

**ARTICLE V. [ADMINISTRATIVE
PROVISIONS]**

Section 1. Municipal government.

(a) The municipal government of the City of Brownsville shall consist of the City Commission, which shall be composed of six (6) Commissioners and a Mayor. Of the six (6) Commissioners, two (2) Commissioners shall be elected at-large by the qualified voters of the City of Brownsville and be designated as at-large Commissioners. Of the six (6) Commissioners, four (4) Commissioners shall be elected from four districts to be numbered 1, 2, 3, and 4, and be designated as District Commissioners. Each such District Commissioner shall reside in the district from which elected and shall also have the qualifications of electors therein.

(b) That, after the adoption of this amendment the City Commission shall by resolution initiate a process for drawing up four (4) electoral single member districts which shall be equitable and legal in character. Upon conclusion of such process, the City Commission shall adopt and approve of such districts by Ordinance. Any such plan for such districts shall be submitted for any approval, preclearance, or clearance as may be required by law.

(c) That, after the establishment of the four (4) electoral single member districts according to law, the City Commission shall meet to determine by lot which of the Commissioner's places shall be elected at-large and which shall be elected by each district. Such determination by lot shall establish that one of Commissioner's places No. 2, No. 4, and No. 6 shall be elected at-large and the other two elected by district. And, that such determination by lot shall establish that one of Commissioner's places No. 1, No. 3, and No. 5 shall be elected at-large and the other two elected by district.

(d) That, after the determination of which Commissioner's places shall be elected at-large and which shall be elected by district any place or position that shall have any unexpired term remaining shall be filled when such term has expired. At the expiration of such term each Commissioner shall be qualified as provided by this Charter and by any other law.

(e) The Mayor and Commissioners shall each be elected to a term of four (4) years except as provided below. The members of the commission shall be elected on such dates and terms as follows: the Mayor, Commissioner No. 2, and Commissioner No. 4 on the first Saturday of May 2003; Commissioners No. 1, No. 3 and No. 5 shall be elected on the first Saturday of May 2001; Commissioner No. 6 shall be elected on the first Saturday of May, 2001 to a two year term and thereafter to a 4 year term beginning on the first Saturday of May, 2003. And, that after this charter amendment, that any existing reference to the number of the members of the commission in other sections of this charter shall hereafter include the new commissioners.
(Ord. No. 2000-1365, Prop. No. 1, 11-21-2000)

Section 2. Term of office.

Editor's note—This section was repealed by Ord. No. 2000-1365, Prop. No. 1, 11-21-2000.

Section 3. Vacancies.

Vacancies in the city commission shall be filled by majority vote of the remaining members of the said city commission at the first regular meeting thereafter, at which a majority of the remaining

members of said city commission can agree, and, until the majority of the remaining members of said city commission can agree, such remaining members shall have the same power, duties and authority, as if they comprised the whole number of members provided for in this Charter, provided, if a majority of the city commission is vacated at any one time, such vacancies shall then be filled by majority vote of the qualified electors of the said city, at a special election for the remainder of the term, as provided by ordinance to be adopted by the remaining members of the city commission.

Section 4. Qualifications.

The mayor and each commissioner shall be citizens of the United States and resident citizens of the City of Brownsville, and have the qualifications of electors therein. The mayor, commissioners and other officers and employees shall not hold any other public office of emolument and shall not be interested in the profits or emoluments of any contracts, job, work, or service for the municipality, or interested in the sale to the city of any supplies, equipment, material, or articles purchased. Any elected officer, appointed managerial officer, or managerial employee of the city who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office and any such contract in which any officer or employee is or may become interested may be declared void by the commission.
(Ord. No. 93-1270, § 1(Prop. No. 3), 11-16-1993)

Section 4A. Nominations.

Subsection 1. Nomination by petition. The mode of nomination of candidates for the city commission provided for by this Charter shall be by petition. The name of any elector of the city shall be printed upon the ballot whenever a petition, as hereinafter prescribed, shall have been filed in his behalf with the city secretary. Such a petition shall be signed by not less than one hundred nor more than five hundred electors. No elector shall sign more than one petition for the same office, and should an elector do so, his signature shall be void as to the petition or petitions last filed.

