Home Rule Charter for the City of Bulverde

Approved by Special Election on May 9, 2015

Effective May 12, 2015

CERTIFIED COPY

STATE OF TEXAS

CITY OF BULVERDE COUNTY OF COMAL

The undersigned, the City Secretary of the City of Bulverde in the State and County aforesaid, does by these presents certify that the attached and foregoing is a true and correct certified copy of a part of the records, papers and books in the Office of the City Secretary, and that I am the custodian of such papers, books and records as an officer of the City of Bulverde.

CITY OF BULVERDE

CITY SECRETARY

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ARTICLE I: PREAMBLE AND FORM OF GOVERNMENT

Section 1.01. Preamble

We, the citizens of the City of Bulverde, Texas, in order to establish a Home Rule municipal government, provide for the future growth and progress of our City, obtain more fully the benefits of local self-government, and provide for the public welfare hereby adopt this Home Rule Charter, in accordance with the laws and statutes of the State of Texas; and we do hereby declare said City to be a political subdivision of the State of Texas, incorporated in perpetuity under the name and style of "City of Bulverde" with such powers, rights, privileges, authorities, duties, and immunities as are herein provided.

Section 1.02. Form of Government

The form of the municipal government provided by this Charter shall be known as the "Council-Manager" form of government. Pursuant to its provisions and subject only to the limitations imposed by the Constitution, laws, and statutes of the State of Texas and by this Charter, all powers of the City of Bulverde (hereinafter referred to as the City) shall be vested in an elected City Council (composed of a Mayor and six (6) Council Members, hereinafter referred to as the City Council) which shall enact local legislation, adopt budgets, determine policies, and appoint a City Manager, who in turn, will be held responsible to the City Council for the execution of the laws and the administration of the City government. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by the United States Constitution, Texas Constitution, laws or statutes of the State of Texas, and ordinances of the City of Bulverde.

ARTICLE II: CITY COUNCIL

Section 2.01. Composition, Selection, and Term

The City Council shall be composed of a Mayor and six (6) Council members. The Mayor and Council members shall be elected from the City at large for three (3) year terms. Each Council member shall occupy a place on the Council, such places being numbered 1 through 6. Each year two (2) Council places shall be elected on the City's general election date for their respective terms except as required by the transitional provisions hereinafter set forth. No person may be elected to serve more than three (3) consecutive three (3) year terms for any City elected office or combination of City elected offices; and, for a period of two (2) years after the date upon which the third consecutive term would have ended, such person will be ineligible to hold any other City elected office.

Section 2.02. Qualifications of City Council

Candidates for the office of Mayor and City Council Member must be qualified voters of the City at the time of filing, having no felony convictions, and must be twenty-one (21) years of age at the time of the election for which they are filing. They must be a current resident of the City and must have been a resident of the City, or of recently annexed territory, for at least twelve (12) months prior to the filing date. They also shall continue to maintain their primary residence within the City for the term of office. No member of the City Council of the City of Bulverde shall hold any paid position under the city government during their term of office.

Section 2.03. Compensation

Members of the City Council shall not receive a salary for the position. However, actual expenses incurred for conferences, meetings, and other City related business may be reimbursed.

Section 2.04. Mayor

The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law. The Mayor may debate and discuss any matters before the City Council and shall vote on all issues with the City Council. The Mayor shall also:

a. Sign all ordinances, proclamations, resolutions, and other official City documents, as may be approved by the Council.

b. Serve as official head of the City for purposes of military law, national or regional disaster, or when so declared by the President of the United States or by the Governor of the State of Texas.

c. In time of local emergency, oversee and coordinate with the police and other health and safety providers to maintain order, enforce all laws, and provide for the general welfare of the City.

d. Perform other special duties as may be authorized by the Council by ordinance or resolution.

Section 2.05. Mayor Pro Tem; Election, Duties, and Term

The Mayor Pro Tem shall be a Council Member elected by the full City Council at the first regular meeting after each general election of Council Members. The term of the Mayor Pro Tem is one-year and there shall be no restriction upon the number of times that the Mayor Pro Tem may be re-elected, other than the term limitation of each Council Member. The Mayor Pro Tem shall act as Mayor during a disability, absence, or vacancy in the Office of Mayor and in this capacity, shall have all the rights and responsibilities conferred upon the Mayor, with the exception that the Mayor Pro Tem shall not be entitled to cast a vote as Mayor on any matter considered by the City Council. The Mayor Pro Tem shall remain entitled to vote as a Council Member at all times, including times when acting as Mayor in accordance with this section.

Section 2.06. Election of Mayor and Council Members

The candidate for elective office receiving a majority, meaning more than fifty (50) percent of the votes cast, shall be declared the winner. In the event that no candidate receives a majority of all votes cast at such election, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held in accordance with the requirements of the Texas Constitution and the Texas Election Code.

Section 2.07. Vacancies, Forfeiture, and Filling Vacancies

The processes for vacancies, forfeitures, and filling vacancies for Mayor and Council Members shall be as follows:

a. Vacancies. The office of a Council Member or Mayor shall become vacant upon the member's death, resignation, removal from office, or forfeiture of office in any manner authorized by law.

b. Forfeiture of Office. A Council Member or Mayor shall forfeit office if that person:

    1. Lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law; or

    2. Violates any express prohibition of this Charter; or

3. Is convicted of or pleads no contest to a felony or is convicted of or pleads no contest to a misdemeanor involving moral turpitude; or

4. Fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council; or

5. Must vacate office by the mandate of any other law.

c. Removal from Office. If it is alleged that a Council Member or the Mayor has forfeited office, the City Council may conduct an investigation to determine whether forfeiture has occurred. If an investigation is commenced, the City Council must provide notice to the officer alleged to have forfeited office and provide the officer with an opportunity to respond. The officer subject of the investigation may not participate in the Council's deliberation or action on the removal from office. The City Council may, by five (5) affirmative votes, remove from office the person found to have forfeited his or her office.

d. Filling of Vacancies. When a vacancy occurs on the City Council with more than twelve (12) months remaining in the term, the remaining members of the City Council shall call a special election within one hundred twenty (120) days after such vacancy or vacancies occur and the elected council member shall serve for the remainder of the term. When a vacancy occurs on the City Council with twelve (12) months or less remaining in the term, the remaining members of the City Council shall appoint a member who meets the qualifications to the City Council for the remainder of the vacated term.

