

BRIDGEPORT CHARTER COMMISSION

Bridgeport, Texas

February 16, 2016

Mayor and City Council of the City of Bridgeport, Texas
City Hall
Bridgeport, Texas

Gentleman:

We submit herewith the original copy of a Home Rule Charter for the City of Bridgeport as drafted by the Charter Commission.

The Charter Commission, in compliance with the applicable State statute, has designated Saturday, May 7, 2016, as the date on which this Home Rule Charter is to be submitted to qualified voters for adoption or rejection. Section 9.003 of the Texas Local Government Code, as amended, requires that not less than thirty (30) days prior to the date designated for submission of the Charter for adoption or rejection, the City Secretary shall mail a copy of the Charter to each qualified voter of the City of Bridgeport.

This Home Rule Charter creates a Council-Manager form of government without change in number of existing Council places. The Charter retains all the powers of the City granted by the Constitution and the Statutes of the State of Texas; it adds thereto certain powers not heretofore granted to the City; and, in general, it clarifies the means by which these powers are to be exercised.

We recommend this Charter to the citizens of Bridgeport and urge its adoption. It is our belief that this Charter will permit our City Government to operate in a more effective and satisfactory manner to the best interest of all citizens.

We respectfully request that a copy of this letter of transmittal be attached to each copy of the proposed Charter when mailed to all voters.

Respectfully Submitted,

BRIDGEPORT CHARTER COMMISSION

Randy Singleton
Chairman

**HOME RULE CHARTER
CITY OF BRIDGEPORT, TEXAS**

CHARTER COMMISSION

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The Charter of the City of Bridgeport, Texas, was approved by the voters of the City of Bridgeport on _____, and filed in the office of the Secretary of state on _____, in _____, in the Book of the City Charters and Amendments.

Charter Election May 7, 2016

Si necesita el document en española, llame a la ciudad de Bridgeport a (940) 683-3400. Una copia de este document estara mandado a su dirección.

Bridgeport 2016 Charter

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CHAPTER I - INCORPORATION AND POWERS OF CITY

1.01 Incorporation, Corporate Name

All inhabitants of the City of Bridgeport, Wise County, Texas, within the boundaries of the City now established or as hereinafter established in the manner provided by law, shall constitute a municipal body politic incorporated under the name of "City of Bridgeport", hereinafter referred to as the "City", with such powers, rights, authority, privileges, obligations and immunities as are herein provided.

1.02 Corporate Boundaries

(a) The boundaries of the City shall be as they exist when this Charter is adopted, until changed by the City Council.

(b) The boundaries and limits of the City shall be those established and described on an official map duly adopted by the City Council by ordinance and amended from time to time to include annexations and disannexations from the corporate limits. The City Secretary shall at all times keep a correct and complete description and official map on file, with recent annexations and disannexations.

1.03 Annexation

(a) The Council shall have the power by ordinance to fix boundaries of the City and to provide for the alteration or the extension of said boundaries, voluntarily, or involuntarily.

(b) The annexation ordinance shall describe the territory to be annexed. Notice shall be published and public hearings held as required by State law. Amendments not enlarging or extending the boundaries set forth in the proposed ordinance may be incorporated into the proposed ordinance without the necessity of republication of said notice. The additional territory annexed shall be a part of the City and the property situated therein shall bear its pro rata part of the taxes levied by the City as provided by State law. The inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City.

1.04 Disannexation

The Council may, by ordinance, disannex any territory within the corporate boundaries of the City if the Council determines the territory is not necessary or suitable for City purposes, and may, by agreement approved by resolution or ordinance, exchange territory with other municipalities. When the disannexation ordinance is passed, the disannexed territory shall cease to be a part of the City but the disannexed territory shall remain liable for its pro rata share of any indebtedness incurred while the area was a part of the City and the City shall continue to levy, assess and collect taxes on the

property in the disannexed territory until such indebtedness has been paid, unless the council determines that it is not necessary or advisable.

1.05 Form of Government

The municipal government provided by this Charter shall be known as "Council-Manager Government." Pursuant to the provisions of, and subject only to the limitations imposed by the State Constitution, State Laws and this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the "Council."

1.06 General Powers of the City

(a) The City shall have all powers, functions, rights, privileges and immunities of every name and nature, that are now or hereafter may be granted to a Home Rule City by the Constitution and laws of this State, together with all implied powers necessary to carry into execution all such powers granted.

(b) Such powers shall include but are not limited to the following: the City shall have police powers, the power to adjust boundaries, to contract and to co-operate with the government of the State of Texas or any agency or subdivision thereof, or with the federal government or any agency thereof to accomplish any lawful purpose. The City may use a corporate seal; may acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lesser interest or estate by purchase, gift, devise, lease, exchange, condemnation, and subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve, exchange and control property as may now or hereafter be owned by it; may access, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money and appropriate money for all lawful purposes; may furnish municipal services, both within and without its corporate limits; may provide for the expenditure of public funds for a retirement system, group health, life and accident insurance coverage, and surety bonds for City employees or officers; may pass ordinances, resolutions, and enact such regulations as may be expedient for the maintenance of good government, order and peace of the City and the interest, welfare, health, morals, comfort, safety, security and convenience of the City for its inhabitants consistent with the provisions of this Charter.

1.07 General Powers Adopted

The enumeration of the particular powers of this Charter shall not be held or deemed to be exclusive of, but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all powers of local self-government and all other powers which, under the Constitution and laws of the State of Texas it would be competent for this Charter specifically to enumerate.

1.08 Eminent Domain

The City shall have the full right, power and authority to exercise the power of eminent domain when necessary to carry out any of the powers conferred upon it by this Charter, or by the Constitution or laws of the State of Texas. The power of eminent domain hereby conferred shall include the right of the City to take fee title and easement interest in the lands so condemned, and such power and authority shall include the right to condemn public or private property for such purposes.

1.09 Power to Acquire Property Inside and Outside the City for Public Purposes

The City shall have the power to sell and to acquire by purchase or condemnation either private or public property located inside or outside of the corporate limits for public purposes.

1.10 Street Powers

The City shall have exclusive domain, control and jurisdiction in, upon, over and under all alleys, streets, gutters and sidewalks, situated in the City, and the power to layout, establish, open, alter, widen, lower, extend, grade, drain, abandon and improve streets, alleys, sidewalks, squares, parks, public places and bridges and regulate the use thereof, and require the removal from streets, sidewalks, alleys, and other public property or places of all obstructions, telegraph, telephone or other poles carrying electric wires or signs, encroachments of every nature or character upon any said streets and sidewalks, and to vacate and close private ways; and when a street or alley has been vacated or abandoned, the City shall have the right to sell the same in any lawful manner. The city shall have the power to assess property owners for improvements. Such exclusive dominion, control and jurisdiction in, upon, over or under the public streets, avenues, sidewalks, parkways, alleys and highways of the City shall also include, but not be limited to, the right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes, lines, wires or other property of any sort. The right of control and use of the public streets, highways, sidewalks, and alleys is hereby declared to be inalienable to the City, except by ordinances not in conflict with this Charter.

