

The City of Bryan

# CITY CHARTER



OFFICE OF THE CITY SECRETARY  
NOVEMBER 2017

**CITY OF BRYAN - CITY CHARTER  
(AS AMENDED BY NOVEMBER 7, 2017, CHARTER  
AMENDMENT ELECTION)**

**Sec. 1. Establishment and Corporate Powers.**

**(a) Powers.** The inhabitants of the City of Bryan, Texas, shall be a body politic and corporate by the name of the City of Bryan, shall have perpetual succession and may:

- (1) use a corporate seal;
- (2) sue and be sued;
- (3) acquire property in fee simple or lesser interest or estate by purchase, for any municipal purpose;
- (4) sell, lease, hold, manage, and control property, and make rules and regulations by ordinances or resolutions to carry out all the provisions of any conveyance, deed, or will, in relation to any gift or bequest, or the provisions of any lease by which the city may acquire property;
- (5) acquire, conduct, own, levy and collect taxes for general and specific purposes on all the subjects or objects which the city may lawfully tax;
- (6) borrow money on the faith and credit of the city by the sale or issue of bonds, warrants, notes of the city, or other lawful forms of indebtedness;
- (7) appropriate the money of the city for all lawful purposes;
- (8) create, provide for, construct, regulate, and maintain public works and improvements;
- (9) levy and collect assessments for public improvements;
- (10) license any business, occupation, profession, or trade, as required;
- (11) define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the city, and all nuisances and causes of nuisances;
- (12) regulate the construction, height, maintenance, occupancy, and the material used in all buildings and structures;
- (13) regulate and control the use of the streets and other public places;
- (14) create, establish, abolish, and organize city offices, and fix the salaries and compensation of all city officers and employees;
- (15) make and enforce local police, sanitary, and other regulations;
- (16) cooperate with the Federal Government or any agency of the government of the United States or the government of the State of Texas or any agency of the government of the State of Texas or any political subdivision of the State of Texas, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the city or its inhabitants; and
- (17) pass ordinances that may be expedient for maintaining and promoting the peace, good government, welfare, and performance of the functions of the city.

**(b) Powers from Other Law.** The city shall have all powers granted to municipalities by the Constitution or laws of the State of Texas now or in the future; and all powers shall be exercised and enforced in the manner prescribed by this Charter, by ordinances, or by resolutions of the City Council.

**Sec. 2. Boundaries.**

The boundaries of the city shall be those established by ordinances of the City Council. The city secretary shall keep a correct and complete description of the city boundaries, indicating all annexations and disannexations.

**Sec. 3. Annexation of Territory.**

The City Council shall have power by ordinance to fix, alter, and extend the boundaries of the city and to annex additional territory lying adjacent to the city, with or without the consent of the inhabitants in the territory annexed. Public hearings shall be held and notices to the public provided in accordance with State law relative to annexation by municipalities. Upon the final passage of an annexation ordinance, the boundaries of the city shall include the territory annexed by the ordinance. When any additional territory is annexed, it shall be a part of the city, and bear its pro rata part of the taxes levied by the city, and the inhabitants shall be citizens of the city and shall be bound by the acts, ordinances, resolutions, and regulations of the city.

#### **Sec. 4. Form of Government.**

The governing and lawmaking body of the city shall consist of a mayor and six councilmembers and shall be known as the "City Council." The City of Bryan shall operate under the council-manager form of government.

#### **Sec. 5. City Council.**

(a) **Powers.** All legislative and executive powers of the city shall be vested in the City Council and shall be exercised in the manner provided in this Charter and state law.

(b) **Elected.** The mayor and one councilmember shall be elected by the qualified voters from the city at large, and five councilmembers shall be elected from single member districts by the qualified voters from each of the five City Council districts as provided in Section 7.

(c) **Qualifications.** The councilmembers shall:

- (1) be resident citizens of the city;
- (2) be registered to vote in the city at the time of filing for elected office;
- (3) not hold any other office of emolument;
- (4) not have a financial interest in any contract, job, work, or service of or to the city, or the sale to the city of any supplies, equipment, material, or real or personal property; and
- (5) if elected to place 1, 2, 3, 4, or 5, be a resident of the corresponding district.

(d) **Terms; Limitation on Consecutive Terms.**

- (1) Councilmembers and the mayor shall serve terms of three years or until their successors have been elected and qualified.
- (2) A person who has served as a councilmember, other than mayor, for two consecutive terms shall not again be eligible to become a candidate for, or to serve as, a councilmember until the next general election after the second consecutive term has expired.
- (3) A person who has served as mayor for two consecutive terms shall not again be eligible to become a candidate for, or to serve as, mayor until the next general election after the second consecutive term has expired.
- (4) A person who has served four consecutive terms as mayor and City Councilmember shall not again be eligible to become a candidate for, or to serve as, mayor or councilmember until the next regular election after the fourth consecutive term has expired.
- (5) Service as a councilmember or mayor will not be counted in determining the number of consecutive terms served if the service was for only a part of a term.

(e) **Vacancies.** Vacancies in the City Council shall be filled by a special election for the remainder of the unexpired term. The special election to fill a vacancy shall be held on the next uniform election date set out by state law and allowing sufficient time to order said special election in accordance with state law.

(f) **Salary.** Each member of the council shall receive an annual salary of \$120.

(g) **Meetings.** The City Council shall meet regularly twice a month and more often on the call of the mayor or on the request of a majority of the councilmembers.

(h) **Promotion of Welfare.** The City Council shall promote the welfare of the city and its inhabitants, subject only to federal law, the constitution and laws of this state, and the provisions of this Charter.

(i) **Quorum.** The majority of all elected members of the council shall constitute a quorum.

(j) **Duties.** It shall be the duty of the City Council:

- (1) to make its own rules of procedure and to enact all ordinances and resolutions and adopt all regulations for the conduct of the affairs of the city, provided that the affirmative vote of at least a majority of those

attending any meeting at which there is a quorum present shall be necessary to adopt any ordinance or resolution, unless state law requires a vote of more than a majority.

(a) **Council agenda.**

1. The City Council shall identify items to place on the City Council meeting agenda and shall establish the order of the agenda.