Subsection 2. Signatures to and form of nomination papers. The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number, or other description sufficient to identify the same.

The form of the nomination petition shall be substantially as follows:

"We, the undersigned electors of the City of Brownsville, hereby nominate _____ whose residence is _____ for the office of _____ to be voted at the election to be held in the City of Brownsville, on the _____ day of _____, 19____, and we individually certify that we are qualified to vote for a candidate for the office named, and that we have not signed any other nomination petition for the same office.

Name _____
(Space for Signature)

Street and Number _____

THE STATE OF TEXAS)
COUNTY OF CAMERON)

_____ being duly sworn, deposes and says that he is the circulator of the foregoing petition papers containing signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose name they purport to be.

(Signed) _____

Sworn to and subscribed before me this the _____ day of _____ 19____

/s/ _____
Title

This petition, if found insufficient by the City Commission shall be returned to _____ at No. _____ Street."

• Subsection 3. Filing and verification of nomination papers. All nomination papers comprising a petition shall be assembled and filed with the city secretary as one instrument, not earlier than ninety days nor later than thirty days before the election. Within five days after the filing of a nomination petition the city secretary shall notify the person who filed such petition whether or not it is found to be signed by the required number of qualified voters. If a petition be found insufficient, the city secretary shall return it immediately to the person who filed it, with the statement certifying wherein the petition is found insufficient. Within the regular time allowed for the filing of petitions, such petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. Any eligible person placed in nomination as hereinbefore provided shall have his name printed on the ballots if within five days after notification to him by the city secretary he shall have filed with such secretary a written acceptance of the nomination. In no event shall such person or group of persons appear on the ballots by national political party designation. Nothing in this paragraph shall be construed to prohibit candidates being grouped under local designations. Any three or more candidates, upon making application to the city secretary, shall have their names placed upon the ballots grouped in a column, separate and apart from other candidates. All candidates not making such application shall be placed in one column, and any disagreement as to position in said column, shall be determined by lot. The petition of each person nominated to be a member of the commission shall be preserved by the election authorities until the expiration of the term of office for which he has been elected.

Subsection 4. The city commission shall make all needful rules and regulations, not inconsistent with this Charter or the general laws for the conduct of all elections, general and special, for the prevention of fraud in the elections and for the

recount of ballots, in case of doubt or fraud, provided, the following rules and regulations shall apply to all elections, to-wit:

- a. The city commission shall appoint all election officers and designate the voting places, but may appoint one of their number or the city manager to fill vacancies among such election officers thereafter in the event of the failure or refusal of any of them to serve. Said appointments shall be made not less than two weeks prior to the day of the holding of any election and the city secretary shall within one day thereafter mail to each candidate for office at such election the list of election officers so appointed.
- b. The city commission shall have power and authority to appoint supervisors of elections, selecting such supervisors from lists furnished to said city commission not less than five days prior to said election. Each supervisor shall reside in the election precinct in which he serves. Nothing in this provision shall prohibit the appointment of supervisors by agreement among the candidates as provided by state law.
- c. The polls shall open at eight o'clock in the morning and close promptly at seven o'clock in the evening and no votes shall be cast after seven o'clock in the evening, nor shall any vote received after seven o'clock in the evening be counted.
- d. If any election officer, except as permitted by state law, shall give out information relative to the number of votes cast for or against any candidate during the period the polls are open for voting, or talk over the telephone or communicate with any person outside the polling place other than duly appointed election officials, or leave the polling place, such election officer shall be immediately removed and another appointed in his place.
- e. The city commission shall have the power and authority to prohibit professional canvassers from working for or against any candidate in the general city election.

Section 5. Elections.

