

PART I THE CHARTER*

***Editor's note:** Printed herein is Resolution No. 93-11, as approved at the election of August 14, 1993, and approved by the city council on August 24, 1993. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. History notes to the former Charter are also included. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets. The current Charter supersedes the original Charter approved by the citizens of Bedford on September 24, 1966.

Article I. Incorporation, Form of Government, Powers

- [Sec. 1.01. Incorporation.](#)
- [Sec. 1.02. Form of government.](#)
- [Sec. 1.03. Boundaries--Established.](#)
- [Sec. 1.04. Same--Extension by petition.](#)
- [Sec. 1.05. Reserved.](#)
- [Sec. 1.06. Powers of city--Exercise and enforcement.](#)
- [Sec. 1.07. Same--Powers adopted.](#)
- [Sec. 1.08. Same--To acquire property for public purpose.](#)

Article II. The Council

- [Sec. 2.01. Number, selection, term.](#)
- [Sec. 2.02. Present council.](#)
- [Sec. 2.03. Qualifications.](#)
- [Sec. 2.04. Compensation.](#)
- [Sec. 2.05. Vacancies.](#)
- [Sec. 2.06. Presiding officer; mayor.](#)
- [Sec. 2.07. Powers.](#)
- [Sec. 2.08. Appointment of City Manager.](#)
- [Sec. 2.09. Removal of City Manager.](#)
- [Sec. 2.10. Removal of other appointive officials.](#)
- [Sec. 2.11. Not to interfere in City Manager's appointments or removals.](#)
- [Sec. 2.12. Reserved.](#)
- [Sec. 2.13. Induction into office; meetings.](#)
- [Sec. 2.14. Judge of qualifications of its members.](#)
- [Sec. 2.15. Rules of procedure; minutes.](#)
- [Sec. 2.16. Ordinances--Required for certain legislation; enacting clause.](#)
- [Sec. 2.17. Same--Enactment.](#)
- [Sec. 2.18. Reserved.](#)
- [Sec. 2.19. Reserved.](#)
- [Sec. 2.20. Independent annual audit.](#)
- [Sec. 2.21. Ethics requirements.](#)

Article III. City Manager

- [Sec. 3.01. Qualifications.](#)
- [Sec. 3.02. Powers and duties.](#)
- [Sec. 3.03. Absence.](#)
- [Sec. 3.04. Reserved.](#)
- [Sec. 3.05. Reserved.](#)
- [Sec. 3.06. City secretary.](#)
- [Sec. 3.07. City attorney.](#)

Article IV. Budget

- [Sec. 4.01. Fiscal year; budget year; accounting year.](#)
- [Sec. 4.02. Preparation and submission.](#)
- [Sec. 4.03. Form.](#)
- [Sec. 4.04. A public record.](#)
- [Sec. 4.05. Publication and notice of public hearing.](#)
- [Sec. 4.06. Hearing and adoption of budget.](#)
- [Sec. 4.07. Budget establishes appropriations and amount to be raised by taxation.](#)
- [Sec. 4.08. Unallocated reserve fund.](#)
- [Sec. 4.09. Amendment and supplemental budgets.](#)
- [Sec. 4.10. Defect shall not invalidate tax levy.](#)

Article V. Bonds, Warrants and Evidences of Indebtedness

- [Sec. 5.01. Power to issue.](#)
- [Sec. 5.02. Reserved.](#)

Article VI. Tax Assessment and Collection

[Sec. 6.01. Power to tax.](#)

[Sec. 6.02. State law governs tax collection.](#)

[Sec. 6.03. Exempt property.](#)

[Sec. 6.04. Unrendered property.](#)

[Sec. 6.05. Payment of taxes.](#)

[Sec. 6.06. Delinquent taxes.](#)

[Sec. 6.07. Tax lien and liability.](#)

[Sec. 6.08. Joint interest in property.](#)

[Sec. 6.09. Appraisal of property.](#)

[Sec. 6.10. Reserved.](#)

[Sec. 6.11. Council shall have power to regulate taxes and appoint tax assessor and collector.](#)

Article VII. Nominations and Elections

[Sec. 7.01. Times of elections.](#)

[Sec. 7.02. Regulation of elections.](#)

[Sec. 7.03. Nominations.](#)

[Sec. 7.04. Number, selection and term of city council members.](#)

[Sec. 7.05. Official ballot.](#)

[Sec. 7.06. Qualified voter.](#)

[Sec. 7.07. Laws governing city elections.](#)

[Sec. 7.08. Conducting and canvassing elections; run-off elections.](#)

[Sec. 7.09. Oath of office.](#)

[Sec. 7.10. Election of municipal judge.](#)

Article VIII. Municipal Court

[Sec. 8.01. Creation and jurisdiction; fines.](#)

[Sec. 8.02. Municipal Judge--Designation.](#)

[Sec. 8.03. Same--Power.](#)

[Sec. 8.04. Clerk--Power.](#)

Article IX. Planning and Zoning

[Sec. 9.01. Planning and zoning commission--Establishing; membership; organization; meetings.](#)

[Sec. 9.02. Same--Powers and duties.](#)

[Sec. 9.03. Master plan--Development.](#)

[Sec. 9.04. Same--Legal effect.](#)

Article X. Franchises and Public Utilities

[Sec. 10.01. Powers of the city.](#)

[Sec. 10.02. Franchise granting power of council.](#)

[Sec. 10.03. Franchise value not to be allowed.](#)

[Sec. 10.04. Right of regulation.](#)

[Sec. 10.05. Consent of property owners.](#)

[Sec. 10.06. Extensions.](#)

[Sec. 10.07. Temporary licenses.](#)

[Sec. 10.08. Other conditions.](#)

[Sec. 10.09. Franchise records.](#)

[Sec. 10.10. Accounts of municipal-owned utilities.](#)

[Sec. 10.11. Regulations of rates and service--Generally.](#)

[Sec. 10.12. Reserved.](#)

Article XI. Miscellaneous Provisions

[Sec. 11.01. No officer or employee to accept gift, etc., from public utility.](#)

[Sec. 11.02. Officers or employees of the city not to have financial interest in any contracts of the city.](#)

[Sec. 11.03. Property not exempt from special assessments.](#)

[Sec. 11.04. Notice of damage or injury required.](#)

[Sec. 11.05. City exempt from appeal bonds.](#)

[Sec. 11.06. Execution, garnishment and assignment.](#)

[Sec. 11.07. No lien on public property.](#)

[Sec. 11.08. Bonds of contractors.](#)

[Sec. 11.09. Condemnation of dangerous structures.](#)