2. If any two City Council members desiring a particular item to be placed on the City Council agenda shall notify the City Secretary in writing, the item shall be placed on the agenda subject to the order of the agenda as set forth in (a) (1) above.

3. The City Council shall by ordinance, following annual City Council general elections, establish rules and procedures for conducting City Council meetings, including timing, location, and format. Those rules and procedures shall govern until replaced or repealed. Absent an ordinance establishing rules and procedures, the provisions in this Charter regarding conducting meetings shall apply by default.

(2) to see that all laws and ordinances of the city are enforced;

(3) to see that all other officers of the city faithfully and efficiently discharge their duties;

(4) to create the departments of service in the governmental and ministerial affairs of the city for City Council appointees; and

(5) the City Council shall cause an independent audit of the books of accounts and of all records and transactions of the administration of the affairs of the city. The audit shall be made annually for each fiscal year by a certified public accountant. The City Council shall also cause an annual financial statement to be prepared.

**(k) Removal.** Any member of the City Council may be removed for the same causes and in the same manner as county officers under the laws of the state.

**(l) Duties of the Mayor.** The mayor of the city shall:

(1) be the presiding officer of the City Council;

(2) perform the duties of a councilmember and have the right to vote on any matter before the council unless otherwise disqualified;

(3) sign all municipal bonds, deeds of conveyance, and all instruments where the executive head of the city shall be required to act;

(4) have authority in case of riot or disaster, with a purpose to preserve peace and good order in the city, to order and enforce the closing of any place of public gathering or establishment that sells alcoholic beverages; and

(5) perform all other duties as may be imposed by this Charter and the ordinances of the city.

**(m) General Police Force.** Whenever the mayor determines it is necessary to enforce the laws of the state or of the city, to avert danger, or protect life or property, in case of riot or disaster, or any other danger to the city or its inhabitants, the mayor may summon into service, as a general police force, all or as many citizens of the city as necessary and proper. The summons may be by proclamation or order addressed to the citizens generally or to any subdivision of the city, by personal notice, citation, or publication in a newspaper in the city. The general police force, while in service, shall be subject to the orders of the police chief or his/her designee and will be utilized to augment the regular police force. Members of the general police force will work under the direct supervision of a member of the regular police force. Any person so summoned and failing to obey, or appearing and failing to perform any duty that may be required by this article, shall be fined by the mayor in any sum not exceeding \$500.

**(n) Enforcement.** All processes necessary to enforce the powers conferred by this section shall be signed by the mayor and attested by the person acting as city secretary, and may be served by any police officer of the city or any state officer authorized to serve court process.

**(o) Mayor Pro Tem.** The City Council may provide for a mayor pro tem who shall preside in the absence of the mayor, and shall perform all other acts that the mayor could perform if the mayor were present, except as otherwise limited by this Charter.

**(p) Status of Officers and Employees.** No contract shall be made which binds the city to pay for personal services to be rendered by any stated period of time, except as otherwise provided in this Charter. All officers and employees of the city, other than the councilmembers and mayor, shall be appointed and shall be subject to discharge at the will of the appointing authority, except as otherwise provided in this Charter.

**(q) Employee Salaries.** The City Council shall annually establish the salaries and wages and provide for the payment of all appointive officers and employees of the city through the budget adoption process.

**(r) Councilmember Independence.**

- (1) Appointment or employment of relatives of Bryan City Councilmembers. No person related within the second degree of affinity (by marriage), or within the third degree of consanguinity (by blood), to members of the City Council shall be appointed or employed by the City Council to any paid office, position including appointed positions, or service including contracted service, within the City. This prohibition excludes election workers, whose appointments are governed by the Texas Election Code.
- (2) Use of the title of a city official's position. A city councilmember shall not, in any election, except his or her own, use the title of the city official's position with the city on behalf of a candidate, political party, or political committee, except that a city official is not prohibited from lending his or her name so long as the office held with the city is not mentioned in any connection with the endorsement.
- (3) Campaign Donations. Elected city officials and candidates shall comply with the Fair Campaign Practices Act and the Texas Election Code.

**Sec. 6. Contracts and Purchases.**

Except as provided in this subsection, all contracts or purchases must be made in compliance with competitive bidding or competitive proposal requirements established by state law. The City Council may, by ordinance, set a figure above which any contracts or purchases must be approved in advance by the City Council. The manner of giving notice of contracts as provided by ordinance shall be controlling to the extent permitted by state law. All contracts and purchases shall be handled in a manner to obtain the best value for the city.

**Sec. 7. Elections.**

**(a) Date.** Regular municipal elections shall be held on a uniform election date set out in state law.

**(b) Order and Notice.** All elections conducted by the City shall be ordered and notice provided in accordance with state law.

**(c) Nonpartisan Ballot.** The ballots used in the election shall be without party or partisan designation. The positions on the ballot shall be drawn by the city secretary.

**(d) City Council Districts.** The city shall be divided into five City Council single member districts. Following each federal decennial census or more often if required by annexations or disannexations, the City Council shall, by ordinance, adjust the boundaries of the City Council districts using legally appropriate criteria for determining where to place boundary lines. The City Council shall hold one or more public hearings before voting on a proposed plan.

**(e) Election to Places and Districts.** The members of the City Council, which include the mayor and six councilmembers, shall be elected, hold office, and be compensated as provided in this Charter.

(1) Five councilmembers shall be elected by the qualified voters residing in a City Council district. Each district councilmember shall be elected to and occupy a place on the council that corresponds to the number of the district from which the councilmember is elected. These five places shall be numbered 1, 2, 3, 4, and 5. The districts shall be numbered clockwise around the city, beginning with District 1 in the west portion of the city.

(2) The mayor and one councilmember shall be elected by the qualified voters of the entire city at-large. The at-large councilmember shall be elected to and occupy place 6 on the council. The places of the councilmembers shall be designated on the official ballot as councilmember place(s) 1, 2, 3, 4, 5, and 6.

**(f) Residency Requirements.** To become a candidate for the City Council from a single member district (places 1, 2, 3, 4, or 5), a person must have resided continuously within that district for at least six months immediately preceding the deadline for filing for a place on the ballot. A councilmember elected from a single member district must remain a resident of that district throughout the term of office. To become a candidate for mayor or City Councilmember place 6, a person must have resided continuously within the city for at least six months immediately

preceding the deadline for filing for a place on the ballot and remain a resident of the city throughout the term of office.

