

Proposition B

An amendment to the City Charter deleting and amending those provisions which are redundant of state law or otherwise unnecessary to the powers of the City.

Section 1.03 General Powers of the City.

The City of Coleman shall have all powers of municipalities as provided by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers.

The City may:

- (a) — use a corporate seal;
- (b) — sue and be sued;
- (c) — contract and be contracted with;
- (d) — cooperate with the government of the State of Texas, or any agency of any political subdivision thereof, or with the federal government or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City and its citizens;
- (e) — acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lesser interest or estate by purchase, gift, devise, lease, or condemnation; and subject to the provisions of this Charter;
- (f) — sell, lease, mortgage, hold, manage, improve, and control such property as may now or hereafter be owned by it; provided, however, the City shall not sell, convey, mortgage, or otherwise alienate any public utility without prior approval of the voters of the City;
- (g) — exercise the power of eminent domain, where necessary or desirable, to carry out any of the powers conferred upon it by this Charter, or by the Constitution and laws of the State of Texas;
- (h) — pass ordinances and enact such regulations as may be expedient for the maintenance of the City and the welfare, health, morals, comfort, safety, and convenience of its citizens.

The powers hereby conferred upon the City shall include, but are not restricted to, the powers conferred expressly and permissively by Chapter 147, page 307; and Section 4 of Chapter 147, pages 310-316 of the Acts of the 33rd Legislature, Regular Session, enacted in 1923, pursuant to the Home Rule Amendment of the Constitution of Texas known as the Enabling Act; and including Articles 1175, 1176, 1177, and 1180, of the Revised Civil Statutes of Texas, 1925; as now or hereafter amended, all of which are hereby adopted. In addition to the powers enumerated herein, and subject only to the limitations imposed by the State Constitution, the State laws, and this Charter, the City shall have, without the necessity of express enumeration in this Charter, each and every power which, by virtue of Article II, Section 5 of the Constitution of Texas, the people of the City are empowered by election to grant to or confer upon the City by

expressly and specifically granting and enumerating the same herein. All such power whether expressed or implied, shall be exercised and enforced in the manner prescribed in this Charter; or when not prescribed herein, in such manner as shall be provided by the ordinance of the Council.

Section 1.04 — Streets and Public Property.

The City shall have exclusive dominion, control, and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, and public ways within the corporate limits of the City, and in, upon, over, and under all public property of the City, With respect to each and every public street, sidewalk, alley, highway, public square, public park, or other public way within the corporate limits of the City, the City shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate the use thereof; and to abate and remove in a summary manner any encroachment hereon.

Section 1.05 — Street Development and Improvement.

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same; by purchasing, condemning, and taking property therefor by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development. Improvements may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof. Such assessments may be levied in any amounts and under any procedure not prohibited by the State Law; provided that no assessment shall be made against such land or owners in excess of the enhancement in value of such property occasioned by such improvement.

As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways, and other public ways within its corporate limits, the City shall have the power and authority to proceed in accordance with Chapter 106, Page 489, Acts 1927, Fortieth Legislature, First Called Session, as now or hereafter amended, the same being Article 1105b of the Revised Civil Statutes of Texas, 1925.

Section 7.01 — Fiscal Year.

The fiscal year of the City of Coleman shall begin on October 1st of each calendar year and will end on September 30 of the following calendar year. The fiscal year will also be established as the accounting and budget year. All funds collected by the City during any fiscal year, including both current and delinquent revenue, shall belong to such fiscal year. Except, funds derived to pay interest and create a sinking fund on the bonded indebtedness of the City, may be applied to the payment of bond related expenses due during such fiscal year. Any revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year. (Section 7.01 was amended by a special election held May 10, 2008)

Section 7.03 — Budget, a Public Record.

The Budget and all supporting schedules shall be filed with the City Secretary when submitted to the Council, and shall be open to public inspection by anyone interested.

Section 7.05 — Proceeding on Adoption of Budget.

After public hearing, the Council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, prior to the beginning of the next fiscal year, adopt the budget by a favorable majority vote of all members of the Council.

Section 7.06 — Budget, Appropriation, and Amount to be Raised by Taxation.