1.11 Health and Police Powers

(a) The Council shall have the power to provide for and/or own and regulate the following, but not to the exclusion of other powers:

- (1) a solid waste collection and disposal system;
- (2) a sanitary sewer utility or system;
- (3) a water utility or system;
- (4) an electric utility or system;
- (5) a fire department;
- (6) a police department;

- (7) a health department;
- (8) parks and playgrounds.

(b) The Council shall have the power to define all nuisances and prohibit them within the City and outside the City limits for at least a distance of 5,000 feet.

(c) The Council shall have the power to provide for fixing of penalties for failure of any person, firm, corporation or association to comply with any such rules and regulations so prescribed by the Council under the provisions of this section; it being the intention to vest in the Council not only powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health, safety and welfare of the City and its inhabitants.

CHAPTER II – CITY COUNCIL AND MAYOR

2.01 Governing Body

The governing and lawmaking body of the City shall consist of the Mayor and five (5) Councilmembers and shall be known as the City Council.

2.02 Elective Officers

(a) The members of the Council shall be elected and hold office as herein provided. All members of the Council, and the Mayor, shall be elected under the place system. The Mayor and each member of the Council shall hold office for a two (2) year term. Upon expiration of the terms of the current Mayor and Councilmembers, their successors shall be elected for terms as follows:

Place 3, Place 4 and Place 5 shall be elected for a term of two (2) years, beginning with a City election held in May, 2017.

Place 1, Place 2 and the Mayor shall be elected for two (2) year terms, beginning with the regular City election held in May, 2018.

Upon the expiration of the above terms of the Mayor and Councilmembers, their successors shall be elected for terms of two (2) years. All places, including Mayor, will be elected at large by a plurality vote.

2.03 Qualifications of Candidates

Each person who becomes a candidate for Mayor or Council member shall meet the following qualifications:

- (1) be at least eighteen 18 years of age, on the date application is made for a place on the ballot;

- (2) be a citizen of the United States;
- (3) be a qualified voter of the City;
- (4) reside and have resided for at least twelve (12) months preceding the date of the election within the corporate limits of the City;
- (5) not be indebted to the City or be delinquent in the payment to the City of any tax or assessment;
- (6) no candidate may file for more than one office or position number per election;
- (7) no employee of the City shall continue in such position after becoming a candidate for an elective office.

2.04 Compensation of Elective Officers

(a) The Mayor and the members of the Council shall receive the following salary for their service:

Mayor - \$400 per month
Councilmembers - \$200 per month

(b) The Mayor and the members of the Council shall receive the following reimbursement for normal local travel and other expenses incurred in the conduct of City business:

Mayor - \$150 per month
Councilmembers - \$75 per month

(c) In addition, the Mayor and the members of the Council shall be entitled to reimbursement of documented unusual expenses incurred in the performance of their duties (such as seminar and travel expenses).

(d) The City Council may increase or decrease the salary and expense reimbursement amounts set forth above by ordinance, but only after holding a public hearing and upon the affirmative vote of at least 3/4 of the entire membership. Any such change in the salary or expense reimbursement amounts shall not take effect until the next fiscal year. The Mayor and the members of the Council shall be entitled to donate the salary and expense reimbursement set forth above, or a portion thereof, back to the City.

2.05 Presiding Officer - Duties of the Mayor

The Mayor shall preside over the meetings of the Council and perform such other duties consistent with the office as may be imposed upon the Mayor by this Charter, and by ordinances and resolutions passed in pursuance thereof. The Mayor shall be recognized as the official head of the City by the courts for the purpose of enforcing military law and for all ceremonial purposes. The Mayor shall not vote except in the event of a tie.

2.06 Mayor Pro Tem

At the first meeting after each general election or general election run-off, if any, or as soon thereafter as practicable, the City Council shall appoint one of the Councilmembers as Mayor Pro Tem who shall hold office for one (1) year. The Mayor Pro Tem shall perform the duties of Mayor in case of the absence or disability of the Mayor.

2.07 Vacancies; Forfeiture of Office: Filling of Vacancies

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

(b) **Forfeiture of Office.** The Mayor or a Council member shall forfeit his or her office if during a term of office, the Mayor or Council member:

- (1) lacks any qualification for the office prescribed by this Charter or by other law;
- (2) violates any expressed prohibition of this Charter;
- (3) is convicted of a felony, whether final for purposes of appeal or not, or a crime involving moral turpitude; or
- (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council.

The Council shall, by an affirmative 3/4 vote of the entire membership, be the final judge in matters involving forfeiture of office by a Council member or the Mayor.

(c) **Filling of Vacancies.** If a vacancy occurs in the City Council and there is more than six months remaining in the term of office so vacated, then in that event the City Council may call a special election or appoint a qualified person to fill the unexpired term. If there is less than six months remaining, then the Council shall appoint a qualified person to fill the unexpired term.

2.08 Meetings of the City Council

The Council shall hold at least one (1) regular meeting each month at a time to be fixed by ordinance, unless the date falls on a regularly observed City holiday, provided that the Council may establish as many additional regular meetings during the month as may be necessary for the transaction of the business of the City and its citizens. Prescribed meeting dates may be cancelled by a vote of the Council at a regular scheduled meeting. All meetings of the Council shall be open in accordance with and except as provided by the Texas Open Meetings Act, and shall be held at the City Hall, unless the Council designates another place for the meetings.

2.09 Special Meetings

The Mayor, any two members of the Council, or the City Manager may call special meetings by giving notice to the City Secretary who shall notify each member of the Council of the time of the meeting and its purpose.

2.10 Rules of the Council: Minutes and Procedures

(a) The City Council shall determine its own rules of procedure and may compel the attendance of its members. Minutes of the proceedings of the City Council shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. The vote upon the passage of all ordinances and resolutions shall be taken by a show of hands or other method to indicate the vote of each member and entered into the minutes, and every ordinance or resolution upon its final passage, shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary, and kept as required by law.

(b) Any item requested by one (1) or more members of the Council, or by the City Manager, or by the Mayor, shall be placed on the agenda by the City Secretary. The Mayor will establish the order of the agenda for each Council meeting. The City Secretary shall prepare the agenda, which shall be publicly posted at City Hall in accordance with the Texas Open Meetings Act.

2.11 Quorum and Voting

Three (3) Councilmembers, excluding the Mayor, shall constitute a quorum to do business and no action of the Council shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Council, including the Mayor in the event of a tie. A number less than a quorum may adjourn from time to time and compel the attendance of absent members. If the Council is reduced to less than three (3) members on account of vacancies, the remaining members shall constitute a quorum for the sole purpose of calling an election.

2.12 Code of Ethics and Conduct

The City Council shall adopt by ordinance a code of ethics and conduct that is consistent with the provisions of this Charter and state and federal law applicable to elected officers, appointed board, commission, and committee members, and employees of the City.

Chapter III - RESPONSIBILITIES OF THE CITY COUNCIL

3.01 Powers of the Council

All powers and authority, including determination of all matters of policy, which are expressly or by implication conferred on or possessed by the City, shall be vested in and exercised by the Council; provided, however, that the Council shall have no authority to exercise those powers which are expressly conferred upon other City officers by this Charter.

