

**THE CHARTER**  
of the  
**CITY OF DE LEON, TEXAS<sup>1</sup>**

**ARTICLE I – CORPORATE NAME**

**SECTION 1.** The inhabitants of the City of De Leon, Texas, residing within the limits and boundaries hereinafter described or within such boundaries as may be hereafter legally fixed or established, and such territory, are and shall continue to be, and are hereby continued and constitute a body politic and corporate, by and under the name and style of the CITY OF DE LEON, with all the rights, powers, privileges and immunities hereinafter more fully defined and set forth.

**ARTICLE II – BOUNDARIES**

**SECTION 1.** The limits and boundaries of said city, until legally changed as herein provided, shall be as follows, to-wit:

BEGINNING 393.62 vrs. east of the N.E. Corner of Sec. 17, Block 1, Comanche County, Texas, made for the H. & T. C. R. R. Co. for a corner a rock marked N. E. C. for N.E. corner of this; Thence west with North line of Sec. 24 and 17 2688.22 vrs. for N.W. Cor. in Green Lee survey a rock marked N. W. C.; Thence South 2688.22 vrs. for S.W. Cor. a rock marked S.W.C.; Thence East 2688.22 vrs. for S.E. Cor. a rock marked S. E. C.; Thence North 2688.22 vrs. to the beginning, corner this survey contains all of section 17 and parts of sections 12, 13, 18, 23 and 24 and a part of the Greenlee survey as shown by the map or plat and in all contains 1280 acres of land.

**SECTION 2. Additional Territory** – The boundaries described in Section I of this Article, or the boundaries of the said City as may be hereafter established, may by ordinance be enlarged from time to time by the inclusion of adjacent territory upon petition of the owner or a majority of the owners of the territory to be affected or upon the petition of majority of the resident qualified voters of the City. Accompanying such petition praying for admission into the City shall be a full and accurate description of the territory, described by metes and bounds, a well defined map thereof showing its location with reference to the existing boundaries of the City. Upon application for admission of any such territory into the City, the City Commission, if it sees proper, may admit such territory by an ordinance duly passed accepting such territory into and as a part of the City.

**SECTION 3.** Should any property lying within or adjacent to the City limits as established herein, or which may hereafter be established, be hereafter platted into blocks and lots, the owners of said property shall plat and lay the same off to conform to the streets and alleys adjacent to and abutting on same, insofar as may be, and shall file with the Secretary of the City Commission, and

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<sup>1</sup> Senate Bill 88, 73<sup>rd</sup> Texas Legislature, amended Title 28, Texas Revised Statutes by adding Article 940d-40 which validates governmental acts and proceedings by municipalities. Article 940d-40 applies to all incorporated cities and validated all governmental acts and proceedings regarding home-rule charters as of the dates the acts occurred.

with the County Clerk of Comanche County, a correct map thereof; provided that in no event shall the City of De Leon be required to pay for any of said streets or alleys when so platted and opened, but by the act of so platting and filing such map with the City Secretary the streets and alleys as indicated thereon shall become the property of the City of De Leon, for use as public highways.

**SECTION 4.** After the admission of territory as provided in the preceding section of this Article, the inhabitants of such added territory shall have all the privileges, and be subject to all the duties and liabilities of the inhabitants of the above particularly described territory.

**SECTION 5.** The powers and jurisdiction of the City shall extend to property or territory beyond its limits, owned or held by it for municipal purposes.

### **ARTICLE III – MUNICIPAL POWERS**

**SECTION 1.** The said City of De Leon shall have power to ordain and establish such acts, laws, rules, regulations, resolutions, and ordinances, not inconsistent with the Constitution and laws of Texas and of this Charter, as shall be needful for the government, interests, health, welfare and good order of said City and its inhabitants. Under the name of the City of De Leon it shall be known in law and have succession and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and tribunals, and in all amounts whatsoever, subject to the laws of the State of Texas, or which shall hereafter be passed.

The City of De Leon shall have the power to take, hold, lease, grant, purchase and convey such real property or mixed property or estate, situated within, or without, the limits thereof, as the purpose of said corporation may require and shall have and use a corporate seal, and change and renew the same at pleasure.

**SECTION 2. Rights Reserved –** All suits, taxes, penalties, fines, forfeiture, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of said City, heretofore in force governing the same, shall belong to and vest in said City and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of said City of De Leon and shall not be in any manner affected by the taking effect of this charter; but as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect.

**SECTION 3. Local Self-Government –** The City of De Leon shall possess and may exercise the full power of local self-government. It may hold, by gift, deed, devise, or otherwise, any character of property, including any charitable or trust fund, and subject to and within the limits of superior law may act in perpetual succession as a body politic.

**SECTION 4.** For greater certainty, the following are hereby especially enumerated and referred to as being among the other powers which are hereby conferred upon and which may be exercised by the City of De Leon, to-wit:

A. All of the powers conferred upon cities and towns by Title 22 of the Revised Civil Statutes of Texas, 1911, except as may hereafter be denied, limited or extended, are hereby conferred upon the City of De Leon as fully and completely as if such powers were herein separately enumerated.

B. All powers, privileges and immunities conferred upon cities of more than five thousand inhabitants, by Section 4 of Chapter 147 Acts of the 33<sup>rd</sup> Legislature, General Laws Regular Session, at pages 310 to 316, entitled, "An Act Authorizing Cities Having More Than Five Thousand Inhabitants, by a Majority Vote of the Qualified Voters of said City, at an Election Held for that Purpose to Adopt and Amend their Charters," etc.; and such powers are hereby conferred upon the City of De Leon as fully and completely as if each of said mentioned powers were herein separately enumerated; but enumeration of special powers herein, or in the Statutes referred to, shall not be held or construed to preclude the city from exercising all powers of local government not inhibited by the Constitution and Laws of the State of Texas, or by special limitations in this Charter contained, the purpose of this Charter being to enlarge upon the power extended by the general laws of cities incorporated thereunder, and to secure to the City of De Leon, all the powers conferred by the Constitution and Laws of this State upon cities having more than five thousand inhabitants.