The elective officers of the city shall consist of six (6) commissioners and a mayor, the four [six] to be designated as Commissioner No. 1, Commissioner No. 2, Commissioner No. 3, Commissioner No. 4, Commissioner No. 5 and Commissioner Number 6, each of whom shall be elected to the office for which he is a candidate by a majority of all the votes cast in the city at large for the office. Should no candidate receive a majority of votes at the regular election for which he is a candidate, the commission shall immediately order a special election to be held within the time provided by the laws of Texas after the result of the regular election has been declared, at which special election the names only of the two candidates receiving the highest number of votes for said office at the regular election shall be printed on the ballot and submitted to the qualified voters for election, and the candidate receiving the majority of votes at such special election, for the place or office for which he was a candidate, shall be declared duly elected.

(Ord. No. 93-1270, § 1 (Prop. No. 4), 11-16-1993; Ord. No. 2000-1365, Prop. No. 1, 11-21-2000)

Section 5a. Recall election.

Subsection 1. Power to recall. The people of the City of Brownsville reserve the power to recall any member of the City Commission and may exercise such power by filing with the City Secretary a petition signed by at least 10% of the voters registered to vote for a successor to the challenged commission member. The petition may consist of one, or more petitioned-papers or instruments, but all such petitioned-papers shall be assembled and filed with the City Secretary as one instrument. Each petitioned-paper shall contain a general statement of the grounds for removal together with an affidavit by one of its signers that such statement is true. Each petitioned-paper must be signed in ink or indelible pencil by the person whose signature it purports to be, adding thereto his place of residence by street and number. At least one of the signers of said petitioned-paper shall make an affidavit and attach it thereto that that person personally circulated such instrument and that each signature thereon was made in that person's presence and is the genuine

signature of the person whose name it purports to be. The recall petition shall have a time limit of 6 months from the earliest date of any signature on the petition to the date of its filing with the City Secretary.

Subsection 2. Recall election. Within twenty (20) days after a recall petition is filed, the city secretary shall examine the same and determine whether it is signed by the requisite number of qualified voters, and meets the other requirements hereinabove set forth. Once it is filed, the petition shall neither be amended nor withdrawn. After completing examination of the petition the city secretary shall certify the result thereof to the city commission at its next regular meeting, stating the number of persons found on the petition who are, and the number of those who are not, qualified voters of the city, and whether or not such petition meets the other requirements set forth in subsection 1 hereof. If the certificate of the city secretary shall show such petition to be insufficient, the city commission shall order him to so notify the person who filed the same; but if the petition is certified by the city secretary to be sufficient, and the member of the city commission whose removal is sought does not resign within five (5) days after such certification to the city commission, the commission shall order and hold a recall election not less than thirty (30) nor more than sixty (60) days from such certification.

Subsection 3. Recall ballot. Ballots used at recall elections shall conform to the following requirements:

- (1) With respect to each person whose removal is sought, the question shall be submitted "Shall (name of member of commission) be removed from the office of Mayor or Commissioner No. _____)?"
- (2) Immediately below each such question there shall be printed the two following propositions, one above the other, in the order indicated:

"For the recall of (Name of Mayor or Commissioner)"

"Against the recall of (Name of Mayor or Commissioner)"

Subsection 4. Results of recall election. If a majority of the votes cast at a recall election shall be for the removal of the mayor or commissioner named on the ballot, the city commission shall immediately declare his office vacant and such vacancy shall be filled in accordance with the provisions of the City Charter for the filling of vacancies. A mayor or commissioner thus removed shall not be eligible to fill the vacancy thereby created.

Subsection 5. Limitation on recall. No recall petition shall be filed against a mayor or commissioner within six (6) months after he takes office, and no mayor or commissioner shall be subjected to more than one recall election during a term of office.

(Ord. No. 2009-1501, § 1(Prop. No. 1), 5-9-2010)

Section 6. [Commission judge of elections.]

The commission shall be the judge of the election and qualification of its members.

Section 7. Election returns.

The commission shall, at the next regular meeting day of said commission, after each regular and special election, canvass the returns and declare the result of such election.

Section 8. Election day.

The regular municipal election of the City of Brownsville hereafter shall be held on the first Saturday of May, or on such uniform election date in May as provided by the laws of Texas.