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the Council shall constitute the official appropriation of proposed expenditures for the current year, and shall constitute the basis of the official levy of the property tax and the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will, in no case, exceed proposed revenue plus cash on hand. Unused appropriations may be transferred to any line item budgeted for the same general purpose.

Section 7.07 — Unallocated Reserve Fund.

The City Manager may recommend for action by the Council, an unallocated reserve fund to be used for unexpected items of expense which were not original items of expenditures.

Section 7.08 — Administration of Budget.

No payment shall be made or obligations incurred against any allotment or appropriation except in accordance with appropriations duly made in the budget unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation, and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Notwithstanding anything above, there shall be no transfer of budgeted funds or monies from a department without prior Council approval.

Section 7.10 — Amending the Budget.

Under unforeseen conditions which may arise and which could not reasonably have been anticipated in the normal process of planning the budget, the Council may, by a majority vote of the full membership, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance, and shall become an attachment to the original budget.

Section 7.11 — Certification: Copies Made Available.

A copy of the budget, as finally adopted, shall be filed with the City Secretary. The final budget shall be printed, or otherwise reproduced, and sufficient copies shall be made available for the use of all offices and agencies, and for the use of interested persons and civic organizations.

~~Section 7.12 — Defect Shall Not Invalidate the Tax Levy.~~

~~Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.~~

~~Section 7.13 — Independent Audit.~~

~~At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall direct that an independent audit be made of all accounts of the City by a Certified Public Accountant. The Certified Public Accountant shall not have personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the results thereof shall be placed on file in the City Secretary's office for public record.~~

~~Section 8.02 — Manner of Issuance.~~

~~Bonds and warrants of the City of Coleman shall be issued in the manner provided by the general laws of the State of Texas.~~

~~Section 9.01 — Power of Taxation.~~

~~The Council shall have the power to levy, for general purposes, an ad valorem tax on real, personal, and mixed property within the territory of the City of Coleman, not exempt from taxation by the Constitution and laws of the State of Texas. This tax shall be based upon the true value of the property, as provided by law, to the extent of the constitutional limit permitted by the State of Texas for home rule cities.~~

~~The Council may levy taxes on all property, privileges, and franchises of every kind and description within the City limits or having its situs therein, and from any other local sources, on January 1st of each year, and provide for rendition thereof, the place, time, and manner of payment thereof, with penalties, as the Council may deem best, not in violation of the laws of this State. The City Council shall have the power to, at its option, provided for collection of taxes utilizing City employees; or it may contract with other entities for such collection, as prescribed by State law.~~

~~Section 9.02 — Assessment of Property for Tax Purposes.~~

~~Every person, partnership, association, or corporation, holding, owning, or controlling property within the limits of the City shall, on January 1st of each year, be assessed taxes, as prescribed by the Coleman County Central Appraisal District and the Texas State Property Tax Codes.~~

~~**State law reference**— Authority of municipality to impose property taxes, V.T.C.A., Tax Code, sec. 302.001.~~

~~Section 9.03 — Exempt Property.~~

~~The City hereby exempts such personal property from taxation as may be provided for by the State Constitution and laws of the State of Texas, and may grant any exemption allowed by the Texas State Property Tax Code.~~

~~**State law reference**— Property tax exemptions, V.T.C.A., Tax Code, sec. 11.11 et seq.~~

~~Section 9.04 — Early Tax Payments~~

The City Council may, by ordinance, provide for discounts for early tax payments, as may be permitted by State Law.

Section 9.05 — Payment of Taxes.

The taxes herein and hereby authorized to be levied shall become due and payable October 1st of the year assessed, and same shall be payable in cash at the office of the Collector of Taxes, or such other officer as the City may, prescribe by ordinance.

Section 9.06 — Delinquent Taxes.

Taxes shall be deemed and become delinquent if not paid prior to February 1st the year following assessment, and such delinquent taxes shall be subject to six (6%) percent penalty or such other percentage as may be prescribed by State law.

In addition to the penalty therein prescribed, such delinquent taxes shall bear interest at such rate as may be fixed by the Council in accordance with State law, but not to exceed twelve (12%) percent per annum from the original delinquent date. In addition to the penalty and interest herein prescribed, such delinquent taxpayer shall be subjected to the payment of all costs and expenses incurred in the advertisement of such delinquent property and the collection of such taxes through any method provided by this Charter and/or the laws of the State of Texas. Such penalties and interest shall be an obligation of the taxpayer and shall be secured by the same lien and collected in the same manner as other taxes.

