

City of Corinth Home Rule Charter



Adopted May 6, 1999
By Ordinance No. 99-05-06-18
Amended May 7, 2016

Corinth, Texas 76205

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AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, DECLARING THE ADOPTION OF A HOME RULE CHARTER; REQUIRING THE MAYOR TO CERTIFY TO THE SECRETARY OF STATE AN AUTHENTICATED COPY OF THE CHARTER; RECORDING THE CHARTER IN THE OFFICE OF THE CITY SECRETARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Corinth, Texas, appointed a Home Rule Charter Commission to draft a proposed home rule charter for the City of Corinth, and the Commission presented a proposed Home Rule Charter as required; and

WHEREAS, the City Council called an election to consider adoption of the proposed Home Rule Charter; and

WHEREAS, on May 1, 1999, a general election was held in the City of Corinth to consider such proposed home rule charter; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1. That the proposed Home Rule Charter for the City of Corinth, a true, correct and complete copy of which is attached to this ordinance as Exhibit "A" and is, by this reference, incorporated herein for all purposes, having been approved by the qualified voters voting at the election called for such purpose on May 1, 1999, 403 voters having voted "for the adoption of the Charter" and 74 voters having voted "against the adoption of the Charter", such Charter is hereby declared adopted as the Home Rule Charter of the City of Corinth, Texas.

SECTION 2. The order and declaration of the adoption of the Home Rule Charter set forth herein shall forthwith be entered into the records of the City Secretary of the City of Corinth.

SECTION 3. That the Mayor shall certify to the Secretary of the State of Texas an authenticated copy of this Charter under the City's seal showing the approval by the voters of the City.

SECTION 4. The City Secretary shall record in the City Secretary's Office the Home Rule Charter adopted by the voters of the City, either on microfilm or in a book kept for that purpose.

SECTION 5. This ordinance shall take effect immediately from and after its passage as the law in such cases provides.

DULY PASSED by the City Council of the City of Corinth, Texas, on the 16th day of May, 1999.



APPROVED:

Shirley Spellerberg
SHIRLEY SPELLERBERG, MAYOR

ATTEST:

Connie Bell
CONNIE BELL, CITY SECRETARY

APPROVED AS TO FORM:

Robert G. Williams

CITY ATTORNEY

(RLD/sgb 5-3-99)

ARTICLE I FORM OF GOVERNMENT AND BOUNDARIES**SECTION 1.01 FORM OF GOVERNMENT**

Municipal government for the City of Corinth shall be a council – manager form of government. Except as otherwise provided by this Charter and the Constitution and laws of the State of Texas, all powers conferred on the City shall be exercised by a City Council to be composed of five (5) Councilmembers and a Mayor, elected by the qualified voters of the entire city for terms of two (2) years.

SECTION 1.02 BOUNDARIES AND LIMITS**A. INCORPORATION**

All inhabitants of the City of Corinth, Denton County, Texas, as the boundaries and limits of said city have heretofore been established and now exist or may hereafter be established shall constitute a municipal body politic incorporated under and known by the name “The City of Corinth”, with such powers, rights, duties, privileges, and immunities as are herein provided.

B. BOUNDARIES

The boundaries and limits of the City of Corinth shall be those as established and described in ordinances duly passed by the City Council in accordance with state law. The City Secretary shall at all times keep a correct and complete description and official map on file, with recent annexations or disannexations.

C. ANNEXATION AND DISANNEXATION

The City may from time to time alter its boundaries by annexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by state law, with or without the consent of the owners of such territory or the inhabitants thereof. The City may from time to time alter its boundaries by disannexing any territory adjoining its present or future boundaries by passage of an appropriate ordinance describing the territory being disannexed. Any additional territory annexed to the City shall be a part of the City for all purposes, 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 all the citizens and shall be bound by the acts, ordinances, and resolutions of the City.

ARTICLE II POWERS OF THE CITY**SECTION 2.01 GENERAL**

The City of Corinth shall have all the powers granted to cities by the Constitution and laws of the State of Texas, together with all the implied powers necessary for the execution of all the powers granted. In the exercise of its powers, the City may:

- A. Design, adopt and use a corporate seal;
- B. Contract and be contracted with;
- C. Sue and be sued, implead and be impleaded in all courts in all matters;
- D. Cooperate with the government of the State of Texas and any agency thereof, and any political subdivision of the State of Texas;
- E. Own, lease and/or acquire property or a property interest, within or without its boundaries, for any municipal purpose, in fee simple or in any lesser estate of interest, by purchase, gift, devise, lease or condemnation;
- F. Hold, sell, lease, manage, control and police any property now owned by the City or which may be acquired by the City;
- G. Lease property owned by the City whether such property is located inside or outside the City, subject to the limitations herein provided;
- H. Construct, own, lease, operate, and regulate public utilities;
- I. Assess, levy, and collect taxes for the general and special purposes on all lawful subjects of taxation;
- J. Borrow money on the faith and credit of the City by the issuance of bonds, certificates of obligation, warrants, or notes of the City;
- K. Appropriate the money of the City for all lawful purposes;
- L. Regulate and control the use of streets and other public places;
- M. Provide suitable penalties for violations of City ordinances;
- N. Create ordinances to regulate the collection and disposal of solid and other wastes in a manner that protects the general health, safety, and welfare of the citizens and upholds state and federal laws;