**(g) Staggered Three-year Terms.** The mayor and councilmembers shall be elected for three-year terms or until their successors are elected and qualified.

**(h) Runoff Elections.**

**(1) Process.** Should any candidate running for mayor or councilmember fail to receive a majority vote of all votes cast at the election, a runoff election shall be ordered for each place in which no one received a majority. In a runoff election, the two candidates who received the highest number of votes for each place in which no one received a majority of the votes cast, shall be voted on again and the candidate who receives the majority of the votes cast for each place in the runoff election is elected to the place.

**(2) Date of Runoff.** Runoff elections shall be held on a date allowed by state law.

**(3) Death or Withdrawal of Candidate.** If a runoff candidate withdraws or dies, the remaining candidate is considered elected and the runoff election for that office is not held.

**(i) State Law.** Except as provided otherwise in this Charter, the conduct of elections in the city shall conform to the Texas Election Code.

**(j) Polling Places.** The City Council may, from time to time, create and designate such polling places within the city as it determines is proper.

**(k) Voters.** Every person who is a qualified voter in the city under the laws of the State of Texas shall be entitled to vote for:

- (1) the mayor and councilmember, place 6; and
- (2) a councilmember in place 1, 2, 3, 4, or 5, corresponding to the district in which the voter resides.

**(l) Special Elections.** Special elections shall be ordered in compliance with state law.

**Sec. 8. Appointive Officers - Charter Officers Appointed by City Council.**

**(a) Appointments.**

- (1) The City Council shall appoint a city manager, municipal court judge, city attorney, and city secretary who shall hold their respective offices at the pleasure of the City Council.
- (2) The city manager shall appoint and remove all other employees of the city.

**(b) City Manager.**

**(1) Appointment and Term.** The City Council shall appoint a manager whose term of office shall be governed by the will and pleasure of the City Council. In addition to the duties described in this Charter, the City Council shall prescribe duties of the city manager by ordinances and resolutions that are not inconsistent with this Charter. The City Council may enter into an employment contract with the city manager that prescribes the conditions of employment as the City Council determines appropriate. The employment contract of the city manager may include a definite term that does not exceed five years, but which is renewable.

**(2) Duties.** The city manager shall:

- a. be the chief administrative officer of the city;
- b. receive such compensation as may be provided by the City Council;
- c. be subject to removal by the City Council in accordance with the city manager's employment agreement, if any, or this Charter and the city manager may demand written charges and a public hearing before the City Council, at any time between the issuance of the order of removal and the date on which it takes effect;

- d. be responsible to the City Council for the proper administration of all the affairs of the city;
- e. make recommendations to the City Council on all matters concerning the administration of the city;
- f. establish and supervise city departments, make contracts for supplies and routine service, and disburse funds under such regulations as the City Council may prescribe;
- g. make regular reports in writing to the City Council, and make such special reports as the City Council may from time to time request;
- h. attend all meetings of the City Council, either in person or by designee, and take part in discussion of matters pertaining to the city, but have no vote;
- i. from time to time, make recommendations to the City Council and keep it fully advised as to all matters pertaining to the city; and
- j. devote full time to the service of the city and never have any private interest, directly or indirectly, in any contract with the city or to which the city is a party.

**(c) City Secretary.** The city secretary shall:

- (1) unless excused by the City Council for good cause, attend all meetings of the City Council and keep accurate minutes of its proceedings;
- (2) preserve and keep in order all books, papers, documents, records and files of the City Council;
- (3) authenticate by signing and recording all ordinances and resolutions;
- (4) serve as chief election officer for the city and be responsible for the conduct of elections in accordance with this Charter and applicable state laws; and
- (5) perform such other duties as the Charter or the City Council may provide.

When authorized by the City Council, the city secretary may appoint assistants, subject to approval of the council, who may assist in the performance of any of these functions.

**(d) City Attorney.** The city attorney shall have practiced as an attorney at law for at least two years in the State of Texas and shall be an attorney licensed by the State Bar of Texas. The city attorney shall:

- (1) be chief legal advisor of, and attorney for, the city;
- (2) attend all meetings of the City Council unless excused by the City Council for good cause, and when requested give advice in writing to the City Council, the city manager, the city secretary, and all other officers of the city;
- (3) prosecute or defend, as the case may be, all suits or cases to which the city is a party;
- (4) attend sessions of the municipal court in person or by deputy, and prosecute all persons charged with offenses in that court;
- (5) approve the form of all official bonds, and of all contracts to which the city is a party; and
- (6) render such other professional legal service as required by the City Council.

When authorized by the City Council, the city attorney may appoint assistants, subject to the approval of the City Council.

**(e) City Internal Auditor.** The City Council may appoint a City Internal Auditor, who shall serve at the pleasure of the City Council. The City Council shall establish the duties and operating procedures of the City Internal Auditor by ordinance. The City Council may enter into a contract for the duties of City Internal Auditor to be carried out by an outside firm, if it so chooses.

**(f) Officer Requirements and Benefits.** Qualifications, duties, salaries, and benefits of all appointed officers of the city shall be prescribed by the City Council in accordance with the provisions of this Charter. No person related to the mayor, a councilmember, or a council appointee within the third degree by consanguinity or within the second degree by affinity shall be appointed to a position that is to be compensated from public funds.

## **Sec. 9. Ordinances.**

**(a) Form and Introduction.** Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject, which shall be clearly stated in the title; except, that general appropriation ordinances may contain various subjects and accounts for which moneys are to be appropriated.

**(b) Style.** The style of all ordinances of the City of Bryan shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN".

**(c) Publication.** The caption, penalty, and effective date of every ordinance imposing a penalty or fine for violation of its provisions, shall, after its passage, be published in a newspaper of general circulation in the city, and shall not take effect until the publication has been completed. The city secretary, or other officer performing the duties of city secretary, shall note on ordinances that are required to be published, the fact that they have been published as required by the Charter and the date of publication, which shall be prima facie evidence of publication. The provisions of this section shall not apply to a revision or codification of the ordinances of the city as the City Council may, from time to time, adopt.

**(d) Effective Date.** All ordinances not required to be published under Subsection (d), shall go into effect immediately upon final passage.

