CITY OF

DONNA, TEXAS

HOME RULE CHARTER

AS AMENDED
AT A
SPECIAL ELECTION
HELD ON
SATURDAY, JANUARY 17, 1981

CITY OF

DONNA, TEXAS

HOME RULE CHARTER

AS AMENDED
AT A
SPECIAL ELECTION
HELD ON
SATURDAY, JANUARY 17, 1981

SECOND AMENDMENT TO THE CITY
CHARTER AT A GENERAL ELECTION
HELD ON
SATURDAY, MAY 7, 1994

ORDINANCE NO. 646

AN ORDINANCE PROVIDING FOR THE PLACEMENT OF A PROPOSED CHARTER AMENDMENT IN CONJUNCTION WITH THE MARCH 1, 1994 ORDER OF ELECTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DONNA, TEXAS;

SECTION 1.

ARTICLE XIII, SECTION 12 OF THE CITY OF DONNA HOME RULE CHARTER CURRENTLY READS AS FOLLOWS:

THE CITY MAY PROVIDE FOR GROUP SICKNESS, HEALTH, LIFE, ACCIDENT, AND HOSPITALIZATION INSURANCE COVERAGE FOR THE CITY'S EMPLOYEES CONDITIONED AND PROVIDED THAT THE CITY HALL NOT PAY MORE THAN FIFTY PERCENT OF THE PREMIUMS THEREON WITH EMPLOYEES CONTRIBUTING THE BALANCE OF SUCH PREMIUM COST.

SECTION 2.

THE CITY OF DONNA WISHES TO ALLOW THE CITIZENS OF DONNA TO VOTE ON A PROPOSED AMENDMENT TO THE CITY OF DONNA HOME RULE CHARTER, TO WIT:

ARTICLE XIII, SECTION 12: THE CITY MAY PROVIDE FOR GROUP SICKNESS, HEALTH, LIFE ACCIDENT, AND HOSPITALIZATION COVERAGE FOR THE CITY'S EMPLOYEES.

SUCH PROPOSED AMENDMENT SHALL BE SET FOR ELECTION ON MAY 7, 1994 IN CONJUNCTION WITH THE ORDER OF ELECTION DATED MARCH 1, 1994.

SECTION 3.

THAT ALL ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

PASSED AND APPROVED ON THIS THE 1ST DAY OF MARCH, 1994.

PASSED AND APPROVED AND ADOPTED ON THE 15 DAY OF MARCH, 1994 UPON SECOND AND FINAL READING.

Hilda R. Adame
MAYOR HILDA R. ADAME

ATTEST:

Rosa Ana Rodriguez
ROSA ANA RODRIGUEZ
CITY SECRETARY

LEANDRO DAVID MARTINEZ
CITY ATTORNEY

DONNA CITY COUNCIL

January 17, 1981

Mayor
JOSE M. YAÑEZ

Councilman
NORMAN CORDOVA

Councilman
PONCIANO HERNANDEZ

Councilman
MICHAEL R. LOPEZ

Councilman
JUAN Z. NAVA

City Manager
JESUS EDGAR RUIZ

Administrative Assistant
LUCIANO OZUNA, JR.

City Secretary
ARCELIA L. FELIX

RESOLUTION NO. 1980-6-17

WHEREAS, the City Council of the City of Donna is proposing revision to the City Charter, and

WHEREAS, the City Council wishes to use the assistance of the general public through a Charter Review Commission, and

WHEREAS, the City Attorney and his employees or associates are charged with the responsibility of preparing materials for presentation to the Charter Review Commission, and framing the Charter Review Commission's recommendations,

WHEREAS, the City of Donna has appropriated funds for this endeavor,

NOW, THEREFORE, LET IT BE RESOLVED:

THAT a Charter Review Commission is hereby created and appointed to recommend amendments to the City Charter, these recommendations to be completed by August 30, 1980, and

THAT the Mayor of the City of Donna is charged with the responsibility of convening this Charter Review Commission, and

THAT the following residents of the City of Donna are appointed to the Charter Review Commission:

JULIAN ADAME	ADAN HERNANDEZ
JOEL ARRIAGA	MIKE LOPEZ
DR. CELESTINO AVILA	EDGAR RUIZ
HANK BLOCK	LAURA SALINAS
HORACE CALDWELL	FILIGONIO SANDOVAL
DAVID CORDOVA	JOYCE SMITH
BARBARA EDWARDS	A. P. SOLIS
ADALBERTO GARZA	MINNIE ZAMORA

PASSED THIS THE 17TH DAY OF JUNE, 1980.

ATTEST:

ARCELIA L. FELIX
CITY SECRETARY

JOSE M. YAÑEZ
MAYOR

MOTION AND RESOLUTION

WHEREAS, the undersigned were duly appointed by the City Commission of the City of Donna, Texas, as members of a charter commission for the purpose of framing a City Charter for a home rule form of municipal government for the City of Donna in accordance with the provisions of Chapter 13 of the Revised Civil Statutes of the State Texas; and,

WHEREAS, the undersigned members of said Charter Commission, after exhaustive studies, research and labor, have prepared, drafted and framed a proposed home rule charter for the City of Donna, which they believe will substantially fill the needs of a progressive form of municipal government for the Citizens of the City of Donna.

NOW, THEREFORE, be it resolved, the labors of this Charter Commission being completed, the Charter Commission of the City of Donna, constituted and appointed as hereinbefore stated, adopts the following as a proposed home rule charter for the citizens of the City of Donna and recommends to the citizens of the City of Donna its adoption at an election to be held in accordance with the provisions of law at the time designated in said proposed home rule charter for the City of Donna; and

BE IT FURTHER RESOLVED, that this proposed home rule charter for the City of Donna be submitted to the governing body of the City of Donna with recommendation that said governing body call for an election to be held at the time fixed in said proposed charter, and that the governing body cause the City Clerk to mail copies of notice of such election, to each qualified voter in said City as appears from the Tax Collector's rolls for the year ending January 31st, preceeding said election.

WHEREUPON Mr. Truett Hubbard moved the adoption of said resolution, which said motion was duly seconded by Mr. C.T. Riley and said motion and resolution unanimously adopted by all members of said Charter Commission voting "AYE."

Gordon B. Wood, Chairman — Truett Hubbard, Vice Chairman

Rex Guinn, Secretary

Otis S. Johnson	W.A. Todd	C.T. Riley	Ramiro B. Guzman
I.B. Avila	B.C. Escobar	Roger B. Mize	Brooke L. Frase
Juan W. Caceres	R.D. Farris, Jr.	Roberto Villegas	O.A. Prather

COUNTY OF HIDALGO }

STATE OF TEXAS }

I, Rex Guinn, heretofore appointed a member of the Charter Commission of the City of Donna, Texas, and subsequently elected by said Charter Commission as Secretary thereof, do hereby certify that the above and foregoing is a true and correct copy of the Motion and Resolution and proposed home rule charter for the City of Donna, Texas.

To certify which witness my hand this the 27th day of December, 1956.

REX GUINN

Subscribed and sworn to before me this the 2nd day of January, 1957, to certify which witness my hand and seal of office.

ORIN J. ANDERSON
Notary Public in and for
Hidalgo County, Texas

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ARTICLE I

INCORPORATION, BOUNDARIES, GENERAL POWERS

Section 1. CORPORATE NAME

All of the inhabitants of the City of Donna, Hidalgo County, Texas, as the boundaries and limits of said City are hereinafter established, or may hereinafter be established, shall be and are hereinafter constituted, a body politic and corporate, in perpetuity under Article XI, Section 5 of the Constitution of the State of Texas, and the name and style of said City shall be "CITY OF DONNA" hereinafter referred to as the "CITY" with such powers, privileges, rights, duties, and immunities as herein provided.

Section 2. BOUNDARIES

The territorial boundaries and limits of the City of Donna shall be such as are fixed from time to time by ordinance of the City of Donna in accordance with provisions of this Charter, or by charter amendments, and the boundaries and limits of the City are established until altered, as aforesaid, as follows:

BEGINNING at the Southeast corner of Lot 133, Hooks Addition to the City of Donna, Hidalgo County, Texas.

THENCE to the left in a northerly direction along and with the east line of Lots 133 and 150, Hooks Addition, continuing in said northerly direction to a point in the south line of lot or block "M" of the Hooks Reserve, said point being 100 feet east of the southeast corner of said Lot 8, of the Jennie L. Redfield Subdivision, Hidalgo County, Texas.