[Sec. 11.10. Fire limits.](#)

[Sec. 11.11. Building permits.](#)

[Sec. 11.12. Bonds of city official, employee or department director.](#)

[Sec. 11.13. When charter provisions take effect.](#)

[Sec. 11.14. Right to amend the charter.](#)

[Sec. 11.15. Ordinances, rules and regulations validated.](#)

[Sec. 11.16. Separability clause.](#)

[Sec. 11.17. Mandatory charter review.](#)

Article XII. General Construction

[Sec. 12.01. Effective date.](#)

[Sec. 12.02. Construction.](#)

Article XIII. Initiative and Referendum

[Sec. 13.01. General authority.](#)

[Sec. 13.02. Commence of proceeding; petitioners' committee; affidavit.](#)
[Sec. 13.03. Petitions.](#)
[Sec. 13.04. Procedure after filing.](#)
[Sec. 13.05. Referendum petitions; suspension of effect of ordinance.](#)
[Sec. 13.06. Action on petitions.](#)
[Sec. 13.07. Results of election.](#)
[Sec. 13.08. Initiative and referendum--Failure of city council to act.](#)
Article XIV. Recall
[Sec. 14.01. Power of recall.](#)
[Sec. 14.02. Commence of proceeding; petitioners' committee; affidavit.](#)
[Sec. 14.03. Petitions.](#)
[Sec. 14.04. Procedure after filing.](#)
[Sec. 14.05. Recall election.](#)
[Sec. 14.06. Results of recall election.](#)
[Sec. 14.07. Limitation on recall.](#)
[Sec. 14.08. Failure of city council to act.](#)

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS

Sec. 1.01. Incorporation.

The inhabitants of the Town of Bedford, Texas, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Bedford, Texas."
(Char. Amendment of 5-10-08)

Sec. 1.02. Form of government.

The municipal government provided by this charter shall be known as the "Council-Manager" government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, by the statutory laws of Texas, and by this charter, all power of the city shall be vested in an elective council, hereinafter referred to as the "council", which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by the charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or resolution.
(Char. Amendment of 1-1-77; Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

Sec. 1.03. Boundaries--Established.

The boundaries and limits of the city, until changed in the manner herein provided, shall be the same as have heretofore been established and as exist on the date of the adoption of this charter, which boundaries are more fully set out and described by metes and bounds in the minutes of the city council of the city, which is now, and shall hereafter be in the office of the city secretary of the city.

Sec. 1.04. Same--Extension by petition.

The city may annex and disannex property by following the procedure and requirements of state law contained in the Texas Local Government Code and other applicable state statutes, as from time to time amended.
(Ord. No. 2400, § 1, 8-26-97)

Sec. 1.05. Reserved.

Editor's note: Ord. No. 2400, § 1, adopted August 26, 1997 repealed § 1.05 of the charter, which pertain to extension of boundaries by county and derived from Rev. No. 93-11, as approved at the election of August 14, 1993 and approved by the city council of August 24, 1993.

Sec. 1.06. Powers of city--Exercise and enforcement.

The city shall have all powers that now are or hereafter may be granted to municipalities by the constitution and laws of the state, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, and when not prescribed therein, in such manner as may be provided by ordinance or resolution of the governing body of the city.

Sec. 1.07. Same--Powers adopted.

The enumeration of particular powers in the charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers which, under the constitution and laws of the state it would be competent for the charter specifically to enumerate. The city shall have and exercise all the powers conferred upon cities and towns by the law of the state, or which may hereafter be conferred by the legislature of the state upon cities and towns.

(Char. Amendment of 5-10-08)

Sec. 1.08. Same--To acquire property for public purpose.

(a) The city shall have the power to acquire, by condemnation, either private or public property located inside or outside of the corporate limits for the extension, improvement and enlargement of its water system, including riparian rights, water supply, reservoir, water wells, standpipes, water sheds, dams, the laying, building, maintenance and construction of water mains, and the laying, erecting, drilling, establishment or maintenance of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water; for sewerage plants and systems; rights-of-way for water and sewer lines; parks, playgrounds and schools, hospitals, fire stations, police stations, burial grounds and cemeteries, incinerators or other garbage disposal plants, streets, boulevards and alleys or other public ways, city jails, city halls and other municipal buildings or any right-of-way needed in connection with any property used for any purpose hereinabove named; for the straightening or improving of the channel of any stream, branch or drain, and for any other municipal purpose, or as provided by state law. The procedure to be followed in any condemnation proceeding hereunder and authorized herein shall be in accordance with the provisions of the state law with reference to eminent domain.

(b) Provided, however, nothing included in (a) above or anywhere within this charter shall authorize the city, or any corporation, agency or entity created by the city, or pursuant to the city's approval and authorization, to institute and exercise the power of eminent domain to acquire private or public property if the purpose of the acquisition is the promotion of economic development for a private business enterprise which business enterprise would own any right, title, or interest in the property so acquired.

(Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

ARTICLE II. THE COUNCIL

Sec. 2.01. Number, selection, term.

The council shall consist of seven (7) members, a mayor and six (6) council members, elected from the city at large, in the manner provided in Article VII, for a term of three (3) years, or until their successors have been elected and take office, as provided in section 2.05. Any person who is serving in the capacity of an official in an elected office in the City of Bedford shall automatically resign that office upon filing to become a candidate for election to another City office. Each member of the council, including the mayor, is limited to be elected for four (4) consecutive full terms. Any elected official who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one full term of office. The official may not hold any compensated appointive City office or employment with the City while holding office; and may not hold any compensated appointive City office or employment with the City until one (1) year after vacating the office.

(Elect. of 6-24-69; Char. Amendment of 1-15-77; Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

Sec. 2.02. Present council.

The council terms shall be elected as follows:

The mayor and council places 1 and 2 will be elected in the same year. Council places 3 and 5 will be elected in the year after the election of council places 1 and 2. Council places 4 and 6 will be elected in the year after the election of council places 3 and 5.

(Elect. of 6-24-69; Char. Amendment of 5-10-08)

Sec. 2.03. Qualifications.

The members of the council shall be qualified voters of the city, who have been residents of the city for at least one (1) year, and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a member of the council shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant.

Sec. 2.04. Compensation.

Council members shall serve without pay or compensation provided, however, they shall be entitled to reimbursement of necessary expenses incurred in the performance of their official duties when approved by the council.

Sec. 2.05. Vacancies.

In the event of a vacancy occurring in the office of any council member or mayor, a special election shall be held in accordance with state law and the Texas Constitution for the purpose of filling such vacancy. (Char. Amendment of 5-10-08)

Sec. 2.06. Presiding officer; mayor.