(Ord. No. 93-1270, § 1 (Prop. No. 5), 11-16-1993; Ord. No. 2000-1365, Prop. No. 2, 11-21-2000)

Section 9. Elections, law controlling.

All elections provided for in this Charter, except the regular election for the election of commissioners at the expiration of a regular term shall be called special election, and all elections shall be conducted and results canvassed and announced by the election authorities prescribed by the General Election Laws of the State of Texas, and said general election laws shall control in all municipal elections, except as otherwise herein provided.

Section 10. Commission constituted legislative and governing body of the city.

The commission shall enact all ordinances and resolutions, and adopt all regulations; and constitute the legislative and governing body of the city, with all the powers and authority herein granted.

Section 11. Duties of mayor.

The mayor of the City shall be the presiding officer of the commission, except that in his absence a mayor pro tempore may be chosen; he shall be entitled to vote and make motions and seconds as a member of the commission; sign all bonds; be the official head of the city, and exercise all powers and perform all duties imposed upon him by this Charter and by the ordinances of the City.

(Ord. No. 93-1270, § 1 (Prop. No. 6), 11-16-1993)

Section 12. Meeting of the commission.

On the first Monday at 10 o'clock A.M., after the election of the commission has been declared, the commission shall meet in the council chamber of the city hall, at which time the commissioners shall qualify and assume the duties of their offices. Thereafter the commissioners shall meet at such time as may be prescribed by ordinance or resolution, but they shall meet at least once each month. The mayor, any two commissioners or the city manager, hereinafter provided for, may call special meetings of the commission at any times deemed advisable. All meetings of the commission shall be public, except such executive sessions as may be provided for by ordinance, and any citizens shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business, and shall keep a journal of its proceedings.

Section 13. Compensation.

The mayor and city commissioners elected after the adoption of this amendment shall each receive as compensation for their services during their term of office the sum of ten dollars (\$10.00) for their attendance for the full duration of each regular and special meeting; provided, however,

that in no event shall they be paid for more than two regular and three special meetings in any one calendar month.

Section 14. Legislative procedure.

A majority of all members elected on the commission shall constitute a quorum to do business, and the affirmative vote of a majority of such quorum present shall be necessary to approve of any matter. Except, the affirmative vote of a majority of all members of the commission shall be necessary to adopt any ordinance or resolution, unless otherwise provided by the laws of Texas. The vote upon the passage of all ordinances and resolutions shall be taken by "YEA" and "NAY" and entered upon the journal. Every ordinance or resolution passed by the commission shall be signed by the mayor and the person acting as city secretary, within two days, and by him recorded. (Ord. No. 93-1270, § 1 (Prop. No. 7), 11-16-1993)

Section 15. Ordinance enactment.

Each proposed ordinance or resolution shall be introduced in written or printed form; shall not contain more than one subject, which shall be clearly stated in the title, but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. No ordinance, unless it be declared an emergency measure, and passed by unanimous vote of all members of the commission present and voting, shall be passed on the day on which it shall be introduced.

Section 16. Emergency measures; defined and provided for.

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined as a preamble thereto. Ordinances appropriating money, not exceeding two hundred fifty dollars (\$250.00), and ordinances for the payment of salaries and wages, may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise, or

other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be passed as an emergency measure.

Section 17. Ordinances; publication of.

Except as expressly otherwise provided by the general laws of Texas with reference to home rule cities or by the terms of the ordinance itself, ordinances of the City of Brownsville shall be considered and held to be published when recorded [recorded] by the city secretary in an ordinance book to be kept as a public record for that purpose and shall be effective when so recorded; provided, that, if said ordinance, provides for a penalty for violation thereof, such ordinance shall be published in some newspaper published in the City of Brownsville, at least one time, and in compliance with general laws of Texas with reference to publication of such ordinances of home rule cities.

Section 18. Ordinances; recording.

Every ordinance or resolution when adopted and approved, shall immediately be recorded by the city secretary in a book kept for that purpose and designated as an ordinance book and shall be authenticated by the signature of the mayor and the person exercising the duties of city clerk or city secretary, provided, ordinances which must be published before they are effective shall be recorded in said book immediately after publication thereof and there shall be recorded with such ordinance proof of publication of same in accordance with this Charter and the law, which shall constitute evidence of such publication.