~~State law reference~~ Imposition of penalty for collection of delinquent taxes, V.T.C.A., Tax Code, secs. 33.01, 33.07, 33.08.

Section 9.07 — Tax Lien and Liability.

A special lien is hereby created on all real, personal, and mixed property, located in the City of Coleman, in favor of the City of Coleman, for all taxes, ad valorem, occupational, or otherwise. Said lien shall exist from January 1st in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien. The Assessor and Collector of Taxes can pursue such property, and whenever found out may, by judicial writ, seize and sell enough thereof to satisfy such taxes.

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

Section 9.08 — Appeal of Appraised Value.

The City Council or the property owner shall have the right, as prescribed by law, to contest the appraised values before the Appraisal Review Board on all parcels.

Section 9.09 — Tax Remission, Discount and Compromise, Correction or [of] Error.

Except as herein provided, neither the Council nor any other official of the City shall extend the time for payment of taxes to discount or compromise any tax due the City; nor waive the penalty and interest that may be due thereon, to any person, firm, or corporation owing taxes to the City for such year or years; unless a clerical error or omission by a City employee was made. However, this provision shall not prevent the compromise of any tax suit, or the correction of

any errors in assessment or preparation of tax rolls, or preparation of a tax statement. Such compromise shall first have the approval of the Council.

Section 9.10 — Tax Abatement.

The City of Coleman shall have all powers granted by the Constitution and laws of the State of Texas as codified in the Tax Code, for the purpose of developing and administering a Tax Abatement Policy.

Section 11.01 — Powers of the City.

In addition to the City's power to buy, own, construct, maintain, and operate utilities within or without the City limits, and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public, the City shall have further power as may now or hereafter be granted under the Constitution and laws of the State of Texas.

Section 11.02 — Inalienability of Control of Public Property.

The right of control and use of the public streets, highways, sidewalks, alleys, parks, public squares, and public places of the City is hereby declared to be inalienable by the City, except by ordinances not in conflict with the provisions of this Charter. No act or omission by the Council or any officer or agent of the City shall be construed to grant, renew, extend, or amend, expressly or by estoppel or implication, any right, franchise or easement affecting said public streets, highways, sidewalks, alleys, parks, public squares, public places, and other real property, except as provided in this Charter.

Section 11.04 — Telecommunication Services.

Franchises for telecommunication services shall be governed by provisions of Chapter 283, Subchapter A, of the Local Government Code and as may hereinafter be amended. Fees paid the City from such telecommunication service franchise holders for the right to use public right-of-ways shall be as authorized and controlled by Section 285.055 of such Local Government Code.

Section 11.05 — Electrical Services.

Franchises for electrical services shall be governed by provisions of the Texas Utilities Code, Subchapter A, Section 33.008, and as may hereinafter be amended. Fees paid the City from such electrical service provider franchises for the right to use public right-of-ways shall be as authorized and controlled by Subsection (b) of such Section 33.008 of such Texas Utilities Code.

Section 13.09 — Condemnation of Dangerous Structures.

Whenever, in the opinion of the governing body of the City of Coleman, or appropriate City official, any building, fence, shed, awning, cave, excavation, structure, object or thing of any kind or part thereof may fall or collapse and injure persons or property, the City may order the owner or agent of the same or occupant of the premises to take such corrective measures as the governing body may direct, and may punish by fine all persons failing to do so. Upon failure to comply, the governing body shall have the additional power to remove the same on account of the owner of the property, and assess the expenses thereof, including condemnation proceedings,

as a special tax against the land or improvements, and the same may be collected as other special taxes provided for in this Charter, or by suit in any court of competent jurisdiction.

Section 13.10 — Building Permits.

The City of Coleman shall have the power to prohibit the erection or construction of any building or structure of any kind within the City of Coleman without a permit first having been issued by the City for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit. In pursuance of said authority, the City may authorize the inspection by the City of all buildings or structures during the progress of their construction, and may require that all buildings shall be constructed in conformity with the building code which exists in said City or shall hereafter be passed.

Section 13.13 — Amendment of the Charter.

This Charter may be amended no more than once every two (2) years, as provided by the laws of the State of Texas.