The mayor shall preside at meetings of the council, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The mayor may participate in the discussion of all matters coming before the council and vote on all matters coming before the council. The council shall elect, from among its council members, a mayor pro tempore, who shall act as mayor during the absence or disability of the mayor or during a time that the office is vacated, and if desired a deputy mayor pro tempore, who shall act as mayor during the absence or disability of the mayor or during a time that the office is vacated.

(Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

Sec. 2.07. Powers.

Except as otherwise provided by this charter, all powers of the city and the determination of all matters of policy shall be vested in the council. The council shall have and exercise all of the powers now authorized by the constitution and general laws of the state and any amendments thereto, and without limitation of the foregoing powers of the council, the council shall also have power to:

- (1) Appoint and remove the City Manager;
- (2) Upon the recommendation of the City Manager, establish other administrative departments and distribute the work of divisions;
- (3) Adopt the budget of the city;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Inquire into the conduct of any office, department or agency of the city, and make investigations as to municipal affairs;
- (6) Appoint the members of all boards and commissions;
- (7) Adopt and modify the official map of the city;
- (8) Regulate and restrict the area, height and number of stories of buildings and other structures, the size of yards and courts, the density of population and the location and use of buildings for trade, industry, business, residence or other purposes, and adopt such other zoning regulations as may be authorized by law;
- (9) Adopt, modify and carry out plans proposed by the planning and zoning commission for the replanning, improvement and redevelopment of neighborhoods, and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster;
- (10) Provide for an independent audit.

(Char. Amendment of 5-10-08)

Sec. 2.08. Appointment of City Manager.

The council shall appoint a City Manager, for an indefinite term, who shall be the chief administrative and executive officer of the city. No member of the council shall be appointed City Manager until one year after vacating the office. The City Manager shall receive such compensation as may be fixed by the council.

(Char. Amendment of 5-10-08)

Charter references: City Manager generally, art. III.

Sec. 2.09. Removal of City Manager.

The council may remove the City Manager upon the affirmative vote of a majority of the full membership of the council, including the mayor as a voting member. 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.

Charter references: City manager generally, art. III.

Sec. 2.10. Removal of other appointive officials.

The council may, upon the affirmative vote of a majority of the full membership of the council, including the mayor as a voting member, remove members of its appointive boards or commissions without notice, unless otherwise provided by state law.

Sec. 2.11. Not to interfere in City Manager's appointments or removals.

Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the City Manager, or by any of his subordinates. However, the council may consult and advise with the City Manager, make inquiry to the City Manager regarding the appointments or removals, and may express their opinion in regard thereto. In regard to administrative and executive duties under the City Manager, the council and its members shall deal solely through the City Manager, and neither the council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Willful violation of the foregoing provisions of this charter by any member of the council shall constitute official misconduct and shall authorize the council, by a vote of a majority of its membership, to remove such violating member from the council if found in violation after public hearing, and thereby create a vacancy in the place held by such member.

(Char. Amendment of 5-10-08)

Charter references: City manager generally, art. III.

Sec. 2.12. Reserved.

Editor's note: A Charter amendment of May 10, 2008, repealed § 2.12 in its entirety, which pertained to the creation of new departments or offices, and derived from original codification.

Sec. 2.13. Induction into office; meetings.

Council members will be inducted into office as prescribed by state law. The council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month, the time for such regular meetings to be designated by ordinance, which ordinance shall be published at least one (1) time in the official newspaper of the city. The council may hold as many additional meetings as may be necessary for the transaction of the business of the city. All meetings of the council shall be open to the public in accordance with state law.

(Char. Amendment of 5-10-08)

Sec. 2.14. Judge of qualifications of its members.

The council shall be the judge of the election and qualification of its members and for such purpose shall have power to subpoena witnesses and require the production of records.

Sec. 2.15. Rules of procedure; minutes.

The council shall determine its own rules and order of business. It shall keep minutes of its proceedings, and the council approved minutes shall be open to public inspection in accordance with state law. (Char. Amendment of 5-10-08)

Sec. 2.16. Ordinances--Required for certain legislation; enacting clause.

In addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty, or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Bedford, Texas."

Sec. 2.17. Same--Enactment.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. Any ordinance or resolution may be passed at any regular or special called meeting of the council, unless otherwise provided herein or by state law.

(Char. Amendment of 5-10-08)

Sec. 2.18. Reserved.

Editor's note: A Charter amendment of May 10, 2008, repealed § 2.18 in its entirety, which pertained to same--emergency and nonemergency measures, and derived from original codification.

Sec. 2.19. Reserved.

Editor's note: Ord. No. 2400, § 1, adopted August 26, 1997 repealed § 2.19, which pertained to publication of penal ordinances and derived from an election of June 24, 1969.

Sec. 2.20. Independent annual audit.

Prior to the end of each fiscal year, the council shall designate qualified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the city government, and shall submit their report to the council and to the City Manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the city. A copy of such audit shall be kept in the office of the city secretary, subject to inspection by any citizen and officer during regular office hours.

(Char. Amendment of 5-10-08)

Sec. 2.21. Ethics requirements.

The city council shall adopt an ethics policy to apply to elected and appointed officials and employees of the city.

(Char. Amendment of 5-10-08)

ARTICLE III. CITY MANAGER*

***Charter references:** Appointment, § 2.08; removal, § 2.09; council not to interfere, § 2.11; recommendations as to new departments, § 2.12.

Sec. 3.01. Qualifications.

The City Manager shall be chosen by the council solely on the basis of his executive and administrative training, experience and ability, and without regard to political consideration. The City Manager need not, when appointed, be a resident of the city, or the state, but during the tenure of office shall reside in the city.

(Char. Amendment of 5-10-08)

Sec. 3.02. Powers and duties.

The City Manager shall be the chief executive officer and the head of the administrative branch of the city government. The City Manager shall be responsible to the council for proper administration of all affairs of the city and shall have power and shall be required to:

(1) Appoint, and when necessary for the welfare of the city, remove any officer or employee of the city, except as otherwise provided by this charter and except as he may authorize the head of a department to appoint and remove subordinates in such department;

- (2) Prepare and submit to the council an annual budget and be responsible for its administration after adoption;
 - (3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
 - (4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable;
 - (5) Perform such other duties as may be prescribed by this charter, state law, or required by the council;
 - (6) Attend all meetings of the city council, with the right to take part in the discussions, but having no vote.
- (Char. Amendment of 5-10-08)

Sec. 3.03. Absence.