Section 19. Investigations by commission.

The commission may investigate the financial transactions of any office or department of the city government, and the acts and conduct of any official or employee. In conducting such investigation, the commission may compel the attendance of witnesses, the production of books and papers, and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the mayor; which may be served and executed by any officer authorized by law to serve subpoenas or other process, or any peace officer of

the city. If any witness shall refuse to appear or to testify to any facts within his knowledge, or to produce any papers, or books in his possession, or under his control, relating to the matter under investigation before the commission, the commission shall have the power to cause the witness to be punished for contempt, not exceeding a fine of one hundred dollars (\$100.00) and three days in the city prison. No witness shall be excused from testifying, touching his knowledge of the matter under investigation in any inquiry, but such testimony shall not be used against him in any criminal prosecution except for perjury committed upon such inquiry.

Section 20. City manager; his responsibilities and powers of appointment and removal; removal of officers and employees; and non-interference with appointments and removals.

The commission shall appoint an officer whose title shall be city manager, and he shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be chosen by the commission solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practices in respect to his duties of the office as hereinafter outlined. At the time of his appointment he need not be a resident of the city or state, but during his tenure of office he shall reside within the city. No person elected to membership on the city commission shall, subsequent to such election, be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected. The city manager shall be appointed for an indefinite term, but he may be removed by a majority vote of the members of the city commission on thirty days prior notice of their intention to remove him. The action of the city commission in removing the manager shall be final. In case of the absence of the manager, he may, with the approval of the city commission, designate a qualified administrative officer of the city to perform his duties during his absence, and absence shall include temporary disability on account of sickness, or otherwise.

The City Manager shall be responsible to the city commission for the proper administration of all affairs of the city in his charge and to that end, except as otherwise provided in this Charter, and, subject to any provisions herein with reference to civil service, he shall have the power to appoint and remove all officers and employees in the administrative service of the city, except the city attorney, who shall be appointed and removed by the city commission but the manager may authorize the head of a department or office, responsible to him to appoint and remove subordinates in such department or office. Appointments made by or under the authority of the city manager shall be on a basis of executive and administrative ability and of the training and experience of such employees in the work which they are to perform; all such appointments shall be without definite term.

All appointments and removals of officers and employees shall be subject to the personnel policy adopted by the commission, except as otherwise provided by this Charter, or as provided by law.

The city commission and its members shall deal with the administrative service of the city solely through the city manager. Neither the city commission nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of his subordinates are empowered to appoint, but the city commission may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(Ord. No. 871, Prop. No. 4, 7-29-1975; Ord. No. 93-1270, § 1 (Prop. No. 8), 11-16-1993; Ord. No. 2000-1365, Prop. No. 3, 11-21-2000)

Section 21. Duties of city manager; rights of manager and other officers at commission meetings; heads of departments and divisions thereof; investigation of city manager by city commission.

It shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administrative affairs of the city; to

see that the ordinances of the city and laws of the state are enforced; to make such recommendations to the commission concerning the affairs of the city as may seem to him desirable; to keep the commission advised of the financial condition and needs of the city; to prepare and submit to the commission the annual budget estimate; to prepare and submit to the commission such reports as may be required by that body, and to perform such other duties as may be prescribed by this Charter.

The city manager shall be entitled to a seat in all commission meetings, but shall have no vote therein. On vote of the commission, the heads of all departments and such other officers of the city as may be designated by vote therefor, shall also be entitled to seats in the commission meeting, but shall have no vote therein. The matters coming before the commission meeting, and the heads of all departments and other officers shall be entitled to take part in all discussions of the commission relating to their respective departments and offices.

There shall be such departments as are established by this Charter and as may be established by ordinance. The city commission may change or abolish any department or office established by ordinance, and may prescribe, distribute or discontinue the functions and duties of departments and offices so established. Additional functions and duties may be assigned by ordinance to departments and offices established by this Charter, but no function or duty assigned by this Charter to a specific department or office shall be discontinued or assigned to any other department or office by ordinance.