**(e) Authentication and Recording.** Upon becoming effective, every ordinance or resolution shall be recorded and authenticated by the signature of the mayor and attested by the officer exercising the duties of the city secretary.

## **Sec. 10. Initiative.**

**(a) Petition.** Any proposed ordinance may be submitted to the City Council by a petition signed by qualified voters of the city equal in number to 10 percent of the qualified voters of the city as appears in the county voter registration records as of the January 31st preceding the date of submission of the petition. The signatures to the petition need not all be appended to one paper, but in addition to a signature, the petition shall contain each signer's printed name, voter registration number, place of residence, giving street and number, and date of signing. One of the signers to each paper shall make an oath before an officer authorized to administer oaths that the statements in the petition are true and each signature to the paper appended is the genuine signature of the person whose name appears.

**(b) Submission to City Council.** Within 10 business days from the date of filing of the petition, the city secretary shall examine the petition and ascertain whether it is signed by the requisite number of qualified voters and shall attach to the petition the city secretary's certificate showing the result of the examination. If the certificate shows the petition is insufficient, it may be amended within 10 business days from the date of the certificate, then the city secretary shall examine the amended petition within 10 business days after the amendment is submitted. If the city secretary's certificate shows the amended petition to be insufficient, a copy shall be returned to the person filing it without prejudice to the filing of a new petition to the same effect. If the petition is found to be sufficient, the city secretary shall submit the petition to the City Council without delay.

**(c) Sufficiency.** If the petition accompanying the proposed ordinance is signed by voters equal in number to 10 percent of the qualified voters of the city as appears from the county voter registration records as of the January 31st preceding the date of submission of the petition and contains a request that the ordinance be submitted to a vote of the people at a special election, the City Council shall either:

- (1) Pass the ordinance without alteration within 20 days after the attachment of the city secretary's certificate of sufficiency to the petition; or
- (2) proceed to call a special election at which the ordinance, without alteration, shall be submitted to a vote of the people.

**(d) Publication.** Notice of said election, including the content of the proposed ordinance, shall be published in accordance with state law.

### **(e) Recall of City Councilmembers.**

**(1) City Council.** Any member of the City Council may be removed from office by a recall election.

**(2) Petition.** Recall petition papers shall contain the name of the councilmember or members whose removal is sought and must concisely state one or more of the following grounds for removal: incompetency (gross ignorance of official duties, gross carelessness in the discharge of official duties, or inability or unfitness to



promptly and properly discharge official duties because of a serious mental or physical defect that did not exist at the time of election); official misconduct (intentional unlawful behavior relating to official duties including an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law); habitual drunkenness; or conviction for any felony or misdemeanor involving official misconduct. There shall appear at the head of each petition paper the names and addresses of five qualified voters eligible to vote for the successor of the councilmember sought to be removed, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. In addition to a signature, a petition shall contain the signer's printed name, voter registration number, and place of residence by street and number or other description sufficient to identify the place, and the date of signing. No signature to a petition shall be counted, which was placed on the petition more than 45 days prior to the filing of the petition with the city secretary. The signatures to a recall petition need not be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator that the circulator personally circulated the paper, that it bears a stated number of signatures, that all signatures were appended in the circulator's presence, and that each signature is the genuine signature of the person whose name appears.

### **(3) Procedure.**

a. All papers comprising a recall petition shall be assembled and filed with the city secretary as one instrument. Within ten business days after a petition is filed, the city secretary shall determine:

1. whether each paper bears the names of the five qualified voters who constitute the committee of the petitioners and the required affidavit of the circulator; and

2. whether the petition is signed, with the required information provided, by qualified voters entitled to vote for a successor to the member sought to be removed, equal in number to at least 10 percent of the registered voters in the territory which the councilmember represents.

b. If the city secretary finds the petition insufficient, the city secretary shall return a copy to the committee of the petitioners without prejudice. If the city secretary finds the petition sufficient and in compliance with the provisions of this section of the Charter, the city secretary shall submit the petition and a certificate of its sufficiency to the council at its next regular meeting and immediately notify the councilmember or members whose removal is sought of such action.

c. If the councilmember whose removal is sought does not resign within seven days after notice from the city secretary, the City Council shall order a recall election to be held on the next uniform election date as set forth by state law.

### **(4) Ballot.** Ballots used at recall elections shall conform to the following requirements:

a. With respect to each person whose removal is sought, the questions shall be submitted: "SHALL (name of person) BE REMOVED FROM THE CITY COUNCIL BY RECALL?"

b. Immediately below each question shall be printed the two following responses, one above the other, in the order indicated;

"YES"  
"NO"

**(5) Removal.** If a majority of the votes cast at a recall election are for the recall of the councilmember named on the ballot, the member shall be removed from office, and the vacancy shall be filled in the manner prescribed in Section 5(e) of this Charter.

**(6) Limitation.** No petition shall be filed against a councilmember within six months after taking office, nor against a councilmember who has been subjected to a recall election and not removed, until at least six months after the election, nor within six months of the end of the councilmember's term.

**(7) District Court.** Should the City Council fail to order any recall election when all the requirements for the election have been complied with by the petitioning voters in conformity with this section of the Charter, it shall be the duty of the district judge of Brazos County, upon proper application, to order the election and enforce the provisions of this section of the Charter.

## **Sec. 11. Administration.**

**Investigations.** The City Council, city manager, and any officer or committee authorized by either of them, shall have power to conduct investigations of city affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books and papers. The city manager shall designate a qualified person under the Texas Rules of Civil Procedure to serve subpoenas.

## **Sec. 12. Finance, Annual Budget, Taxation and Fees.**

**(a) Chief Financial Officer.** The city shall have a department of finance. There is created the office of Chief Financial Officer who shall be head of the department of finance. The Chief Financial Officer shall:

- (1) be appointed and removed by the city manager;
- (2) be qualified by training and experience in accounting, budgeting and financial control, auditing, and financial administration;
- (3) perform functions as may be assigned by the city manager that are not inconsistent with this Charter.