To perform his [those] duties during his [the official's] temporary absence, or disability, the City Manager may designate by letter filed with the city secretary a qualified administrative officer of the city. In the event of failure of the City Manager to make such designation, the council may, by resolution, appoint an officer of the city to perform the duties of the City Manager until he [the official] shall return or his disability shall cease.

Sec. 3.04. Reserved.

Editor's note: A Charter amendment of May 10, 2008, repealed § 3.04 in its entirety, which pertained to administrative departments--establishing, and derived from original codification.

Sec. 3.05. Reserved.

Editor's note: A Charter amendment of May 10, 2008, repealed § 3.05 in its entirety, which pertained to same--directors, and derived from original codification.

Sec. 3.06. City secretary.

The City Manager shall appoint an officer of the city; who shall have the title of city secretary. The city secretary shall give notice of the council meetings, shall keep minutes of its proceedings, shall authenticate by signature and maintain all ordinances and resolutions and shall perform such other duties as shall be required by this charter, state law, or by the City Manager.

(Char. Amendment of 5-10-08)

Sec. 3.07. City attorney.

(a) The city attorney shall be a person admitted to the practice of law by the State of Texas and shall have practiced law for at least four years.

(b) The city attorney shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees of the city in matters relating to their official powers and duties. The city attorney shall represent the city in all legal proceedings. The city attorney shall perform all services incident to the position as may be required by statute, by the City of Bedford Charter, or by ordinance.

(c) The city attorney shall be appointed to or removed from office by a vote of the city council.

(Ord. No. 2400, § 1, 8-26-97)

ARTICLE IV. BUDGET

Sec. 4.01. Fiscal year; budget year; accounting year.

The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of each calendar year. The fiscal year shall constitute the budget and the accounting year.

Sec. 4.02. Preparation and submission.

Prior to the fifteenth day of August in each year, the City Manager shall prepare, file with the city secretary, and furnish to each member of the council a carefully itemized budget outlining anticipated receipts and proposed expenditures of the city, showing as definitely as possible appropriations desired for each project and operation for the next succeeding fiscal year, comparing the same with the budget for the then current fiscal year, and stating the actual receipts and expenditures of the then current fiscal year, including the

estimated expenditures for the fourth quarter of the current fiscal year. Each employee, officer, current board, commission and department shall furnish the City Manager such information as may be required by him or her for the proper preparation of each budget. The proposed budget shall also contain:

- (1) A complete and detailed statement of assets, obligations and liabilities of the city and of each of the funds administered by it.
 - (2) An estimate of the rate of tax required for the current calendar year.
 - (3) A capital program, which shall include all equipment with a minimum depreciable lifetime of five (5) years, which will be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items:
 - a. A summary of proposed programs;
 - b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years, which list shall include a five (5) year projection for debt service, next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - c. Cost estimates, method of financing and recommended time schedules for each such improvement; and
 - d. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
 - (4) An investment strategy for the cash management of the city funds.
 - (5) Such other budgetary information as may be requested in writing by any member of the city council.
- (Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

Sec. 4.03. Form.

At the head of the budget there shall appear a summary of the budget, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget. The City Manager shall at the same time submit a budget message explaining the need of the requested appropriations and stating what pending capital projects, if any, will likely require the issuance of bonds or warrants.

Sec. 4.04. A public record.

The budget and budget message and all supporting schedules shall be a public record in the office of the city secretary and the public library of the city open to public inspection by anyone.

Sec. 4.05. Publication and notice of public hearing.

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget and cause to be published in the official newspaper of the city a notice of the place and time, which shall not be less than three (3) days nor more than fourteen (14) days after date of publication.

Sec. 4.06. Hearing and adoption of budget.

At the time advertised or at any time to which such public hearing shall be adjourned, the council shall hold a public hearing on the budget as submitted, at which time all interested persons shall be given an opportunity to be heard for or against the estimates or any item therein. After the conclusion of such public hearing, the council may make such changes, if any, in the budget as in their judgment the law warrants and the best interests of the taxpayers of the city demand. The budget, as amended, shall then be adopted by ordinance which shall also fix the property tax rate per one hundred dollars (\$100.00) assessed value, which shall apply to the current tax year. The City Manager shall file a copy of the budget with the county clerk of Tarrant County.

(Char. Amendment of 5-10-08)

Sec. 4.07. Budget establishes appropriations and amount to be raised by taxation.

From the effective date of the budget the amount stated therein as the amount to be raised by taxation shall constitute a determination of the amount of the levy for the purposes of the city in the corresponding tax year and the several amounts stated therein, as proposed expenditures shall thereby be and become appropriated to the several objects and purposes therein stated, but unused appropriations for any item may be transferred and used for any other item required for the accomplishment of the same general purpose.

Sec. 4.08. Unallocated reserve fund.

When recommended by the City Manager and at the discretion of the council, the budget may contain a reasonable sum set aside as an unallocated reserve fund to meet unexpected and unforeseen contingencies in current operating costs of any budget project.
(Char. Amendment of 5-10-08)

Sec. 4.09. Amendment and supplemental budgets.

Upon the affirmative vote of a majority of the full membership of the council, the original budget may be amended or supplemented. Such supplements and amendments shall be approved in an ordinance and shall be filed with the original budget.
(Char. Amendment of 5-10-08)

Sec. 4.10. Defect shall not invalidate tax levy.

Defects in the form or preparation of the budget or the failure to perform any procedural requirement shall not invalidate any tax levy or the tax roll.

ARTICLE V. BONDS, WARRANTS AND EVIDENCES OF INDEBTEDNESS

Sec. 5.01. Power to issue.

The city shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidences of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the general laws of the state.
(Char. Amendment of 5-10-08)

Sec. 5.02. Reserved.

Editor's note: A Charter amendment of May 10, 2008, repealed § 5.02 in its entirety, which pertained to manner of issuance, and derived from original codification

ARTICLE VI. TAX ASSESSMENT AND COLLECTION

Sec. 6.01. Power to tax.

The city council shall have the power and it is hereby authorized and made its duty to levy annually, for general purposes and for the purpose of paying interest and providing the sinking fund on the bonded indebtedness of the city now in existence or which may hereafter be created, an ad valorem tax on all real, personal or mixed property within the territorial limits of said city, and upon all franchises granted by the city to any individual or corporation of not exceeding a total of one dollar and fifty cents (\$1.50) on the one hundred dollar (\$100.00) assessed valuation of said property, and to levy annually such gross receipts, franchise, occupation and other taxes as may be authorized under the Constitution and laws of the state.
(Char. Amendment of 5-10-08)

Sec. 6.02. State law governs tax collection.