For each department there shall be an officer designated as the head, or director, thereof, who shall have the supervision and control thereof subject to approval by the city manager to whom such head, or director, shall be responsible and accountable. Each head, or director, shall subject to the approval of the city manager, have power to prescribe rules and regulations, not inconsistent with this Charter and the ordinances passed in pursuance thereof, for the conduct of the officers and employees of the department of which he is in charge, for the distribution and transaction of its

business, and for the custody of the books, records, papers and property under its control. The work of each department shall be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the manager, provided, that pending the passage of an ordinance, or ordinances, distributing the work of departments under the supervision and control of the city manager among specific divisions thereof, the city manager may establish temporary divisions.

The city commission, the city manager, or any person or committee authorized by either of them, to be compensated as provided by the city commission, shall have power to inquire into the conduct of any department, office, or officer of the city, and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Failure to obey such subpoena, or produce books, papers or other evidence as ordered under the provisions of this paragraph, shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$100.00 or by imprisonment not to exceed five days, or both.

Section 22. Contracts for services.

No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time, except as provided below. All appointive officers and employees shall be subject to the personnel policy adopted by the commission subject, however, to the provisions for civil service herein or hereinafter made a part of this Charter. Provided that the Commission shall have the authority to enter into an employment contract with a city manager and/or city attorney on terms decided by the commission but which shall not exceed two years in duration.
(Ord. No. 2000-1365, Prop. No. 4, 11-21-2000)

Section 22-A. Civil service.

The city commission, shall promptly after the adoption of this amendment, appoint a civil service commission of five members for a term of two years and until their successors have been appointed and have qualified, to be compensated as

provided by ordinance, none of whom shall hold any public office, or be a candidate for any public office, none of whom shall hold any office or employment of emolument under any city, county, state or other government, or be related within the second degree by affinity or the third degree by consanguinity to any person who holds such office or employment, who shall hold office for two years, and whose duty it shall be to recommend civil service regulations to be adopted by the city commission and thereafter to be administered by said civil service commission in accordance with the provisions of said ordinances, which ordinances, when enacted and adopted, shall supersede the provisions of this Charter with reference to employment of appointive officers and employees of the City of Brownsville, but which shall not entitle any officer or employee of said city to employment except during such time as said ordinances are in effect and have not been amended or repealed. It shall, further, be their duty, at the expiration of each two years, to recommend in writing any Charter provisions they may deem to be necessary to the effective administration of civil service regulations.

Section 23. Departments.

The commission shall create and consolidate such offices and may divide the administration of the city's affairs into such departments as they may deem advisable, and may discontinue any such office or department at their discretion.

Section 24-A. Board of city development.

The city commission may annually appropriate monies from the general fund of the city for the establishment and maintenance of a board of city development, chamber of commerce, or other similar organization under whatsoever name, devoted to the growth, advertisement, development, improvement and increase of the taxable values of said city.

The board of city development or other similar organization herein provided for shall consist of nine (9) members, who shall serve without compensation, to be appointed by the city commission, who shall hold office for two years from the date of their appointment by the city commission

and until their successors are so appointed, provided, however, the first board appointed by the city commission shall be appointed from the present members of the board of directors of the present board of city development, who are in office at the time the city commission makes such appointment under this provision, four of whom shall be appointed for one year and five for two years, and thereafter the city commission shall appoint four one year and five the next to serve for a term of two years; and they shall be appointed from a list of persons equal to twice the number to be selected, nominated by the then existing board of city development or other similar organization, provided, however, that no officer or employee of the City of Brownsville, and no person who has announced his candidacy for any office of the City of Brownsville shall be appointed to such board of directors or continue to hold office as a member of such board of directors. All vacancies caused by death, resignation and nonattendance of more than three consecutive meetings, may be filled by the city commission for the unexpired term.