Section 2.08. Powers of the City Council

All powers and authority which are expressed or implied to be conferred or possessed by the City shall be vested in and exercised by the City Council, in accordance with the following:

a. Except where in conflict with and otherwise provided for within this Charter, and subject to the Constitution and laws of the United States and the State of Texas, the City Council may establish ordinances, determine matters of policy, and otherwise exercise all municipal powers, functions, rights, privileges, and immunities that may be expedient for maintaining and promoting the welfare and government of the City.

b. No individual member of the City Council shall have any power to act, investigate, make appointments, or inquire into the conduct of any office, department, or agency of the City without the specific authorization of the City Council in an official meeting.

c. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

1. Appoint and remove the City Manager, City Attorney, and Municipal Judge(s)

2. Review, revise, and adopt the budget of the City

3. Appoint members of City boards and commissions as defined and established by ordinance

4. Collectively, and through the City Manager, inquire into the conduct of any office, department, or agency of the City and make investigations as to municipal affairs

5. Adopt and require the maintenance of both the official map of the City and the official zoning map

6. Adopt and as necessary modify zoning, subdivision plats, development master plans including the approval of variances in cooperation with the Planning and Zoning Commission

7. Fix and regulate rates and charges of all City utilities and public services

8. Authorize the issuance of bonds and other debt instruments.

Section 2.09. Prohibitions

Unless otherwise authorized within this Charter, or by law, no Mayor or Council Member shall hold any other City Office or City employment during their term as Mayor or Council Member. Additionally:

a. No former Mayor or Council Member shall hold any compensated appointive office or City employment until two (2) years after the expiration of the last term to which they were elected or appointed.

b. Neither the Mayor, the Council, nor any of its members shall, in any manner, direct the appointment, hiring, or removal from office of any employee whom the City Manager or any of the City Manager's subordinates are empowered to appoint, hire, or remove, other than the advice and consent function of the Council for specified City positions. The City Council, at a meeting called for that purpose, may express

its views, and fully and freely discuss with the City Manager anything pertaining to appointment and removal of any employee.

c. Except for the purpose of inquiries and investigations as provided by this Charter, the City Council shall deal with City administrative officers and employees, who are subject to the direction and supervision of the City Manager, solely through the City Manager.

d. Neither the Mayor, nor the City Council Members, nor the City Council acting as a body, shall give directives to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

Section 2.10. Meetings of the City Council

Regular City Council meetings shall be held in accordance with State Law at City Hall or at such place as the City Council may designate. Additionally:

a. The City Council shall hold at least one (1) meeting per month and as many additional meetings as it deems necessary to transact the business of the City.

b. The City Council shall fix, by ordinance, the date, time, and place of regular meetings.

c. Except as provided by State Law, all City Council meetings shall be open to the public and shall be held and notice given in accordance with the Texas Open Meetings Act.

d. Special meetings of the Council may be on the call of the Mayor, City Manager, or by a majority of Council Members and upon provision of public notice in accordance with the Texas Open Meetings Act.

Section 2.11. Quorum

Four (4) members of the City Council shall constitute a quorum for the purpose of transacting business. No action of the City Council, except as specifically provided in this Charter shall be valid or binding unless adopted by the affirmative vote of four (4) members of the City Council. The presence of the Mayor at any Council meeting shall count toward a quorum.

Section 2.12. Conflict of Interest

Any member of the City Council having a conflict of interest, pursuant to any State Laws or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Council, such Council member shall openly declare same before discussion

proceeds, and is thereby prohibited from being present for the discussion of the item or voting on the question.

Section 2.13. Abstentions

Any member of the City Council shall abstain from voting on any question before the Council, if a conflict of interest exists. When this occurs, the member's vote shall be recorded as an abstention vote in the official minutes of the meeting.

Section 2.14. City Council Rules of Procedure

The City Council may determine its own rules and order of business, consistent with any applicable State Law, provided, however, that:

a. The City Council shall provide that the citizens of the City have a reasonable opportunity to clearly hear and be heard at all regular meetings and public hearings with regard to specific matters under consideration.

b. The City Council shall provide for minutes to be taken or recordings made for all public meetings as required by law. Such minutes or recordings shall be a public record and shall be kept and maintained by the City Secretary. Voting shall be by public vote.

c. The Mayor, a majority of Council Members, or the City Manager may place items on the agenda prior to the agenda being posted.

Section 2.15. Ordinances

The City Council shall legislate by ordinance.

a. The enacting clause of every such ordinance shall be "Be it ordained by the City Council of the City of Bulverde, Texas, ..."

b. Each proposed ordinance shall be introduced in written or printed form. No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title.

c. An affirmative vote of four (4) members of the City Council shall be required for adoption of an ordinance.

d. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance.

e. Every ordinance shall become effective upon adoption or at any later time specified in the ordinance, except that every ordinance imposing any penalty, fine, or forfeiture shall become effective only after notice of the adoption of said ordinance has been provided as required by law.

Section 2.16. Authentication and Recording of Ordinances

All ordinances are to be authenticated, recorded, and filed according to law. Additionally:

a. Every ordinance enacted by the City Council shall be signed by the Mayor, by the Mayor Pro Tem when acting as Mayor, or by four (4) Council Members in the absence, inability, or refusal of the Mayor or the Mayor Pro Tem.

b. All ordinances adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary.