3.02 Appointment of Members of Boards

The members of all boards, commissions or committees created by this Charter or by the Council shall be appointed by the Council.

3.03 Investigative Powers of the Council

The Council as a body (including the Mayor) shall have the power to inquire into or investigate the official conduct of any department, agency, officer or employee of the City and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records or other evidence, and as it shall provide by Ordinance, to punish and fix penalties for contempt for failure or refusal to obey any such subpoena or to produce any such books, papers, records or other evidence.

3.04 Depository of City Funds

The Council is authorized to select a depository, according to State law, for the City funds.

3.05 Interference in Administrative Matters

The City Manager shall be the chief administrative officer and the head of the administrative branch of the City. Except for the purpose of inquiry or investigation, Council members and the Mayor shall deal with the administrative departments and personnel solely through the City Manager, and no member of the Council or the Mayor shall give orders to any subordinate of the City Manager, either publicly or privately.

3.06 Appointive Offices

In addition to the elected officers, the other officers of the City shall be the City Manager, City Secretary, City Attorney, and such other officers as the Council may from time to time direct. The Council may appoint, abolish or consolidate such offices and positions as it may deem to be in the best interest of the City and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions and discontinue any office or position at its discretion except the offices of City Manager, City Secretary, and City Attorney. Removal of officers appointed by the Council shall be at the discretion of the Council, by an affirmative vote of at least $\frac{3}{4}$ of the entire membership.

3.07 State of Emergency

(a) A state of emergency shall be deemed to exist during periods of impending or actual public crisis or disaster. A state of emergency may be declared by the vote of the Council, or by order of the Mayor, or, in the Mayor's absence or disability, the Mayor Pro Tem, if a meeting of the Council cannot be called within the time available, whenever conditions threaten to render inadequate the normal procedures of the City for protection of persons or property.

(b) During a state of emergency, the Mayor, or in the Mayor's absence or disability, the Mayor Pro Tem, shall have all the powers which would be vested in the Council by State law to the extent the Mayor considers reasonable, or necessary for the protection of persons or property.

(c) The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency.

3.08 Validation of all Ordinances, Rules and Regulations

All ordinances, resolutions, rules and regulations of the City heretofore ordained, passed, adopted, or enacted, that are in force at the time this Charter becomes effective, and which are not in conflict with such Charter, shall remain in full force until altered, amended or repealed by the Council after such Charter takes effect.

3.09 Action Requiring an Ordinance

(a) The Council shall legislate by ordinance. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which:

- (1) adopt, amend or establish an administrative code;

- (2) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) levy taxes;
- (4) adopt a budget;
- (5) grant, renew or extend a franchise;
- (6) regulate the rate charged for services by a public utility;
- (7) authorize the borrowing of money that cannot be repaid within the current fiscal year;
- (8) adopt with or without amendment ordinances proposed under the initiative power; and
- (9) amend or repeal any ordinance previously adopted, except as otherwise provided in Chapter 8 of this Charter with respect to repeal of ordinances reconsidered under the referendum power.

(b) Acts other than those referred to in the preceding sentence may be done either by ordinance, resolution or minute order.

3.10 Form of Ordinances

Every proposed ordinance shall be introduced in writing and in substantially the form required for final adoption. The subject of the ordinance shall be clearly expressed in its title except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. The enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of Bridgeport," but the same shall be omitted when the ordinances of the City are codified and published in a book or pamphlet form by the City. Any ordinance which repeals or amends an existing ordinance or part of the City code shall clearly set forth the provision or provisions being repealed or amended (which may be done by reference to code provisions) and, if amended, shall further clearly set forth the amendment being made.

3.11 Procedure for Enacting Ordinances and Resolutions; Publication

(a) Ordinances and resolutions may be passed at any regular meeting or special meeting called for that purpose provided notice has been given in accordance with the Texas Open Meetings Act.

(b) All ordinances and resolutions, unless otherwise provided by State law, this Charter, or the ordinance itself shall be final on the passage or adoption by the required

majority of the Council. Every ordinance, resolution or motion shall require on final passage the affirmative vote of a majority of a quorum of the Council unless more is required by State law or this Charter.

(c) The descriptive caption or title of an ordinance that imposes a penalty, fine or forfeiture and the penalty for violating the ordinance shall be published at least once in the official newspaper of the City and posted on the City's website during the period of publication in the newspaper.

(d) An ordinance required to be published takes effect when the publication requirement is satisfied, unless the ordinance provides otherwise, and an ordinance that is not required to be published takes effect when adopted unless the ordinance provides otherwise.

(e) All ordinances and resolutions may be admitted and received in all courts, subject to the rules of evidence and laws of jurisdictions where proof of such ordinances and resolutions are tendered, without further proof.

3.12 Codification of Ordinances

The City Manager, as soon as practical after the adoption of this Charter shall cause to be codified and properly entered and published for public distribution or for anyone desiring same, the ordinances of the City, which codification shall be revised and updated at least annually.

Chapter IV - CITY ADMINISTRATION

4.01 Administrative Departments

(a) There shall be such administrative departments as are established by this Charter and may be established by ordinance and excepting as otherwise provided in this Charter, these administrative departments shall be under the direction of the City Manager. The City Manager shall have the authority to establish administrative departments or offices not herein provided by this Charter. The City Manager may discontinue, redesignate, or combine any of the administrative departments or offices.

(b) The head of each department shall be a chief, director, superintendent or coordinator who shall be appointed by the City Manager, and such chief, director, superintendent or coordinator shall have supervision and control over that department. Two or more departments may be headed by the same individual, and the City Manager may act as City Secretary and may head one or more departments.

4.02 Appointment and Qualifications of City Manager

(a) The Council, by majority vote of the Council qualified and serving, shall appoint a City Manager, who shall be the chief administrative officer of the City.

(b) The method of selection shall be left to the discretion of the Council so long as the method insures orderly, non-partisan action toward securing a competent and qualified person to fill the position. The City Manager shall be chosen solely upon the basis of the person's administrative training, experience, ability and character.

(c) Neither the Mayor nor any Council member shall be appointed City Manager or acting City Manager while holding office, or for a period of one (1) year after leaving office.

(d) The City Manager shall establish residency in the City of Bridgeport unless excused by the City Council.

4.03 Compensation of City Manager

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

4.04 Term and Removal of City Manager

(a) The City Manager may be appointed for a definite term but may be removed at the discretion of the Council, by an affirmative vote of at least $\frac{3}{4}$ of the entire membership.

(b) The action of the Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the Council.

(c) The Council is authorized to enter into a contract with a City Manager to establish terms of employment.

4.05 Bond of City Manager

The Council shall require the City Manager before entering office, to execute a good and sufficient surety company bond, in such amount as the Council may require, payable to the City and conditioned for the faithful performance of the duties of the City Manager's office. The premium of such bond is to be paid by the City.