The amount of money so appropriated each year by the city commission shall be paid to the board of city development or other similar organization in twelve equal monthly installments.
(Ord. No. 871, Prop. No. 5, 7-29-1975)

Section 24-B. Public library.

The city commission may annually appropriate monies from the general fund of the city for the establishment and maintenance of a public library under such rules and regulations and to be managed by such library board, librarian or other officers and employees as are now or shall be, in the future, by ordinance provided.
(Ord. No. 871, Prop. No. 6, 7-29-1975)

Section 24-C. Indigent orphan minors and sick or infirm persons who are indigent.

The city commission may annually appropriate monies from the general fund of the city for the care of indigent orphan minors not more than fourteen (14) years of age, and sick or infirm persons who are indigent under such rules and regulations and to be expended by such board or

other officers, employees or appointees, as are now or shall be in the future, by ordinance provided.

(Ord. No. 871, Prop. No. 7, 7-29-1975)

Section 25. Salaries; general.

The commission shall fix and determine the wages and salaries of all appointive officers and employees of the city, and provide for the payment thereof.

Section 26. Payment of claims.

No voucher or check for the payment of any claim shall be issued by the city, unless such claim shall be evidenced by a [an] itemized account sworn to by the claimant, approved by the city manager and audited and allowed by the commission at a regular meeting, and all vouchers or checks shall be signed by the city manager and countersigned by the party acting as auditor.

Section 27. Accounting procedures.

An accounting procedure shall be devised and maintained for the city adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of values, including cash receipts, credit transactions and disbursements; and the recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules in detailed support thereof as shall be necessary to show the full effect of such transactions for each fiscal year, upon the finances of the city and in relation to each department of the city government, including distinct summaries and schedules for each public utility owned and operated.

Section 28. Audit and examination; budget.

An annual audit shall be conducted after each fiscal year by an external Certified Public Accountant in accordance with government auditing standards, and it must cover the entire operations of the City. All budget matters and the audit process shall conform to the laws of Texas. And, any budget shall be balanced upon adoption.
(Ord. No. 93-1370, § 1(Prop. No. 9), 11-16-1993; Ord. No. 2000-1365, Prop. No. 5, 11-21-2000)

Section 29. Contracts.

All contracts or purchases of the City are governed by the laws of Texas regarding competitive bidding with the exception that any required notice need only be advertised once and bids be awarded no sooner than ten (10) days thereafter. (Ord. No. 93-1270, § 1 (Prop. No. 10), 11-16-1993)

State law reference—Purchases and contracts, V.T.C.A., Local Government Code § 252.001 et seq.

Section 30. Nepotism.

No person related within the second degree by affinity, or within the third degree by consanguinity, to the mayor or any of the commissioners, shall be appointed by the city commission, nor a person thus related to the city manager shall ever be appointed by him to any office, position, clerkship or service of the city.

State law reference—Nepotism, V.T.C.A., Government Code § 573.041.

Section 31. Hours and conditions of labor.

Hours and conditions of labor are governed by all applicable federal, state, and city laws, ordinances, resolutions, and rules and regulations. (Ord. No. 93-1270, § 1 (Prop. No. 11), 11-16-1993)

Section 32. Official bonds.

The city manager and the person or persons exercising the duties of the city treasurer and city tax collector, shall give official bonds in such sums as may be prescribed by the commission from time to time. Such bonds shall be payable to the City of Brownsville, and shall in each instance be conditioned for the faithful discharge of the duties of such respective offices and for the faithful accounting for all moneys, credits and things of value coming into the hands of such respective officers. Such bonds shall be procured from some regularly accredited surety company authorized to do business under the laws of the State of Texas.

The city manager shall have the right to acquire official bonds from other appointive officers of the city in such amounts and conditions as he may deem best for the efficiency of the public service.

All official bonds shall be approved by the commission and filed and recorded with the person exercising the duties of city clerk, and all premiums on such bonds shall be paid by the City of Brownsville.

Section 33. Oath of office.

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the oath prescribed by the Constitution of the State of Texas for county officials.

State constitution reference—Oath of office, Texas Const., art. XVI, § 1.