Section 2.17. Bond Requirement for City Employees

The City Council may require any City officer or employee, before entering upon the duties of their offices, to enter into a good and sufficient corporate surety bond in the sum to be determined by the City Council. The bonds shall be payable to the City of Bulverde and conditioned upon the faithful discharge of the duties of such persons and upon the faithful accounting of all monies, credits, and things of value coming into the hands of such persons, and such bonds shall be signed as surety by a corporate surety bond company authorized to do business under the laws of the State of Texas, and the premium on such bonds shall be paid by the City of Bulverde, and such bonds must be acceptable to the Council. The Council may also require new bonds at any time, if in its opinion; the existing bond on any officer or employee is insufficient.

Section 2.18. Code of Ethics

The City Council shall promulgate a Code of Ethics governing the City Council and all City officers and employees which shall include, but not be limited to, the following: wrongful influence, wrongful interference, employees' political activities, penalties, conflict of interest, acceptance of gifts, conduct of members, and confidential information.

ARTICLE III: CITY ADMINISTRATION

Section 3.01. City Manager

The City Council shall appoint, upon the affirmative vote of five (5) members of the City Council, a City Manager who shall serve as Chief Administrative and Executive Officer of the City.

a. General Provisions:

1. Appointment. The City Manager shall be responsible to the Council for administration of the affairs of the City with only those exceptions that are named in this Charter. The City Manager shall be appointed solely upon the City Manager's executive, administrative, and educational qualifications.

2. Exemptions. A Mayor or member of the City Council, during the term to which elected and for two (2) years thereafter, shall not be appointed City Manager.

3. Compensation. The Council shall fix the compensation of the City Manager, and the City Manager's compensation may be amended, from time to time, in accordance with the City Manager's experience, qualification, and performance. The City Manager shall be an employee of the City and required to enter into a contract outlining the terms and conditions of his employment, and such contract shall be approved by the City Council.

4. Removal. The City Manager may be removed at the discretion of the City Council by the affirmative vote of five (5) members at an open meeting.

5. Acting City Manager. By letter filed with the City Secretary and provided to the Mayor, the City Manager shall designate a qualified City Officer or employee to exercise the powers and perform the duties of the City Manager in case of an absence, disability, or vacancy in the Office of City Manager. The Council may revoke such designation at any time and appoint another officer of the City to serve until the absence, disability, or vacancy shall cease.

b. Duties and Responsibilities: The City Manager shall:

1. Appoint, suspend, and remove all City employees and administrative officers provided for in this Charter, except as otherwise provided by this Charter

2. Establish, consolidate, direct, and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter

3. See that all State laws and City ordinances are effectively enforced

4. Attend or designate a City employee to attend all City Council, Commission, and Board meetings with the right to take part in discussion, but shall not vote

5. Prepare and accept, or designate an appropriate department head or City employee to prepare and accept, items for inclusion in the official agenda of all City Council meetings and meetings of all boards and commissions

6. Prepare and recommend to the City Council the annual budget and administer the budget as adopted by the Council

7. Keep the City Council fully advised, at least quarterly, as to the financial conditions and future needs of the City and make such recommendations concerning the affairs of the City, as the City Manager or the Council deems desirable or necessary

8. Make reports as the City Council may require concerning the operation of the City departments, offices, or agencies subject to the City Manager's direction or supervision

9. Execute all contracts as authorized by resolution or ordinances adopted by the City Council except as otherwise provided in this Charter

10. Ensure that the City Master Plan is maintained and that all changes are approved by the City Council, and

11. Perform such other duties as are specified in this Charter or may be required by the City Council which are consistent with this Charter as well as State and Federal laws

Section 3.02. City Secretary

The City Secretary shall be appointed by, and serve at the pleasure of, the City Manager. The City Manager may appoint a Deputy City Secretary and/or designate Assistant City Secretaries to aid the City Secretary in the discharge of the duties of the Office. The Deputy City Secretary and any Assistant City Secretary shall have the same rights, privileges, duties, and authorities of the City Secretary if there is an absence, disability, or

vacancy in the Office of City Secretary. The City Council shall be notified of the vacancy, appointment, or termination of the City Secretary.

a. Duties and Responsibilities:

1. Give notice of all official public meetings of the City Council, Commissions, and Boards in a manner consistent with this Charter and State laws

2. Attend all public meetings and hearings of the City Council

3. Prepare and keep the minutes of the proceeds of all public official meetings and hearings of the City Council in a manner consistent with applicable laws

4. Act as custodian of all official records of the City

5. Hold and maintain the seal of the City and affix this seal to all appropriate documents

6. Authenticate, by signature and seal, and record all ordinances, resolutions, and proclamations of the City

7. Act as agent for the purposes of serving civil process

8. Assist the City Manager with the maintenance and public information request of all records as directed by the City Council

9. Perform such other duties, as may be required by the City Manager, which are consistent with this Charter as well as State and Federal laws, and

10. Schedule and administer all City elections in accordance with the Texas Election Code and any other applicable law

Section 3.03. Municipal Court and Municipal Judge

The City Council shall establish and cause to be maintained a Municipal Court.

a. General provisions:

1. The Court shall have all powers and duties as are now, or may be, prescribed by the Laws of the State of Texas.

2. By an affirmative vote of four (4) members, the City Council shall appoint to a two year term such Municipal Judge or Associate Judges of the Municipal

Court, as may be necessary, all of whom shall be competent, duly qualified attorneys licensed in the State of Texas.

3. The Municipal Court Judge of the Municipal Court shall be appointed in accordance with State Law.
4. The Municipal Judge shall receive compensation as may be determined by the council.

5. The Municipal Judge may be an Independent Contractor and, if so, required to enter into a contract approved by the City Council.

b. The Municipal Judge shall:

1. Have power to punish for contempt to the same extent and under the same circumstance as the Justice of the Peace may punish for contempt of criminal cases

2. Preside over any associate Judge(s) who shall be a licensed attorney(s) in the State

c. The Clerk and Deputy Clerks of the Municipal Courts shall have the power to administer oaths, certify affidavits, affix the seal of the Court, and perform all usual and necessary clerical acts in conducting the business of the Court, including, but not limited to the keeping of records and accounts of the Municipal Court. In the event of an absence, disability, or vacancy in the Office of Clerk of the Municipal Court, the City Secretary may serve as Clerk of the Municipal Court.

d. All special expenses and fines imposed by the Municipal Court shall be paid into the City treasury for the use and benefit of the City, as may be consistent with present and future laws.