THENCE to the left in a westerly direction for a distance of 100 feet to the southeast corner of said Lot 8, of the said Jennie L. Redfield Subdivision.

THENCE to the right and in a northerly direction along and with the east lines of said lots 8 and 4 of said Jennie L. Redfield Subdivision, continuing on in a northerly direction to a point in the south line of State Highway No. 12 (U.S Hwy. 83).

THENCE to the left along and with said south line of said highway to a point which is the northwest corner of Hooks Reserve, said point being at the southeast corner of the intersection of East Donna Boulevard and U. S. Highway 83.

THENCE in a northerly direction on across said highway along and with said east line of East Donna Boulevard north to a point, said point being the northwest corner of Lot 5, of the Mrs. V. R. Pirkle Resubdivision, Hidalgo County, Texas, said point also being the northeast corner of the intersection of said East Donna Boulevard with North Avenue, extended in an easterly direction for said intersection.

THENCE to the left and in a westerly direction, along and with the north line of said North Avenue to a point, said point being the northwest corner of the intersection of said North Avenue with Border Road.

THENCE to the left and in a southerly direction, along and with the west line of said Border Road to a point, said point being the southwest corner of the intersection of said Border Road with South Avenue.

THENCE to the left and in an easterly direction, along and with the south line of said South Avenue to a point, said point being the northwest corner of Lot 1, Merriweather Addition to the City of Donna, Hidalgo County, Texas.

THENCE to the right in a southerly direction, along and with the west line of said Merriweather Addition to the southwest corner of Lot 12, in said Merriweather Addition.

THENCE to the left and in an easterly direction along and with the south line of Hooks Addition to the City of Donna to the southeast corner of Lot 133 in said Hooks Addition for the place of BEGINNING.

Section 3. FORM OF GOVERNMENT

The municipal government provided by this Charter shall be, and shall be known as, "Council-Manager government". Pursuant to the provisions of, and subject only to the limitations imposed by, the State Constitution, the State Laws, and this Charter, all powers of the City shall be vested in and exercised by an elective council, hereinafter referred to as "the Council" which shall enact legislation, adopt budget, determine policies, and appoint the City Manager who shall execute the laws and administer the government of the City.

Section 4. GENERAL POWERS

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. The City may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas or any agency or political subdivision thereof, or with the federal government or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City and its inhabitants; may acquire property within or without its corporate limits for any municipal purposes in fee simple, or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation and subject to the provisions of this Charter may sell, lease, mortgage, hold, manage, and control such property as may now or hereafter be owned by it; shall have the right and power of eminent domain; may pass ordinances and enact such regulations as may be expedient for the maintenance of the good government, order and peace of the City and the welfare, health, morals, comfort, safety and convenience of its inhabitants. In addition to the powers enumerated herein, and subject only to the limitations imposed by

the State Constitution, the State laws, and this Charter, the City shall have, without the necessity of its express enumeration in this Charter, each and every power, which, by virtue of Article XI, Section 5, of the Constitution of Texas, the people of the City are empowered by election to grant to or confer upon the City by expressly and specifically granting and enumerating the same herein. The City of Donna shall also have all the powers conferred upon and granted to Home Rule Cities under the provisions of Article 1175 conferred upon and granted to Home Rule Cities under the provisions of Article 1175 of the Revised Civil Statutes of Texas, whether enumerated in this Charter or not.

Section 5. STREETS AND PUBLIC PROPERTY

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

Section 6. STREET DEVELOPMENT AND IMPROVEMENT

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, and establishing building lines along the same; by purchasing, condemning, and taking property therefore; by filling, grading, raising, lowering, paving, repaving, and repairing in a permanent manner, the same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances any incidentals in connection with such development and improvements. The City may make or cause to be made any one or more of the kinds or classes of development and improvements authorized hereinabove, or any combination or parts thereof. The cost of such development and improvement shall be paid by the City or partly by the City and partly by assessments levied against the property abutting thereon and the owners thereof, and such assessments may be levied against the property abutting thereon and the owners thereof, and such assessments may be levied in any amounts and under any procedure now or hereafter permitted by State Law.

If improvements be ordered constructed in any part of the area between and under rails, tracks, double-tracks, turnouts, and switches, and two feet on each side thereof, of any railway, using, occupying, or crossing any such street or highway, portion or portions thereof, ordered improved, then the City Council shall have power to assess the whole cost of improvements in such areas against such railway, and its road-bed, ties, rails, fixtures, rights

and franchises, which tax shall constitute a lien thereon superior to any other lien or claim except State, County, and City ad valorem taxes, and which may be enforced either by sale of said property in the manner provided by law for the collection of ad valorem taxes by the City, or by suit in any court having jurisdiction. The ordinance levying such tax shall prescribe the time, terms and conditions of payment thereof, and the rate of interest, not to exceed ten percent (10%) per annum and same, if not paid when due, shall be collectible, together with interest, expenses of collection and reasonable attorney's fees, if incurred. The City Council shall have power to cause to be issued assignable certificates in evidence of any such assessments.

As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits, the City shall have the power and authority to proceed in accordance with Chapter 106, page 489, Acts 1927, Fortieth Legislature, First Called Session, as now or hereafter amended; to adopt plans and specifications pursuant thereto; to pay to the contractor, the successful bidder, in cash, that part of the cost which may be assessed against the abutting property and the owners thereof; to reimburse itself for the amount paid such contractor by levying assessments against the abutting property and the owners thereof, after the hearing and notice prescribed in the aforesaid statutes, in an amount permitted by said statutes and not in excess of the enhancement in value of such property occasioned by the improvements; and to issue assignable certificates in favor of the City for such assessments, said certificates to be enforceable in the manner prescribed by the aforesaid statutes. The City shall likewise have the power to make any such development, improvement or paving with its own forces if, in the opinion of the Council, the work can be done more expeditiously or economically, and in such event the City shall have the power to reimburse itself for the cost of such improvement in the same amount and in the same manner as if the work had been performed by a successful bidding contractor.

Section 7. ANNEXATION FOR ALL PURPOSES

The City Council shall have the power by ordinance to fix the boundary limits to the City of Donna and to prove for the annexation of additional territory lying and adjacent to the City, with or without the consent of the territory and inhabitants annexed. In accordance with the procedural requirements set forth in Article 970a, Revised Civil Statutes of Texas, the City Council shall provide an opportunity for all interested persons to be heard at a public hearing to be held not more than twenty (20) days nor less than ten (10) days prior to institution to such proceedings. Notice of such hearing shall be published in a newspaper having general circulation in the City and in the territory proposed to be annexed. The Notice shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to such hearing. Additional notice by certified mail should be given to railroad companies serving the City and on the City's tax roll where the right of way thereof is included in the territory to

be annexed. Two separate readings in accordance with procedure described elsewhere in this Charter shall be provided described for all annexation ordinances. Said ordinances shall not thereafter be finally acted upon until at least thirty days have elapsed after the first reading thereof; and upon the final passage of any such ordinance, the boundary limits of the City shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Donna and the property situated therein shall bear its prorata part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all rights and privileges of all citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 8. SUBDIVISION OF LAND

Should any property lying within the City limits as established by the Charter be hereafter platted into blocks and lots, the owners of said property shall plat and lay the same off to conform to the streets and alleys abutting the same and shall submit to the designated City Official a corrected map thereof, provided that in no case shall the City of Donna be required to pay for any of said streets or alleys, at whatever date platted, they shall become, by such act the property of the City of Donna, for use as public streets and they shall be cared for as such. Also, all powers, and authority vested in cities with regard to the controlling and regulating of platting and recording of subdivision or additions situated within the corporate limits, or within the extra-territorial jurisdiction as provided in Article 970a of the Revised Civil Statutes of Texas is herein, in all things, as well as the additional powers and authority granted by this Charter, invoked and adopted in behalf of the City of Donna.

ARTICLE II
THE COUNCIL

Section 1. NUMBER AND TERM OF OFFICE

Except as otherwise provided in this Charter, all powers of the City of Donna shall be vested in the Council composed of four Council Members and a Mayor except that the present Council Members shall serve as such until the elections hereinafter provided in Section 2 of this Article.