- O. Exercise the authority, alone or with any governmental agency, or any non-profit organization incorporated under the laws of the State of Texas to acquire, establish, and own all property that may be useful and necessary for the purpose of establishing and maintaining parks and recreational facilities as authorized by law;
- P. Plan and execute emergency administrative measures to be applied in time of natural disaster;
- Q. Pass and enforce such ordinances as may be expedient for the protection and maintenance of good government, the peace and welfare of the City, the performance of the functions of the City, and the order and security of the residents of the City; and
- R. Exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, except as prohibited by the Constitution and laws of the State of Texas and not in conflict with this Charter.

SECTION 2.02 PLANNING AND ZONING

The City shall have the power to adopt and enforce the following:

- A. A master plan to be used as a guide for the orderly growth and development of the City;
- B. Ordinances for the regulation of subdivisions and plats within the City and its extraterritorial jurisdictions;
- C. Ordinances to establish development performance standards and land use regulations in general within the City, and any valid additions thereto, or within any part thereof, in any manner that does not conflict with the Constitution or state laws;
- D. Ordinances to promote safe and reasonable building standards;
- E. Ordinances providing for the acquisition of lands within the City limits and within extraterritorial jurisdictions for public purposes, not including private development, and not in conflict with state laws;
- F. Ordinances to provide for capital improvements that improve the general health, safety, and welfare of citizens within the City limits and within the extraterritorial jurisdictions; and

- G. A comprehensive zoning ordinance and map as authorized by Chapter 211 of the Texas Local Government Code; provided, that this Charter shall not affect the continuation of a valid non-conforming use or structure in the City, nor affect the non-conforming status of a use or structure which arose prior to the adoption of this Charter or annexation of the property into the City.

SECTION 2.03 EMINENT DOMAIN

The City shall have the full power, authority, and rights 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 and laws of the State of Texas. Neither the Council nor the City Administration shall participate in any form for the purpose of exercising eminent domain on behalf of private development.

SECTION 2.04 GENERAL POWERS ADOPTED

The enumeration of the particular powers of this Charter shall not be held or deemed to be exclusive, 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 that, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate.

ARTICLE III THE CITY COUNCIL

SECTION 3.01 NUMBER, SELECTION AND TERM

- A. The legislative and governing body of the City shall consist of a Mayor and five Councilmembers who, collectively, shall be known as the "City Council of the City of Corinth, Texas".
- B. All members shall be elected to two-year, staggered terms.
- C. The Mayor shall:
1. Be elected at large;
 2. Be presiding officer of the Council;
 3. Vote only in cases of ties;

4. Require a vote of a majority of all members of the Council if the Mayor objects to a proposed ordinance;
 5. Recommend appointments to boards & commissions; and
 6. Represent the City in ceremonial functions.
- D. The Mayor and two (2) Councilmembers, Places 2 and 5, shall be elected in odd-numbered years. Three (3) Councilmembers, Places 1, 3, and 4, shall be elected in even-numbered years.
- E. Councilmembers shall be elected at large by Place by a plurality of votes in municipal elections.

SECTION 3.02 COMPENSATION

The Mayor and Councilmembers shall serve without compensation.

SECTION 3.03 QUALIFICATIONS

Each candidate for an elective office shall meet the following qualifications:

- A. Shall be a qualified voter;
- B. Shall be at least twenty-one (21) years of age;
- C. Shall have resided in the City for 12 months immediately preceding the election.
- D. Shall not be employed by the City; and
- E. Shall meet all other eligibility requirements of the Texas Election Code.

SECTION 3.04 FORFEITURE AND VACANCIES

- A. A Councilmember or the Mayor shall forfeit such office if at any time during a term of office he or she:
 1. Lacks any qualification for the office as prescribed by this Charter or by state law;
 2. Violates any express prohibition of this section or any other provision of this Charter; or

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

The Council shall be the final judge in matters involving forfeiture of office by a Councilmember or the Mayor.

- B. If one vacancy occurs on the Council, then the remaining members of the Council shall fill the vacancy by appointment until the next general municipal election.
- C. If two or more simultaneous vacancies occur, then the remaining members of the Council shall call a special election to fill the vacancies for the unexpired terms.

SECTION 3.05 HOLDING OTHER OFFICES

Members of the Council shall not hold any other City office or be employed by the City during their terms of office. Former Mayors and Councilmembers may not be employed in compensated City positions for one (1) year from completion of their terms of office.

SECTION 3.06 QUORUM

At all meetings, three (3) Councilmembers shall constitute a quorum for the purpose of transaction of business. The Mayor shall not be counted in the determination of a quorum.