The council shall have full power to provide for the prompt collection of taxes imposed and the procedures, time limits, interest, penalties and methods of levying, imposing, assessing and collecting of taxes shall be those prescribed by state law. The council shall impose such ad valorem taxes as are necessary to support the budget.

Sec. 6.03. Exempt property.

There shall be exempt from taxation all property exempted by the State Constitution, state law and the ordinances of the city, as they are now or as they may be amended.

Sec. 6.04. Unrendered property.

The city shall provide for the assessment of all unrendered property in accordance with state law.

Sec. 6.05. Payment of taxes.

The council shall provide for the payment of taxes in accordance with state law.

Sec. 6.06. Delinquent taxes.

The council shall provide the collection of delinquent taxes in accordance with state law.

Sec. 6.07. Tax lien and liability.

A special lien is hereby created on all real, personal and mixed property, located in the city, in favor of the City of Bedford, for all unpaid taxes. The priority of said lien shall be determined in accordance with the laws of the state and of the United States.

Sec. 6.08. Joint interest in property.

The council shall provide for the assessment of property and the clearing of tax liens in accordance with state law.

Sec. 6.09. Appraisal of property.

The council shall provide for the appraisal of property in accordance with state law.

Sec. 6.10. Reserved.

Editor's note: A Charter amendment of May 10, 2008, repealed § 6.10 in its entirety, which pertained to same--appeal to, and derived from original codification.

Sec. 6.11. Council shall have power to regulate taxes and appoint tax assessor and collector.

The council shall have the power to make all regulations pertaining to the assessment and collection of ad valorem taxes not in conflict with the constitution and laws of the state and may confer the powers and duties of tax assessor and collector on any officer of the city, and unless a person has been appointed to the position of tax assessor and collector for the city, the city council may contract with any other political subdivision, to assess, equalize and collect the taxes for the city.

(Char. Amendment of 1-15-77)

ARTICLE VII. NOMINATIONS AND ELECTIONS

Sec. 7.01. Times of elections.

The regular city election shall be held every year on the first Saturday in May, or at such time as prescribed by law, at which time officers will be elected to fill those offices which become vacant that year. The city council shall fix the hours and place for holding such election. The city council may, by resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election.

(Char. Amendment of 1-15-77; Char. Amendment of 5-10-08)

Sec. 7.02. Regulation of elections.

The city council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the state for the conduct of municipal elections, for the prevention of fraud in such

elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities, who shall also have power to make regulations not inconsistent with this charter or with any regulations made by the council or the laws of the state.

Sec. 7.03. Nominations.

Any person having the qualifications required by this charter may have his/her name placed on the ballot as a candidate for mayor, council member or municipal judge. The filing period for such application shall be as provided by state law.

(Ord. No. 2400, § 1, 8-26-97)

Sec. 7.04. Number, selection and term of city council members.

The council, consisting of [the] mayor and six (6) council members, shall be selected as follows:

- (1) The mayor shall be elected by a majority vote of the qualified voters voting at the election.
- (2) The six (6) council members shall be elected to individual places, designated by number, from the city at large, and each shall be elected by a majority vote of the qualified voters voting at the election.
- (3) The mayor and each council member shall hold office for a period of three (3) years and until a successor is duly elected and qualified.

Sec. 7.05. Official ballot.

The names of all candidates for office, except such as may have been withdrawn, died or become ineligible, shall be placed on the ballot without party designations and in the order determined in a drawing as provided by state law.

Sec. 7.06. Qualified voter.

Qualifications for voting in the City of Bedford elections shall be the same as set out in the laws of the State of Texas.

(Char. Amendment of 1-15-77)

Sec. 7.07. Laws governing city elections.

All city elections shall be governed, except as otherwise provided by this charter, by the laws of the state governing general and municipal elections.

Sec. 7.08. Conducting and canvassing elections; run-off elections.

The election judges and other necessary election officials for conducting all such elections shall be appointed by the city council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of the state. The city council shall meet, open the returns, canvass and officially declare the results of the election as to candidates and questions and issue certificates of election to candidates elected as provided by state law. In the event no candidate for a given office has received the necessary majority, the mayor shall call a second election to be held as provided by state law. At the second election, the ballot shall list in that order the names of the two (2) candidates receiving at the first election the first and second highest number of votes for a given office. Should one of such candidates withdraw, die or become ineligible, a second election shall not be held, and the other shall be declared elected to office. Any tie shall be decided by lot as provided by state law.

Sec. 7.09. Oath of office.

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the oath or affirmation as prescribed by the Constitution of the state.

Sec. 7.10. Election of municipal judge.

The municipal judge shall be elected by a majority vote of the qualified voters voting at the election.

(Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

ARTICLE VIII. MUNICIPAL COURT*

***State law references:** Fees of officers, Vernon's Ann. C.C.P. arts. 45.09, 102.001.

Sec. 8.01. Creation and jurisdiction; fines.

There is hereby created and established a court to be the municipal court of the city, which court shall have jurisdiction over violations of city ordinances and other matters as provided by state law. (Char. Amendment of 1-15-77; Char. Amendment of 5-10-08)

State law references: Creation of municipal court, V.T.C.A., Government Code § 29.002; jurisdiction of municipal court, V.T.C.A., Government Code § 29.003 and Vernon's Ann. C.C.P. art. 4.14.

Sec. 8.02. Municipal Judge--Designation.

The municipal judge shall be a qualified voter of the city, who has been a resident of the city for at least one (1) year, a competent practicing lawyer, and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a municipal judge shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant. The city council may, by ordinance, provide the salary of the municipal judge in accordance with state law. The term is for three (3) years.

The municipal judge is limited to four (4) consecutive full terms. Any municipal judge who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one (1) full term of office. (Char. Amendment of 1-15-77; Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

Editor's note: At the direction of the city the editor has removed the language, "whose [appointment shall be]" and replaced it with "who shall be" in first paragraph of section.

State law references: Judge of the municipal court, V.T.C.A., Government Code § 29.004.

Sec. 8.03. Same--Power.

The judge of said municipal court shall have all powers and authorities provided by city ordinance and state law.

(Char. Amendment of 5-10-08)

Sec. 8.04. Clerk--Power.

The clerk of said municipal court and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto and generally to do and perform any and all acts usual and necessary by clerks of courts in issuing process of said courts and conducting the business thereof.

Editor's note: A Charter amendment of May 10, 2008, repealed the former § 8.04, which pertained to clerk--designation; salary as prescribed, and derived from original codification. Subsequently, the former § 8.05 has been renumbered as § 8.04.