Section 2. ELECTION AND TERM OF OFFICE OF COUNCILMEN

(a) Except as otherwise provided in this Charter, the Councilmen of the City shall be elected to and occupy a place on the Council, such places being number 1, 2, 3, and 4, respectively. The Mayor shall be elected and occupy the post of Mayor. All shall hold office for three year terms and shall be elected from the City at large.

(b) On the first Saturday of April, 1981, a general election shall be held for

the purpose of electing the Mayor and Council members for places 1 and 3 for three year terms.

(c) On the first Saturday in April, 1982, and every three years thereafter, Councilmen for places 2 and 4 shall be elected at a general election to be held for said purpose to succeed the Councilmen whose terms of office expire as provided in this Charter.

Section 3. QUALIFICATIONS

Any person who files for office to serve as Council Member or Mayor, shall be a citizen and registered voter of the State of Texas, and shall have resided within the State of Texas for a period of twelve months and within the City for not less than six months next preceding his election. A member of the Council ceasing to reside in the City during the term for which he was elected shall immediately forfeit his office.

Section 4. VACANCIES

In the event of a resignation or forfeiture of a position on the City Council, the remaining members of the council shall appoint a person who qualifies under Section 3 of this Article to serve until the next Regular City Election at which time a Special Election shall be conducted for the public to elect someone to complete the unexpired term.

Section 5. SALARIES

Each Councilman shall receive as compensation for his services a salary of $50.00 per year payable annually.

Section 6. FORFEITURE OF OFFICES

Any Councilman who shall absent himself from as many as three consecutive regular meetings, or from as many as three regular meetings out of five successive regular meetings, shall forfeit his office as Councilman and it shall be the duty of the remainder of the Council in any such case to declare such office vacant and fill the vacancy as provided in Section 4 of Article II of this Charter; provided, if any such absence from a meeting has been excused by the Council at or prior to such meeting, and noted in the minutes of the Council, or if such absence is found by the remaining members of the Council to have been occasioned by illness or by justified absences from Hidalgo County, then any such absence excused or occasioned shall not constitute an absence forming a basis for forfeiture of the office of the absentee.

Section 7. QUALIFYING OF COUNCILMEN

All newly elected members of the Council who shall assume the duties of their office immediately after the election returns of the election in which they were elected shall have been canvassed and the results declared as provided herein and they shall have qualified by taking the oath of office as prescribed in Article XVI, Section 1 of the State Constitution, and giving bond as hereinafter provided.

Section 8. POWERS OF THE COUNCIL

All powers and authority which are expressly or impliedly conferred on or possessed by the City shall be vested in and exercised by the Council; provided, however, that the Council shall have no power to, and shall not:

(a) Sell, convey, lease, mortgage, or otherwise alienate any land which is now, or shall hereafter be, dedicated for park purposes, unless the qualified voters of the City shall authorize such act by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such sale, conveyance, lease, mortgage, or other alienation is to be made.

(b) Sell, convey, or lease all or any substantial part of the facilities of any municipally owned public utility, provided that the Council may lease all or a substantial part of such facilities to any public agency of the State of Texas if the qualified voters of the City authorize such lease by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such lease is to be made.

(c) Accept or admit liability in, or pay, any claim for damages asserted against the City without first obtaining a written opinion from the City Attorney regarding the City's Liability therein.

Section 9. INVESTIGATIVE BODY

The Council shall have the express power to inquire into the official conduct of any department, agency, office, officer or employee of the City, and for that purpose shall have the power to administer oath, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The Council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence and shall have the power to punish any such contempt in the manner provided by such ordinance.

Section 10. INTERFERENCE IN PERSONNEL MATTERS

Neither the Council nor any of its members shall instruct or request the City Manager or any of his subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the Council under the provisions of the Charter. Except for the purpose of inquiry and investigation the Council and its members shall deal with the administrative service of the City solely through the City Manager and shall not give orders to any of the Manager's subordinates either publicly or privately.

Section 11. MAYOR AND MAYOR PRO-TEM

The Mayor shall preside at all meetings of the Council and shall be recognized as head of the City government for all ceremonial purposes, for the purpose of receiving civil process, and for military purposes, but shall have no regular administrative duties. The Mayor, as a member of the Council, shall be entitled to vote upon all matters considered by the Council, but shall have no veto power. At its first meeting following each regular

election, and at the first meeting of the interim Council after the adoption of this Charter, the Mayor and Council shall, by election, designate one of its members as Mayor Pro-Tem to serve in such capacity at the pleasure of the Council. The Mayor Pro-Tem shall act as Mayor during absence or disability of the Mayor.

Section 12. CITY CLERK

The City Secretary shall serve as the official secretary of the City Council, shall record the minutes of all official meetings and be the custodian of all municipal records. The City Secretary shall hold the City Seal and shall affix same to all documents in need thereof, as well as other duties and responsibilities assigned by the City Manager. Wherever the title City Clerk appears in this Charter it shall be synonymous with City Secretary.

Section 13. MEETINGS OF THE COUNCIL

The Council shall meet in regular session at the City Hall at least once each month at such time as may be prescribed by Ordinance, unless otherwise ordered by the Council for reasons to be spread upon the minutes. Special meetings of the Council shall be called by the City Clerk upon written request of the Mayor or two members of the Council. Except for meetings for discussion of appointments, all meetings shall be open to the public.

Section 14. RULES AND PROCEDURE

The City Council meetings shall be conducted in accordance with proper rules of order. Three or more Councilmen shall constitute a quorum, but no action of the Council shall be of any force or effect unless it is adopted by the favorable votes of three or more of the Councilmen. Minutes of all meetings of the Council shall be taken and recorded, and such minutes shall constitute a public record.

Section 15. CONFLICT OF INTEREST/MALFEASANCE

(a) *City Contracts:* No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City nor shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or service. Any willful violation of this section shall constitute malfeasance in office. Contracts, agreements or orders for such land, materials or supplies shall become null and void upon the determination of conflict of interest.

(b) *Franchises:* Neither the Mayor nor any other member of the City Council nor any elected or appointed officer of the City, shall be directly nor indirectly in the employ of any person, company, or corporation, holding or seeking to hold any franchise from the City of Donna and shall not receive directly or indirectly any wage, commission, fee, right, favor or payment from such franchise holder and any violation of this section shall ipso factor render vacant the office held by the person so violating it.

(c) *Determination of Malfeasance:* Any City Council member or elected

official found to be guilty of malfeasance under the provisions of this Article, shall immediately vacate such office.

Under the presentation of formal written charges filed with the City Manager accusing a City official of malfeasance, the City Council shall investigate the charges as provided for in Section 9 of this Article. A majority vote of the Council shall determine whether an official has been guilty of malfeasance. The accused Councilman shall abstain from voting.

Section 16. NEPOTISM

No person related within the second degree by affinity or third degree by consanguinity to the City Manager or any member of the City Council shall be employed by the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the City for a period of one year prior to the election of the Council member or appointment of the City Manager so related to him.

ARTICLE III
PROCEDURE TO ENACT LEGISLATION

Section 1. LEGISLATION BY ORDINANCE

The Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "BE IT ORDAINED BY THE CITY COUNCIL OF DONNA". Before any ordinance shall be adopted the City Attorney shall approve such ordinance in writing or shall file with the City Clerk his written legal objections thereto. Every ordinance enacted by the Council shall be signed by the Mayor, Mayor Pro-Tem or by two Councilmen, and shall be filed with and recorded by the City Clerk before the same shall become effective. Two public readings shall be given to all ordinances, the second and final reading being at least fifteen days from the first, except where an ordinance relating to the immediate preservation of the public peace, health or safety, is adopted as an emergency measure by the favorable votes of four or more of the Councilmen and contains a statement of the nature of the emergency.

Section 2. PUBLICATION OF ORDINANCE

Except as otherwise provided by law or this Charter, the City Clerk shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption of the same to be published at least one time within 10 days after final passage thereof in some newspaper of general circulation in the City. The City Clerk shall note on every ordinance and on the record thereof the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

Section 3. CODE OF ORDINANCES

Within twelve months after the effective date of this Section, the Council shall cause all general ordinances of the City to be compiled and printed in code form. For the purpose of this section general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Every general ordinance enacted subsequent to the original codification required above shall be enacted as an amendment to the code. After the original codification, the Council shall have the power to cause all general ordinances to be recodified and reprinted whenever in its discretion such is deemed desirable, and it shall be mandatory upon the Council to cause all general ordinances to be recodified and reprinted before the expiration of any ten consecutive years following the last preceding codification or recodification. When adopted by the Council the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such codes or any part thereof being published in any newspaper.