Section 3.04. City Attorney

By an affirmative vote of four (4) members, the City Council shall appoint a competent, duly qualified, licensed, and practicing attorney in the State of Texas who shall serve as the City Attorney. The City Attorney must be a member of and be in good standing with the State Bar of Texas, and shall serve as chief legal advisor to the City Council, the City Manager, directors of City departments, and other City officers and agencies. The City Attorney shall represent the City in all legal proceedings, unless the City Council shall direct otherwise, and shall perform any other duties prescribed by this Charter, ordinance or State Laws. The City Council may remove the City Attorney by an affirmative vote of four (4) members of the City Council. The City Council may require the City Manager to submit a recommendation regarding the appointment of the City Attorney. The City Council shall have the option to hire a full-time employee or Independent Contractor as

City Attorney. The City Attorney shall be required to enter into a contract approved by the City Council.

Section 3.05. Municipal Departments

a. The City Manager shall create the necessary Municipal Departments for the purpose of providing services to residents.

b. Except as provided elsewhere in this Charter, all departments, offices, and agencies of the City shall be under the direction and supervision of the City Manager and shall be administered by department directors appointed by and subject to the direction and supervision of the City Manager. Department directors shall serve at the pleasure of the City Manager and may be removed at will by the City Manager. The City Council shall be notified of all department director vacancies, appointments, and terminations.

c. The City Manager may, with the consent of the City Council, serve as head of one or more City departments, offices, or agencies or appoint one person as head of two or more City departments, offices, or agencies.

ARTICLE IV: ELECTIONS

Section 4.01. City Elections

The City shall hold a general election for municipal officers annually on the second Saturday in May. However, if authorized by state law, the City Council may, by ordinance, set a different date for the holding of the City's general election in accordance with the applicable law, and provide for the adjustment of the terms of office of incumbent municipal officials to conform to the new election date. General elections of the City shall be governed by the general election laws of the State of Texas. The City Council may, by ordinance or resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election. Notice of the election shall follow the requirements of the Texas Election Code and any other applicable law. Said special election shall be governed by the requirements general election laws of the State of Texas.

Section 4.02. Majority Vote Required

The candidate for elective office receiving a majority, meaning more than fifty (50) percent of the votes cast, shall be declared the winner. In the event that no candidate receives a majority of all votes cast at such election, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held in accordance with the requirements of the Texas Constitution and the Texas Election Code. In the event that two or more candidates for the same office shall tie for the number of votes required to be elected, the City shall conduct a run-off election in accordance with the Texas Election Code.

Section 4.03. Taking of Office

Each newly elected person to a City office shall be inducted into said office at the first City Council meeting following official canvassing of the election.

Section 4.04. Qualifying of Officers

The Mayor, Council Members, and other officers appointed under this Charter shall qualify by taking the oath prescribed by the Texas Constitution and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the City at the first meeting following the canvas.

Section 4.05. Oath of Office

All officers of the City shall, before entering upon the duties of their respective office, take and subscribe to the oath of office in accordance with state law.

ARTICLE V: RIGHTS OF THE PEOPLE

Section 5.01. Right and Scope of Recall

Any elected City official shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetence, misconduct, or malfeasance in office.

Section 5.02. Petitions for Recall

Before the question of recall of such officer is submitted to the qualified voters of the City, a petition demanding such recall question shall first be filed with the City Secretary. Said petition must contain a number of valid signatures of registered voters of the City equal to at least ten percent (10%) of the number of registered voters residing in the City on the date of the City's most recent general election, or, if such election was cancelled, the date that such an election would have been held.

Section 5.03. Form of Recall Petition

The recall petition mentioned above must be addressed to the City Council of the City, and must state the grounds upon which such petition for removal is predicated. The signature shall be verified by oath in the following form:

State of Texas

County of _____

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 in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature _____

Sworn and subscribed before me this_____day of_____20_____.

_____

NOTARY PUBLIC, STATE OF TEXAS

My commission expires: _____

Section 5.04. Various Papers Constituting Petition

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended from time to time. The petition shall be addressed to the City Council of the City and shall contain a statement declaring each ground upon which such petition for removal is predicated. Such statement shall distinctly and specifically state the alleged action(s) and factual circumstances surrounding such action(s) taken by the officer sought to be removed. No petition shall be deemed insufficient based upon a deficiency in the statement of grounds for recall, provided such a statement is included within the petition.

Section 5.05. Presentation of Petition to the City Council

Within twenty-one (21) days after the date of the filing of the papers constituting the recall petition, the City Secretary shall complete a certificate as to the sufficiency or insufficiency of the petition in meeting the requirements of this Charter to require a recall election, specifying, if it is insufficient, the particulars wherein it is defective. The City Secretary shall, at the next regular Council meeting following the completion of the petition certificate, present such certificate and the petition to the City Council, and the certificate shall then be a final determination as to the sufficiency of the petition.

Section 5.06. Public Hearing to be Held

If the City Secretary presents a certificate to the City Council finding that the petition is sufficient to require holding a recall election under the provisions of this Charter, the officer whose removal is sought may, within seven (7) days after such certificate has been presented to the City Council, request that a public hearing be held to permit the officer to present the facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days or more than fifteen (15) days after receiving such request for a public hearing.

Section 5.07. Calling of Recall Election

If the City Secretary presents a certificate to the City Council finding that the petition is sufficient to require holding a recall election under the provisions of this Charter, and if the officer whose removal is sought does not resign, then the City Council shall, within five (5) business days after the presentation of the City Secretary's petition certificate, order a recall election and set the date for holding such recall election. The date selected for the recall election shall be the next available date under the Texas Election Code for which the City Council is authorized to call an election.