## ARTICLE IV – MUNICIPAL GOVERNMENT<sup>2</sup>

**SECTION 1. Governing Body** - The governing body of the City of De Leon shall consist of a City Council composed of a mayor and five (5) council members elected from the City at large. The mayor and council members shall be elected for a term of two (2) years in the manner provided in Article V and shall serve until their successors are elected and take office.

**SECTION 2. Qualification of Officers** - The mayor and council members shall be qualified voters of the City of De Leon and residents in the State of Texas for at least twelve (12) months and within the City, or an area having been annexed into the City, for at least six (6) months prior to the date of their election. The appointive officers of the City shall serve for a term and have such qualifications as are established by the City Council. No member of the City Council shall hold any other public office except that of notary public or member of a military reserve. If any member of the City Council ceases to possess any of the qualifications of office or shall be finally convicted of a crime involving moral turpitude, his/her office shall immediately become vacant.

**SECTION 3. Vacancies in Office** – In the event of a vacancy in a council member office for which more than six (6) months remains in the unexpired term, the City Council shall call a special election to fill such vacancy for the unexpired term. If, at the time of the vacancy, there remains less than six (6) months but more than ninety (90) days in the unexpired term, the vacancy shall be filled within thirty (30) days by a majority vote of the remaining members of the City Council. The person so elected by the City Council shall serve the remainder of the unexpired term. If a vacancy on the City Council occurs less than ninety (90) days prior to the next general city election the vacancy shall be filled at that election.

Special elections to fill unexpired terms shall be held on the earliest date permitted by the Texas Election Code and in the manner provided in Article V.

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<sup>2</sup> Article IV was amended and adopted on May 2, 1992.

In the event of a vacancy in the office of mayor, the council members shall select a mayor from the members of the City Council. The resulting council member vacancy shall be filled as provided in this Section and the mayor so elected shall serve until the next regular city election.

**SECTION 4. Compensation** – Members of the City Council shall serve without financial compensation provided that, on approval by the City Council, they shall be entitled to reimbursement for necessary expenses incurred in the performance of official duties.

**SECTION 5. Departments, Offices and Services** – The City Council shall govern the affairs of the City in conformance with the Constitutions of this State and the United States and, notwithstanding any other provision of this Charter, shall in its judgment determine by majority vote the best and most appropriate method and manner of efficiently performing the functions and providing the services of the City. The City Council may create, change, or abolish offices, departments or agencies of the City, and may contract for services as it deems advisable to improve the services or the efficiency of City government.

## ARTICLE V – ELECTIONS<sup>3</sup>

**SECTION 1. General Election Laws** – Except where otherwise provided herein as permitted by State law, the general election laws of the State of Texas shall, insofar as applicable, control all elections held by the City of De Leon.

**SECTION 2. Election of the City Council<sup>4</sup>** – The general city election shall be held annually on the general election day in May or the date nearest thereto as may be required by law. Officers shall be elected at each general election as specified in Section 6.

The City Council shall canvass the results of city elections within the time frame established by the Texas Election Code. The candidates receiving a majority of the votes cast for the office shall be declared elected. If no candidate receives a majority of the votes cast, the two candidates receiving the highest number of votes cast for the office shall be certified as candidates for a run-off election to be held on the following Saturday. The candidate receiving the highest number of votes cast for the office in the run-off election shall be declared elected and if the run-off results in a tie vote, the tie shall be broken in a manner authorized by the Texas Election Code.

The names of the candidates will be listed on the ballot in the order established by a drawing held by the City Secretary and without reference to political party or other designation. Each person voting at the election shall have one vote for each office listed on the ballot.

**SECTION 3. Notice and Order for Elections** – City elections shall be ordered and notice thereof given as provided in the Texas Election Code and the City Council shall establish the procedures and order elections except as provided therein. Except as otherwise provided in this Article, all elections shall be ordered at least thirty (30) days prior to the date of election and notice

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<sup>3</sup> Article V was amended and adopted on May 2, 1992.

<sup>4</sup> An amendment of Section 2 of Article V was adopted on May 16, 2017.

shall be given by publication not more than thirty (30) days and not less than twenty (20) days immediately preceding the date of election. Notice of election shall be published in a newspaper published within the City, and if there be no such publication notice shall be published in a newspaper of general circulation within the City.

**SECTION 4. Polling Places** – The City Council may establish election precincts and provide polling places as necessary for city elections. Until established otherwise by ordinance, the entire City shall be one election precinct and City Hall shall be the polling place for all city elections.

**SECTION 5. Qualified Voters** – Every resident of the City who is registered to vote shall be entitled to vote in city elections.

**SECTION 6. Council Places** – The council member positions shall be Place 1, Place 2, Place 3, Place 4 and Place 5. A mayor and the council members for Place 1 and Place 2 shall be elected in even numbered years. The council members for Place 3, Place 4 and Place 5 shall be elected in odd numbered years. Candidates for office shall make application for a place on the ballot within the times prescribed by the Texas Election Code. In the absence of a filing deadline established by the Texas Election Code, applications for a place on the ballot shall be filed no later than 5 p.m. of the 30<sup>th</sup> day before election day. All applications shall designate the position sought and applications for council member shall include the Place number. It shall be the duty of the City Secretary to place the name of all qualified candidates, making timely application, on the official ballot.