**(b) City Manager's Budget Estimate.** Not later than one month prior to the end of the fiscal year, the city manager shall prepare and submit to the City Council a budget estimate of the expenditures and revenues of all city departments, divisions, and offices for the ensuing year. The estimate shall provide all the information required by the City Council. The city manager shall provide the budget to the public and media and make printed copies available through the public library and an electronic copy available on the city's website.

**(c) Appropriation Ordinance; Fiscal Year.** Upon receipt of the budget estimate, the City Council shall receive an appropriation ordinance using the city manager's estimate as a basis. A public hearing on the proposed appropriations ordinance shall be held as required by state law. The City Council shall pass the appropriation ordinance before the beginning of the fiscal year to which it is to apply or as soon after as practicable. The fiscal year of the city shall be established by ordinance adopted by the City Council.

**(d) Transfers.** The City Council may delegate to the city manager the authority to transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office, department, or divisions, when it is not in contravention of the constitution and laws of this state or other provisions of this Charter.

**(e) Reappropriations.** Any revenue of the city, not appropriated, and any balance at any time remaining after the purposes of the appropriation have been satisfied or abandoned, may from time to time be reappropriated by the City Council to uses that will not conflict with uses for which the revenues were specifically appropriated, and when not in conflict with the constitution and laws of this State or other provisions of this Charter.

**(f) Unencumbered Balances.** No obligation for the expenditure of money may be incurred, except pursuant to appropriations made by the City Council. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations; but appropriations may be encumbered in furtherance of improvements or other objects or works of the city which will not be completed within the current year.

**(g) Tax Levy Ordinance.** At its first meeting in September of each year, or as soon after as possible, the City Council shall by ordinance levy such taxes as are necessary to meet the appropriations made, and to provide all sums required to pay the bonded indebtedness of the city. In fixing the tax rate, the City Council shall designate what portions of the total are levied for other specific purposes. The portion of the tax rate designated for the city's bonded and other indebtedness shall be adequate to provide revenue to meet the requirements of interest and provide the necessary sinking fund to pay the principal of the bonds and other indebtedness at maturity.

**(h) Tax Limitation.** The City Council shall have the power, and is authorized to levy, assess, and collect a tax not to exceed \$1.50 on each \$100 assessed valuation of all real and personal property within the city limits of the city not exempt from taxation by the Constitution and laws of the State of Texas.

**(i) Occupation Tax.** The city is authorized to tax all occupations taxed by the state, at an amount that is one-half of the amount prescribed by the state.

**(j) Franchise Fees or Taxes.** The city shall have the power to:

- (1) annually levy and collect a franchise tax or fee from any public service corporation using and occupying the public grounds and streets of the city, separately from the tangible property of the corporation;
- (2) collect annually upon the property and shares of corporations, companies, and corporate institutions, or their trustees or receivers, as they are or may be assessed by the laws of Texas; and
- (3) enforce the collection of these taxes and fees.

**(k) Personal Liability for Taxes.** Persons, firms, and corporations owning personal or real property taxed by the city, are liable for these taxes as prescribed by state law.

**(l) Tax Liens.** All real, personal, or mixed property held, owned, or situated in the city, not exempt by the laws of the State of Texas, is liable for all municipal taxes due from the owner, including taxes on real estate, franchises, personal and mixed property and all other municipal taxes. These municipal taxes are declared to be a lien, charge, and encumbrance upon the property taxed, and shall be a prior lien to all other claims, sales, assignments, transfers, gifts, and judicial writs. This lien shall exist from the first day of January of each year until all taxes have been paid. It shall also exist against any real estate which for any cause has failed to be assessed for one or more years, and the lien shall be effective for every year for which no assessment was made.

**(m) Tax Levy.** The City Council shall levy the annual tax for the year prior to the end of September each year. Special taxes or assessments allowed by this Charter may be levied, assessed, and collected at any time. If the City Council fails to levy the annual tax for any one year, the annual tax levy for the preceding year will be considered in force and effect as the tax levy for the year for which no annual tax levy was made.

**(n) Tax Collections.** The city has power to provide for the prompt collection, by suit, contract, or otherwise, of taxes assessed, levied, and imposed, and the city has authority to sell, or cause to be sold for payment of taxes, all property, real and personal, and shall make rules and regulations and enact ordinances necessary for the collection of taxes.

**(o) Bond Unnecessary.** It shall not be necessary in any action, suit, or proceedings in which the city is a party for any bond, undertaking, or security to be executed on behalf of the city.

**(p) Finances.** The city shall have the power to control and manage the finances of the city and to provide its fiscal year and fiscal arrangements.

**(q) City Depository.** The City Council shall select a city depository or city depositories for all funds of the city in the manner provided by the general laws of the State of Texas.

**(r) National Defense.** The City Council is authorized to cooperate with the United States of America and the State of Texas and a subdivision of either, in the defense of the United States, and in preparation of this defense, is authorized to appropriate necessary funds for the purpose. The City Council may also cooperate with the United States of America and the State of Texas in employment and relief work and other purposes that develop from time to time.

### **Sec. 13. Finance, Taxation and Fees.**

**(a) Debt Service Fund.** Revenue collected from taxes and other sources, which has been pledged as security for bonds, warrants, or other obligations of the city shall be deposited in a "debt service fund". Money paid by utilities for the retirement of debt, however, shall be deposited in accordance with relevant contracts and the law applicable to revenue bonds.

**(b) General Fund.** Revenue collected from taxes and other sources not restricted by law for another use shall be maintained in a separate fund to be designated as the "general fund."

**(c) City-owned Utilities.**

- (1) Revenues derived from public utility systems of the city shall be apportioned, as follows:
  - a. for the operation and maintenance of the utilities;
  - b. for the extension and improvement of the utility systems;
  - c. for the liquidation of the indebtedness of the utility systems;
  - d. for use of the city rights of way, an amount not to exceed seven percent of gross revenue shall be paid as a transfer to the general fund of the city. The amount of such general fund transfers and any reimbursements to the general fund for services rendered to publicly owned utility systems shall be approved by ordinance.

(2) The city shall maintain an accounting procedure for utility earnings that will record each utility or similar fee based service as a separate fund, and the sinking fund to all revenue bonds shall be kept as provided by law and the applicable bond covenants.

**(d) General Obligation Debt.** The City of Bryan shall have the power to borrow money on the credit of the city and to issue general obligation debt 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 debt of the city previously issued. All such debt shall be issued in conformity with the laws of the State of Texas and the United States of America.