4.06 Powers and Duties of City Manager

The City Manager shall be the chief administrative officer and head of the administrative branch of the City. The City Manager shall be responsible to the Council for the proper administration of all the affairs of the City and to that end shall have the power and be required to:

- (1) In cooperation with the City Attorney, see that all State laws and City ordinances are effectively enforced.
- (2) Appoint, suspend and/or remove all or any one of the heads of departments and all subordinate officers and employees of the City; provided, however, that the Council by ordinance may provide for personnel procedures or policies that permit designated department heads an appeal to the Council regarding termination of employment.
- (3) Exercise control over all departments and subdivisions thereof created by this Charter, or that may hereafter be created by the Council, except as hereinafter provided.
- (4) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.
- (5) Attend all meetings of the Council, except when excused by the Council.
- (6) Prepare a proposed budget annually and submit it to the Council on or before August 1 of each year and be responsible for its administration after its adoption.
- (7) Administer the budget of the City.
- (8) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- (9) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as the City Manager may deem advisable.
- (10) Prepare personnel rules subject to the approval of the Council.
- (11) Prepare the official agenda of all Council meetings and meetings of the boards and commissions.
- (12) Perform such other duties as may be prescribed by this Charter or by the Council.

4.07 Acting City Manager

(a) The City Manager, within thirty (30) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative officer of the City to perform the duties of the City Manager in his or her absence or disability. Such designation shall be subject to approval of the Council. No member of the City Council nor the Mayor shall serve as Acting City Manager. Upon resignation or termination of the City Manager, the Acting City Manager shall perform the duties of the City Manager until a new City Manager or Acting City Manager is appointed by the Council.

(b) Should the need for an Acting City Manager occur prior to the City Manager submitting a designee or prior to the Council's approval of the City Manager's designee, the Council shall appoint an Acting City Manager.

(c) The City Manager may select a different Acting City Manager by replacing the letter of designation and obtaining the Council's approval. The previous designation is rescinded by this action.

4.08 Appointment of City Secretary

The Council shall appoint a City Secretary who shall report to the Council and act as the Secretary to the Council and shall hold office at the pleasure of the Council. The City Secretary shall be entitled to a seat at the Council table at all official meetings.

4.09 Duties of the City Secretary

The duties and powers of the City Secretary shall be as follows:

- (1) Record the minutes of all official meetings of the Council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes.
- (2) Be the custodian of all municipal records of the Council.
- (3) Recommend to the Council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.
- (4) Hold and maintain the City Seal and affix to all instruments requiring such seal.
- (5) Inquire into or investigate the genuineness of any signature on and the factual sufficiency of any initiative, referendum or recall petition filed with the City Secretary in accordance with the provisions of this Charter, and for that purpose the City Secretary shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records, and other evidence.

- (6) Perform such other duties as may be required by the Council or required by law.

4.10 Compensation of City Secretary

The Council shall set the compensation of the City Secretary.

Chapter V - Municipal Court

5.01 Purpose of the Municipal Court

There shall be established and maintained a court, designated as a Municipal Court for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be prescribed by the laws of the State of Texas relative to Municipal Courts.

5.02 Judge of the Court

The "Judge of the Municipal Court," shall be appointed by the City Manager with the approval of the Council for a term concurrent with the Mayor. The Judge shall be a resident of this State, and a citizen of the United States. The Council shall fix the compensation for the Judge and such compensation shall never be based on fines assessed or collected. Removal of the Judge shall be at the discretion of the Council, by vote of the majority of the Council. The Judge may request a public hearing prior to his or her removal.

5.03 Clerk of the Court

There shall be a Clerk of said court appointed by the City Manager for a term concurrent with the Judge of the Municipal Court. The Clerk of the court and such deputies as the Clerk may appoint, shall have the power to administer oaths and affidavits, make certificates, keep minutes of the proceeding of the court, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary as performed by clerks and deputies of courts. The Council may require the Court Clerk, before entering upon the duties of the office, to execute a good and sufficient surety company bond, in such amount as the Council may demand, payable to the City and conditioned for the faithful performance of the duties of the office. The premium of such bond is to be paid by the City.

5.04 Absence of Judge

The City Manager with the approval of the Council may appoint one or more alternate Judge(s) who shall have the same qualifications as the Judge of the Municipal Court and who shall receive such salary as may be fixed by the Council. In case of the temporary disability or absence of the Judge of the Municipal Court, an alternate Judge shall have authority to act as Judge of said court. The Council shall by appointment fill a vacancy in the office of the Judge for the remainder of the unexpired term.

5.05 Fines

All monies received as court imposed fines or penalties shall be paid into the general fund of the City treasury, unless otherwise required by State law.

Chapter VI - City Attorney

6.01 City Attorney

(a) The Council shall appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas, to be an attorney for the City, hereinafter referred to as the "City Attorney." The City Attorney shall serve at the discretion of the Council and shall receive such compensation as may be fixed by the Council. The City Attorney shall be the adviser of, and attorney for, all of the offices and departments of the City, and shall represent the City in all litigation and legal proceedings; provided, that the Council may retain special counsel at any time they deem same appropriate and necessary. The City Attorney shall review and concur or dissent upon all documents, contracts, and legal instruments in which the City may have an interest. The City Attorney shall perform other duties prescribed by this Charter, by ordinance, or as directed by the Council.

(b) The Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm, with Council approval, to serve as City Attorney.

6.02 City Prosecutor

All cases in the Municipal Court shall be prosecuted by the City Attorney, or such designated Prosecutor as the Council may authorize.

Chapter VII – Elections

7.01 City Elections

The regular City Election shall be held annually on the first Saturday in May, or other date permitted by State law, at which time officers will be elected to fill those offices, the terms of which expire that year. The Council shall fix the hours and place for holding elections. Notice of the election shall be published according to State law. In the ordinance or resolution of the Council calling any election, at which more than one (1) Council member is to be elected, the Council shall, in calling the election, provide for a separate place on the ballot for each place to be filled at such election, designating such places as Place No. One, Place No. Two, etc.; and in case an unexpired term is to be filled at such election, the place for the unexpired term shall be so designated.

7.02 Special Elections

The Council, by ordinance or resolution, may call special elections as are authorized by the State law, this Charter, or for any other reason the Council deems necessary, fix the time and place of holding same, and provide all means for holding special elections in accordance with State law.

7.03 Regulation of Elections

All general and special elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this Charter and ordinances or resolutions adopted by the Council for the conduct of elections. The Council shall appoint the election judges and shall provide for the compensation of all election officials in the City elections and for all other expenses in holding the elections.

7.04 Exception of Election Code

In the event there is a conflict between any of the provisions of this Charter and the Texas Election Code or an omission of any elements or provisions necessary for the conduct of an election, then those provisions of the Texas Election Code then existing shall prevail.

7.05 Filing for Office/Procedures

(a) Each candidate for an elective office shall meet the qualifications set forth in Section 2.03.

(b) Any person so qualified who desires to become a candidate for election shall file an application with the City Secretary, in accordance with the Texas Election Code. Such an application shall be in compliance with the Texas Election Code.

7.06 Holding Other Office

(a) No person elected to the Council shall, during the term for which the person is elected to the Council, hold or be appointed to any compensated office, position, or employment in the service of the City. This Section shall not prohibit a Council member from serving on the board of an economic development corporation, crime control and prevention district, or other instrumentality of the City.

(b) If any appointive officer of the City shall become a candidate for election to any public office, the officer shall, immediately upon becoming a candidate, forfeit the office held with the City.