Section 5.08. Ballots in Recall Election

Ballots used at recall elections shall conform to the following requirements:

a. With respect to each person whose removal is sought, the question shall be submitted: "Shall_____be removed from the office of_____ by recall?"

b. Immediately below each such question, there shall be printed the following words, one above the other, in the order indicated:

"Yes"

"No"

Section 5.09. Result of Recall Election

If a majority of the votes cast at a recall election shall be "No," that is against the recall of the person named on the ballot, or if the votes be evenly divided between "No" and "Yes," the officer shall continue in office for the remainder of the unexpired term. If a majority of the votes cast at such election shall be "Yes," that is for the recall of the person named on the ballot, the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office, and the vacancy shall be filled by special election as provided in this Charter.

Section 5.10. Recall; Restrictions Thereon

No recall petition shall be deemed sufficient, and no recall election shall be called, if a petition is filed against any officer of the City:

a. Within one hundred eighty (180) days after the officer's election; or

b. If the petition seeks the removal of an officer during a term of office for which the officer was already subjected to a recall election; or

c. If the provisions of this Charter and the Texas Election Code would require the recall election to coincide with the general election for the successor in office of the officer subject to recall; or

d. If the provisions of this Charter and the Texas Election Code would require the recall election to take place after the expiration of the term of office the subject officer was serving at the time the petition was submitted.

Section 5.11. Right and Scope of Initiative and Referendum

The qualified voters of the City shall have the power of direct legislation through initiative and referendum, provided that such power shall not extend to any ordinance relating to appropriation of money, issuing of bonds, the levying of taxes, or the compensation of City officers or employees.

Section 5.12. Initiative

The qualified voters of the City may initiate legislation by submitting a proposed ordinance, along with a petition addressed to the City Council requesting the submission of the proposed ordinance to a vote of the qualified voters of the City, in accordance with the following provisions:

a. Each proposed ordinance must be accompanied by a separate, original petition. All proposed ordinances must be submitted in the form required by this Charter, and must be legally enforceable under this Charter and the laws of the State of Texas and the United States.

b. Said petition must be filed with the person performing the duties of City Secretary, and must contain a copy of the proposed ordinance in its entirety and a number of valid signatures of registered voters of the City equal to at least ten (10) percent of the number of registered voters residing in the City on the date of the City's most recent general election, or, if such election was cancelled, the date that such an election would have been held.

c. The initiative petition must be addressed to the City Council of the City, and the signature shall be verified by oath in the following form:

State of Texas
County of _____
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 in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.
Signature _____
Sworn and subscribed before me this_____day of_____20_____.

_____

NOTARY PUBLIC, STATE OF TEXAS

My commission expires: _____

d. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended from time to time. The petition shall be addressed to the City Council of the City. Upon submission of a petition, the person performing the duties of City Secretary shall immediately notify, in writing, the City Attorney, and provide him with a true and correct copy of the proposed ordinance attached to the petition.

e. Within fourteen (14) days after the date of the filing of the papers constituting the initiative petition, the City Attorney shall conduct a thorough review of the proposed ordinance and shall issue a certificate to the City Secretary declaring whether the proposed ordinance is or is not legally enforceable and in compliance with this Charter and the laws of the State of Texas and the United States. If the City Attorney determines that the proposed ordinance is not legally enforceable and in compliance with this Charter and the laws of the State of Texas and the United States, the City Secretary shall certify the petition as insufficient.

f. Within twenty-one (21) days after the date of the filing of the papers constituting the initiative petition, the City Secretary shall complete a certificate as to the sufficiency or insufficiency of the petition in meeting the requirements of this Charter to require an election, specifying, if it is insufficient, the particulars wherein it is defective. The City Secretary shall, at the next regular City Council meeting following the completion of the petition certificate, present such certificate and the petition to the City Council, and the certificate shall then be a final determination as to the sufficiency of the petition. Upon presentation of a certificate declaring the petition to be sufficient to the City Council, it shall become the duty of the City Council, no later than the next regularly scheduled City Council meeting after the receipt thereof, to pass and adopt such ordinance without alteration, or to call a special election, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. The date selected for the special election shall be the next available date under the Texas Election Code for which the City Council is authorized to call an election.

g. The City Council shall determine the ballot language to be used upon such initiated ordinances, and such wording 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."

h. The City Council may not repeal or amend an initiated ordinance adopted under this Section for a period of two (2) years after the date that the election at which the initiated ordinance was adopted is canvassed.

i. If a majority of the votes cast at an initiative election shall be "AGAINST the ORDINANCE," that is against the adoption of the initiated ordinance, or if the votes shall be evenly divided between "FOR the ORDINANCE" and "AGAINST the ORDINANCE," the initiated ordinance shall not take effect. If a majority of the votes cast at such election shall be "FOR the ORDINACE," that is, for the adoption of the initiated ordinance, the initiated ordinance shall be deemed adopted and in full force and effect upon the completion of the canvass for the initiative election.

j. If any of the provisions of two (2) or more proposed ordinances approved at the same election are inconsistent, as determined by the City Attorney, the ordinance receiving the highest total number of votes "FOR" and "AGAINST" shall prevail. In the event that all conflicting ordinances receive the same number of total votes, then the ordinance receiving the highest total number of "FOR" votes shall prevail. In the event that all conflicting ordinances receive the same number of "FOR" votes, the City Council shall designate, by majority vote, which of the conflicting ordinances shall prevail.