**(e) Revenue Debt.** The City of Bryan shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas and the United States of America, and to issue revenue debt to evidence the obligation created thereby; and to issue revenue refunding debt to refund outstanding revenue debt previously issued. Such debt shall be a charge upon and payable solely from the properties, or interest therein, pledged, or the income there from, or both, and shall never be a debt of the city. All such debt shall be issued in conformity with the laws of the State of Texas and the United States of America.

**Sec. 14. Reserved.**

**Sec. 15. Municipal Court.**

A municipal judge shall be appointed by the City Council in accordance with Section 8, "Appointive Officers," of this Charter. The city secretary is appointed clerk of the municipal court and is authorized to serve either in person or by deputy. The judge shall receive compensation as determined by the City Council. The municipal judge shall be the judge of the municipal court. The court shall have jurisdiction and be conducted in the manner prescribed by state law and ordinances of the city. All costs and fines imposed by the municipal court, or by any other court in cases appealed from the municipal court, shall be paid into the city treasury for the use and benefit of the city, except for the portion that must be remitted to the State of Texas in payment of state court costs. All complaints or information filed in the municipal court shall be approved by signature of the city attorney or an assistant city attorney.

**Sec. 16. Utilities; Streets, Avenues, Alleys and Highways; Public Works.**

**(a) Power to Own.** The city, at this time owning and operating its water, electric, and sewer systems, shall have the power to own, maintain, extend, construct, and reconstruct its water, electric, and sewer systems, within or outside the city limits.

**(b) Financing of Improvements.** The city shall have power to construct, acquire, own, maintain, and operate, within and outside the city limits, electric transmission and distribution lines, waterworks and water distributing systems and sewer systems, for the furnishing of electric energy, water, sewer, and other utility services within and outside the city limits. The city has authority to mortgage and encumber the electric, water, and sewer systems and income by the issuance of bonds, notes, or warrants to secure the payment of funds to construct or acquire the systems. The obligation shall be solely a charge upon the property and income of the systems encumbered and shall not be included in determining the power of the city to issue bonds for any purpose authorized by law. The city is further authorized to purchase any additional unit of power for its utilities and for its rural electrical lines and mortgage them as a unit and, if purchased for its rural electric lines, the city for its other utilities will be authorized

to pay a reasonable rental to be used to discharge the obligation and mortgage given for its purchase. The city is further authorized to charge a reasonable monthly rate to the rural electric division lines for current furnished by the city utilities and use the money for all purposes authorized by this Charter.

**(c) Utility Sale Not Authorized.** The city is not authorized to sell, contract for sale, or lease any of its public utility systems, except that the city may mortgage or encumber its public utility systems as provided in this Charter.

**(d) City Utilities Exclusive.** The operation and maintenance of public utilities owned by the city shall be exclusive to the city and it shall grant no franchise to a like public service or public utility system.

**(e) Utility Rates.** The city may regulate the rates and charges for materials or services of all its public utility systems, within or outside the city, and it may demand and receive these rates and charges for public utility service furnished by the city.

**(f) Regulation of Other Utilities.** The city may require all public service or public utility systems not owned by the city and operating within the city to:

- (1) extend its services to such territory as the city may require;
- (2) furnish the city correct and complete maps showing the location and extent of all its services inside and outside the city limits and furnish other information as the city may require; and
- (3) comply with such rates and charges for its services or commodities as the city may require, to the extent the city's authority is not limited by state law.

**(g) Intergovernmental Cooperation.** The city has the authority to cooperate in the operation or maintenance of any of its public utility systems with any other governmental entity or agency.

**(h) Election Required for Contract Over 25 Years.** The city may manufacture, produce, or buy gas, electricity, water, or any other power, service, or commodity for public uses, and sell the power, service, or commodity by wholesale or retail inside or outside the city limits; provided, that before the city shall be bound by any contract for the purchase or sale of this power, service, or commodity for a longer period than 25 years, the proposition shall be submitted to a vote of the people of the City of Bryan. The election shall be held in accordance with the Charter, and the proposition shall be presented to the voters in the form of a proposed ordinance setting forth the material terms of the contract.

**(i) Ratification of Contracts and Obligations.** Adoption of this Charter shall ratify all outstanding bonds, revenue warrants, and other existing obligations and encumbrances pledged against the revenues of all public service and public utility systems. All existing contracts between the city or its utility systems and any other agency or company for purchase, manufacture, sale, resale, operation of service, equipment or commodities are also ratified.

**(j) Additional Powers.** In owning, leasing, buying, extending, operating, maintaining, or otherwise handling its public utility systems, the city shall have additional powers that may be granted, now or in the future, under the Constitution and laws of the State of Texas.

**(k) Authority Over Streets.** The city shall have exclusive control and jurisdiction in, upon, over, and under the public streets, avenues, alleys, and highways of the city. The city may provide for their improvement by paving, repaving, raising, grading, draining, or otherwise and finance the improvements by any method authorized by law.

**(l) Sidewalks.** The city may provide for the construction of sidewalks and curbs, and to charge the entire cost of construction of sidewalks, including the curbs, against the owner of adjacent property and to provide by special assessment, a lien against the property for the cost. In addition, the city may finance the construction of sidewalks by any method authorized by law.

**(m) Required Sidewalk Improvements.** The city may provide for the construction, improvements, or repair of any sidewalk or curb by penal ordinance and to declare defective sidewalks or curbs public nuisances.

**(n) Power to Grant Franchises.** The City Council may by ordinance grant franchises for the use and occupancy of streets, avenues, alleys, and other public grounds belonging to or under the control of the city, to a fiber

company, telecommunication company, cable company, electric light or power company, railway, gas, waterworks, water systems, or other public utility.

(1) Before an ordinance proposing to grant a franchise or privilege to use or occupy a street, avenue, alley, or other public ground becomes effective, the ordinance, as finally proposed to be passed, shall be published at the expense of the applicant in a newspaper of general circulation in the city one time. The proposed ordinance shall not be changed after publication unless republished as in the first instance, nor shall the ordinance take effect or vest any rights in the applicant, until after the expiration of 20 days from the last publication.