ARTICLE IX. PLANNING AND ZONING

Sec. 9.01. Planning and zoning commission--Establishing; membership; organization; meetings.

There shall be established a planning and zoning commission which shall consist of a minimum of seven (7) citizens from the city. The members of said commission shall be appointed by the city council for a term of two (2) years. An odd number of members of the planning and zoning commission shall be so appointed each odd numbered year and an even number of members shall be so appointed each even numbered year. The commission shall elect a chairman from among its membership and shall meet not less than once each month. Vacancies and unexpired terms shall be filled by the council for the remainder of the term. A majority of the members shall constitute a quorum. Members of the commission may be removed by a majority vote of the council.

The commission shall keep minutes of its proceedings, which shall be of public record. The commission shall serve without compensation.

(Elect. of 6-24-69; Char. Amendment of 5-10-08)

Sec. 9.02. Same--Powers and duties.

The planning and zoning commission shall:

- (1) Recommend a city plan for the physical development of the city;
- (2) Recommend to the city council approval or disapproval of proposed changes in the zoning plan; and
- (3) Exercise control over platting or subdividing land within the corporate limits of the city, and outside said corporate limits to the extent authorized by law.

The commission shall be responsible to and act as an advisory body to the council, and shall have and perform such additional duties as may be prescribed by ordinance.

Sec. 9.03. Master plan--Development.

The master plan for the physical development of the city shall contain the commission's recommendations for growth, development, and beautification of the city. A copy of the master plan, or any part thereof, shall be forwarded to the city council, which may adopt this plan in whole or in parts, and may adopt any amendments thereto after at least one (1) public hearing on the proposed action. If such plan, or part thereof, shall be rejected by the council, the commission may modify such plan, or part thereof, and again forward it to the city council for consideration.

All amendments to the master plan recommended by the commission shall be submitted in the same manner as outlined above to the city council for approval, and all recommendations affecting the master plan shall be accompanied by a recommendation from the planning and zoning commission.

(Char. Amendment of 5-10-08)

Sec. 9.04. Same--Legal effect.

Upon the adoption of a master plan by the city council, no subdivision, street, park or any public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the master plan shall be constructed or authorized by the city, until and unless the location and extent thereof shall have been submitted to and approved by the commission. In case of disapproval, the commission shall communicate its reasons to the council, which shall have the power to overrule such disapproval, and upon such overruling, the council shall have power to proceed. The widening, narrowing, re-locating, vacating or change in the use of any street, alley or public way, or ground or the sale of any public building, or real property, shall be subject to similar submission and approval by the planning and zoning commission, and failure to approve may be similarly overruled by the city council.

ARTICLE X. FRANCHISES AND PUBLIC UTILITIES

Sec. 10.01. Powers of the city.

In addition to the city's power to buy, own, construct, maintain, and operate utilities, within or without the city limits, and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public, the city shall have further powers as may now or hereafter be granted under the constitution and laws of the state.

Sec. 10.02. Franchise granting power of council.

The city council shall have power to grant, renew or extend by ordinance all franchises of all public utilities of every character operating within the city, and for such purposes is granted full power. No public utility franchise shall be transferable except to persons, firms or corporations taking all or substantially all of the holder's business in the city, and except with the approval of a three-fourths (3/4) majority of the council expressed by ordinance.

All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

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

(2) To require an adequate and reasonable extension of plant and service, and the maintenance of the plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public.

(3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(4) a. To prescribe the form of accounts kept by each such utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, or their successors, or other state or federal utility regulating agencies, this shall be deemed sufficient compliance with this paragraph;

b. At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on local operations by each such public utility.

(5) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.

All rights of the city to regulate a franchise shall conform to state, federal and local laws; provided, however, that all rights of the city given by state law in the event of a conflict between the city charter and state law, are hereby reserved.

(Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

Sec. 10.03. Franchise value not to be allowed.

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

Sec. 10.04. Right of regulation.

The City shall have the right to regulate utilities to the full extent allowed by state and federal law.

(Char. Amendment of 5-10-08)

Sec. 10.05. Consent of property owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but nothing in this charter or in any franchise granted thereunder shall ever be construed to deprive any such property owners of any right of action for damage or injury to his property as now or hereafter provided by law.

Sec. 10.06. Extensions.

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in 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 article. In case of an extension of public 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.

(Char. Amendment of 5-10-08)

Sec. 10.07. Temporary licenses.

Licenses unconditionally revocable at the will of the governing body for minor or temporary privileges in the streets, public ways and public places of the city may be granted and revoked by ordinance from time to time, and such licenses shall not be deemed franchises as the term is used in this charter.

(Char. Amendment of 5-10-08)

Sec. 10.08. Other conditions.

The power of the city to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved as well as the general power of the city heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable

extension of plant and service and the maintenance of the plant fixtures at the standard necessary to render the highest reasonable quality of utility service to the public. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchises. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the council or the electors of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the state.

(Char. Amendment of 5-10-08)

Sec. 10.09. Franchise records.

Every public utility shall file its city franchise, if applicable, or other grant of authority, with the City Secretary.

(Char. Amendment of 5-10-08)

Sec. 10.10. Accounts of municipal-owned utilities.

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including assets, appropriately subdivided into different classes, all liability subdivided by classes, depreciation reserve, other reserves, and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show the actual capital cost to the city of each public utility owned, also the cost of all extensions, additions, and improvements and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The council shall annually cause to be made by a certified public accountant, and shall publish, a report showing the financial condition of said public utility and the financial result of such city ownership and operation, giving the information specified in this section and such additional data as the council shall deem expedient.

(Char. Amendment of 5-10-08)

Sec. 10.11. Regulations of rates and service--Generally.

The city council shall have full power to regulate by ordinance the rates and services of every public utility operating in the city.

(Char. Amendment of 5-10-08)

Editor's note: The statute cited in the above section has been superseded by the Public Utility Regulatory Act of 1995 (Vernon's Ann. Civ. St. art. 1446c-0).

Sec. 10.12. Reserved.

Editor's note: A Charter amendment of May 10, 2008, repealed § 10.12 in its entirety, which pertained to same--rate changes, and derived from original codification.

ARTICLE XI. MISCELLANEOUS PROVISIONS

Sec. 11.01. No officer or employee to accept gift, etc., from public utility.

No officer or employee of the city shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying a grant of any franchise, privilege or easement from said city, during the term of office of such officer, or during such employment of such employee, except as may be authorized by law or ordinance. Any willful violation of this section shall constitute malfeasance in office, and any officer, employee or appointee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the governing body of the city shall render the contract involved voidable by the City Manager or the governing body.