Section 4. PROOF OF ORDINANCE

An ordinance of the City of Donna may be proved prima facie by a printed code of ordinances purporting to be printed by authority of the City, or by a copy of the ordinance certified by the City Clerk to be a true copy of the same, or by the City Clerk's official record thereof.

Section 5. ORDINANCE RECORDS

The Council shall require all ordinances to be adequately numbered and identified by subject matter, and recorded in a permanent Ordinance Book. It will not be necessary for the City Clerk to record all ordinances in full in the minutes of the Council, but the caption and ordinance number of the ordinances passed shall be sufficient.

ARTICLE IV
ELECTIONS

Section 1. SPECIAL ELECTIONS

The Council may by ordinance call such special elections as are authorized by the State law and this Charter, fix the time of holding same, and provide all means for holding such special elections, provided that every special election shall be held on a Saturday, unless otherwise provided by law or this Charter, and shall be held as nearly as practicable according to the provisions governing general elections.

Section 2. ELECTION BY PLURALITY

At every regular election, election to each place on the Council shall be by

a plurality of all votes cast for such place at such election. In every such election each qualified voter shall vote for not more than one candidate for each Council place to be filled. In the election of other officials as provided in this Charter, such officials shall be elected by a plurality of all the votes cast for such officials.

Section 3. REGULATIONS OF ELECTIONS

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the council for the conduct of elections. The Council shall appoint the election judges and other election officials and shall establish the number of election precincts and polling places as needed.

Section 4. FILING OF CANDIDATES

Any qualified person who desires to become a candidate for election to a place on the Council shall file with the City Clerk at least 30 days prior to the election day an application for his name to appear on the ballot. Such application shall clearly designate by number the place on the Council to which the candidate seeks election and shall contain a sworn statement by the candidate that he is fully qualified under the laws of Texas and the provisions of this Charter to hold the office he seeks, which application, shall read substantially as follows:

To the City Clerk of the City of Donna:

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

My street address is No. _____ street, in the City of Donna, Texas. I possess all of the qualifications for the office of _____ of the City of Donna, as prescribed by the Charter of saidCity.

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

_____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ A.D., 19_____.

_____

Title of Officer Administering Oath

Section 5. BALLOTS

For every regular election and for every special election called to fill one or more vacant places on the Council, the City Clerk shall place upon the official ballot the name of every candidate who shall file an application which complies with the provisions of this Charter. The Council places to be filled shall be placed on the ballot in numerical order. The name of each candidate shall be placed on the ballot under the designated place for which he shall have filed, and in such manner that the names of the candidates for each place shall be clearly separate and distinguishable from the names of the candidates for every other Council place. The order on the ballot of the names of the candidates for each respective Council place shall be determined by lot in a drawing to be held under the supervision of the City Clerk, at which drawing each candidate or his named representative shall have a right to be present. Any City Council member who files as a candidate for Mayor shall vacate his position effective upon filing as such.

Section 6. CANVASSING ELECTION AND DECLARING RESULTS

The returns of every municipal election shall be delivered by the election judges to the City Clerk not later than 72 hours after the closing of the polls. The Council shall canvass the returns and declare the official results of the election not later than 72 hours after the closing of the polls. The returns of every municipal election shall be recorded in the Minutes of the Council.

ARTICLE V
INITIATIVE, REFERENDUM, AND RECALL

Section 1. POWER OF INITIATIVE

The people of the City reserve all power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, not in conflict with this Charter, the State Constitution, or the State laws except an ordinance may be submitted to the Council by a petition signed by at least twenty percent of the registered voters of the City.

Section 2. POWER OF REFERENDUM

The people reserve the power to approve or reject at the polls any legislation enacted by the Council which is subject to the initiative process under this Charter except an ordinance which is enacted for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency and which is adopted by the favorable votes of four or more of the Councilmen. Prior to the effective date of any ordinance which is subject to referendum, a petition signed by registered voters of the City equal in number to at least twenty percent of the registered voters of the City may be filed with the City Clerk requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been

certified as sufficient by the City Clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by voters as herein provided.

Section 3. FORM OF PETITION

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance including a descriptive caption. The signatures to the initiative or referendum petitions need not all be appended to one paper, but each signer shall sign his name in ink or indelible pencil and shall add to his signature his place or residence by street and number. One of these signers of each separate petition shall make an affidavit that he, and he only, personally circulated such petition and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be.

Section 4. FILING, EXAMINATION, AND CERTIFICATION OF PETITIONS

Within twenty days after an initiative or referendum petition is filed, the City Clerk shall determine whether the same is signed by the requisite number of qualified voters. The City Clerk shall declare void any petition paper which does not have an affidavit attached thereto as required in Section 3 of the Article. In examining the petition the Clerk shall write the letter "D.V." in red ink opposite the names of signers found not qualified to vote. After completing examination of the petition the Clerk shall certify the result thereof to the Council at its next regular meeting stating the number of persons found on the petition who are qualified to vote and the number of persons found on the petition who are not qualified to vote. If the certificate of the City Clerk shall show an initiative or referendum petition to be insufficient, the Clerk shall notify the person filing the petition, and it may be amended within ten days from the date of such notice by filing a supplementary petition upon additional papers signed and filed as provided for an original petition. Within ten days after such amendment is filed, the Clerk shall examine the amended petition and certify as to its sufficiency. If the amended petition is found to be insufficient the Clerk shall return the petition to the person filing the same, without prejudice to the filing of a new petition for the same purpose.

Section 5. COUNCIL CONSIDERATION AND SUBMISSION TO VOTERS

When the Council receives an authorized initiative petition certified by the City Clerk to be sufficient, the Council shall either: (a) pass the initiated ordinance without amendment within sixty days after the date of the certification to the Council; or (b) submit said initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held within ninety days after the date of the certification to the Council; or (c) at such election submit to a vote of the qualified voters of the City said initiated ordinance without amendment, and an alter-

native ordinance on the same subject proposed by the Council.

When the Council receives an authorized referendum petition certified by the City Clerk to be sufficient, the Council shall reconsider the referred ordinance and if upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be held not more than ninety days after the date of the certification to the Council. Special elections on initiated or referred ordinances shall not be held more frequently than once each 6 months, and no ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two years from date of such election.

Section 6. BALLOT FORM AND RESULTS OF ELECTIONS

The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance."

Where an initiated ordinance and an alternative ordinance proposed by the Council are submitted, the ballot shall state the captions of each ordinance, clearly designating them "Ordinance No. 1" and "Ordinance No. 2" respectively, and shall set forth below the captions on separate lines the words "For Ordinance No. 1," "For Ordinance No. 2," and "Against Both Ordinances." Where an initiated ordinance and an alternative ordinance are submitted, each voter shall vote "For" only one ordinance or "Against Both Ordinances," and a vote for one ordinance shall be counted as a vote against the other ordinance.

Any number of ordinances may be voted on at the same election in accordance with the provisions of this Article. If a majority of the votes cast is in favor of a submitted ordinance, it shall thereupon be effective as an ordinance of the City. An ordinance so adopted may be repealed or amended at any time after the expiration of two years by a four-fifths vote of the Council. A referred ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed.

Section 7. POWER OF RECALL

The people of the City reserve the power to recall any member of the Council and may exercise such power by filing with the City Clerk a petition signed by registered voters of the City, equal in number to at least twenty percent of the registered voters of the City demanding the removal of a Councilman. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds for which the removal is sought and one of the signers of each petition paper shall make an affidavit that the statements therein made are true.

Section 8. RECALL ELECTION

Within twenty days after a recall petition is filed, the City Clerk shall examine the same. The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the City Clerk to be sufficient and the Councilman whose

removal is sought does not resign within five days after the certification to the Council, the Council shall order and hold a recall election within not less than thirty nor more than sixty days from such certification.

Section 9. RECALL BALLOT

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 (name of Councilman) be removed from the office of City Councilman?"

(b) Immediately below each such question there shall be printed the two following propositions, one above the other, in the order indicated:
"For the recall of (name of Councilman)."
"Against the recall of (name of Councilman)."