## ARTICLE VI – THE CITY COUNCIL<sup>5</sup>

**SECTION 1. Regular and Special Meetings<sup>6</sup>** – The City Council shall meet regularly once each month and may meet in special meeting on call of the mayor or at the request of at least two (2) Council members. The City Council shall adopt and enforce all ordinances necessary and proper for carrying out the powers and duties herein provided. The City Council shall promote the welfare of the citizens in such manner as it deems advisable subject only to the limitations imposed by the Constitution and laws of the United States and this State and this Charter.

**SECTION 2. Mayor and Mayor Pro Tempore<sup>7</sup>** – The Mayor shall preside over the City Council and in the absence of the mayor, the mayor pro tempore shall preside. The mayor, or mayor pro tempore if presiding, shall be entitled to vote on all questions, ordinances, resolutions, and claims coming before the City Council.

**SECTION 3. Mayor Pro Tempore<sup>8</sup>** – The City Council shall elect a mayor pro tempore at the City Council meeting at which newly elected members of the City Council take office after each general city election. The mayor pro tempore shall hold office for one year, and in the event of the failure, inability, or refusal of the mayor to act, with respect to any matter or duty, the mayor pro tempore shall act.

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<sup>5</sup> Article VI was amended and adopted on May 2, 1992.

<sup>6</sup> An amendment to Section 1 of Article VI was adopted on May 16, 2017.

<sup>7</sup> An amendment to Section 2 of Article VI was adopted on May 16, 2017.

<sup>8</sup> An amendment to Section 3 of Article VI was adopted on May 16, 2017.

**SECTION 4. Quorum<sup>9</sup>** – Four (4) members of the City Council shall constitute a quorum. The Mayor, or Mayor Pro Tempore presiding in the Mayor’s absence, is considered a member of the City Council for the purpose of establishing a quorum.

**SECTION 5. Appointment of Officers and Employees; Combining Positions<sup>10</sup>** - The City Council may appoint such officers and employees as it deems advisable and shall establish the salaries, benefits and fees to be paid the appointed officers and employees of the City. The City Council may combine the duties of two or more appointed officers of the city and provide that all such duties be performed by one person.

**SECTION 6. Recall<sup>11</sup>**

**6.01 Scope of Recall**

Any elected City official, whether elected to office by the qualified voters of the City or appointed by the Council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetency, misconduct, malfeasance in office or who willfully violates any provision of the Charter.

**6.02 Petition for Recall**

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by ten percent (10%) of those who were qualified voters on the date of the last regular municipal election as determined from the list of qualified voters maintained by the Tax Collector of Comanche County. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, his voter registration certificate number and shall also write thereon the day, the month and the year his signature was affixed.

**6.03 Form of Recall and Oath**

The recall petition mentioned above must be addressed to the Council of the City of De Leon, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and, if there be more than one (1) ground, such as for incompetency, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which he is charged. The signature shall be verified by oath in the following form:

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<sup>9</sup> An amendment to Section 4 of Article VI was adopted on May 16, 2017.

<sup>10</sup> An amendment to Section 5 of Article VI was adopted on May 16, 2017.

<sup>11</sup> Section 6 was adopted on May 24, 1994.

#### **6.04**

Within ten (10) days from the filing of such petition, the City Secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters, and if necessary, the Council shall allow him extra help for that purpose and he shall attach to such petition a certification showing the result of each examination. No signature to such petition shall be valid if dated more than forty-five (45) days prior to submittal to the City Secretary for certification. The petition shall become the property of the City upon filing and one amendment to the petition shall be allowed once the petition has been filed.

#### **6.05 Petition Found Sufficient**

If the petition be found sufficient, the City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his mailing address and submit the same to the Council without delay. In the event the Councilperson fails to resign, the Council shall order and fix a date for holding the said election, provided that if an election is to be held within the City for any other purpose within sixty (60) days from the date of said notification, then the said recall election shall be held on the same day. If the Councilperson in question resigns, no election shall be necessary and the vacancy shall be filled by the Council as in other cases or vacancies.

#### **6.06 Public Notice**

The Council shall make or cause to be made publication or notice and provide for holding such election for the Successor Councilperson, and the same shall be conducted, and the result thereof declared in all respects as other City elections.

#### **6.07 Official Ballot**

Any officer so elected shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the City Secretary shall place his name on the official ballot without nomination. The names of other candidates for such position shall be placed on the official ballot in the same manner as provided in Article V of this Charter. At such election, the candidate receiving a majority of all votes cast for such office, according to the rules regulating the election of Councilpersons as set forth in this Chapter, shall be declared elected. At such election, if some other person than the incumbent receives majority of all votes cast for such office, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives a majority of all votes cast at said election shall fail to qualify within the ten (10) days after receiving notification of his election, the office shall then become vacant. If the incumbent receives a majority of all votes cast of such election, he shall continue in office and shall not be subject to any other recall for any grounds existing prior to said election. In the event that a runoff election is required, the procedure set forth shall be followed.

#### **6.08 Recall Petition Prohibited**

No recall petition shall be filed against any officer of the City of De Leon within three (3) months after his election, nor, within three (3) months after an election for such officer's recall.

#### **6.09 Refusal of Recall Petition**

In case all of the requirements of this Chapter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, the County Judge of Comanche County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of City Secretary, or by the City Council.