ARTICLE IV ADMINISTRATIVE SERVICE

SECTION 4.01 CITY MANAGER

- A. **DUTIES, APPOINTMENT, QUALIFICATIONS, COMPENSATION, AND REMOVAL**
 1. The City Manager shall be the chief administrative and executive officer of the City.
 2. The City Manager is appointed by and serves at the will of the Council.

3. The City Manager shall be appointed based on administrative knowledge, skills and abilities.
4. The City Manager shall administer the business of the City and the Council shall ensure that such administration is efficient and effective.
5. The Council may by ordinance delegate to the City Manager any additional powers or duties it considers proper for the administration of City affairs.
6. The Council shall be authorized to enter into a contract of employment with the City Manager and to prescribe such compensation therein as it may fix.
7. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council.

B. DIRECTION AND SUPERVISION OF EMPLOYEES, NON-INTERFERENCE BY THE CITY COUNCIL: APPOINTMENT AND REMOVAL OF DEPARTMENT HEADS.

1. Except for the purposes of inquiries and investigations as provided by this Charter or otherwise by law, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, either publicly or privately.
2. Neither the Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the City Manager or by any other City employee.
3. The City Manager shall be responsible for and have the authority to appoint, suspend, and/or remove any of the directors of the departments of the City.

C. SPECIFIC POWERS AND DUTIES

The City Manager shall be responsible to the Council for the proper administration of the affairs of the City and shall have the power and duty to:

1. Be responsible for the administration of all City affairs;

2. Appoint, hire, suspend, and/or remove employees not otherwise provided for in this Charter. Appointments shall be made on the basis of executive and administrative experience, ability, training fitness, and efficiency of such appointees in the work they are to administer;
3. Ensure that all the laws and ordinances are enforced;
4. Prepare and recommend items for inclusion in the official agenda of all Council meetings and meetings of the boards and commissions as established by this Charter or ordinance;
5. Prepare and submit to the Council the annual budget and capital program, and administer the budget as adopted by the Council;
6. Ensure that all terms and conditions in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed;
7. Keep the Council at all times fully advised as to the financial condition and needs of the City. Prepare and submit to the Council periodic reports on the finances and activities of the City, including the report of the annual audit required by state law; and
8. Recommend to the Council for adoption such measures as may be deemed necessary or expedient; to execute deeds of trust, easements, releases, contracts, and all other legal instruments on behalf of the City when authorized by ordinance or resolution of the Council.

SECTION 4.02 CITY SECRETARY

The City Manager shall have the authority to appoint, supervise, suspend, and/or remove the City Secretary. The City Secretary shall receive such compensation as fixed by the Council. The duties of the City Secretary shall be as follows:

- A. Attend all meetings of the Council and keep accurate records of all actions taken by the Council;
- B. Maintain the official records and files of the City;
- C. Administer oaths required by law;

- D. Attest contracts, assessment certificates, ordinances, resolutions, and other legal instruments when executed by the authorized officers of the City;
- E. Hold and maintain the City seal and affix it to all appropriate documents as required;
- F. Perform such other duties as may be required by the City Manager, this Charter, or the laws of the State of Texas; and
- G. Shall serve as election officer for all City elections.

SECTION 4.03 MISCELLANEOUS DEPARTMENTS

The Council, after hearing recommendations from the City Manager, may choose by ordinance to provide for necessary organizational arrangements to properly carry out the City's public safety, public works, recreation, library, finance, and any other service and administrative functions deemed necessary.

ARTICLE V

MUNICIPAL COURT

SECTION 5.01 MUNICIPAL COURT

The Council shall create and provide for a municipal court and may appoint one or more judges to serve in such court. The court shall have all the powers and duties prescribed by the laws of the State of Texas and City ordinances in connection with the trial of misdemeanor offenses within its jurisdiction.

A. JUDGE OF THE MUNICIPAL COURT

The judge of the Municipal Court and all alternates shall be appointed by the Council for terms of two (2) years. The judge and all alternates shall receive such compensation as may be determined by the Council. The Council may appoint alternate judges of the Municipal Court to preside over the court in the absence of the judge.

B. CLERK OF THE MUNICIPAL COURT

The clerk of the Municipal Court and any deputies shall be appointed by the City Manager for terms of two (2) years. The clerk and any deputies shall have the power to perform all acts usual and necessary to be performed by clerks and deputy clerks of municipal courts of the State of Texas.

C. JURISDICTION, POWER, AND FINES

The Municipal Court shall have jurisdiction:

1. Over all criminal cases arising under the ordinances of the City of Corinth within the City limits, and outside the limits to the extent authorized;
2. Concurrent with the appropriate state court of all criminal cases arising under the criminal laws of the State of Texas, where the offense is committed within the City limits of the City, and where the penalty does not exceed that which is established for municipal courts by the laws of the State of Texas;
3. Over the forfeiture and collection of bonds given in proceedings therein, and to order the forfeiture of cash acceptance bonds upon the failure of the defendant to appear, and to accept the same in lieu of a fine; and
4. Enforce all process of the court in accordance with the laws of the State of Texas and the ordinances of the City of Corinth.

D. COSTS, FINES, AND PENALTIES

All costs, fines, and penalties imposed by the Court, shall be paid into the City treasury for the use and benefit of the City, as may be consistent with the present and future laws of the State of Texas.

