and experience in related fields as approved by the City Council for specific projects.

- (2) Holidays are defined in the City of Brady Employee Policies and Procedures Manual.

ARTICLE XIV. TRANSITIONAL PROVISIONS

Section 14.01 Schedule:

This Charter shall take effect immediately following adoption by the voters and shall be fully operable within one (1) year after adoption except as provided in this Charter.

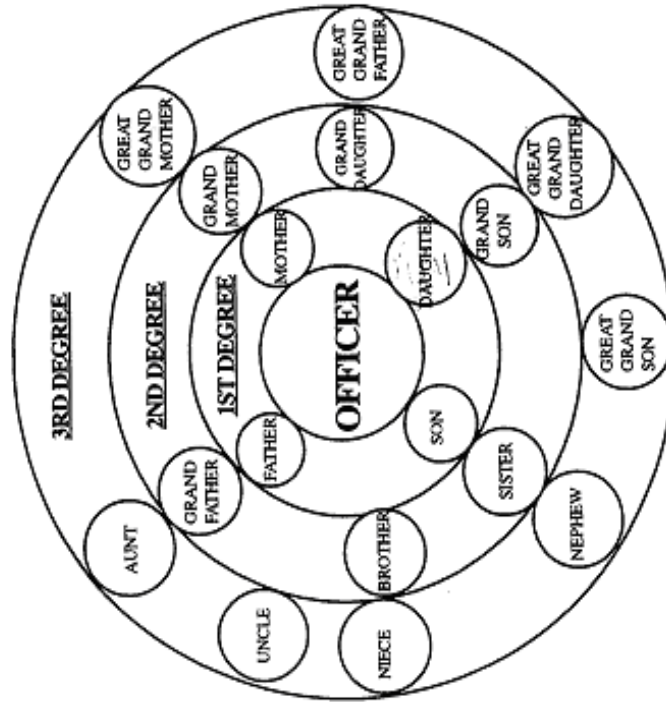
Section 14.02 Officials and Employees:

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officials or employees at the time of its adoption.

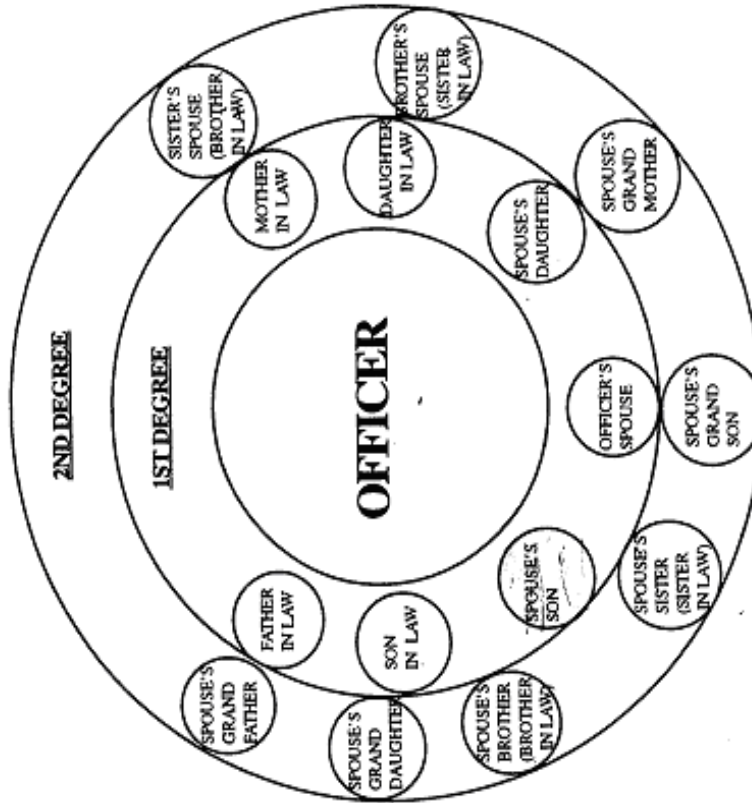
Section 14.03 Effect of Charter on Existing Law:

All codes, ordinances, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended or repealed by the Council. The Council shall review and conform all such codes, ordinances, resolutions, rules and regulations so transferred within three (3) years from the effective date of this Charter. All taxes, assessments, liens, encumbrances and demands, or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.

**Consanguinity Kinship Chart
(Relationship by Blood)**



**Affinity Kinship Chart
(Relationship by Marriage)**



ORIGINAL CHARTER COMMISSION

Donald L. Barley, Chairman
Patsy Grube, Secretary
Steve Black
Kenneth Bull
Mabel (Cotton) Carmichael
James Griffin
Hardin Jones
Ed Keeling
Faye King
John Lewis
Dan Miller
James Price
Larry Smith
Lloyd Thompson
Kenneth Young

1992 CHARTER REVIEW COMMISSION

Matt Mills, Chairperson
Mabrey Brock
Wendell Franke
David Deans
Faye King
Steve Black
Bill Ricks

1996 CHARTER REVIEW COMMISSION

Steve Black, Chairperson
Kathy Gloria
Hector Montalvo
Wendell Franke
David Deans
Faye King
Bill Ricks

2003 CHARTER REVIEW COMMISSION

Steve Black, Chairperson
Faye King
Don Dodd
Joyce Scott
James Long
Vernon Jones
Lupe Rubio

2009 CHARTER REVIEW COMMISSION – Election 2009

Jo Ann Coffey
Virgil Middleton
Ed Hernandez
Dorothy McAnally
Jane Pearce
Christi McAnally
Patsy Cole Buckner

2012 CHARTER REVIEW COMMISSION – Election 2013 and 2015

Shelly Perkins, Chairperson
Jo Ann Coffey
Pasty Cole
Bill Easley
Charlie Humphries
Teresa Leifeste
Brendon Weatherman
Charlotte Harper

ⁱ * Editor's note—Printed herein is the charter of the City of Brady, Texas, as amended through the election held May 9, 2015. Apart from minor nonsubstantive changes in style and formatting, the charter is reproduced as it appeared in the 1975 Code of Ordinances. Capitalization, punctuation and grammar have been retained. Obviously misspelled words have been corrected without notation. Material enclosed in brackets has been added for clarification. Amendments to the charter are indicated by a history note following the amended provision. The absence of a history note indicates the material is unchanged from the original charter. Specific changes have been made to this charter based on recommendations from the charter review commission. These changes, as supplied by the city, were outlined on a memo dated May 29, 2014, and have been included herein without citation.
State constitution reference—Charter to be consistent with constitution and general laws, art. XI, sec. 5.