(2) Pending the time the ordinance may become effective, it is the duty of the City Council to order an election, if requested by written petition, conforming to Chapter 277, Texas Election Code, signed by at least 20 percent of the qualified voters of the city, as shown by the county voter registration records as of the preceding January 31. At the election, the qualified voters of the city shall vote for or against the proposed grant, as set forth in detail by the published ordinance. The election shall be ordered for the next state uniform election date that is not less than 45 days from the date of filing the petition, and if at the election the majority of the votes cast are for the granting of the franchise or privilege, the ordinance and the proposed grant shall become effective. If the majority of the votes cast at the election are against the granting of the franchise or privilege, the ordinance shall not be effective and the making of the proposed grant shall be void.

**(o) Length of Franchise.** The city shall not grant a franchise for other than an indeterminate period or for a period of years not exceeding 10, except in cases when an election is held as provided in Subsection (n), to determine whether or not a franchise shall be granted. No franchise granted as the result of an election shall be for a period of time exceeding 20 years.

**(p) Right to Purchase.** All franchises granted shall contain the right of the city to purchase at a fair value, the franchise and property of the utility company at the end of the first five years and at the termination of every five years during the term of the franchise.

**(q) City Regulation.** All franchises shall be subject to:

(1) the right of the city, whether expressly stated or not, to make reasonable regulations concerning the service, capitalization, and rates of the franchisee; and

(2) the right of the city to inspect the corporation books at all times and to require accounts to be kept to show clearly how the finances of the corporation are handled and whether the franchise requirements as to sinking fund, depreciation fund, improvements and capitalization are met.

**(r) City Consent to Use Streets.** No utility company, including, but not limited to, bus lines, taxicabs, automobiles, and vehicles for the transportation of passengers from the city or through the city, railroad companies, telecommunication companies, fiber companies, cable companies, or other utility corporations, shall occupy the streets of the city without first obtaining the consent of the city, evidenced by ordinance. No acquiescence or other act or omission of the city or its officers shall be held to confer rights to use of the streets. A person, firm, or corporation to which a franchise is granted shall pay for the privileges, reasonable and just compensation, which shall be regulated and changed from time to time by the City Council, as in its opinion may be reasonable and just. A franchise subject to this section shall not be granted for a longer period than 20 years. Existing franchises may be renewed, or others granted in lieu of them, under such terms as the City Council may require. All rights to use or place anything in a street or alley or grounds owned by the city, not created by ordinance, exist only at the pleasure of the City Council and may be revoked at any time by a resolution adopted by the City Council.

**(s) Right of Eminent Domain.** The City Council may appropriate private property for public purposes, whenever it determines that it is necessary, and to take any private property inside or outside the city limits, for any of the following purposes: Hospitals, waterworks system, sewer system, gas system, electric light system, storm sewers, sewerage disposal plants, drainage, filtering beds and emptying grounds for sewer systems, reservoirs, watersheds, water supply courses, wells, cemeteries, crematories, parks, and any other municipal purpose. The power granted for the purpose of acquiring private property shall include the power of improvement and enlargement of the waterworks, including water supply, riparian rights, standpipes, water sheds, and the construction of supply reservoirs. The power of eminent domain shall include the right of the City Council to take the fee title in the lands as condemned, and shall include the right to condemn public property for the listed purposes.

**(t) Intangible Value Not Calculated.** In arriving at a fair valuation at which any utility may be sold to the city, the value of any franchise or grant from the city held by the owner or owners of the utility or any intangible value of the utility shall not be considered, but merely a fair value for the tangible property in use by the utility in its business of supplying the public with service shall be taken into account.

**(u) Bond Financing for Purchase.** The city may construct or acquire a public utility by purchase, condemnation, or otherwise and may finance the acquisition by issuing bonds and securing them by fixing a lien upon the property acquired. The security shall apply alone to the property pledged.

**(v) Control of Streets.** The city has authority to control, regulate, narrow, alter, widen, straighten, vacate, abandon, close, and remove all obstructions, encroachments, and encumbrances on any public street, avenue, or alley and to regulate and control the moving of buildings and structures upon and along the streets.

**(w) Parks.** The city shall have exclusive control over city parks and playgrounds and may provide for raising, grading, filling, terracing, landscape gardening, erecting buildings, providing amusements, establishing walks, paving driveways, constructing playgrounds, and providing other public grounds. The city shall not sell a public park or playground of the city unless the authority to sell is approved by the voters at an election. After approval by the voters, park property shall be disposed of in accordance with State law.

**(x) Litigation with Utility.** When a public utility, operating either in whole or in part in the city, attacks in litigation the validity of any provision of an ordinance of the city pertaining to the public utility, the burden of proof shall be on the public utility to establish facts necessary to show that a provision is invalid; and the attack shall not be permitted to prevail if the utility is in default in keeping or producing books, records and memoranda as required in this Charter.

#### **Sec. 17. Reserved.**

#### **Sec. 18. Reserved.**

#### **Sec. 19. Non-liability to Execution or Garnishment.**

Property, real and personal, belonging to the city is not subject to sale or appropriation under any writ of execution or cost bill. Funds belonging to the city, in the hands of any person, firm, or corporation, are not subject to garnishment; nor shall the city be liable to garnishment for any debt it may owe. Neither the city nor any of its officers or agents shall be required to answer a writ of garnishment for any reason.

#### **Sec. 20. Notices as to Damage Claims.**

**(a) Notice to City of Defect.** The city shall not be liable for damages to anyone resulting from a defect in, obstruction on, or any other matter involving a sidewalk in the city. In addition, the city shall not be liable for damages to anyone resulting from a defect in, obstruction on, or any other matter involving a street, alley, or public place other than any sidewalk, unless it is shown that some person in the employment of the city having responsibility for the work on the streets, alleys, or public places, had actual notice of the defect, obstruction, or other condition, for a sufficient length of time before the injury to have remedied the condition of the street, alley, or public place before the injury was received.