Section 5.13. Referendum

The qualified voters of the City may require that any ordinance passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within forty-five (45) days after final passage of said ordinance. However, ordinances appropriating money, levying taxes, fixing rates and charges for City utilities, annexing or dis-annexing land, establishing or amending zoning regulations, and ordinances authorizing debt instruments shall not be subject to referendum. The referendum petition must contain a number of valid signatures of registered voters of the City equal to at least ten (10) percent of the number of registered voters residing in the City on the date of the City's most recent general election, or, if such election was cancelled, the date that such an election would have been held. Each petition shall contain a clear and concise statement identifying the ordinance for which it seeks approval or disapproval. A separate, original petition must be submitted for each ordinance for which a referendum is sought. Additionally:

a. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended from time to time. The petition shall be addressed to the City Council of the City.

b. Within twenty-one (21) days after the date of the filing of the papers constituting the referendum petition, the City Secretary shall complete a certificate as to the sufficiency or insufficiency of the petition in meeting the requirements of this Charter to require an election, specifying, if it is insufficient, the particulars wherein it is defective. The City Secretary shall, at the next regular City Council meeting

following the completion of the petition certificate, present such certificate and the petition to the City Council, and the certificate shall then be a final determination as to the sufficiency of the petition. Upon presentation of a certificate declaring the petition to be sufficient to the City Council, it shall become the duty of the City Council, no later than the next regularly scheduled City Council meeting after the receipt thereof, to repeal the ordinance identified by the petition without exception, or to call a special election, at which the qualified voters of the City shall vote on the question of adopting or rejecting the referred ordinance. The date selected for the special election shall be the next available date under the Texas Election Code for which the City Council is authorized to call an election.

c. The City Council shall determine the ballot language to be used for ordinances subject to referendum, and such wording 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."

d. Pending the holding of such election, each ordinance subject to a sufficient petition shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

e. If a majority of the votes cast at a referendum election shall be "AGAINST the ORDINANCE," that is, in favor of repealing the referred ordinance, or if the votes be evenly divided between "FOR the ORDINANCE," and "AGAINST the ORDINANCE," the referred ordinance shall not take effect, and said ordinance shall be deemed repealed upon the completion of the canvass for the referendum election. If a majority of the votes cast at such election be "FOR the ORDINACE," that is, for the adoption of the referred ordinance, the said ordinance shall take full force and effect upon the completion of the canvass for the referendum election.

ARTICLE VI: POWERS AND BOUNDARIES OF THE CITY

Section 6.01. Local Self-Government

The City shall have all the powers granted to cities by the Constitution and Laws of the State of Texas together with all the implied powers necessary to carry into execution such granted powers, as fully and completely as though they were specifically enumerated in this Charter; and those express and implied powers necessary for the government, interests, health, welfare, and good order of the City and its inhabitants, provided that all such powers, whether express or implied, shall be exercised and enforced in the manner prescribed in this Charter or other law; or when not prescribed herein, in such manner as shall be provided by ordinance of the Council.

Section 6.02. Eminent Domain

The City shall have the full authority and right to exercise eminent domain when 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, provided that:

a. The City may only exercise the power of eminent domain in the manner authorized or permitted by the constitution and laws of this state.

b. The authority of eminent domain shall include the ability of the City to take the fee in land so condemned and such authority shall include the right to condemn public property for a clearly defined public purpose.

Section 6.03. Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or any state civil division or agency, or the United States or any of its agencies, and any other county or any other political subdivisions in the State of Texas.

Section 6.04. Boundaries

The boundaries of the City of Bulverde shall be the same as have heretofore been established and as they existed on the day of ratification of this Charter.

Section 6.05. Extensions or Contraction of Boundaries

The boundaries of the City may be extended or contracted, irrespective of size and configuration, by the methods hereinafter set forth and consistent with Texas State law:

a. Boundary Limits. Subject to such procedural rules as may be prescribed by state law and this Charter, the City Council shall have the power by ordinance to fix the boundary limits of the City of Bulverde; to provide for the alteration and the

extension of said boundary limits; and to annex additional territory lying adjacent to the city, with or without the consent of the territory and inhabitants annexed.

b. Voluntary Annexation. The owner or owners of any land contiguous to the City may, by petition in writing to the City Council, request the annexation of such contiguous land. If the City Council chooses to grant such petition, it may, by proper ordinance, under such procedural rules as may be prescribed by State law, receive and annex such territory as a part of the City.

c. Extraterritorial Jurisdiction. The extraterritorial jurisdiction (herein referred to as the ETJ) boundaries may be extended by the City Council as provided by State Law.

Section 6.06. Power to Tax

a. 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. Provided, that the total tax levied annually for general purposes, and for the purpose of paying the interest and providing a sinking fund on the outstanding bonded indebtedness of the City of Bulverde, and for paying the interest and making provisions for the sinking fund on such future bond issues as may be authorized, shall not exceed the maximum tax rate allowed by state law.

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

Section 6.07. Notice of Claim

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within six (6) months after the time at which it is claimed such damages were inflicted upon such person or property, file with the City a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

ARTICLE VII: FISCAL PROVISIONS

Section 7.01. Fiscal Year

The fiscal year of the City shall begin on the first day of October and end on the last day of September on the next succeeding year. Such fiscal year shall also constitute the budget and accounting year.

Section 7.02. Submission of Budget and Budget Measure

On or before August 15 of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year. The proposed budget submitted to Council for review shall comply with all requirements stipulated by law.

Section 7.03. Budget a Public Record

In accordance with State Law, the budget shall be filed with the person performing the duties of City Secretary and shall be open to public inspection by anyone interested.

Section 7.04. Proceeding on Adoption of Budget

After conducting public hearings in accordance with State Law, the City 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 the affirmative vote of a majority of the City Council.

Section 7.05. 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 City Council shall constitute the official appropriations as proposed by expenditures for the current year and shall constitute the basis of official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Unused appropriations may be transferred to any item required for the same general purpose.

Section 7.06. Amending the Budget

The City Council may, by the affirmative vote of a majority of the City Council, amend or change the budget to provide for any additional expense related to municipal purposes, or for any 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 7.07. Filing the Budget

A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary and such other places required by State Law or as the City Council shall designate.

Section 7.08. 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 7.09. Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation, with the exception of a bond fund, shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed, or encumbered shall be deemed excess funds.

Section 7.10. General Obligation Debt and Certificates of Obligation

The City 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 shall be issued in conformity with the Laws of the State of Texas.