ARTICLE VI**CITY ATTORNEY****SECTION 6.01 APPOINTMENT**

The Council shall appoint a competent, licensed attorney of recognized ability who shall be known as the City Attorney.

SECTION 6.02 COMPENSATION

The City Attorney shall receive such compensation for services as may be fixed by the Council at the time of appointment, and from time to time by appropriate resolution.

SECTION 6.03 DUTIES

The City Attorney shall be the legal advisor of, and attorney for, all of the offices and departments of the City, and shall represent the City in any and all litigation and legal proceedings, provided however, that the Council may retain special counsel at any time it deems appropriate and necessary. The City Attorney shall review and approve as to form, all documents, contracts, resolutions, ordinances, and legal instruments in which the City may have an interest as may be required by the City Manager or Council. The City Attorney shall perform such other duties that are prescribed either in this Charter, or by ordinance or resolution of the Council.

ARTICLE VII**NOMINATIONS AND ELECTIONS****SECTION 7.01 CITY ELECTIONS**

- A.** The municipal officer's election shall be held annually on the first Saturday in May. All City elections shall be governed by the Constitution of the State of Texas, general law of the state, this Charter, and by City ordinance in the order named.
- B.** The Council shall select polling locations and publicize elections in a manner consistent with the Texas Election Code.

- C. The Council shall appoint election officials and provide compensation for them, and shall cover all other expenses of holding such elections.
- D. The Council may call special elections for purposes it deems appropriate as authorized by state law or this Charter, determine the time and place of the special election, and provide all means for holding it.

SECTION 7.02 FILING FOR OFFICE

- A. Any qualified person as prescribed by Section 3.03 may apply to have his or her name placed on the official ballot for the position of Councilmember or Mayor.
- B. The City Secretary shall provide the application forms and review the application to determine if the applicant satisfies the requirements of this Charter and the Texas Election Code. The City Secretary shall keep on file all applications at least until the expiration of the term of office for which such candidates filed.

SECTION 7.03 OFFICIAL BALLOTS

- A. The name of each candidate for office, shall be printed on the official ballots without party designation or symbol and in the form designated by the candidate. If two or more candidates have the same surname or surnames so similar as to cause confusion, their residence addresses shall be printed with their names on the ballot.
- B. The order on the ballot of the names of the candidates shall be determined by lot in a public drawing to be held under the supervision of the City Secretary in accordance with the Texas Election Code.
- C. The procedure for voting by early or absentee ballot shall be consistent with the Texas Election Code.
- D. Ballots for ordinances, bond issues, and Charter amendments shall be consistent with the Texas Election Code.
- E. The procedure for write-in votes shall be consistent with the Texas Election Code.

SECTION 7.04 WATCHERS, CHALLENGERS AND CANVASSING

- A. Any candidate shall be entitled to appoint poll watchers and challengers in accordance with the Texas Election Code.
- B. The returns of every municipal election shall be delivered forthwith by the election judge to the City Secretary and the Mayor at City Hall. The Council shall canvass the returns and declare the official results of the election in the manner and within the time provided by law. Returns of every municipal election shall be recorded in the minutes of the Council. The candidate for Mayor and the candidates for election to the places of Councilmember who receive the plurality of votes cast by qualified voters at the election shall be declared elected. The results of said election shall be posted in the City Hall.

SECTION 7.05 RUN-OFF ELECTIONS

If there is a tie for first place in a municipal officer's election, a run-off election shall be held in accordance with the Texas Election Code.

SECTION 7.06 OATH OF OFFICE

All elected and appointed officers of the City shall take and sign the oath of office prescribed for state elective and appointed offices, respectively, by the Constitution of the State of Texas. Every officer of the City shall, before entering upon the duties of the office, take and subscribe to the following oath or affirmation to be signed, filed and kept in the office of the City Secretary:

"I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the City of Corinth, State of Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and this State so help me God."

SECTION 7.07 EXCEPTION OF ELECTION CODE

In the event there is a conflict between any of the provisions of this article and the Texas Election Code or other governing laws for the conduct of an election, then those provisions of the Texas Election Code or other applicable laws shall prevail.

ARTICLE VIII**RECALL****SECTION 8.01 GENERAL AUTHORITY**

- A.** The citizens of the City reserve the power to recall any member of the Council by filing a petition with the City Secretary signed by qualified voters of the City equal in number to at least 25% of the qualified voters of the City at the time of application for the petition.
- B.** No petition shall be received for the recall of a member within the first four (4) months after such member has been elected, or within the last six (6) months of their term on the Council.
- C.** No member of the Council shall be subject to more than one recall election during a term in office. The member of the Council being subjected to recall shall be entitled to one public hearing.