### **ARTICLE VII – THE AUTHORITY AND LIMITATIONS<sup>12</sup> OF THE CITY COUNCIL**

#### **SECTION 1. Reserved.<sup>13</sup>**

#### **SECTION 2. Reserved.<sup>14</sup>**

**SECTION 3. City Council Judge of its Members** – The City Council shall be the judge of the election and qualifications of its own members, may determine the rules of its proceedings, and shall have power to compel the attendance of absent members and to punish members for disorderly conduct.

After due notice and an opportunity to be heard and upon a three-fourths vote of its members, the City Council shall have the power to remove any elected officer for gross immorality, habitual drunkenness, incompetency, corruption, misconduct or malfeasance in office. Appointed officers or employees of the City may be removed by majority vote of the City Council at any time after notice in compliance with the open meetings laws.

**SECTION 4. Attendance** – It shall be the duty of each member of the City Council to attend each regular and special meeting of the City Council and the failure of any member to attend three (3) successive meetings, without good and sufficient cause, shall constitute misconduct in office.

**SECTION 5. The City Council** – The City Council shall be the legislative and governing body of the City and shall have control of all the City finances, property, functions, services, affairs and programs. The City Council shall have the power to ordain, alter, amend or repeal all ordinances, resolutions, rules, orders, and regulations not repugnant to the Constitution and laws of the United States or of this State. The powers of the City Council shall include the authority to enact and enforce such ordinances, resolutions, rules, orders, regulations and programs as may be advisable, necessary,

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<sup>12</sup> Article VII was amended and adopted on May 2, 1992.

<sup>13</sup> An amendment to Section 1 of Article VII was adopted on May 16, 2017.

<sup>14</sup> An amendment to Section 2 of Article VII was adopted on May 16, 2017.



or reasonable in the judgment of the City Council. The City Council shall have the power and authority to provide for public recreation, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, and other services or programs provided by cities within this state. The City of De Leon, by and through its City Council, shall have full and complete power of local self government, including all such authorities and privileges that are now or hereafter provided to cities by the laws of this State, including all the authorities and powers provided any other home rule city of this State by its charter, and such power and authority as necessary to accomplish and enforce the duties and powers conferred upon the City.

**SECTION 6. Duties of Officers and Employees** – The City Council shall from time to time establish the duties, responsibilities and authority of each appointed officer and employee of the City and the service of each such officer and employee shall be at will. The City Council may require other and further duties of any appointed officer or employee whose duties are prescribed herein, and may define, prescribe and change the duties of any appointed officer or employee as in its judgment be best for the public interest. The City Council shall require good and sufficient bond be given by appointed officers or employees handling funds of the City and may require bond of other officers or employees if considered proper or necessary. The expense of any such bond shall be paid by the City.

**SECTION 7. Petitions** – Petitions and remonstrances to the City Council shall be presented in writing.

**SECTION 8. Ordinances, resolutions and claims<sup>15</sup>** – Ordinances and resolutions shall be introduced in written or printed form and, except for ordinances or resolutions appropriating money, shall not contain more than one subject which shall be clearly stated in the title. Except in matters of a temporary character, or matters having reference to the conduct of the ordinance and current affairs of the city, the City Council shall proceed by ordinance only. A majority vote of the City Council shall be necessary for the adoption of any ordinance or resolution, or the allowance of any claim. The vote on all ordinances, resolutions and claims shall be entered of record.

**SECTION 9. Style of Ordinances** – The style of ordinances shall be “BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON,” but this style may be omitted when the laws and ordinances of the City are published in book or pamphlet form.

**SECTION 10. Two Readings Required<sup>16</sup>** – No ordinance or resolution, unless declared an emergency by majority vote, shall be passed until it has been read by the City Council at two meetings, one of which is a regular meeting. This requirement may be dispensed with by the affirmative vote of all the members of the City Council.

An emergency measure within the meaning of this section is an ordinance or resolution for the immediate preservation of the public peace, property, health and safety or which provides for the usual daily operation of the city. The City Council shall, within its discretion, declare what measures are emergency measures and an ordinance or resolution carrying an emergency clause shall be

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<sup>15</sup> An amendment to Section 8 of Article VII was adopted on May 16, 2017.

<sup>16</sup> An amendment to Section 10 of Article VII was adopted on May 16, 2017.

construed to be an emergency measure provided the emergency is set forth and defined in the preamble or in the closing section of such ordinance or resolution.

Any measure making grant, amendment, or extension of any franchise or other special privilege, or increasing the rate to be charged for services by any public utility, shall never be classed as an emergency measure.

**SECTION 11. Effective Date and Veto** – All ordinances and resolutions shall be enrolled and placed in the office of City Secretary within five (5) days after adoption and, except those declared an emergency, shall be so enrolled before they take effect. It shall be the duty of the mayor to approve or disapprove the same within the five (5) days. If the mayor disapproves any such ordinance or resolution, such disapproval must be made within five (5) days and in writing stating the mayor's objections. In such event, the disapproval and such order, ordinance or resolution shall be returned to the City Council for its further action at a regular or special meeting to be held within five (5) days after such return. If after reconsideration a majority of the City Council votes in favor of the passage of such ordinance or resolution then such ordinance or resolution shall become effective and the veto of the mayor overturned.

**SECTION 12. Record and Effective Date** – Every ordinance or resolution finally adopted, except penal ordinances, shall be recorded in a separate book and shall be effective from and after its adoption as an emergency, approval of the mayor, or its passage notwithstanding his veto.

**SECTION 13. Ordinances Imposing Penalties** – Every ordinance imposing a penalty shall, after its passage and placing of record, be published in a newspaper published in the City of De Leon or, if there be none, a newspaper of general circulation within the City, and shall not take effect until ten (10) days after such publication. The City Secretary shall note on all published ordinances the fact and date that the same has been published, which record shall be prima facie evidence of publication.