Section 7.11. Revenue Bonds

The City shall have power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing of public utilities, recreational facilities, or any other self-liquidating municipal function not prohibited by the constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties, or interest therein pledged, or the income therefrom, or both, and shall never be a debt of the City. All such bonds shall be issued in conformity with the laws of the State of Texas.

Section 7.12. Purchasing

The City Council may, by ordinance, give the City Manager general authority to contract for expenditure without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance.

a. All contracts for expenditures involving more than the limits must be expressly approved in advance by the City Council. All contracts or purchases involving more than the limits set by the City Council shall be awarded by the City Council in accordance with State Law.

b. Emergency contracts, as authorized by law and this Charter, may be negotiated by the City Council or City Manager, if given authority by the City Council, without competitive bidding and in accordance with State Law. Such emergency shall be declared by the City Manager and approved by the City Council.

Section 7.13. Administration of Budget

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made, unless the City Manager 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. Additionally:

a. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such payment or obligation, and the officer shall also be liable to the City for any amount so paid.

b. This prohibition shall not be construed to prevent the making or authorizing of payments; or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation; or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year; providing that such action is made or approved by ordinance.

Section 7.14. Depository

All monies received by any person, department, or agency of the City for or in connection with the affairs of the City shall be deposited promptly in the City depository or depositories. The City depositories shall be designated by the City Council in accordance with such regulations and subject to the requirements as to security for deposits and interest thereon as may be established by ordinance and State Law. Procedures for withdrawal of money or the disbursement of funds from the City depositories shall be prescribed by ordinance.

Section 7.15. Independent Audits

At the close of each fiscal year in accordance with State law, and at such other times as may be deemed necessary, the City Council shall call for an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. The report of audit, with the auditor's recommendations, will be made to the City Council. Upon completion of the audit, the summary shall be published

immediately in the official newspaper of the City and copies of the audit placed on file in the office of the person performing the duties of City Secretary, as a public record.

Section 7.16. Taxes; When Due and Payable

All taxes due in 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, and may be paid at any time after the tax rolls for the year have been completed and approved. The City Council may provide for tax collection services to be accomplished by contract

a. 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 1 in an amount not to exceed those established by the laws of the State of Texas.

b. Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, firm, or corporation 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 7.17. Tax Liens, Liabilities, and Suits

a. 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.

b. 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 good 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.

ARTICLE VIII: PLANNING AND ZONING

Section 8.01. Bulverde Planning & Zoning Commission Organization, Duties, & Powers

There is hereby established a Bulverde Planning and Zoning Commission (the "Commission") which shall consist of at least seven (7) members who shall be appointed by the City Council, in staggered terms of two (2) years to be determined by Council.

a. The Commission members shall be qualified voters and be residents of the City or the City's Extraterritorial Jurisdiction for at least one (1) year prior to being eligible for appointment. Any vacancy occurring during the unexpired term of a member shall be filled by the Bulverde City Council for the remainder of the unexpired term. Each year, at the first meeting of the Commission after the regular appointment of new members, the Commission shall elect from the members of the Commission a Chairman and Vice Chairman to serve for one (1) year, beginning in that month. The City Secretary shall serve as the ex-officio Secretary of the Commission, unless the City Secretary or the Commission shall designate another person to serve as Secretary. A majority of members shall constitute a quorum. Members of the Commission may be removed by an affirmative vote of a majority of the City Council at any time. Members of the Commission shall serve without compensation.

b. The Commission shall meet as often as its responsibilities require. The Commission shall keep minutes of its proceedings which shall be of public record. Minutes will be recorded by the Commission Secretary.

c. The Bulverde Planning & Zoning Commission shall have full power to exercise the authority of the Commission as provided by State law, this Charter, and Bulverde City ordinances.

Section 8.02. Procedures

The Planning and Zoning Commission procedures shall be governed by the provisions of the Bulverde City Zoning Ordinance and Texas State Law.

a. Should any person or persons on the Commission have a conflict of interest, pursuant to any State laws or Bulverde City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Commission, such person shall openly declare same before discussion proceeds, and such person is thereby prohibited from discussing the item or voting on the question.

b. Any member of the Commission shall abstain from voting on any question before the Commission, if a conflict of interest exists. When this occurs, the member's vote shall be recorded as an abstention vote in the official minutes of the meeting.

Section 8.03. Comprehensive Plan

The existing Comprehensive Plan for the physical development of the City of Bulverde contains recommendations for the growth, development, and beautification of the City.

a. Additions to and amendments of the Comprehensive Plan shall be by ordinance in accordance with Texas State Law.

b. Following the adoption by the Bulverde City Council of the Comprehensive Plan, and any revisions thereto, it shall serve as a guide to all future City actions concerning land use and development regulations and expenditures for capital improvements.

ARTICLE IX: PUBLIC FRANCHISES

Section 9.01. Power to Grant Franchise

The ownership, right of control, and use of streets, highways, alleys, parks, public places, rights-of-way, and all other real property of the City is hereby declared to be inalienable to the City.

a. No entity or individual shall have the right to occupy such public property without the express permission of and under an express written agreement with the City concerning such occupancy. Utilities or public utilities shall only be granted the right to occupancy under the terms of a franchise agreement with the City. All grants, removals, extensions, or amendments of public utility franchises on, under, or beneath such public places shall be the right of the Council. The City may, by ordinance, sell, lease, transfer, or otherwise alter its control and use of such public properties, in accordance with the provisions of this Charter.

b. No franchise may be granted for an indefinite term; and, no franchise may be granted for a term in excess of twenty (20) years.

Section 9.02. Franchise Extensions

All extensions of a public utility within the City shall become a part of the aggregate property of the public utility, shall be operated as such and shall be subject to all the obligations and reserved rights contained in this Charter and in State Law. The right to use and maintain any extension shall terminate with the original grant made to the utility.

Section 9.03. Transfer of Franchise

No public utility franchise may be transferred or assigned by the holder except with the approval of the Council.