7.07 Official Ballots

(a) **Candidate Names on Ballots.** The names of all candidates who have filed for office shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each office or position shall be determined by lot in a drawing to be held under the supervision of the City Secretary, or as otherwise required by State law.

(b) **Absentee Balloting.** Voting shall be governed by the Texas Election Code.

7.08 Canvassing and Election Results

Returns of every municipal election shall be delivered forthwith by the election judges to the City Secretary with a copy of the returns being sent to the Mayor. The Council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election in accordance with the Texas Election Code. The results of every municipal election shall be recorded in the minutes of the Council. The qualified person receiving the most votes cast for any office shall thereupon be declared elected by said Council. The decision of the Council, as to qualifications of candidates, shall be conclusive and final for all purposes.

7.09 Election By Plurality/Run-Off Elections

The candidate receiving the most votes cast for an office shall be elected. In the event of a tie vote, the Council shall immediately upon declaring the official results of the election, order a run-off election for each office to which no one was elected. Such run-off election shall be held in accordance with State law. In such run-off election the two (2) candidates who received the tie vote shall be voted on again by the qualified voters, and the candidate who receives the majority of the votes for each such office in the run-off election shall be elected to such office.

7.10 Notification of City Officers

The City Secretary, with the concurrence of the Council, shall promptly notify all persons elected to office. A candidate who is elected in a regular, special or run-off City election shall, after taking the oath of office as prescribed herein, take office, and enter upon his or her duties at the next Council meeting after the date of the election.

7.11 Oath of Office

Every officer of the City, whether elected or appointed, shall take the oaths of office prescribed by the Texas Constitution prior to assuming office.

Chapter VIII - Initiative, Referendum and Recall

8.01 Initiative, Referendum and Recall

(a) **The Power of Initiative.** The qualified voters of the City shall have power to propose ordinances to the Council, and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning, appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries or duties of City officers or employees, or matters related to administration of municipal employees, annexation, or municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the initiated ordinance has been removed from the field of initiative. Such initiative power may be used to enact a new ordinance, or to repeal or to amend sections of any existing ordinances.

(b) **The Power of Referendum.** The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance, and if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning, appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries or duties of City officers or employees, or matters related to administration of municipal employees, annexation, or municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the referred ordinance has been removed from the field of referendum.

(c) **The Power of Recall.** Any member of the City Council may be removed from office by a recall election held by the qualified voters of the City.

(d) As used herein, a qualified voter is a person who possesses voter qualifications established by the Election Code, and is a registered voter as defined by the Election Code.

8.02 Commencement of Proceedings for Initiative and Referendum; Petitioners' Committee; Affidavit

(a) Any ten (10) qualified voters may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. The Petitioners' Committee shall designate one contact person for communications with the City and to receive all notices.

(b) Promptly after the affidavit of the Petitioners' Committee is filed, the City Secretary shall verify that the applicants are qualified voters, and if they are, shall issue the appropriate petition blanks to the Petitioners' Committee.

8.03 Petitions for Initiative and Referendum

(a) **Number of Signatures.** Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least fifteen (15) percent of the total number of current qualified voters registered to vote on the date the affidavit of the Petitioners' Committee is filed with the City Secretary.

(b) **Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. The form and content of a petition shall meet the requirements set forth in the Election Code. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) **Time for Filing Petitions.** Initiative and Referendum petitions must be filed within sixty (60) days after issuance of the appropriate petition blanks to the Petitioners' Committee; additional time as specified in 8.04 shall be allowed for amending petitions. All petitions shall be filed with the City Secretary.

(d) **Withdrawal of Signatures.** No signature shall be withdrawn from any petition after such petition has been filed with the City Secretary.

8.04 Procedure After Filing Petition for Initiative or Referendum

(a) **Review by City Secretary.** Upon the filing of a petition, the City Secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter. The City Secretary shall also review the petition to determine the genuineness of the signatures. The Council may provide by ordinance the punishment and penalties for contempt for failure or refusal to obey any subpoena, or request for production of evidence issued by the City Secretary or City Attorney.

(b) **Certificate of City Secretary.** Within ten (10) days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail.

(c) **Amendment by Petitioner.** A petition certified insufficient for lack of the required number of valid signatures or due to inadequate form or content may be amended once if the Petitioners' Committee files a notice of intention to amend it with the City Secretary within five (5) days after receiving the copy of this certificate and files a supplementary petition with additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the

requirements of subsection (b) of 8.03, and within five (5) days after it is filed, the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.

(d) **Submission to City Council.** If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend as provided in subsection (c) within the time required, the City Secretary shall promptly present this certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

8.05 Action on Initiative or Referendum Petitions

(a) **Action by Council.** When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.

(b) **Submission to Voters.** The vote of the City on a proposed or referred ordinance shall be held on the next election date authorized by the Texas Election Code that allows sufficient time for compliance with the requirements of the Texas Election Code regarding deadlines to call elections. Copies of the proposed or referred ordinance shall be made available at the polls and shall be published at least once in the official newspaper of the City and on the City's website no later than fifteen (15) days before the date of the election.

8.06 Results of Election for Initiative and/or Referendum

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

(b) **Referendum.** If a majority of the qualified voters voting on a referred ordinance vote in favor of repealing it, it shall be considered repealed upon certification of the election results.

(c) The Council may reconsider any ordinance adopted or repealed by initiative or referendum after the expiration of twelve (12) months.

8.07 Limitation on Initiative and Referendum

The same initiative or referendum petition shall be prohibited to be filed within one (1) year of the City Secretary's certification of the previous petition.

8.08 Commencement of Recall Proceedings; Petitioners' Committee; Affidavit

Any ten (10) qualified voters of the City may commence recall proceedings by filing with the City Secretary an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out the name of the Councilmember to be removed and a clear and concise statement of the grounds for his or her removal. As used herein for purposes of recall, "Councilmember" shall include the office of Mayor. The Petitioners' Committee shall designate one contact person for communications with the City and to receive all notices.

8.09 Recall Petitions

(a) **Number of Signatures.** Recall petitions must be signed by qualified voters of the City equal in number to at least fifteen (15) percent of the total number of current qualified voters registered to vote on the date the affidavit of the Petitioners' Committee is filed with the City Secretary.

(b) **Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. The form and content of a petition shall meet the requirements set forth in the Election Code. Recall petitions shall contain the name of the Councilmember whose removal is sought, and a clear and concise statement of the grounds for removal. There shall be a separate petition for each Councilmember whose removal is sought.

(c) **Time for Filing Petitions.** Recall petitions must be filed within sixty (60) days after issuance of the appropriate petition blanks to the Petitioners' Committee; additional time as specified in Section 8.10 shall be allowed for amending petitions. All petitions shall be filed with the City Secretary.

(d) **Withdrawal of Signatures.** No signature shall be withdrawn from any petition after such petition has been filed with the City Secretary.

8.10 Procedure After Filing Petition for Recall

(a) **Review by City Secretary.** Upon the filing of a petition, the City Secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter. The City Secretary shall also review the petition to determine the genuineness

of the signatures. The City Attorney shall review the petition for legal sufficiency. The Council may provide by ordinance the punishment and penalties for contempt for failure or refusal to obey any subpoena, or request for production of evidence issued by the City Secretary or City Attorney.