**(b) Notice to City of Claim.** Before the city shall be liable for damages for the death or personal injuries of a person or for damage to or destruction of property, the person injured, if living, or the person's representative, if dead, or the owners of the property injured or destroyed, shall give the mayor or city manager verified notice in writing of the death, injury, or destruction, within 90 days after the occurrence causing the damages, death, or injury, stating when, where, and how the death, injury, or destruction occurred, the apparent extent of the injury, the amount of damages sustained, the residence of the claimant by street number at the date the claim is presented, the residence of the claimant for six months immediately preceding the occurrence of the death, injuries, or destruction, and the names and addresses of all the witnesses upon whom it is relied to establish the claim for damages. Failure to notify the mayor or city manager within the time and in the manner specified shall exonerate, excuse, and exempt the city from any liability; provided, however, that nothing in this subsection shall be construed to affect or repeal the provision in Subsection (a) of this section relating to the liability of the city for damages on account of injuries received on the sidewalks, streets, alleys, and public places of the city.

## **Sec. 21. Punishment for Violation of Ordinances.**

The city may enforce its ordinances by fines as provided in state law. The city may also provide by ordinance for the commutation of fines by labor on any public work or place of the city, but no ordinance shall provide a lesser penalty than is prescribed for a like offense by the laws of the state. Provision may also be made by ordinance for the collection of fines imposed and executions issued in civil cases.

## **Sec. 22. Continuation in Office of Existing Officers.**

All persons holding administrative offices at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made, in accordance with the provisions thereof, for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed by law upon any office, commission, board, or department of the city abolished by this Charter shall, upon the taking effect thereof be exercised and discharged by the office or department designated by the City Council unless otherwise provided herein.

## **Sec. 23. Reserved.**

## **Sec. 24. Subdivisions and Additions.**

The City Council has authority by ordinance to prescribe rules and regulations for the dedication of additions and subdivisions of tracts of land within the city, and no subdivisions or additions shall be dedicated except in accordance with the rules and regulations. The City Council may further prescribe rules and regulations relative to additions and subdivisions outside the limits of the city before and as a condition precedent to the bringing into the city of an addition or subdivision. The City Council shall have power to establish a comprehensive plan which guides the future growth and development inside or outside the city. Additions and subdivisions shall be in keeping with the stated goals and intent of the comprehensive plan before dedication of a subdivision shall be valid as to tracts of land within the city, or before additions and subdivisions outside the city shall be admitted into the city. The City Council shall have the authority to enforce this ordinance of rules and regulations by injunction, mandamus, or any other appropriate legal process.

## **Sec. 25. Garbage, Trash and Rubbish Removal.**

The City Council has authority by ordinance to adopt and prescribe rules and regulations for the handling and disposition of all garbage, trash, and rubbish within the city. The City Council may also provide for a system of collecting throughout the city or in a portion of the city and prescribe that the city alone shall remove all or a portion of the garbage, trash, and rubbish, and fix fees to be charged by the city for the removal. The City Council may provide that the fee is a personal obligation of the person for whom the garbage, trash, or rubbish is hauled and disposed of, and provide penalties against all other persons hauling garbage, trash, or rubbish.

## **Sec. 26. Effect of Charter on Existing Franchises, and Ordinances, etc.; City Not Required to Give Bond.**

(a) **Savings.** Nothing in this Charter shall be construed to affect or repeal any ordinance, order, or law legally passed by the City Council, nor affect any franchise legally granted, nor any other act of the mayor, commission, or other officer of the city, legally done and performed under which any rights have vested, and all ordinances, orders, laws, grants, and franchises shall be continued in full force and effect, except that this clause shall not be taken as limiting the effect of this Charter in regard to the regulations of public utilities or corporations doing business in the city.

(b) **Security Bonds.** It shall not be necessary in any action, suit, or proceedings in which the city is a party for security to be executed in behalf of the city, and all actions, suits, appeals, or proceedings shall be conducted in the same manner as if a bond or security had been given, and the city shall be liable as if the obligation had been given and executed.



**Sec. 27. State Law Governs Questions Not Provided for Herein.**

All questions arising in administering the city government and not provided for in this Charter shall be governed by the laws of the State of Texas.

**Sec. 28. Judicial Notice of Charter.**

This Charter is a public act, and judicial notice shall be taken of it in all courts and pleadings without it having been pleaded or read in evidence.

**Sec. 29. Other and Additional Powers; Definitions of Terms.**

All powers authorized by the Constitution and laws of the State of Texas, when not inconsistent with this Charter, are cumulative of powers vested by this Charter in the city, and the enumeration of powers made in this Charter shall not be construed to preclude by implication or otherwise the city from exercising all the powers incident to the enjoyment of local self-government and from doing any and all things not inhibited by the Constitution and laws of the State of Texas. Where the term "city" is used in this Charter it means City of Bryan, Texas, and the term "City Council" "commission," or "board" means the City Council.

**Sec. 30. Severability of Unconstitutional Provisions.**

Should any provision or portion of this Charter be declared unconstitutional or otherwise invalid by the courts of this state, the remainder of the Charter shall be unimpaired by the holding, and shall be in full force and effect until amended or repealed.

**Sec. 31. Vesting of Title in New City.**

All real estate, personal property, and rights owned or controlled by the city at the date of the adoption of this Charter shall vest in, inure, remain, and be the property of the city.

**Sec. 32. Constitution in Effect of Contracts and Obligations.**

All contracts and obligations of the city in force and effect at the time of the adoption of this Charter are hereby assumed by the city as incorporated.

**Sec. 33. Advisory Boards.**

The City Council shall provide for advisory boards to be appointed by the City Council to serve without pay, such as city planning boards and other boards that shall be found desirable. It shall be the function of these boards to consult and advise on matters submitted to them by the administrative officers, as may be required by act of the City Council, and the City Council may, by ordinance, pay the expenses of the boards appointed.

**Sec. 34. Ratification of Prior Sales of Real Estate.**

All sales of real estate heretofore made by the mayor of the city under authority of the City Council of Bryan are hereby validated and ratified.

**Sec. 35. Reserved.**

**Sec. 36. Amending Charter.**

This Charter, after its adoption by the qualified voters of the city, may be amended in accordance with the provisions of an act of the Thirty-third Legislature of the State of Texas, entitled "An Act Authorizing Cities Having More Than 5000 Inhabitants by a Majority Vote of the Qualified Voters of Said City at an Election Held for that Purpose, to Adopt and Amend Their Own Charter, etc." approved April 7, 1913, and any and all acts amendatory thereof.