SECTION 8.02 FORM OF PETITION

- A.** The recall petition shall include a statement, not exceeding two hundred (200) words, of the reason(s) for requesting the recall of the member.
- B.** A person desiring to circulate a recall petition (the “sponsor”) shall secure the form for such purpose from the City Secretary. Such form shall be prepared and maintained by the City Secretary in accordance with the requirements of this Charter. Such petition shall be circulated and returned to the City Secretary by the sponsor within thirty (30) days after its issuance. The petition shall be accompanied by a \$100.00 filing fee payable to the City.
- C.** The petition shall conform to the requirements of the Texas Election Code, any other applicable law, and this Charter. The petition shall include the statement of reason(s) given by the petitioners for recall of the member, the signature of the signer, the signer’s printed name, date of birth, voter registration number, residence address, and the date of signing. The signature is the only information required to appear on the petition in the signer’s own handwriting.

SECTION 8.03 FILING OF PETITIONS

The petition for recall shall be filed with the City Secretary. Upon receipt, the City Secretary shall provide a true copy of the recall petition to the Council and the City Attorney. The member whose removal is sought shall be furnished a copy of the recall petition by personal delivery or by certified U.S. Mail, return receipt requested, within five days after its receipt by the City Secretary.

SECTION 8.04 CERTIFICATION OF PETITIONS

Within 15 days after the petition for recall is filed, the City Secretary shall complete a certification as to the sufficiency or insufficiency of the petition. The City Secretary shall declare void any petition paper that does not have an affidavit attached thereto stating that each signature thereto was made in the presence of the affiant and is the genuine signature of the person whose name it purports to be. If the petition is certified as insufficient for lack of a sufficient number of valid signatures, the City Secretary will notify the sponsor and the petition may be amended once within 15 days from the date of such notice by the sponsor filing a supplementary petition with additional signatures. The supplementary petition will be in the same form as the original petition. When the supplementary petition is filed, the City Secretary will certify within 15 days whether such supplementary petition is sufficient. If the supplementary petition and the original petition are still found to contain an insufficient number of valid signatures, the entire petition will be declared voided, and returned to the sponsor by certified U.S. Mail, return receipt requested.

SECTION 8.05 RECALL PUBLIC HEARING

Once the member receives a copy of the recall petition, that member may request a public hearing by the Council. The public hearing must be requested in writing by the member within 5 days after the member has received a copy of the petition which the City Secretary has certified is sufficient. The public hearing will be held within 15 days after the request is made. At the public hearing, the member can present facts pertinent to the statement of reason(s) contained in the petition. If, at or before the public hearing, the member resigns, the office which the member holds will be declared vacant and filled in accordance with this Charter. If the member does not resign before or at the public hearing, the Council shall call a recall election at the same meeting as the public hearing.

SECTION 8.06 RECALL ELECTION

- A. The Recall election may be held in the same manner as elections are held generally in the City. A member may be recalled only if a majority of those qualified voters voting in the recall election vote in favor of recalling such member. The date for the recall election shall be the first lawful date available after 30 days from the date of the public hearing. If no public hearing is requested, as permitted by this Article, Council shall call a recall election at its next regular meeting.
- B. If a majority of the voters at the recall election cast votes against recall, then the member whose removal is sought will remain in office for the remainder of the term. If a majority of the voters cast votes in favor of recall of the member, the member will be considered removed from office as of the date of the canvass of the returns and declaration of the results, and the vacancy on the Council will be filled in accordance with the provisions of this Charter.

ARTICLE IX**MUNICIPAL FINANCE****SECTION 9.01 FISCAL YEAR**

The fiscal year of the City shall begin on the first day of each October and end on the last day of September of the succeeding year.

SECTION 9.02 SUBMISSION OF BUDGET

The City Manager shall be responsible for submitting an annual budget not later than sixty (60) days prior to the first day of the new fiscal year. This budget is to be filed with the City Secretary and submitted to the Council for its review, consideration and revision. In preparing this budget, each employee, officer, board and department shall assist the City Manager by furnishing all necessary information.

SECTION 9.03 BUDGET CONTENT

The 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 Council may require. The budget shall contain the following information:

- A. The City Manager's budget message outlining the proposed financial policies for the next fiscal year with an explanation of any changes in expenditures from the previous year and any major changes in policies and a complete statement regarding the financial condition of the City;
- B. An estimate of all revenues from taxes and other sources, including the present tax structure, rates, and property evaluations for the ensuing year;
- C. A carefully itemized list of proposed expenses and revenues by fund, service type, and project for the budget year, as compared to actual expenditures and revenues of the last ended fiscal year and the projected final expenditures and revenues for the current fiscal year;
- D. A description of all outstanding bond indebtedness, showing amount, date of issue, rate of interest and maturity date; also any other indebtedness which the City has incurred and which has not been paid;
- E. A statement proposing any capital expenditures deemed necessary for undertaking during the next budget year and the recommended provision for financing; and
- F. A list of capital projects which should be undertaken within the five (5) next succeeding years.

SECTION 9.04 CITY COUNCIL ACTION

A. PUBLIC NOTICE AND HEARING

The Council shall hold a public hearing on the budget and shall provide adequate public notice of such hearing, including publication of notice as required by State law. All interested residents and property owners shall be given the opportunity to be heard regarding any item of the budget.