**SECTION 14. Code of Ordinances and Notice** - The City may publish ordinances in pamphlet or book form and, in such event, it shall not be necessary to republish those previously published, and all ordinances of the City including those printed or put in book form by authority of the City Council shall be admitted and received in evidence in all courts without further proof, and a statement in such pamphlet or book that the ordinances and measures therein contained are published by authority of the City Council shall be prima facie evidence thereof.

**SECTION 15. Record** – Every ordinance or resolution shall, upon becoming effective, be authenticated by the signature of the mayor attested by the City Secretary and recorded in a book kept for that purpose.

## **ARTICLE VIII – DUTIES AND POWERS OF OFFICERS**

**SECTION 1.** Every person elected by the voters of the City or appointed by the City Commission to any office under the City government shall, before entering upon the duties of his office, take and subscribed the official oath prescribed by the Constitution of this State, and where a bond is required execute such bond to the satisfaction of the City Commission.

**SECTION 2.**<sup>17</sup> The Mayor of the City, in addition to duties prescribed elsewhere in this Charter, shall be the executive officer of the city and shall have the responsibilities specified in this Section. He shall supervise officers and employees of the City pursuant to the City Personnel Policies and Procedures as may be adopted by the City Council from time to time. The Mayor shall communicate to the City Council such information, and recommend such measures as may, in his judgment, tend to the improvement of the finances, police, health, comfort and good government of the City. He shall represent the city in all its relations to other municipalities, and with the State, and he shall perform such other duties and exercise such other powers, not above enumerated, as may be given to him by the City Council or by provisions of state law relating to home-rule municipalities.

**SECTION 3.** The marshal of the City shall be ex-officio chief of the police thereof. He shall in person, or by a policeman designated by him, attend upon the corporation court when in session, and shall promptly and faithfully execute all process issued from such court. He shall have like powers with the sheriff of the county to execute search warrants, and shall be active in quelling riots, disorder, and disturbances of the peace, within the City. He shall take into custody all persons offending in his presence against the peace of the City, or violating its penal ordinances, and all persons for whom he may hold a warrant or warrants of arrest, and shall have authority to take suitable and sufficient bail for the appearance of such persons before the corporation court. He shall arrest all person who obstruct or interfere with him in the execution of the duties of his office, and when necessary to prevent a breach of the peace, or preserve quiet and good order, he shall have authority to close, temporarily any place or building or public resort, and to prevent and suppress violations of penal ordinances of the City; and he shall have and may exercise, like powers and authority as the sheriff or the county in respect to the violation of any penal laws of the City or of the State.

**SECTION 4.**<sup>18</sup> Policemen and other police officials shall be appointed by the City Council, upon recommendation of the chief of police. Police officials shall perform duties as assigned by the chief of police, and shall receive such compensation as the City Council may direct.

**SECTION 5.**<sup>19</sup> The City Secretary shall attend the meetings of the City Council and shall keep accurate minutes of its proceedings in books to be provided for that purpose. He or she shall correctly enroll all ordinances and resolutions of the City Council and properly record the same. He or she shall take charge of, preserve and keep in good order all books, records, papers, documents and files belonging to the city, the custody of which is not confined to some other official. He or she shall countersign all commissions issued to city officers and licenses issued by the city, or under its authority, and keep a register thereof. He or she shall make out all notices required under any order or ordinance of the city and serve the same when directed so to do by the mayor or other competent authority. He or she shall draw and countersign all checks on City financial accounts, which shall show definitely the fund upon which they are drawn and the purpose for which they are issued, and keep an accurate account thereof in a book to be provided for that purpose. He or she shall be the general accountant of the city and shall keep in books regular accounts of the receipts and disbursements of the city showing under proper heads each cause of receipt or disbursements, and shall also keep an account with each person or officer handling funds of the city, crediting amounts allowed by proper authority,

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<sup>17</sup> An amendment to Section 2 of Article VIII was adopted on May 16, 2017.

<sup>18</sup> An amendment to Section 4 of Article VIII was adopted on May 16, 2017.

<sup>19</sup> An amendment to Section 5 of Article VIII was adopted on May 16, 2017.

and specifying the particular transaction to which such entries apply. He or she shall keep a register of bonds and other evidences of indebtedness issued by the city and of all evidences of debt due and payable to the city, noting the particulars thereof. He or she shall, before each meeting of the City Council, examine all claims and accounts filed against the city, and note his or her approval of such as are found correct and his disapproval of others. He or she shall require all officers of the city connected with its finances, or handling its funds, to make at least monthly reports to the City Council, which he or she shall examine and approve, or disapprove, and refer to the City Council for appropriate action. He or she shall audit the books of other departments and officials. He or she shall be the clerk of the municipal court and perform all duties incident to that office.

**SECTION 6.**<sup>20</sup> The City Secretary shall also serve as the City Treasurer. The City Secretary shall securely keep all moneys belonging to the city until such time as those moneys are deposited with the designated depository for City funds. He or she shall render full and correct statements of his or her receipts to the City Council at its first regular meeting in each month, and at any other time he or she may be required to do so, and shall make such other reports as may be required of him or her by any law of the State.

**SECTION 7.** The assessor and collector shall make up the assessments of property taxed by the City, and make duplicate rolls thereof, one of which when completed, shall be delivered to the City Secretary. He shall collect all taxes due the City, whether the same be general, special assessments, occupation, license or otherwise, and shall pay the same over at least weekly, upon warrants issued by the City Secretary, to the City Treasurer, and shall report to the City Commission, at its first meeting every month all moneys so collected and paid.