(Char. Amendment of 5-10-08)

Sec. 11.02. Officers or employees of the city not to have financial interest in any contracts of the city.

No officer, employee or appointee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, unless disclosure of such interest shall be made public prior to the time of any action being taken on such contract. Public disclosure shall be by inclusion on the official agenda and in the minutes of the meeting. Any willful violation of this section shall constitute malfeasance in office, and any officer, employee or appointee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the governing body of the city shall render the contract involved voidable by the City Manager or the governing body. (Char. Amendment of 1-15-77)

Sec. 11.03. Property not exempt from special assessments.

No property of any kind in the city shall be exempt from any of the special taxes and assessments authorized by state law, ordinance or the charter. (Char. Amendment of 5-10-08)

Sec. 11.04. Notice of damage or injury required.

The city shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall file a notice in writing, duly verified, with the city secretary, within six (6) months after the same has been received, stating specifically in such notice when, where and how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The city shall never be liable for any claim for damages or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his behalf, shall file a claim, in writing, duly verified with the city secretary, within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the full extent thereof, and the amount of damage sustained.

The city shall never be liable for any claim for damage or injury to real property caused by the negligent act or omission of its officers, servants, agents or employees, unless the person whose real property has been injured or damaged, or someone in his behalf, shall file a claim in writing, duly verified, with the city secretary, within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred, and the amount of damage claimed. The city shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds or public work of the city, unless the specific defect causing the damage or injury shall have been actually known to the city secretary at least twenty-four (24) hours prior to the occurrence of the injury or damage, or unless the attention of the city secretary shall have been called thereto by a notice thereof in writing at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to the city secretary of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the city itself through its agents, servants or employees, or acts of third parties. (Char. Amendment of 1-15-77; Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

Sec. 11.05. City exempt from appeal bonds.

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 in behalf of said city, but 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.

Sec. 11.06. Execution, garnishment and assignment.

Except as provided by state law, the property, real and personal, belonging to said city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said city, in the hands of any person, be liable to garnishment on account of any debts it may owe or funds it may have on hand due any person, nor shall the city or any of its officers or agents be required to answer to any

writ of garnishment on any account whatsoever, nor shall said city 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.
(Char. Amendment of 5-10-08)

Sec. 11.07. No lien on public property.

No lien of any kind can ever exist against the public buildings, public halls, parks or public works of the city.
(Char. Amendment of 5-10-08)

Sec. 11.08. Bonds of contractors.

The council shall require good and sufficient bonds of all contractors with good and sufficient sureties, who shall be authorized to do business in the State of Texas.
(Char. Amendments of 1-15-77; Char. Amendment of 5-10-08)

Sec. 11.09. Condemnation of dangerous structures.

Whenever any building, fence, shed, awning, or structure of any kind or part thereof, is determined to be dangerous and the possibility of injury to persons or property exists, the council or an entity or agent provided for by ordinance of the council may order the owner or agent of the same, or occupant of the premises, to repair or take down and remove the same within such time as it may direct, and may punish by fine all persons failing so to do. Upon his failure to comply, the council or an entity or agent provided for by ordinance of the council shall have the additional power to remove the same at the expense of the city on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this charter, or by suit in any court of competent jurisdiction.

The council or an entity or agent provided for by ordinance of the council shall have full power to condemn all dangerous buildings or obstructions of any kind and may provide regulations therefor by ordinance.
(Char. Amendment of 5-10-08)

Sec. 11.10. Fire limits.

The council may establish fire limits and prescribe the kind and character of materials to be used in buildings constructed within such limits.
(Char. Amendment of 5-10-08)

Sec. 11.11. Building permits.

The city shall have power to prohibit the erection or construction of any building or structure of any kind within the city without a permit first having been issued by the city for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority, may authorize the inspection by the city of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building regulations which exist in said city or which shall hereafter be passed.

Sec. 11.12. Bonds of city official, employee or department director.

In addition to any bonding provisions herein provided, the council may require any city official, department director or city employee, before entering upon his duties, to execute a good and sufficient bond with a surety company doing business in the state and approved by the city council, as surety thereon, said bond to be in such amount as the council may demand, payable to the city, and conditioned for the faithful performance of the duties of his office; premium of such bond to be paid by the city.
(Char. Amendment of 5-10-08)

Sec. 11.13. When charter provisions take effect.

For the purpose of nominating and electing members of the council, the provisions of this charter shall be in effect for the regular municipal election to be held in April, 1968. For all other purposes this charter shall

be in effect from and after its approval by the electors of the city, and the entering of an official order upon the records of the city by the governing body, declaring the same adopted.

Sec. 11.14. Right to amend the charter.

This charter may be amended no more than once every two (2) years.
(Char. Amendment of 5-10-08)

Sec. 11.15. Ordinances, rules and regulations validated.

All ordinances, resolutions, rules and regulations of the city heretofore ordained, passed 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 and effect until altered, amended or repealed by the governing body of the city after such charter takes effect.

(Char. Amendment of 5-10-08)

Sec. 11.16. Separability 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.

Sec. 11.17. Mandatory charter review.

The council shall hold a public hearing every fifth year after an amendment to the charter in order to determine whether a commission should be appointed to review the charter and to make recommendations to the city council for amendment of the charter. If the council determines that it would be in the best interests of the citizens to appoint a charter review commission, it shall appoint a charter review commission of fifteen (15) citizens of the City of Bedford.

(a) *Duties of the commission.*

(1) Inquire into the operation of the city government under the charter provisions and determine whether any such provisions require revision.

(2) Propose any recommendations it may deem desirable to help ensure compliance with the provisions of the charter and state law.

(3) Propose, if it deems desirable, amendments to this charter to improve the effective application of the charter to current conditions.

(4) Report its findings and present its proposed amendments, if any, to the city council.

(b) *Action by the council.* The city council shall receive and have published, in the designated official public newspaper of the city, a final report of the charter review commission. The city council shall consider any recommendation made and if any amendments be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by state law.

(c) *Term of office.* The term of office of such charter review commission shall be as established by the city council. At the completion of such term, a report shall be submitted to the council. All recordings or the proceedings of such commission shall be filed with the city secretary and shall become a public record.

(Char. Amendment of 5-10-08)

ARTICLE XII. GENERAL CONSTRUCTION

Sec. 12.01. Effective date.

This charter shall be in effect from and after its approval by the electors of the city, and the entering of an official order upon the records of the city by the governing body, declaring the same adopted.

(Char. Amendment of 1-15-77)

Sec. 12.02. Construction.