B. ADOPTION OF THE BUDGET

The budget and tax rate may be adopted at any regular or special meeting of the Council prior to the beginning of the budgeted fiscal

year by a vote of three Councilmembers, or such number of votes as is required by state law. The Council may amend the proposed budget by increasing, decreasing, or removing any programs or amounts, except for expenditures required by law, for debt service or for estimated cash deficit. 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.

C. FAILURE TO ADOPT

If the Council fails to adopt a budget by the beginning of the fiscal year, the budget currently in place for the preceding year shall remain in place on a month-to-month basis until such time as a new budget has been adopted.

D. ERRORS OR DEFECTS

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

SECTION 9.05 SUPPLEMENTAL APPROPRIATIONS

If during the fiscal year the City Manager certifies that there are revenues available in excess of those estimated in the budget or funds otherwise available in unencumbered reserves, the Council by ordinance may make supplemental appropriations for the year up to the amount of these available funds. 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, office, or agency. Upon written request by the City Manager, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

SECTION 9.06 CAPITAL PROGRAM

The City Manager shall submit a five-year capital improvement program (CIP) as an attachment to the annual budget. The CIP shall include the following:

- A.** A clear, general summary of its contents;
- B.** A list of all capital improvements which are proposed for the five (5) fiscal years including the budget year, with appropriate supporting information as to the necessity for such improvements;

- C. Cost estimates, method of financing and recommended time schedules for each improvement; and
- D. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

SECTION 9.07 PUBLIC RECORDS

Copies of the budget and the capital program, as adopted and amended shall be kept on file by the City Secretary and made available for public review in accordance with the Texas Open Records Acts.

SECTION 9.08 BORROWING

A. GENERAL OBLIGATION BONDS

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by law and this Charter and to issue refunding bonds to refinance outstanding bonds previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for purposes for which they were issued. In all cases when the Council shall order an election for the issuance of bonds of the City, it shall at the same time state whether or not a tax rate increase is anticipated for the purpose of paying the principal and interest on the bonds and to create a sinking fund for their redemption.

B. REVENUE BONDS

The City shall have the power to borrow money for the purpose of construction, purchasing, improving, extending or repairing public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and the laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be payable only from the revenues generated by the properties. The holders of the revenue bonds shall never have the right to demand payment thereof from tax revenues. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.

SECTION 9.09 DEPOSITORY

The City will be required to maintain a city depository or depositories in which all City moneys shall be promptly deposited. Procedures for the withdrawal of funds or the disbursement of funds from the City depositories shall be prescribed by ordinance and State law.

SECTION 9.10 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 Council, for the removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such person shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payment of, 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.

SECTION 9.11 FINANCIAL REPORT

The City Manager shall submit to the Council a monthly report of the financial condition of the City by department for the fiscal year-to-date. The financial records of the City will be maintained on a modified accrual basis to support this type of financial management. The City Manager shall make available to the Council the monthly cash disbursements journal of the City of all funds and accounts.

SECTION 9.12 INDEPENDENT AUDIT

At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall direct that an independent audit be made on 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 and shall report directly to the Council. Upon completion of the audit, a summary of the results thereof shall be published promptly in the official newspaper for the City and a copy shall be placed on file in the City Secretary's office for public record. A copy of the comprehensive financial annual report shall be available at City Hall.

ARTICLE X BOARDS, COMMISSIONS AND COMMITTEES**SECTION 10.01 AUTHORITY**

The Council shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The Council shall prescribe the purpose, composition, functions, duties, accountability and tenure of each board, commission and committee, where such are not prescribed by law or this Charter.

SECTION 10.02 QUALIFICATIONS

Members of all boards and commissions must be residents of the City for at least six (6) months preceding the date of appointment and must be qualified voters. No officer of the City nor any person who holds a compensated position with the City shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity.

SECTION 10.03 COMPENSATION

Board, Commission and Committee members serve without compensation.

SECTION 10.04 PLANNING AND ZONING COMMISSION**A. DUTIES AND POWERS OF THE COMMISSION**

1. Receive, review and take appropriate action on all platting and subdivision proposals.
2. Recommend to the Council proposed ordinances and amendments to existing ordinances regarding planning, zoning and environmental quality.
3. Prior to the final passage or amendment of the zoning ordinance, the Planning and Zoning Commission shall review such ordinance and/or amendment and by majority vote, make a recommendation to the Council.

B. ORGANIZATION AND MEETINGS OF THE COMMISSION

1. The Planning and Zoning Commission shall consist of five (5) regular members and two (2) alternates, to be appointed by the Council to serve two-year terms.
2. The Council shall appoint a chairman and vice-chairman who shall serve one-year terms.
3. In the event of a vacancy on the Planning and Zoning Commission, the Council shall appoint a new member for the unexpired term.
4. A quorum of the Commission shall consist of three (3) members. In the absence or disqualification of a regular member, an alternate shall act as a Commission member.