(b) **Certification of City Secretary.** Within ten (10) days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail.

(c) **Amendment by Petitioner.** A petition certified insufficient for lack of the required number of valid signatures or due to inadequate form or content may be amended once if the Petitioners' Committee files a notice of intention to amend it with the City Secretary within five (5) days after receiving the copy of this certificate and files a supplementary petition with additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsection (b) of 8.09, and within five (5) days after it is filed, the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.

(d) **Submission to City Council.** If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend as provided in subsection (c) within the time required, the City Secretary shall promptly present this certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition. The City Secretary immediately shall notify the Councilmember whose removal is sought and provide him or her with a copy of the petition.

(e) **Action on Recall Petition.** In the event the petition is certified sufficient, and if the Councilmember whose removal is sought does not resign within seven (7) days after the certified petition is presented to the Council, the City Council, at its next regular meeting or at a specially called meeting, shall order a recall election to be held on the first uniform election date occurring that allows sufficient time for compliance with the requirements of the Texas Election Code regarding deadlines to call elections.

8.11 Public Hearing

The Councilmember whose removal is sought may, within five (5) days after such recall petition has been presented to the Council, request that a public hearing be held to permit the Councilmember to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

8.12 Recall Ballot

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

- (1) With respect to each Councilmember whose removal is sought, the question shall be submitted:

"Shall (Name of person) be removed from the office of (Name of office) by recall?"

- (2) Immediately to the left of each such question there shall be printed the following words, one above the other, in the order indicated:
"YES"
"NO"

8.13 Results of Recall Election

If the majority of the votes cast at the election be for the removal of the Councilmember named on the ballot, the Council shall immediately declare his or her office forfeited and vacant and such vacancy shall be filled in accordance with provision 2.07 of this Charter for the filling of vacancies. If a majority of the votes cast at a recall election shall be against removal of the Councilmember named on the ballot, he or she shall continue in office.

8.14 Limitation on Recall

No recall petition shall be filed against a Councilmember within six (6) months after the Councilmember takes office, or within one year after a failed recall election.

8.15 Failure of City Council to Call an Election

In case all of the requirements of this Charter shall have been met and the Council shall fail or refuse to receive the initiative, referendum or recall petition, or order such initiative, referendum or recall election, or discharge other duties imposed upon said Council by the provisions of this Charter with reference to such initiative, referendum or recall, then the County Judge of Wise County, Texas, shall discharge any such duties herein provided to be discharged by the City Secretary or by the Council. In addition, any qualified voter in the City may seek judicial relief in the district court of Wise County, Texas, to have any of the provisions of this Charter pertaining to initiative, referendum or recall carried out by the proper official.

Chapter IX - Finance

A. BUDGET

9.01 Fiscal Year

The fiscal year of the City shall begin on the first day of October and end the last day of September of each calendar year. Such fiscal year shall also constitute the Budget and Accounting year.

9.02 Annual Budget

Operating Budget. The operating budget shall provide a complete financial plan of all City Funds and activities and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. The budget message shall explain the budget in fiscal terms and in terms of work programs for the ensuing fiscal year. It shall outline the proposed financial policies of the City, and shall include such other materials, as the City Manager deems necessary. The budget message shall include a forecast of a five-year estimate of revenues and expenditures and an explanation of its effect on taxation. The source or basis of the estimates shall be part of the forecast.

The budget shall contain the following:

- (1) Comparative figures for the actual and estimated tax rate, revenues, and other income and expenditures to compare the current and prior fiscal year;
- (2) The proposed expenditures of each office, department, or function;
- (3) A schedule showing the debt service requirement due on all outstanding indebtedness and on any proposed debt;
- (4) Total proposed expenditures not to exceed the sum of the total estimated income and the balance of available funds; and
- (5) Such other information as may be required by State law, the Council or deemed appropriate by the City Manager.

9.03 Capital Facilities and Property Budget

The City Manager shall propose annually a five (5) year Capital Facilities and Property budget, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition, and which shall provide the following items:

- (1) A summary of proposed programs;
- (2) A list of all capital facilities and property improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement with the estimated effect on the tax levy and;
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired over the five (5) year period.

9.04 Submission

The City Manager shall submit to the Council a proposed budget and accompanying message on or before the first day of August of each year. The Council shall review the proposed budget and revise it as deemed appropriate prior to general circulation for public hearing.

9.05 Public Notice and Hearing

The Council shall post notice in the City Hall and on the City's website, and publish notice in the official newspaper as required by State law prior to any required public hearing on the budget.

9.06 Amendment before Adoption

The Council may adopt the budget with or without amendment at a regular or special meeting. In amending the budget, it may add or increase any programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

9.07 Adoption

The Council, by majority vote, shall adopt the budget by ordinance not later than the 30th day of September. Adoption of the budget shall constitute appropriations of the amount specified therein as expenditures from the funds indicated, and shall constitute a levy of the property tax therein proposed.

9.08 Defect Shall Not Invalidate Tax Levy

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

9.09 Failure to Adopt a Budget

If the Council fails to adopt the budget by the beginning of the fiscal year, the amounts appropriated for the prior fiscal year just completed shall be deemed adopted for the ensuing fiscal year on a month to month basis with all items in it pro-rated accordingly until such time as the Council adopts a budget for the ensuing fiscal year.

9.10 Public Records

Copies of the approved operation budget, capital facilities and property budget and supporting papers shall be filed with the City Secretary and shall be public records available to the public for inspection upon request.

9.11 Specified Reserve Fund

Specified reserve funds may be created for specific purposes, and may be used only for such purposes.

B. AMENDMENTS AFTER ADOPTION

9.12 Supplemental Appropriations

If during the fiscal year the City Manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the Council may make supplemental appropriations to fund the appropriations as desired or carry the excess into the next fiscal year.

9.13 Emergency Appropriations

To meet a public emergency created by a natural disaster or man-made calamity affecting life, health, property, or the public peace, the Council may make emergency appropriations, and may authorize the issuance of emergency debt or notes.

9.14 Reduction of Appropriations

If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial actions taken by the City Manager and the City Manager's recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose the Council may by ordinance reduce one or more appropriations.

9.15 Transfer of Appropriations

At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, division or office and transfer part or all of any unencumbered appropriation balance from one department, office or agency to another, within the same fund. If the City Manager transfers from one department, office or agency to another, then the City Manager shall provide a written accounting of all transfers to the City Council at the next regular City Council meeting.

9.16 Limitations

No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

9.17 Effective Date

The supplemental and emergency appropriations authorized by this section may be made effective immediately upon adoption of the ordinance or budget amendments.

C. BORROWING

9.18 Authority to Incur Indebtedness

The Council shall have the power to incur, create, refund and refinance indebtedness and borrow money for public purposes; to issue special or general obligation bonds, certificates of obligation, industrial bonds, revenue bonds, funding and refunding bonds, time warrants and any other evidences of indebtedness permitted by law, and to secure and pay the same in the manner and in accordance with the procedures provided and required by State law.