**SECTION 8.** The City Attorney shall represent the City in the corporation court, give advice to other city officers, and attend the meetings of the City Commission for this purpose, and do and perform such other duties as are usually incident to the office of city attorney, or that may be required of him by the City Commission.

## **ARTICLE IX – REVENUE AND TAXATION**

**SECTION 1.** The City Commission shall have power to levy taxes to the extent and for all purposes authorized by the laws of the State of Texas, and by this Charter, not to exceed, however, the limitations thereon fixed by the Constitution of the State, and provide for the mode and manner of levying, assessing and collecting the same, and to apportion such taxes as in the discretion of the City Commission shall be to the best interest of the City.

**SECTION 2.** It shall be the duty of the City Commission annually, to levy, assess and collect such taxes on the assessed valuation of all taxable property within the City as may be necessary for general purpose and current expenses of the City, provided that the rate of taxation shall never exceed the limit prescribed by the Constitution and laws of the State of Texas.

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<sup>20</sup> An amendment to Section 6 of Article VIII was adopted on May 16, 2017.

**SECTION 3.** The City Commission shall have power to annually levy, assess and collect such taxes as may be necessary to pay the interest on, and create a sinking fund or funds for, the bonded or other indebtedness of the City now existing or hereafter to be created.

**SECTION 4.** In addition to taxes herein above provided for the City Commission shall provide for the opening, maintenance and improvement of the streets, alleys, bridges, culverts, etc., and may provide for the maintenance and support of a public free library; for the maintenance and beautifying of the City's cemeteries and other improvements herein authorized. The City may, upon motion passed by the City Commission, place funds annually into a Cemetery Care Fund for the City cemeteries' maintenance and beautification, which funds shall not be commingled with other funds from the City. Upon the placement of such funds into the Cemetery Care Fund, those funds may not be withdrawn but shall become a permanent part of the Cemetery Care Fund, and the interest from such shall not be used for any other purpose other than the maintenance and beautification of the said cemeteries, without further amendment to the Charter of the City of De Leon, Texas in the manner authorized herein. Additionally, private donations, which are defined as donations from sources other than the City of De Leon and part or all of the proceeds from the sale of cemetery lots, as authorized by the City Commission, may be accepted by the proper officers of the City of De Leon and placed into the Cemetery Care Fund, which funds shall also be subject to the limitation on withdrawal of principal and the prohibition on expenditure of interest for any purpose other than the maintenance and beautification of the cemeteries of the City of De Leon as herein stated.<sup>21</sup>

**SECTION 5.** The City Commission shall have the power, and it is hereby authorized to levy, assess and collect occupation taxes upon all trades, profession, occupations, callings and businesses of every kind or character carried on the City, on which a license or occupation tax is levied by the State at the time this Charter shall go into effect, and all such trades, professions, occupations, callings, and all other businesses of every kind or character, which may hereafter be subject to a license or occupation tax as provided by the general laws of the State; but at no time shall the occupation tax or license levied by said City for any year on persons or corporations pursuing any trade, profession, occupation, calling or business, of any kind or character, subject to a license or tax under the laws of the State, exceed one-half of said license or tax levied by the State for the same period on such trade, profession, occupation, calling or business. All licenses or occupation taxes shall be received and collected by the assessor and collector of taxes, and shall be paid to that officer by each and every person and corporation chargeable therewith, before engaging in any trade, profession, occupation, calling or business upon which said tax or license is charged, and the City Commission shall have the power and authority and is hereby vested with all the powers, delegated to and prescribed for the collection of occupation taxes and licenses under the general laws of the State, either civil or criminal, except as they may be in conflict therewith, and in addition thereto the City may collect such taxes by suit in any court having jurisdiction of the amount. Any person pursuing more than one trade, profession, occupation, calling or business subject to the payment of occupation taxes or license, shall pay an occupation tax or license on each, and no tax or license shall extend to more than one profession, trade, occupation, calling or business.

**SECTION 6.** The City Commission shall authorize the proper officer of the City to grant and issue occupation taxes and licenses, and shall direct the manner of issuing and registering the same, and fix the fees and charges therefor. No tax or license shall issue for a longer period than one

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<sup>21</sup> The present Article IX, Section 4, was amended May 1988.

year, and shall not be assignable except by permission of the City Commission; nor shall same be issued except for the City's fiscal year or the unexpired portion thereof.

**SECTION 7.** The property of all persons owing any taxes to the City of De Leon is hereby liable for all taxes, whether the same be due upon personal or real property, or both, and a lien is hereby expressly fixed upon all such property to secure the payment of said taxes; and the ad valorem taxes due on any one piece of property shall not be received by the collector from the owner or other person interested therein separately without paying the ad valorem taxes owing by him on other property.

**SECTION 8.** The City Commission shall have power to provide by ordinance for the prompt collection of taxes levied, assessed and imposed under this Charter and the ordinances of said City, and it is hereby authorized, and to that end shall have full power and authority to sell, or cause to be sold, all kinds of property, real and personal, and shall make such rules and regulations, ordain and pass such ordinances, as it may consider necessary to the levying, imposing, assessing and collecting of any and all taxes provided for in this Charter and unless otherwise provided by ordinance, all property in said City liable and subject to taxation shall be assessed, and said taxes shall be levied and collected, in accordance with the provisions of the general laws of the State of Texas.

**SECTION 9. COLLECTIONS FOR BONDED AND OTHER INDEBTEDNESS -** All moneys arising from the collection of taxes levied for the payment of interest on, and providing a sinking fund for, bonded or other indebtedness of the City, shall be maintained in a separate fund, to be designated "Interest and Sinking Fund," and a separate account shall be kept of the funds applicable to each series of indebtedness.