Section 10. RESULTS OF RECALL ELECTION

If a majority of the votes cast at a recall election shall be against removal of the Councilman named on the ballot, he shall continue in office. If the majority of the votes cast at such election be for the removal of the Councilman named on the ballot, the Council shall immediately declare his office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A Councilman thus removed shall not be a candidate to succeed himself in an election called to fill the vacancy thereby created.

Section 11. LIMITATION ON RECALL

No recall petition shall be filed against a Councilman within six months after he takes office, and no Councilman shall be subjected to more than one recall election during a term of office.

ARTICLE VI
ADMINISTRATIVE ORGANIZATION

Section 1. CITY MANAGER

The Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City. He shall be chosen by the Council solely on the basis of his executive and administrative training, experience and ability, and need not, when appointed, be a resident of the City of Donna; however, he shall become a resident within ninety days. The City Manager shall receive compensation as may be fixed by the Council.

The City Manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the Council by a majority vote of the entire membership of the Council. If removed he/she may demand, within seven days of such action, written charges and the right to be heard thereon at an open or closed meeting of the Council to be held prior to the effective

date of such action. Said hearing shall be held within 15 days of the Council action to remove the City Manager. Upon termination of such hearing, a special City Council meeting shall be held to determine the final resolution of the removal. The City Manager shall remain suspended from office until a conclusive determination by the City Council as provided for in this Section.

No member of the Council shall, during the time for which he is elected or for two years thereafter, be chosen as City Manager.

Section 2. POWERS AND DUTIES OF THE CITY MANAGER

The City Manager shall be responsible to the Council for the proper administration of all affairs of the City and to that end he shall have power and shall be required to:

(a) Appoint and remove any officer or employee of the City except those officers appointed by the Council and except as otherwise provided by this Charter.
(b) Prepare the budget annually, submit it to the Council and be responsible for its administration after adoption.
(c) Prepare and submit to the Council as of the end of the fiscal year a complete report on the administrative activities of the City for the preceding year.
(d) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable.
(e) Appoint, deemed necessary by the City Manager, a qualified administrative officer of the City to perform his duties during his temporary absence or disability.
(f) Perform such other duties as may be prescribed by this Charter or required of him by the City Council, not inconsistent with the provisions of this Charter.

Section 3. ADMINISTRATIVE DEPARTMENTS

There shall be such administrative departments as are established by this Charter and as may be established by Ordinance, all of which shall be under the control and direction of the City Manager; upon the recommendation by the City Manager, the Council may abolish any department or combine one or more departments created by it, but no administrative department shall be created, abolished or combined with another department until the Council has obtained and considered the recommendation of the City Manager with regard thereto.

Section 4. DIRECTORS OF DEPARTMENTS

At the head of each department there shall be a director who shall be appointed, and who may be removed, by the City Manager. Such directors shall have supervision and control over their respective departments, and may serve as chiefs of divisions within their respective departments. Two or more departments may be headed by the same individual, and the City Manager may head one or more departments.

Section 5. DEPARTMENTAL ORGANIZATION

The work of each department shall be distributed among such divisions as may be deemed necessary by the City Manager. Provided, however, that no departmental division shall be made until the City Manager shall have been heard and have made his recommendations with respect thereto. Pending passage of ordinances establishing departmental divisions, the Manager may establish temporary divisions in any department.

ARTICLE VII
DEPARTMENT OF LAW

Section 1. CITY ATTORNEY

The City Council shall appoint a City Attorney who shall serve at its pleasure. He/she will be an Attorney-at-Law and a member of the State Bar of Texas. The City Attorney shall not be adversely interested in any matter handled by him/her for the City.

ARTICLE VIII
CORPORATION COURT

Section 1. CITY JUDGE

At the regular City elections to be held on the First Saturday in April, 1981, and each three years thereafter, there shall be elected a City Judge, whose term of office shall be for three years. The City Judge shall possess the same qualifications of office as provided in the Charter for the Councilmen.

The City Judge shall be the Judge of the Corporation Court, which shall have the jurisdiction, and shall be conducted in the manner prescribed and authorized by Chapter 16, Title 28, of the Revised Civil Statutes of Texas, as amended, or as may hereinafter be otherwise provided by law or the Charter of the City of Donna. All costs and fines imposed by the Corporation Court, or by any other Court in cases appealed from judgements of the Corporation Court, shall be paid into the City treasury for the use and benefit of the City of Donna. The City Judge shall receive such compensation as may be provided by ordinance from time to time.

In the event of a vacancy in the office of City Judge, whether the same occurs by reason of resignation, death, disability or failure to elect a City Judge at expiration of a term, or otherwise, the Mayor shall serve as Interim Judge until the same shall be filled by appointment of the Council for the term or unexpired term.

Section 2. CLERK OF THE CORPORATION COURT

The Municipal Court Judge shall appoint a Clerk for the Corporation Court. The City Clerk may be appointed Clerk of the Corporation Court, and he may be authorized to serve in that capacity, either in person or by deputy. Such Clerk of the Corporation Court shall receive such compensation as may be fixed by ordinance.

ARTICLE IX
FINANCE

Section 1. DEPARTMENT OF FINANCE

There shall be a Department of Finance, the head of which shall be the Director of Finance. The Director of Finance shall be appointed by the City Manager, shall have knowledge of municipal accounting and shall have had experience in budgeting and financial control. The City Manager or the City Clerk may also serve as Director of Finance.

Section 2. DIRECTOR OF FINANCE — POWERS AND DUTIES

The Director of Finance shall administer all financial affairs of the City, other than the assessment and collection of taxes. He shall have the authority and be required to:

(a) Maintain a general accounting system for the City government and exercise financial control over all offices, departments, and agencies thereof.

(b) Assist the City Manager in the preparation of the budget and its administration after adoption by the Council.

(c) Certify as to the availability of funds for all proposed expenditures. Unless the Director of Finance shall certify that there is an unencumbered balance in the appropriation and funds available, no appropriation shall be encumbered and no expenditure shall be made.

(d) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands, or charges against the City government; and, with the advice of the City Attorney, determine the regularity, legality, and correctness of such claims, demands, or charges.

(e) Submit to the Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City.

(f) Prepare, as of the end of the fiscal year, a complete financial statement and report.

(g) Prescribe the forms of receipts, vouchers, bills, or claims to be used by all offices, departments, or agencies of the City of Donna.

(h) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department, or agency of the City government apart from or subsidiary to those kept in his office.

(i) Supervise and be responsible for the purchase, storage, and distribution

of all supplies, materials, equipment and other articles used by any office, department, or agency of the City government.

(j) Supervise the collection of all revenues for the City and receive all money due the City from the federal or state government, from any court, or from any office, department or agency of the City.

(k) Have custody of and disburse all funds belonging to, or under control of, the City, subject to the provisions of this Charter and ordinances enacted thereunder; have custody of all investments and invested funds of the City government, or in possession of the City in a fiduciary capacity; and have custody jointly with the City Manager of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.

Section 3. FISCAL YEAR

The first fiscal year of the City under this Charter shall end on September 30, 1957. After September 30, 1957, the fiscal year of the City shall begin on the first day of October and end on the last day of September of each calendar year thereafter. The fiscal year established by this section shall also constitute the budget and accounting year. As used herein the term "budget year" shall mean the fiscal year for which any budget is adopted and in which it is administered. All funds collected by the City during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year and, except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the City, shall be applied to the payment of expenses incurred during such fiscal year. Any revenues uncollected at the end of any fiscal year shall become resources of the next succeeding fiscal year.

Section 4. THE BUDGET DOCUMENT

The budget for the City government shall present a complete financial plan for the ensuing fiscal year, and shall consist of three parts as follows:

Part I shall contain (1) a budget message, prepared by the City Manager, which shall outline his proposed fiscal plan for the City and describe significant features of the budget for the forthcoming fiscal period; (2) a general budget summary which, with supporting schedules, will show the relationship between total proposed expenditures and total anticipated revenues for the forthcoming fiscal period and which shall compare these figures with corresponding figures for the last completed fiscal year and the year in progress.

Part II shall contain (1) detailed estimates of all proposed expenditures, showing the corresponding expenditures for each item for the current fiscal year and the last preceding fiscal year with explanations of increases or decreases recommended; (2) detailed estimates of anticipated revenues and other income; (3) delinquent taxes for current and preceding years, with the estimated percentage collectible; and (4) statement of the indebtedness of the City, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds.

Part III shall contain a proposed complete draft of the appropriation or-

dinance, the tax levying ordinance, and any other ordinances required to effectuate the budget.