9.19 Bonds Incontestable

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

9.20 Borrowing in Anticipation of Property Tax

In any budget year, the Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the property tax for the same year whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.

9.21 Use of Bond Funds

Any and all bond funds approved by a vote of the citizens of Bridgeport will be expended only for the purposes stated in the bond issue.

D. ADMINISTRATION OF BUDGET

9.22 Administration of Budget

No payment shall be made or obligation incurred except those specifically allowed for in the budget. Any authorization of payment or incurring of any such obligation in violation of the provisions of this Charter will be void and any payment so made will be illegal. Such action may be the cause, at the discretion of the City Manager, or the Council in reference to the City Manager, for the removal of any officer who knowingly authorized or made such payment or incurred such obligation. However, this prohibition shall not be construed to prevent the making or authorizing of payment, or the making of contracts for, payments beyond the end of the fiscal year, provided that such action is made or approved by an ordinance.

9.23 Financial Reports

The City Manager shall submit to the Council a report of the financial condition of the City budget items for the fiscal year to date, periodically as directed by the Council, but in no event less than quarterly.

9.24 Independent Audit

At the close of each fiscal year, and at such times as it 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 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 results thereof in a summary form shall be presented to the Council. A copy of the Audit shall be made available to the public for inspection upon request.

Chapter X - Franchises and Public Utilities

10.01 Inalienability of Control of Public Property

The sole right of control, easement, use, ownership of and title to the public streets, sidewalks, highways, bridges, alleys, public places, and other real property of the City is hereby declared to be inalienable, except by ordinance adopted by a majority of the City Council.

10.02 Powers of the City

The City shall have the power to buy, sell, construct, lease, maintain, operate, and regulate public services and utilities within and without the City limits, and to distribute and sell such utility services, including but not limited to water, gas, electric, telephone, cable, waste management, recycling, and transportation services. The City shall have such regulatory powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

10.03 Power to Grant Franchise

The Council shall have the power by ordinance, after public hearing, to grant, renew, and extend all franchises for all utilities of every character operating within the City and, to amend the same, provided, however, that no franchise shall be granted for an indeterminate term, and that no franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension. Council action on all ordinances granting, renewing, extending or amending a utility franchise shall comply with the applicable provisions set forth in Section 3.11 of this Charter. Notice of the public hearing relating to a franchise shall be published at least once in a newspaper of general circulation in the City and posted on the City's website at least ten (10) days prior to the public hearing. All required publication costs shall be paid by the utility.

10.04 Exclusiveness of Franchises

No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of such grant shall be exclusive.

10.05 Transfer of Franchise

No utility franchise shall be transferable except with the approval of the Council expressed by ordinance following a public hearing. The term "transferable" as used herein, shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.

10.06 Right of Franchise

All grants, renewals, extensions, or amendments of utility franchises shall be subject to the following rights of the City, whether or not specifically stated in the franchise ordinance:

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

- (2) To require an adequate extension of plant and service as is necessary to provide adequate service to the public, and maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (3) To require at any time compensation and rental as may be permitted by the laws of the State of Texas for use of public streets, sidewalks, highways, alleys and public places.
- (4) To require the franchisee to restore at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair or removal.
- (5) To require every franchisee to furnish within a reasonable time to the City, without cost to the City, a general map, with updates outlining the location, character, size, length, and terminals of all facilities of such franchisee in, over, and under ground of property in the City and to provide detailed information on request.
- (6) To impose other reasonable regulations, requirements, and conditions as may be deemed necessary to promote the health, safety, welfare, or accommodation of the public and to insure safe, efficient and continuous service to the public.
- (7) To require the franchisee to give notice to any subscriber to its services prior to permanent or temporary discontinuance of such service by the franchisee, except in cases of emergency, and to require that no officer, agent, servant or employee of the franchisee nor any vehicles under their control shall make use of, go upon or cross any private property without first obtaining the permission of the owner or occupant, except in cases of emergency, and to provide a penalty for the violation of such requirements.
- (8) To require every franchisee to indemnify and hold harmless the City against any liability, claims or damages (including attorney's fees and expenses) for injury to persons, including death, or damages to any property, arising out of any intentional or negligent act or omission of the franchisee, or any of its officers, agents, or employees, in connection with the franchisee's construction, maintenance and operation of the franchisee's facilities in the City.

10.07 Regulation of Rates

The Council shall have full power after due notice and public hearing to regulate by ordinance the rates, charges and fares of all public utility franchise holders operating in the City as authorized by state and federal law.

10.08 Records and Accounts; Annual Reports

(a) The Council shall require all franchise holders and public service companies operating within the City to file a sworn annual report of the receipts from the operation of the said business for the current year, how much thereof was expended for betterments or improvements, the charges for services rendered to the public, and any other facts or information that the Council may deem pertinent for its use. Said reports to be filed with the City Secretary. Such reports shall be reviewed annually by the Council to determine the propriety of the rates being charged.

(b) Any franchise holder or public service company who shall for a thirty (30) day period willfully refuse or fail to report in the manner provided by this Charter, or shall file any report, knowing that the same does not truly report the facts about the matters mentioned therein, shall be subject to such penalties as may be prescribed by the Council by ordinance.

10.09 Municipal Owned Utilities

The Council shall have the right to:

- (1) Set rates of city-owned public services; and
- (2) Require any city-owned public services to keep accounts of financial operations. Accounts must show actual cost of each service to the City, including costs of extensions and improvements and source of funds extended for these purposes. Costs and revenues of services furnished to other cities or government agencies must be included.

10.10 Franchise Records

The City shall compile and maintain a public record of utility franchises.

10.11 Extensions

All extensions of service of utilities within the City limits shall become a part of the aggregate property of the utility, shall operate as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in this Chapter. In case of extension of a utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

10.12 Franchises Granted Before Ratification of this Charter

All franchises granted before ratification of the Charter are recognized as contracts between the City and the grantee, shall continue in full force and effect, and the

contractual rights contained in any such franchise shall not be impaired by the provisions of the Charter.

Chapter XI – Taxation

11.01 Power to Tax

The Council shall have the power to levy, assess and collect taxes on property within the territory of the City for any municipal purpose.

11.02 Tax Rate

The tax rate shall be calculated, publicized and adopted in accordance with State law.

11.03 Tax Liens

(a) The tax levied by the City is hereby declared to be a lien, charge, or encumbrance upon the property as of January 1st of each year (or on a date otherwise established by State law), 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 or encumbrance on the 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 the unknown heirs of any person who owns the property upon which the tax is due and also as against non-residents. All taxes upon real estate shall be a lien and a charge upon the property upon which the taxes are due, and such lien may be foreclosed in any court having jurisdiction. 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.

(b) In addition to the lien herein provided, the owner of real and personal property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City Assessment Rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property intended to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or personal judgment against the owner for such taxes.

11.04 Other Rules and Regulations

Except as otherwise provided by law or this Charter, the Council shall have the power to provide by ordinance such rules, regulations and mode of procedure to enforce and facilitate the collection by and payment to the Tax Assessor and Collector of all taxes

due the City as it may deem expedient, and may provide such penalty and interest as prescribed by State law for the failure to pay such taxes.