SECTION 10.05 BOARD OF ADJUSTMENT

- A. The Board of Adjustment shall consist of five (5) regular members and two (2) alternates to be appointed by the Council to two-year terms.
- B. The Council shall appoint a chairman and vice-chairman who shall serve a one-year term.
- C. In the event of a vacancy the Council shall appoint a new member for the unexpired term.
- D. A quorum shall consist of four (4) members. In the absence or disqualification of a regular member, an alternate shall act as a Board member.

ARTICLE XI UTILITIES, FRANCHISES AND LICENSES**SECTION 11.01 POWERS OF THE CITY**

The City shall have the power to buy, sell, construct, lease, maintain, operate and regulate public services and utilities and to distribute and sell such utility services, including but not limited to, water, heat, light, power, telephone service and transportation. The City shall have such regulatory powers as granted under the laws of the State of Texas.

SECTION 11.02 POWER TO GRANT FRANCHISE

The Council shall have the power by ordinance to grant, renew and extend all franchises of all public services operating within the City, and with the consent of the franchisee, to amend the same. No franchise shall be granted for a term of more than twenty (20) years.

SECTION 11.03 ORDINANCE GRANTING FRANCHISE

Any ordinance to grant, renew, extend or amend a public service franchise shall take effect upon acceptance by the franchisee within sixty (60) days after adoption of the ordinance granting the franchise. A summary of the purpose of the ordinance shall be published one (1) time in the official city newspaper, at the expense of the prospective franchisee, 30 days prior to adoption of the ordinance.

SECTION 11.04 TRANSFER OF FRANCHISE

No public utility or franchise shall be transferable except with the approval of the Council expressed in ordinance; however, approval cannot be unreasonably withheld. This restriction shall not be construed to prevent franchise holder from pledging the franchise as security for a valid debt.

SECTION 11.05 RIGHT OF REGULATION

Every grant, renewal, extension or amendment of a public service and utility franchise, the City shall retain the right to:

- A.** Repeal the franchise by ordinance for failure to comply with the terms thereof, such power to be exercised with due notice and public hearing;
- B.** Require franchisee to restore, at franchisee's expense, all public and private property to a condition equally as good or better than when disturbed for construction, repair or removal;
- C.** Require the public utility to give notice to any subscriber to its services prior to permanent or temporary discontinuance of such service by the public utility, except in cases of emergency, and to require that no officer, agent, servant or employee of the public utility 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; and

- D. Impose other reasonable regulations, restrictions, requirements and conditions as may be deemed necessary or desirable to promote the health, safety, welfare, or accommodation of the public.

SECTION 11.06 CITY OWNED UTILITIES

The Council shall have the right to:

- A. Set rates of city-owned public services; and
- B. 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.

SECTION 11.07 INALIENABILITY OF CONTROL OF PUBLIC PROPERTY

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

ARTICLE XII GENERAL AND TRANSITIONAL PROVISIONS

SECTION 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 full force and effect until altered, amended or repealed. All taxes, assessments, liens, encumbrances, obligations and demands of or against the City, fixed or established before such date, shall be valid if properly fixed or established either under the law in force at the time of such proceedings or under the law after the adoption of this Charter.

SECTION 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 in the capacities to which they have been appointed until provision shall have been made in accordance with the terms of this Charter for the performance of such duties or the discontinuance of such office, if any. 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.

SECTION 12.03 NEPOTISM

No officer of the City shall appoint, vote for, or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to any member of the Council or the Mayor, when the salary, fees, or compensation of such appointee is to be paid for, directly or indirectly, out of or from public funds or fees of office of any kind or character whatsoever. However, this provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty for at least thirty (30) days, if the officer is appointed, or at least six (6) months, if the officer is elected. When a person is allowed to continue in any such position, the officer related shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, reemployment, change in status, compensation, or dismissal of such person, unless such action is taken with respect to a bona fide class or category of employees.

SECTION 12.04 OFFICIAL NEWSPAPER

The Council shall have the power to designate by resolution a newspaper of general circulation in the City as the City's official newspaper. All ordinances, captions of ordinances, notices and other matters required to be published by this Charter, by ordinance, or by state law, shall be published in the official newspaper.

SECTION 12.05 JUDICIAL NOTICE

This Charter shall be recorded in the City Secretary's office in a book kept for that purpose. As soon as practicable after its adoption, an authenticated copy of the Charter shall be certified by the Secretary of State under the City Seal.

Once recorded by the City Secretary and the Secretary of State of Texas, the Charter becomes a public act. Such Charter provisions may be read in evidence without pleading or proof of their provisions, and judicial notice shall be taken thereof in all courts and places.

SECTION 12.06 CLAIMS FOR DAMAGE OR INJURY

The City shall never be liable for any personal injury or death or for claims for damages or injury to real or personal property alleged to have been caused by the negligent act or omission of any officer, agent or employee of the City unless the person who has been injured, the person who may have a cause of action under the law by reason of such death or injury, the person whose property has been injured or damaged, or someone acting on that person's behalf, shall file a claim in writing with the City Secretary within six (6) months after said injury, death or damage has occurred, stating specifically when, where and how the injury, death or damage occurred, the full extent thereof, the amount of damages claimed or asserted, and the basis claimed for liability on the part of the City. The person giving notice under this section shall give the address of every place the claimant has resided during the last six (6) months prior to the injury, death or damage and shall subscribe claimant's name thereto. Neither the Mayor, Councilmember, City Manager, City Secretary, City Attorney, or any other officer or employee of the City shall have authority to waive any of the provisions of this section, but the same may be waived only by resolution of the Council made and passed before the expiration of said six (6) months' period.