Section 5. BUDGET PREPARATION AND ADOPTION

At least forty-five days prior to the beginning of each budget year, the City Manager shall submit to the Council a proposed budget in the form required by this Charter. At the meeting of the Council at which the budget is submitted, the Council shall order a public hearing on the budget and shall cause to be published, at least ten days prior to the date of such hearing, the time and place thereof. At the time and place so advertised, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard. The budget shall be finally adopted not later than September 1st of each year. Upon final adoption the budget shall be in effect for the budget year, and copies thereof shall be filed with the City Clerk, the County Clerk of Hidalgo County, and the State Comptroller of Public Accounts. The final budget shall be reproduced and sufficient copies shall be made available for use of all offices, departments, and agencies of the City, and for the use of interested persons.

Section 6. WORK PROGRAMS AND ALLOTMENTS

At the beginning of each fiscal year the head of each department or agency of the City government, upon the direction of the City Manager, shall submit to the Department of Finance a work program for the year. Said work program shall include all appropriations for operation, maintenance, and capital outlays and shall indicate the requested allotments of such appropriations by months for the entire fiscal year. The City Manager shall review the requested allotments, and after such alteration or revision as he may deem necessary, authorize such for expenditure. Thereafter the Department of Finance shall authorize all expenditures for departments and agencies to be made from the appropriations on the basis of the approved allotments and not otherwise. The approved allotments may be revised during the fiscal year by the City Manager, or upon application by the head of any department or agency and approval by the City Manager, but in no event shall the aggregate of departmental or agency allotments exceed the appropriation available to such departments or agencies for the fiscal year. If, at any time during the fiscal year, the City Manager shall ascertain that available revenues will be less than total appropriations for the year, he shall reconsider the work program and allotments of the departments and agencies and revise them so as to prevent the making of expenditures in excess of available revenues.

Section 7. APPROPRIATIONS

No funds of the City shall be expended nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual or interim period appropriation ordinance provided by this Charter. At the close of each fiscal year any unencumbered balance of an appropriation shall

revert to the fund from which appropriated and may be reappropriated by the City Council. The Council may transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another. The City Manager shall have authority without Council approval, to transfer appropriation balances from one expenditure account to another within a single office, department, or agency of the City.

Section 8. DEPOSITORIES

All monies received by any person, department, or agency of the City for or in connection with affairs of the City shall be deposited promptly in City Depositories, which shall be designated by the Council in accordance with such regulations and subject to such requirements as to security for deposits and interests thereon as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the City Depositories shall be signed by the Director of Finance or his deputy and countersigned by the City Manager.

Section 9. GENERAL OBLIGATION BONDS

The City shall have the power to borrow money on the credit of the City and to issue general obligations bond for the acquisition of property for permanent public improvements or for any other public purpose not now or hereafter prohibited by the Constitution and laws of the State of Texas. Except for the refunding of bonds previously issued, any proposition to borrow money and to issue such bonds shall first be approved by a majority of the qualified property taxpaying voters voting at an election called for the purpose of authorizing the issuance of such indebtedness. The ordinance calling such election and the manner of conducting the election shall conform in all respects to the general laws of the State of Texas.

Section 10. 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 facilities for any other self-liquidating municipal function not now or hereafter prohibited by any general law of the State, 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, acquired and the income therefrom, and shall never be a debt of the City.

All revenue bonds issued by the City shall first be authorized by a majority of the qualified electors voting at an election held for such purpose. The Council shall have authority to provide for the terms and form of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and acquisition and operation of any such property or interest.

Section 11. SALE OF BONDS

No bond issued by the City shall be sold for less than par value and accrued interest. Nor shall any bonds, except refunding bonds, be sold until

bids submitted in response to public advertisement therefore, have been received and considered by the Council. The Council shall have the right to reject any or all bids.

Section 12. SINKING FUND

It shall be the duty of the Council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on such bonds. The sinking fund maintained for the redemption of any debt may be invested in any interest-bearing bonds of the United States government, the State of Texas, the County of Hidalgo, or the City of Donna.

Section 13. PURCHASE PROCEDURE

All purchases made and contracts executed by the City shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the City unless and until the Director of Finance certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment, or contractural services for which the contract or order is to be issued. Before the City makes any purchases or contracts for supplies, materials, equipment or contractural services, opportunity shall be given for competition. The City Manager shall have authority to contract for expenditures in accordance with the Revised Civil Statutes of Texas. The City Council shall establish by ordinance the purchase procedure and authority for the City Manager.

Section 14. INDEPENDENT AUDIT

At the close of each fiscal year, and at such other times as may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a Certified Public Accountant. The Certified Public Accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the report shall be on file in the City Hall as a Public Record.

ARTICLE X
TAXATION

Section 1. TAX ASSESSOR COLLECTOR

The City Manager shall appoint a Tax Assessor and Collector to assess and collect taxes. The City Clerk or the Director of Finance may serve as Tax Assessor-Collector upon the order of the City Council.

Section 2. POWER TO TAX

The Council shall have the power under the provisions of State Law to levy, assess, and collect an annual tax upon taxable property within the City to the maximum rate provided by the Constitution and general laws of the State of Texas. At the first meeting of the Council on September 1st of each year, or as soon thereafter as practicable, the Council shall calculate the amount of taxes necessary for that year and shall pass an ordinance levying a tax on all taxable property within the City, sufficient to pay the current expenses of the City and to create and maintain interest and sinking funds in accordance with requirements as set out in Article VIII, Department of Finance.

Section 3. PROPERTY SUBJECT TO TAXATION

All property, real, personal, or mixed, lying and being within the corporate limits of the City of Donna on the first day of January, and not expressly exempted by law, shall be subject to taxation by the City of Donna for all purposes provided in this Charter. Each person, partnership, corporation, association, or other legal entity so owning property within the limits of the City of Donna, shall, between the first day of January and the thirtieth day of April of each year, hand to the City Tax Assessor-Collector a full and complete sworn inventory of the property possessed or controlled by him, her, it, or them within said limits on the first day of January of the current year. In all cases of failure to obtain a statement of real and personal property from any cause, the City Tax Assessor-Collector shall ascertain the amount and value of such property and assess the same at the just value thereof, provided same shall not be higher than rendered property of like character. Such assessment shall be as valid and binding as if such property had been rendered by the owner thereof.

Section 4. BOARD OF EQUALIZATION

(a) The Council shall each year prior to the first day of June appoint three residents, who shall be qualified voters and real property owners, as the Board of Equalization. Such Board shall choose from its membership a chairman. The City Tax Assessor-Collector shall be ex-officio secretary of the Board, provided the City Tax Assessor-Collector, with the consent of the Council, may designate some other officer or employee of the City to act in his stead. A majority of said Board of Equalization shall constitute a quorum for the transaction of business. Members of the Board of Equalization while serving shall receive such compensation as may be provided for them by the Council.

(b) It shall be the duty of such Board of Equalization to examine, and if necessary revise the assessments as returned by the City Tax Assessor-Collector to the end that all property within the City shall be assessed as fairly and as uniformly as possible. The Board of Equalization shall also have the power to review, upon its own initiative or upon complaint of the property owner or owners, assessments for the purpose of taxation of both real and personal property within the City made by the City Tax Assessor-Collector, to hold hearings, administer oaths, take

testimony, compel the production of all books, documents, and other papers pertinent to the investigation of the taxable values of any person, firm or corporation having or owning property within the corporate limits of the City subject to taxation, adopt regulations regarding the procedure of assessment review, and any other powers which may be granted under the Constitution and the general laws of the State of Texas.

(c) At the same meeting that the Council appoints the Board of Equalization, it shall by ordinance fix the time and place of the first meeting of the Board of Equalization, which shall be on the first day of June, or as soon thereafter as practicable. After such time and place has been set, the Council shall cause public notice of the meeting to be published in the official newspaper and to be posted prominently in the City offices. After the first meeting of the Board of Equalization, the Board may adjourn and reconvene from time to time, and as long thereafter as may be necessary it shall hear and determine the complaint of any persons in relation to the assessment roll, provided said Board shall be finally adjourned by the fifteenth day of the month of July following. Upon adjournment of said Board from time to time, notice shall be posted in the City offices setting forth the date at which the Board shall reconvene. Whenever said Board shall find it their duty to raise the value of any property appearing on the tax lists or tax records of the City, it shall, after having examined such lists and records and corrected all errors appearing therein, adjourn to a day not less than ten nor more than fifteen days from the date of adjournment, and shall cause the secretary of the Board to give written notice to the owner of such property or to the persons rendering same of the time to which said Board has adjourned, and that such owner or person rendering said property may at that time appear and show cause why the value of said property should not be raised. Such notice may be served by depositing the same, properly addressed to such party's last known address, postage paid in the City post office.