Chapter XII - General and Transitional Provisions

12.01 Effect of Charter on Existing Law

All ordinances, resolutions, rules and regulations in force in the City on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of beginning of such proceedings or under the law after the adoption of this Charter.

12.02 Continuation of Present Offices

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of the State shall, if such office, department or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the Council unless otherwise provided herein.

12.03 Public Meetings

All meetings of the Council and all boards and commissions appointed by the Council shall be governed by the provisions of the Open Meetings Act, and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by State law.

12.04 Public Records

Access to the records of every office, department or agency of the City shall be subject to public inspection as provided by the Public Information Act, and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by State law.

12.05 Official Newspaper

The Council may designate by resolution one or more newspapers of general circulation in the City as the official newspaper of the City, and shall cause to be published therein all ordinances, notices and other matters which are required to be published by this

Charter, the ordinances of the City or the Constitution or laws of the State of Texas. In addition to publication in the official newspaper, such notices shall be posted on the City's website during the period of publication in the newspaper.

12.06 Notice of Injury or Damage

Before the City shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or his authorized representative shall notify the City Secretary. The notification shall be in writing and shall state specifically how, when and where the death, injury or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The person giving notice under this section shall give the addresses of every place that he has resided during the six (6) month period prior to the damage or injury and subscribe his name to the notice under oath that the statements and facts contained in said notice are true and correct. The notification shall be filed within six (6) months of the date of injury or damage or in the case of death, within six (6) months of the date of death.

12.07 Bond or Security Not Required

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

12.08 Judicial Notice

This Charter shall be deemed a public act and shall have the force and effect of a general law; may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places without further proof.

12.09 Continuance of Contracts

All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances. All suits, taxes, penalties, forfeitures and all other rights, claims, and demands, which have accrued under the laws, heretofore in force governing the City shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the City, and shall not in any way be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

12.10 Continuance of Present Governing Body

All members of the Council, including the Mayor, holding office at the time of passage of this Charter shall continue to hold their respective place and office until their respective term of office for which they were elected expires, in accordance with Chapter 2 of this Charter.

12.11 Indemnification of Officers

The Council shall by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the City, including members of the Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorneys' fees, to the extent allowed by law, arising out of any claim, suit, or judgment, or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member, or volunteer during the discharge of his duties and within the scope of his office, employment, membership, or assigned voluntary position with the City, or in any other case where the City is directed or authorized by law to do so, provided however, that such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member or volunteer, or for the gross negligence or official misconduct, or willful or wrongful act or omission of such officer, employee, member or volunteer.

12.12 Property Not Subject to Execution

No property owned or held by the City shall be subject to any execution of any kind or nature.

12.13 Garnishment

No funds of the City shall be subject to garnishment and the City shall never be required to answer in any garnishment proceedings.

12.14 Persons Serving on Boards

Persons serving on any board at the time of the adoption of this Charter shall continue to serve on the board to which they were appointed until their terms shall have expired or until their successors shall have qualified.

12.15 Assignment of Wages

The City shall never be liable to the assignee of any wages of any officer, agent or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City such assignment shall be absolutely void.

12.16 When General Law Applicable

The general laws of the State of Texas and ordinances of the Council shall furnish the authority for the power and exercise thereof and control all matters to the extent not specifically and completely covered by this Charter.

12.17 Severability Clause

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

12.18 Meaning of Words

The provisions of this Charter shall be liberally construed for the purpose of effecting the objects and ends thereof. Unless some other meaning is manifest the word "CITY" shall be construed to mean the "CITY OF BRIDGEPORT", the words in the present tense include future tense, except when a more restricted meaning is manifest, and singular may mean plural. Throughout this Charter, words used in expressing masculine gender shall be construed to include the feminine. The word "CITY SECRETARY" refers to the person performing the duties of City Secretary. The word "COUNCIL" shall be construed to mean the "CITY COUNCIL OF THE CITY OF BRIDGEPORT." All references to State law or the laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or hereafter amended."

12.19 Amendment of Charter

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by State law, as now or hereafter enacted or amended.

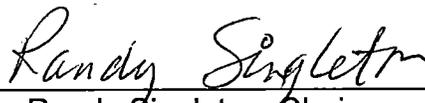
12.20 Submission of Charter to Voters

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City at an election to be held for that purpose on Saturday, May 7, 2016. Not less than thirty days prior to such election, the Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall immediately become the governing law of the City, until amended or repealed.

Saturday, May 7, 2016. Not less than thirty days prior to such election, the Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall immediately become the governing law of the City, until amended or repealed.

We, the undersigned members of the City of Bridgeport Charter Commission heretofore duly elected to prepare a Charter for the City of Bridgeport, Texas, do hereby certify that this publication constitutes a true copy of the proposed Charter for the City of Bridgeport, Texas, as adopted by the members thereof.

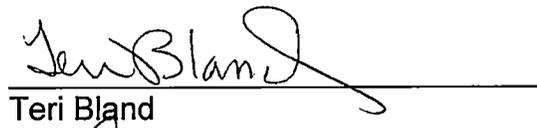
CHARTER COMMISSION



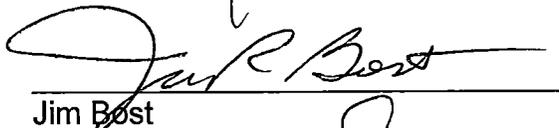
Randy Singleton, Chairman



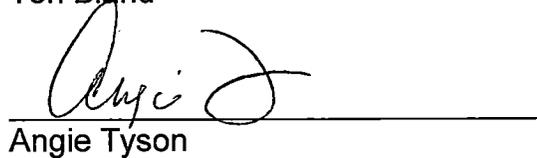
Dana Manoushagian



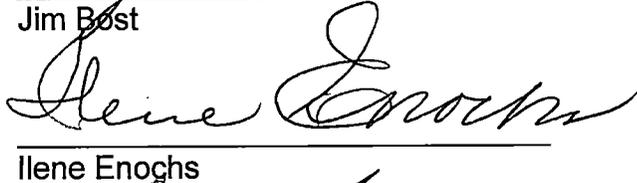
Teri Bland



Jim Bost



Angie Tyson



Ilene Enochs



Myrna Goode



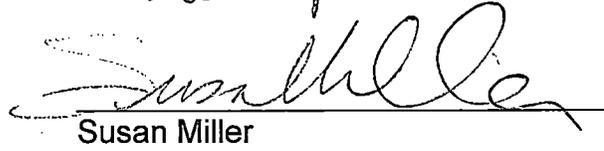
Scott Hiler



Corey Ingram



Jerry Kennedy



Susan Miller



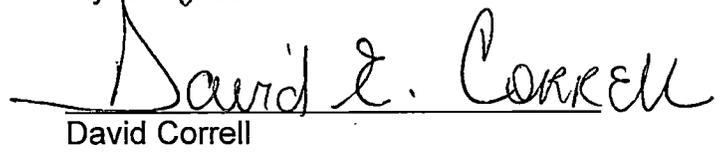
Fred Meyers



Myrle Duncan



Linda Vassar



David Correll