In the wording of the charter, the use of the singular number shall include the plural, and the plural shall include the singular. Words used in the masculine gender shall include the feminine also, unless by reasonable construction, it appears that such was not the intention of this charter.
(Char. Amendment of 1-15-77)

ARTICLE XIII. INITIATIVE AND REFERENDUM

Sec. 13.01. General authority.

(a) *Initiative.* The registered voters of the city shall have power to propose lawful 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 appropriation of money, levy of taxes or salaries of city officers or employees.

(b) *Referendum.* The registered voters of the city shall have the 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, but such power shall not extend to the budget or capital program or any emergency ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(Char. Amendment of 5-10-08)

Sec. 13.02. Commence of proceeding; petitioners' committee; affidavit.

Any five (5) registered 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.

Within two (2) working days after the affidavit of the petitioners' committee is filed the city secretary shall issue the appropriate petition blanks to the petitioners' committee.

Sec. 13.03. Petitions.

(a) *Number of signatures.* Initiative and referendum petitions must be signed by registered voters of the city equal in number to five (5) percent of the total number of registered voters registered to vote at the last regular election, or 1,250, whichever is greater.

(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. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) *Affidavit of circulation.* Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

(e) *Time for filing initiative petitions.* Initiative petitions must be filed within thirty (30) days after issuance of the appropriate petition blanks to the petitioners' committee.

Sec. 13.04. Procedure after filing.

(a) *Certificate of city secretary; amendment.* Within twenty (20) days after the petition is filed with the city secretary, the city secretary shall complete a certificate as to the sufficiency of the petition. The city secretary shall determine the sufficiency of the petition in accordance with state law. If the petition is found to be insufficient, the city secretary shall specify in writing the particulars wherein it is defective and shall within two (2) working days send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city secretary within two (2) working days after receiving the copy of the city secretary's certificate and files a supplementary petition upon additional papers

within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (a) and (b) of section 13.03 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 within two (2) working days send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the city secretary shall present the city secretary's certificate to the council at the next regularly scheduled council meeting on which the item may appear on the agenda, and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may within two (2) days after receiving the copy of such certificate file a request that it be reviewed by the council. The council shall review the certificate at its next meeting on which the item may appear on the agenda and approve or disapprove it and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review shall not prejudice the filing of a new petition for the same purpose.

(Char. Amendment of 5-10-08)

Sec. 13.05. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the city secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition;
- (3) The council repeals the ordinance; or
- (4) Thirty (30) days have elapsed after a vote of the city on the ordinance.

Sec. 13.06. Action on petitions.

(a) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative or referendum ordinance in the manner provided herein 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. The election must be held on the first available general election date as established by state law.

(b) *Submission to voters.* Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the date the election is called by filing with the city secretary a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Char. Amendment of 5-10-08)

Sec. 13.07. Results of election.

(a) *Initiative.* If a majority of the registered voters, voting on a proposed initiative ordinance, vote in its favor, the ordinance 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 registered voters, voting on a referred ordinance, vote against it, the ordinance shall be considered repealed upon certification of the election results.

(Char. Amendment of 5-10-08)

Sec. 13.08. Initiative and referendum--Failure of city council to act.

In case all of the requirements of this charter shall have been met and the council shall fail or refuse to receive the petition or discharge any other duties imposed upon the council by the provision of this charter with

reference to initiative and referendum, then a district judge of Tarrant County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the city secretary or by the council.

(Char. Amendment of 5-10-08)

ARTICLE XIV. RECALL

Sec. 14.01. Power of recall.

The qualified voters shall have the power to recall any elected official of the city.

Sec. 14.02. Commence of proceeding; petitioners' committee; affidavit.

Any five (5) registered voters 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 in full the reasons for the recall of the elected official.

Within two (2) working days after the affidavit of the petitioners' committee is filed the city secretary shall issue the appropriate petition blanks to the petitioners' committee.

Sec. 14.03. Petitions.

(a) *Number of signatures.* Recall petitions must be signed by registered voters of the city equal in number to five (5) percent of the total number of registered voters registered to vote at the last regular election, or 1,250, whichever is greater.

(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. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the reasons for the recall of the elected official.

(c) *Affidavit of circulation.* Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the reasons for the recall of the elected official.

(d) *Time for filing recall petitions.* Recall petitions must be filed within thirty (30) days after issuance of the appropriate petition blanks to the petitioners' committee.

(Char. Amendment of 5-10-08)

Sec. 14.04. Procedure after filing.

(a) *Certificate of city secretary; amendment.* Within twenty (20) days after the petition is filed with the city secretary, the city secretary shall complete a certificate as to the sufficiency of the petition. The city secretary shall determine the sufficiency of the petition in accordance with state law. If the petition is found to be insufficient, the city secretary shall specify in writing the particulars wherein it is defective and shall within two (2) working days send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city secretary within two (2) working days after receiving the copy of the city secretary's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (a) and (b) of section 14.03 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 within two (2) working days send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the city secretary shall present the city secretary's certificate to the council at the next regularly scheduled council meeting on which the item may appear on the agenda, and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may within two (2) working days after receiving the copy of such certificate file a request that it be reviewed by the council. The council shall review the certificate at its next meeting on which the item may appear on the agenda and approve or disapprove it and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review shall not prejudice the filing of a new petition for the same purpose.

(Char. Amendment of 5-10-08)

Sec. 14.05. Recall election.

If the petition is certified by the city secretary to be sufficient, the council shall order an election to be held at the earliest possible date as determined by state law.

(Char. Amendment of 5-10-08)

Sec. 14.06. Results of recall election.

If a majority of the votes cast at a recall election shall be against removal of the elected official named on the ballot, he/she shall continue in office. If the majority of the votes cast at the election are for the removal of the elected official named on the ballot, the council shall immediately declare his/her office vacant and such vacancy shall be filled in accordance with the provisions of this charter for the filling of vacancies. An elected official thus removed shall not be a candidate to succeed himself/herself.

(Char. Amendment of 5-10-08)

Sec. 14.07. Limitation on recall.

No recall petition shall be filed against an elected official within six (6) months after he/she takes office, or within nine (9) months before the elected official's current term expires. No elected official shall be subjected to more than one recall election during a term of office.

Sec. 14.08. Failure of city council to act.

In case all of the requirements of this charter shall have been met and the city council shall fail or refuse to receive the petition, or order such recall election or discharge any other duties imposed upon the city council by the provision of this charter with reference to recall, then the county judge of Tarrant County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the city secretary or by the city council. In addition, any qualified voter in the city may seek judicial relief in a district court of Tarrant County, Texas, to have any of the provisions of this charter, pertaining to recall, carried out by the proper official.