**SECTION 10. IRREGULARITIES IN LEVY AND ASSESSMENT –** No irregularities in the time and manner of making and returning of the assessment rolls, or the approval of such rolls, shall invalidate any assessment, nor shall any irregularity in the time and manner of making a levy or the form thereof, invalidate any tax levy made hereunder.

**SECTION 11. LEVYING TAXES –** The City Commission, at its first meeting in July of each year, or as soon thereafter as practicable, shall levy the annual taxes for such year, but special taxes or assessments provided for by this Charter may be levied, assessed and collected at such time or times as the City Commission may provide; provided that should the City Commission fail or neglect to levy the annual tax for any one year, the annual tax levy for the preceding year last made by the Commission shall be considered in force and effective as the tax levy for the year for which no levy was made.

**SECTION 12. FORCED COLLECTION OF TAXES –** The City Commission may provide by ordinance for the prompt collection by suit, sale or otherwise, of all taxes due the City, of every kind. The Commission may also provide penalties for the failure to pay taxes by a given date, provided the penalty shall never exceed that imposed by the State law. The City may proceed in the matter of the enforced collection of taxes in all things as provided by law for the collection of State and county taxes in this State, insofar as same is applicable, and the City Attorney shall receive for his services in tax suits the same fees allowed by law for county attorneys for like services.

**SECTION 13. RESERVED.<sup>22</sup>**

**SECTION 14. RESERVED.<sup>23</sup>**

**SECTION 15. RESERVED.<sup>24</sup>**

## **ARTICLE X – PUBLIC UTILITIES**

**SECTION 1.** The City of De Leon shall have the power to construct, own, purchase or lease, within or without the City limits, and to maintain and operate a system or systems of waterworks, sewers, sewage disposal plants, gas and electric light plants, parks, hospitals, telephone systems, street railways, garbage disposal plant and all other public utilities and to receive compensation for services furnished for private purposes or otherwise, and to exercise the right of eminent domain, as by this Charter provided, for the appropriation of lands and right-of-ways that may be proper and necessary to efficiently carry out such objects; to adopt by ordinance such rules and regulations as it may consider necessary and advisable for the acquiring and operation of any such public utilities; to manufacture its own electricity, gas and ice, and to purchase, and make contracts with any person or corporation for the purpose of purchasing gas, electricity and ice and to sell the same to the public on such terms as the Commission may provide.

**SECTION 2. MUNICIPAL SERVICE –** The rates charged for service furnished by any of the said public utility plants shall be just and equitable, and there shall not be allowed any person, firm or corporation or to any officer or employee of said city, any service free of charge, except that free service may be provided for buildings and institutions, owned or operated by the City. In determining the rates to be charged and collected for such service, the cost of operation, maintenance, depreciations, replacements, betterments, interest charges, and the creation of a sinking fund to pay the principal and interest of any bonds issued for the construction or acquirement or improvement of any such public utilities, shall be taken into consideration; provided, that the City may charge a greater rate for such service to persons, firms or corporations without the City limits than for the same service to those within the City limits.

## **ARTICLE XI – BONDING POWER – INDEBTEDNESS**

**SECTION 1.** The Commission shall have the power and authority to appropriate so much of the revenue of said City for the purpose of the purchase or construction, improvement and extension of a waterworks and sewer system, or systems; for the improvement and maintenance of the streets of the City; for the purchase or acquisition of grounds for cemeteries, parks, garbage disposal plants, public buildings and other public purposes mentioned in Section I of Article XII hereof, and all other permanent public improvement purposes, as it may from time to time deem expedient, and in furtherance of said objects it shall have power to borrow money upon the credit of the City and to issue bonds therefor in such sums as the City Commission may deem expedient, payable at such times and places as shall be directed by the City Commission; provided, however, that

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<sup>22</sup> An amendment to Section 13 of Article IX was adopted on May 16, 2017.

<sup>23</sup> An amendment to Section 14 of Article IX was adopted on May 16, 2017.

<sup>24</sup> An amendment to Section 15 of Article IX was adopted on May 16, 2017.

said Commission shall not issue any bonds of said City without first having submitted the same to a vote of the people, as provided for in this Charter.

**SECTION 2.** No bonds for any purpose shall be issued and sold until they shall have first been authorized by a majority vote of the duly qualified resident property tax paying voters of the City, voting at an election duly ordered and held to determine the question of their issuance, and until after they have been duly approved by the Attorney General of the State and registered by the Comptroller, as required by law.

**SECTION 3.** All bonds issued by the City shall be signed by the Mayor, be countersigned by the City Secretary, and have the seal of the City impressed upon them; they shall specify the purpose for which they are issued, shall bear interest at a rate to be fixed by the City Commission, not to exceed six percent (6%) per annum, payable annually or semi-annually, as the City Commission may direct.

**SECTION 4.** No debt shall be created and no bonds of the City shall be issued, until after the City Commission shall have provided for the levy and collection annually of a tax on the taxable values of the City which will furnish revenues sufficient to redeem them at maturity. Funds raised to discharge bonded indebtedness of the City, or to pay the interest thereon, shall be and continue to be special funds for the purpose indicated, and shall not be drawn upon for, or diverted to, any other purpose. Sinking funds now on hand, or which may hereafter accrue or accumulate, shall be promptly used for the retirement of the bonds to which they apply, if practicable, and if not then such funds shall be promptly invested in such securities as are prescribed by law for the investment of sinking funds and the City Treasurer shall honor no drafts on any funds mentioned in this section except to pay interest on, or redeem the bonds to which they apply, or for investment in other securities as in this section provided.