(d) The Board of Equalization shall be required to keep an accurate record of all its proceedings, which shall be available for public inspection. Immediately upon completion of its work, the Board shall certify the approval of the assessment rolls, which shall be returned to the Council, which shall thereupon approve the said rolls as returned to it and thereupon adopt the same as the assessment rolls to be used for the collection of taxes for the current year.

Section 5. TAXES — WHEN DUE AND PAYABLE

All taxes due the City of Donna shall be payable at the office of the City Tax Assessor-Collector and may be paid at any time after the tax rolls of the year have been completed and approved, which shall be not later than October 1 of each year.

All ad valorem taxes not paid before February 1, next following the year in which they are levied, shall become delinquent and thereafter bear interest at the rate of six percent (6%) per annum until paid, and in addition

thereto, there shall be collected an additional ten percent (10%) upon the amount of such taxes as a penalty against the person, firm, or corporation failing, neglecting, or refusing to pay such taxes by the time the same began to bear interest as aforesaid, and costs in the amount of $1.00 each year tax is cleared by redemption receipt. Interest, penalty, and costs shall become a part of the tax and collected in the same manner. Neither the Council nor any other official of the City shall ever extend the time for payment of taxes, or remit, discount, or compromise any tax legally due the City of Donna, nor waive the penalties, interest and costs accrued thereon.

In the event taxes upon any property have become delinquent and the same are turned over to the City Attorney for collection of same, or suit is filed thereon, there shall be charged and collected as attorneys' fees, in addition to the penalties, interest and costs as hereinbefore provided, an amount equal to ten percent (10%) of the taxes, penalties and interest due as collection cost.

Section 6. TAX LIENS

The tax levied by the City of Donna is hereby declared to be a lien, charge, or encumbrance upon the property upon which the tax is due, which lien, charge, or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge, and encumbrance on the property in favor of the City, for the amount of the taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown but also as against non-residents. All taxes upon all property subject to taxation shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction. The City's tax lien shall exist from January 1 in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment, or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.

All persons, firms, or corporations owning or holding personal property or real estate in the City of Donna on the first day of January of each year shall be personally liable for all municipal taxes levied thereon for such year.

The personal property of all persons owing any taxes to the City of Donna is hereby made liable for all said taxes, whether the same be due upon personal or real property, or upon both.

Section 7. JOINT INTEREST IN PROPERTY

The City Tax Assessor-Collector shall not be required to make separate assessments of joint or conflicting interests in any real estate. It is provided, however, that the owner of any such interest may furnish to the City Tax Assessor-Collector at any time before April 1 of each year a written description of any parcel of land in which he has an interest less than the whole, showing the amount of his interest therein, and the Assessor-Collector may thereupon assess such interest as a separate parcel.

Section 8. SEIZURE AND SALE OF PERSONAL PROPERTY

The City Tax Assessor-Collector shall, by virtue of the tax rolls of the City, have power and authority to seize and levy upon all personal property and sell the same to satisfy all delinquent taxes together with all penalties, interests, and costs due on said personal property to the City. When he seizes personal property for such purposes, he shall keep the same at the expense of the owner until the sale is made, and shall give notice of the time and place of the sale of same by posting a written notice at the City Hall door and one at another public place within the City at least ten days before the date of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, cost and expense of caring for said property, and shall make an entry in the book of sales of the amount realized. All such sales shall be made at the front door of the City Hall. A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

Section 9. TAX SUITS, FORECLOSURES AND REDEMPTION

The City of Donna shall be authorized and it is hereby given the right to institute suit in any court having jurisdiction under the Constitution and general laws of the State of Texas at any time after taxes become due and are delinquent as herein provided and recover personal judgment for the amount of taxes remaining unpaid by any person, firm, or corporation, together with all interest, penalties, and costs, and if any part of such delinquent tax shall be due upon any land or personal property, the City shall have the right in the same or any subsequent suit to have its lien thereon foreclosed and such property sold as provided by law for the foreclosure and sale of property under mortgage or other liens, provided that in all cases where lands are sold the owner shall have the right within two years from the date of the filing of tax deed to redeem his land from the purchaser under such judgment, in accordance with the provisions of Article 7345b of the Revised Civil Statutes of Texas, as amended, and failing to do so, the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption shall constitute part of the judgment and deed made to the purchaser and in such cases need not be inserted herein.

Section 10. TAX SUITS — EVIDENCE — LIMITATIONS

In all suits for the collection of taxes which have been heretofore or which may be hereafter levied upon the tax rolls of said City, a certified statement made therefrom by the Assessor-Collector, shall be prima facie evidence of the truth of all recitations and facts shown by said rolls, and shall be held to be sufficient proof (subject to rebuttal only by pleading and proof by defendant) of the following facts, viz:

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

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

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

Section 11. TAXES — ARREARS OF OFFSET TO DEBT AGAINST CITY

No money shall be paid by the City upon any claim, debt demand or account whatsoever, to any person, firm or corporation who is in arrears to the City of Donna for taxes; and the City shall be entitled to counter-claim and offset against any such debt, claim, demand or account in the amount of taxes so in arrears, and no assignment or transfer of such debt, claim, demand or account after the said taxes are due, shall affect the right of the City to so offset the said taxes against the same.

ARTICLE XI
PLANNING AND ZONING

Section 1. PLANNING AND ZONING COMMISSION

The City Council shall, after the adoption of this Charter, establish, by ordinance, a Planning and Zoning Commission and determine its function, composition and responsibilities.

ARTICLE XII

FRANCHISES AND PUBLIC UTILITIES

Section 1. INALIENABILITY OF PUBLIC PROPERTY

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

Section 2. POWER TO GRANT FRANCHISE

The Council shall have the power by ordinance to grant, renew, and extend all franchises of all public utilities of every character operating within the City and, with consent of the franchise holder, to amend the same. Provided, however, that no franchise shall be granted for an indeterminate term, that no franchise shall be granted for a term of more than 30 years, and that no franchise shall be granted, renewed, extended, or amended, except on condition that the City shall have right at any time within 5 years of the expiration of the term thereof to purchase the property of the franchise holder at a price to be determined according to the method agreed upon in the ordinance granting, renewing, extending, or amending the franchise.

Section 3. ORDINANCE GRANTING FRANCHISE

Every ordinance granting, renewing, extending, or amending a public utility franchise shall be read at three regular meetings of the Council, and shall not be finally acted upon until 30 days after the first reading thereof. Within 5 days following each of the three readings of the ordinance, the full text thereof shall be published one time in some newspaper of general circulation in the City, and the expense of such publication shall be borne by the prospective franchise holder. No such ordinance shall become effective until the expiration of 60 days following the date of its final adoption by the Council, and every such ordinance shall be subject to the referendum procedure provised by State Law.

Section 4. TRANSFER OF FRANCHISE

No public utility franchise shall be transferred by the holder thereof except with the approval of the Council expressed by ordinance.

Section 5. REGULATION OF FRANCHISE

Every grant, renewal, extension, or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the

right of the Council:

(a) To forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise, such power to be exercised only after notice and hearing.

(b) To impose reasonable regulations to insure safe, efficient and continuous service to the public.

(c) To require such expansion and extension of plants and facilities as are necessary to provide adequate service to the public.

(d) To require every franchise holder to furnish to the City, without cost to the City, full information regarding location, character, extent and condition of all facilities of such franchise holder in over and under the streets, alleys, and other public property of the City; and to impose reasonable regulations designating and controlling the location, relocation, and removal of such facilities.

(e) To require every franchise holder to allow other public utilities to use its tracks, poles, wires, pipes or other facilities, including bridges and viaducts, wherever in the judgment of the Council, such use shall be in the public interest, provided that the use does not materially interfere with the use thereof by the owner for its purposes nor materially impair the safety of said facilities, and that in such event, said owner of said facilities may fix and collect reasonable rental, to be approved by the City Council, to be paid to the owner of the facility for such use.