Section 9.04. Regulation of Franchises

All grants, renewals, extensions, or amendments of public utility franchises shall be subject to the right of the City to:

a. Repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing

b. Require an adequate and reasonable extension of plant and service and the maintenance of plant and fixtures at a standard by which to render the highest reasonable quality of service to the public

c. Establish reasonable standards and quality of service and prevent unjust discrimination in service and rates

d. Prescribe for each franchisee, the form of accounts to be kept or, alternately, require that the system of accounts conform to that required by the appropriate state and federal regulatory agencies

e. Impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public

f. Require franchisees to furnish the City, without cost to the City, full information regarding the location and precise description of all facilities of the franchisees in, over, or under the City, and to regulate and control the location, relocation, and removal of such facilities

g. Examine and audit at any time during normal business hours the accounts and records of the franchisee

h. Require compensation and rental fees, except as limited by State Law

Section 9.05. Franchise Records

The City shall compile and maintain a public record of all franchises granted by the City, including any extensions or amendments to such franchise grants.

ARTICLE X: GENERAL PROVISIONS, CHARTER REVIEW, AND CHARTER AMENDMENT

Section 10.01. Wording Interpretation

The gender of the wording throughout this Charter shall always be interpreted to mean either gender. All singular words shall include the plural and all plural words shall include the singular. All references to law, state law, or laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or as may be amended or superseded." The use of the word City in this Charter shall mean the City of Bulverde, Texas, and the use of the word Charter shall mean the Home Rule Charter.

Section 10.02. Effect of Charter on Existing Laws

All City ordinances, rules, and regulations in force at the time of adoption of this Charter and not in conflict with it shall remain in force until altered, amended, or repealed by the Council. All rights of the City under existing franchises and contracts are preserved in full force and effect. Any ordinances, rules, or regulations inconsistent with this Charter are repealed to the extent of the inconsistency as of the date of adoption of the Charter.

Section 10.03. Charter Review

a. General provisions:

    1. Charter Review Commission. The City Council shall appoint a Charter Review Commission in the fifth year after this Charter is adopted and every fifth year thereafter. Such Commission shall be composed of not less than seven (7) nor more than fifteen (15) members who meet the following requirements:

    2. Each candidate for appointment as a member of the Charter Review Commission shall be a registered voter of the City prior to the appointment, and for at least twelve (12) months preceding the appointment.

    3. Commission members shall serve without compensation and shall not be employed by or hold any other position in the City government, in addition to any other requirements prescribed by the Council, and members shall maintain the qualification established by this section while in office.

b. Powers and Duties: The Charter Review Commission shall:

    1. Inquire into the operations of City government and review the City Charter to determine whether it requires revision. Public hearings may be held and the Commission shall have the power to compel the attendance of City officers or

employees and to require the submission of city records necessary to its inquiry and review

2. Propose any recommendations it deems desirable to ensure compliance with Charter provisions by City departments

3. Propose any Charter amendments it deems desirable to improve the effective application of the Charter to current conditions

4. Make a written report of its findings and recommendation to the City Council

Section 10.04. Amendments

Amendments to this Charter may be framed, proposed, and adopted at any time in accordance with the Constitution and laws of the State of Texas.

ARTICLE XI: TRANSITIONAL PROVISIONS

Section 11.01. Submission of Charter to Election; Transitional Provisions

In accordance with State law, this Charter is to be submitted for election. Additionally:

a. The Charter Commission, in preparing this Charter, finds and declares that it is impracticable to segregate each subject so that the voter may vote "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to properly function, it is necessary that is should be adopted in its entirety. For this reason, the Charter Commission directs that this Charter be voted upon as a whole, and that it shall be submitted to the qualified voters of the City at an election to be held on May 9, 2015.

b. If this Charter is approved by a majority of the qualified voters, voting at this election, it shall become the Charter of the City of Bulverde on the date the Council enters an order in the records of the City declaring that the Charter is adopted.

c. Upon approval of this Charter by the voters through a city-wide election, the incumbent elected officials of the City shall carryover and become the elected officials of the City under this Charter, as provided in this Section. Election to any office prior to the adoption of this Charter shall not count toward the term limitations of this Charter.

d. The Mayor of the City of Bulverde elected on May 10, 2014 shall serve as Mayor of the City under this Charter. Under this provision the Mayor shall serve a one (1) year term, and a successor shall be elected for a full three (3) year term at the City's general election in 2016, or another date designated by the City Council if changes to state law prevent the holding of an election on that date.

e. The two Council Members elected on May 10, 2014, shall serve as Council Members for Place One and Place Two under this Charter, and lots shall be drawn to determine which Council Member will be designated as serving in Place One and which Council Member will be designated as serving in Place Two. Under this provision, the Council Members for Place One and Place Two shall serve a one (1) year term, and successors shall be elected for full three (3) year terms at the City's general election in 2016, or another date designated by the City Council if changes to state law prevent the holding of an election on that date.

f. The three Council Members elected on May 9, 2015 shall serve as Council members for Place Four, Place Five, and Place Six under this Charter, and lots shall be drawn to determine which Council Member will be designated as serving in Place Four, Place Five, and Place Six. Under this provision, the Council Member for Place Four

shall serve a two (2) year term, and a successor shall be elected for a full three (3) year term at the City's general election in 2017, or another date designated by the City Council if changes to state law prevent the holding of an election on that date. The Council Members for Place Five and Place Six shall serve a three (3) year term, and successors shall be elected for full three (3) year terms at the City's general election in 2018, or another date designated by the City Council if changes to state law prevent the holding of an election on that date.

g. Upon adoption of this Charter, there will be no incumbent officeholder to carryover into the Office of City Council Member, Place Three, and a vacancy will be created. Upon adoption of this Charter, the City Council shall declare the Office of City Council Member, Place Three vacant, and shall proceed to call a special election in accordance with the requirements of the Texas Constitution and the Texas Election Code applicable to vacancies in offices with three (3) year terms. The person elected to the Office of Council Member, Place Three at the special election shall serve until a successor shall be elected for a full three (3) year term at the City's general election in 2017, or another date designated by the City Council if changes to state law prevent the holding of an election on that date.