SECTION 12.07 PROPERTY NOT SUBJECT TO GARNISHMENT AND EXECUTION

No property owned or held by the City shall be subject to any garnishment or execution of any kind or nature except as specifically provided by state law.

SECTION 12.08 CONFLICT OF INTEREST

No member of the Council, the Mayor, or any other officer, whether elected, appointed, paid or unpaid, who exercises responsibilities beyond those that are advisory in nature, shall participate in a vote or decision on a matter involving a business entity in which such officer has a substantial interest if it is reasonably foreseeable that an action on the matter would confer an economic benefit on the business entity. If the officer or a person related to the officer within the second degree of affinity or consanguinity has a substantial interest in the business entity that would be pecuniarily affected by an official action of the Council, the officer, if a member of the Council, shall file an affidavit stating the nature and extent of the interest and abstain from further participation in the matter.

SECTION 12.09 PUBLIC MEETINGS AND RECORDS

All meetings of the Council and all boards appointed by the Council shall be governed by the provisions of the Texas Local Government Code and any amendments thereto with regard to the posting of agenda and the holding of public meetings. All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable business hours, provided that records excepted from public disclosure by the Texas Local Government Code and any amendment thereto shall be closed to the public and not considered public records for the purpose of this section.

SECTION 12.10 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 or 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.

SECTION 12.11 AMENDMENT OF CHARTER

Amendments to this Charter may be submitted by the Council to the qualified voters of the City for their approval at an election on the motion of the Council or upon petition signed by a number of qualified voters of the City equal to five (5) percent of the number of qualified voters. This Charter can only be amended every two (2) years.

SECTION 12.12 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, undertaking or security to be executed on behalf of said City, and all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said City shall be liable as if such obligation had been duly given and executed.

SECTION 12.13 SEVERABILITY CLAUS

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

SECTION 12.14 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 Corinth", and the word "and" may be read "or", or the word "or" may be read "and" if the sense requires. Words in the present tense include future tense, and except when a more restrictive meaning is manifest, singular may mean plural. Throughout this Charter, words used in expressing masculine gender shall be construed to include the feminine. The word "Council" shall be construed to mean the City Council of the City of Corinth.

SECTION 12.15 TRANSITION PROVISIONS

- A.** This Charter shall take effect immediately following adoption by the voters and entry of the official order by the Council declaring the same adopted as soon as practicable. After adoption the Mayor shall certify to the Secretary of State an authenticated copy of the Charter under the City's seal showing the approval by the voters. The City Secretary shall record the Charter in a book kept for that purpose and keep and maintain the same as the official record of the City.
- B.** Upon adoption of this Charter, the present members of the Council filling elective offices will continue to fill those offices for the terms to which they were elected.

ARTICLE XIII

ADOPTION OF CHARTER

SECTION 13.01 SUBMISSION AND ELECTION

- A.** This Charter shall be submitted to the qualified voters of the City for adoption or rejection on the 1st day of May, 1999, at which election, if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the governing law of the City of Corinth, Texas, until amended or repealed.

- B.** It being impracticable to submit this Charter so that each subject may be voted on separately, it is hereby prescribed that the form of ballot to be used in such election shall be as follows, to wit:

FOR ADOPTION OF THE CHARTER.

AGAINST ADOPTION OF THE CHARTER.

This Home Rule Charter for the City of Corinth, Texas, is respectfully submitted to the City Council of the City of Corinth for the purpose of calling an election on the question of adoption of the Home Rule Charter this 4th day of March, 1999. This proposed Charter represents the recommendation of the majority of the members of the Home Rule Charter Commission, whose membership and signatures are evidenced below.

<u>/s/ John F. Baum</u> John F. Baum, Chairman	<u>/s/ Michael Perrah</u> Michael Perrah
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<u>/s/ Cheryl L. McKinnis</u> Cheryl L. McKinnis, Vice Chairman	<u>/s/ Jerry Reagan</u> Jerry Reagan
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<u>/s/ Don Glockel</u> Don Glockel, Liaison to Staff	<u>/s/ Tim Reynolds</u> Tim Reynolds
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<u>/s/ Mike Anthony</u> Mike Anthony	<u>/s/ William Sims, Jr.</u> William Sims, Jr.
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<u>/s/ Tim Blankenship</u> Tim Blankenship	<u>/s/ Lula Taylor</u> Lula Taylor
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<u>/s/ Nancy Bradfield</u> Nancy Bradfield	<u>/s/ Jack Vandever, Jr.</u> Jack Vandever, Jr.
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<u>/s/ Jim Ford</u> Jim Ford	<u>/s/ Michael Villane</u> Michael Villane
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/s/ Perrijo Midgett
Perrijo Midgett