(f) (1) To prescribe the form of accounts kept by every franchise holder; provided that, in instances where the franchise holder shall keep its accounts in accordance with a system of accounts acceptable to State or Federal regulatory agencies, such form of accounts shall be acceptable.
(2) To examine and audit at any time the accounts and other records of any franchise holder.
(3) To require annual and other reports, including reports on the local operations of the utility, which shall be in such form and contain such information as the Council shall prescribe.

(h) To require and collect any compensation and rental not now or hereafter prohibited by the laws of this State.

(i) To require privately-owned public utility companies who request an increase in rates, charges, or fares, to reimburse the City for reasonable expenses incurred in employing rate consultants to conduct investigations, present evidence and advise the Council on such requested increase.

Section 6. REGULATION OF RATES

The Council shall have full power after notice and hearing to regulate by ordinance the rates, charges, and fares of every public utility franchise holder operating in the City. Provided that no such ordinance shall be passed as an emergency measure. Any franchise holder requesting an increase in its rates, charges, or fares, shall have, at the hearing on such request, the burden of establishing by clear and convincing evidence the value of its investments and the amount and character of its expenses and revenues. No franchise holder shall institute any legal action to contest any

rate, charge, or fare fixed by the Council until such franchise holder has filed a motion for rehearing with the Council specifically setting out each ground of its complaint against the rate, charge, or fare fixed by the Council, and until the Council shall have acted upon such motion, or had a period of sixty days within which to act upon such motion for rehearing.

Section 7. OTHER CONDITIONS

All franchises heretofore granted are recognized as contracts between the City of Donna and the Grantee and the contractual right as contained in any such franchise shall not be impaired by the provisions of this Charter except that the power of the City of Donna to exercise the right to eminent domain in accordance with the procedures set forth in Title 52 of the Revised Statutes of Texas in the acquisition of any utility is in all things reserved, and except the general power of the City heretofore existing and herein provided for to regulate the rates and services of the grantee which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standards of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this Article whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way as specifically stated in the discretion of the Council or the electors of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant.

Section 8. ACCOUNTS OF MUNICIPALLY OWNED UTILITIES

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

Section 9. FRANCHISE VALUE NOT TO BE ALLOWED

In fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for utility property which the City may acquire by condemnation or otherwise nothing shall be included as to the value of any franchise granted by the City.

ARTICLE XIII
GENERAL PROVISIONS

Section 1. PUBLICITY OF RECORDS

All records and accounts of every office, department, or agency of the City shall be open to inspection by any citizen, any representative of a citizens' organization, or any representative of the press at all reasonable times.

Section 2. NOTICE OF CLAIMS

Before the City of Donna shall be liable for damages for the death or personal injuries of any person or for damage to or destruction of property of any kind, which does not constitute a taking or damaging of property under Article 1, Section 17 of the State Constitution, the person injured, if living, or his representatives, if dead, or the owner of the property damaged or destroyed, shall give the City Council or City Manager notice in writing of such death, injury, damage, or destruction, duly verified by affidavit, within forty-five days after same has been sustained, stating specifically in such written notice, when, where, and how the death, injury, damage or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six months immediately preceding the occurance of such death, injury, damage, or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages; and the failure to so notify the Council or City Manager within the time and manner specified herein shall exonerate, excuse and exempt the City from any liability whatsoever. No act of any officer or employee of the City shall waive compliance, or estop the City from requiring compliance with the provisions of this section as to notice, but such provisions may be waived by resolution of the Council, made and passed before the expiration of the 45 day period herein provided, and evidenced by Minutes of the Council.

Section 3. DAMAGES — CITY NOT LIABLE — LIMITATIONS

The City of Donna shall not be liable for damages to anyone, on account of any defect in, obstruction on, or anything else in connection with any sidewalk in the City, nor shall the City of Donna be liable for damages to anyone on account of any defect in, obstruction on, or anything else in connection with any street, alley, or public place, other than any sidewalk, unless and until it be shown that some person, in the employment of the City and having superintendence or control of the work on the streets, alleys or public places, had actual notice of such defect, obstruction or other thing, for a sufficient length of time before such injury was received to have remedied such condition of the street, alley or public place before the injury was received.

Section 4. SECURITY OR BOND NOT REQUIRED

It shall not be necessary in any action, suit, or proceeding in which the City is a party for any bond, undertaking or security to be demanded or executed by or on behalf of the City. The City shall have all remedies of appeal provided by law to all courts in this state without bond or security of any kind, but shall be liable in the same manner and to the same extent as if such bond, undertaking, or security had actually been executed or given.

Section 5. ASSIGNMENT, EXECUTION, AND GARNISHMENT

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

Section 6. EFFECT OF CHARTER ON EXISTING LAW

All ordinances, resolutions, rules, and regulations now in force under the City government and not in conflict with the provisions of any amendment to this Charter shall remain in force under such amendment until altered, amended or repealed by the Council after such amendment to this Charter takes effect. All rights of the City under existing franchises and contracts and all existing authority for the issuance of bonds, not in conflict with the provisions of any amendment to this Charter, shall be preserved in full force and effect.

Section 7. CONSTRUCTION OF CHARTER

This Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City of Donna in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Donna to expressly grant to the City, shall be construed to be granted to the City by this Charter.

Section 8. JUDICIAL NOTICE

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

Section 9. SEPARABILITY CLAUSE

If any section or part of a section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not in-

validate or impair the validity, force, or effect of any other section or part of a section of this Charter.

Section 10. REARRANGEMENT AND RENUMBERING

The Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter or any amendments thereto, as it shall deem appropriate, and upon the passage of any such ordinance a copy therof, certified by the City Clerk, shall be forwarded to the Secretary of State for filing.

Section 11. CITY EMPLOYEES' RETIREMENT SYSTEM

The City shall effect a retirement system by entering into an agreement with the State Department of Public Welfare to obtain coverage for the employees of the City under the Federal Old Age and Survivors Insurance Program as provided by the Social Security Act in accordance with the provisions of Article 695g of the Revised Civil Statutes of Texas, as amended.

Section 12. EMPLOYEES' SICKNESS, HEALTH, LIFE, ACCIDENT, AND HOSPITALIZATION

The City may provide for Group Sickness, Health, Life, Accident, and Hospitalization Insurance coverage for the City's employees conditioned and provided that the City shall not pay more than fifty percent of the premiums thereon with employees contributing the balance of such premium cost.

Section 13. SUBMISSION OF CHARTER TO ELECTORS

This Charter shall be submitted to the qualified voters of the City of Donna at an election to be held for that purpose on the 19th day of February, 1957, and if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Donna, and after the returns have been canvassed, the same shall be declared adopted by the City Clerk and the City Clerk shall file an official copy of the Charter with the records of the City. The Clerk shall furnish the Mayor a copy of said Charter which copy of the Charter so adopted, authenticated and certified by his signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of the State of Texas and shall show the approval of such Charter by a majority vote of the qualified voters voting at such election.

In not less than thirty days prior to such election, the Council shall cause the City Clerk to mail a copy of this Charter to each qualified voter of the City of Donna as appears from the Tax Collector's rolls for the year ending January 31, preceding said election.

We, the undersigned members of the Donna Charter Commission heretofore duly appointed by the governing body of the City of Donna, do hereby certify that this publication constitutes a true copy of the proposed Charter of the City of Donna, Texas.

Witness our hands this the 27th day of December, 1956

Gordon B. Wood, Chairman — Truett Hubbard, Vice-Chairman

Rex Guinn, Secretary

Otis S. Johnson	W.A. Todd	C.T. Riley	Ramiro B. Guzman
I.B. Avila	B.C.Escobar	Roger B. Mize	Brooke L. Frase
Juan W. Caceres	R.D. Farris	Roberto Villegas	O.A. Prather, Jr.

Section 14. SUBSEQUENT REVISION OF ORIGINAL CHARTER

A Charter Revision Commission was subsequently appointed by the City Council to up-date the Charter.

Those serving on the Commission which made recommendations approved by the public at a special election held on January 17, 1981:

Julian Adame	Adan Hernandez
Joel Arriaga	Mike Lopez
Dr. Celestino Avila	Edgar Ruiz
Hank Block	Laura Salinas
Horace Caldwell	Filigonio Sandoval
David Cordova	Joyce Smith
Barbara Edwards	A.P. Solis
Adalberto Garza	Minnie Zamora