**SECTION 5. REFUNDING INDEBTEDNESS –** The City Commission shall have the authority to pass all necessary ordinances to provide for the funding or refunding of the whole or any part of the existing debt of the City of whatever nature or form, or of any future debt or debts, by cancelling the evidences thereof and issuing to the holders or creditors bonds or treasury warrants, with or without coupons, bearing interest at an annual rate not to exceed six percent (6%) per annum.

**SECTION 6. TREASURY INTEREST-BEARING WARRANTS –** The City Commission shall have power, when in its discretion it deems expedient and necessary and at a regular meeting, to pass an ordinance or ordinances authorizing the issuance of interest-bearing time warrants, with or without interest coupons, for the purpose for which bonds are authorized to be issued under this Charter, such warrants to bear interest not to exceed six percent (6%), per annum, payable annually or semi-annually, and to mature at such times and to be payable at such places as may be fixed by the City Commission, but before any such warrants shall be delivered to the purchaser they shall be submitted to and approved by the Attorney General of this State, and registered in the office of the Comptroller of the State of Texas. At the time any such warrants are ordered to be issued, the City Commission shall levy a sufficient tax to provide for the payment of the necessary annual interest thereon, and to create a sinking fund for such warrants authorized to be issued. They shall be signed by the Mayor, countersigned by the City Secretary, shall provide for the purpose for which they are issued, the place where payable, and shall bear the seal of the corporation.



## ARTICLE XII – CITY DEPOSITORY

The provisions of the general laws of this State governing the selection and designation of a city depository is hereby adopted as the law governing the selection and designation of a depository for the City of De Leon.

## ARTICLE XIII<sup>25</sup>

**SECTION 1.** All public streets and alleys are hereafter to be within the City of De Leon, Texas, be and are owned and dedicated by the City of De Leon for the free use of all peoples within and coming within the City of De Leon. The City Commission of the City of De Leon shall establish, hold, and maintain such public streets for the free use thereof by all peoples within the City of De Leon.

**SECTION 2.** No person, partnership, corporation, or any other association shall ever be charged by the City of De Leon or any other person or agency, for the right or privilege of using said public streets for the operation of motor and other vehicles thereon or for parking or standing such vehicles thereon.

**SECTION 3.** The City Commission of the City of De Leon shall cause colored lines or markers to be painted or placed on the curbs and/or pavement on all the paved or curbed streets within the City, either diagonally to or parallel with the City property line on such streets, the same to be so placed as the location, need for parking space, use of the streets, and the relative convenience and use of the abutting property owner and the traveling public may demand.

The lines and markers shall be so placed as to reasonably afford ample space for parking individual vehicles, but no vehicle shall be parked nearer than 20 feet from the corner of any intersection streets, or nearer than 10 feet from the opening of any alley into any street.

**SECTION 4.** The City Commission of the City of De Leon shall cause to be removed from the City owned property situated between the street curbs or street property lines and the abutting property privately owned, all obstacles, structures, or devices, other than poles, meters or structures lawfully placed and maintained thereon by public utilities under lawful franchise from the City of De Leon, and except meters, fireplugs, structures or devices owned and operated by the City of De Leon, which might interfere with the free use of such streets by the traveling public, or the access to and from abutting property.

**SECTION 5.** Each section and provision of the foregoing are independent of each other, and the invalidity of any such section or provision shall not affect the validity of any other section or provision thereof.

**SECTION 6.** The foregoing amendment to the Charter of the City of De Leon shall have the force and effect of a general law, shall be an addition to and cumulative of the provisions of the

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<sup>25</sup> Article XIII was adopted January 4, 1962, and redesignated as Article XIII in May 1993.

original charter and of all laws of the State of Texas governing cities of more than 5,000 inhabitants, not in conflict herewith.

#### **ARTICLE XIV – MISCELLANEOUS PROVISIONS<sup>26</sup>**

**SECTION 1. CONTRACTS** - All valid and existing contracts to which the City of De Leon is a party, heretofore validly made and not heretofore terminated by agreement, novation, breach or otherwise, shall be unaffected by the adoption of this Charter, and shall be executed in accordance with the provisions of this Charter, and laws applicable thereto, and for such purposes only, all laws and parts of law applicable to any such contracts, if not in conflict herewith, are continued in full force and effect.

**SECTION 2. TAX DEBT ARREARAGES** - No money, shall be paid by the City upon any claim, debt, demand or account whatsoever, to any person, firm or corporation who is in arrears to the City of De Leon for taxes or otherwise, and the City shall be entitled to a counterclaim and offset against any such debt, claim, demand or account, in the amount of taxes or other debt in arrears, and no assignment or transfer of such debts, claims, demands or accounts, after the said taxes or other debts are due, shall effect the right of the City to offset the said taxes or other debts against the same.

**SECTION 3.** All ordinances or resolutions in force at the time this Charter shall become effective, not inconsistent with its provisions, shall continue in force until amended or repealed.

**SECTION 4.** No property owned or held by the City and held or used for public purposes, or intended for public use and reasonably adapted to such use, shall be subject to any execution of any kind or nature.

**SECTION 5.** No fund of the City shall be subject to garnishment and the City shall never be required to answer any garnishment proceedings.

**SECTION 6.** The City shall not be liable on account of any claim for damages for any person or property unless the person asserting such claim, or someone for such person, shall give the City written notice of such claim within ninety days from the time it is claimed that such damages were inflicted, with a statement of facts reasonably sufficient to form a basis of an intelligent investigation and no suit shall be instituted or maintained on any such claim until the expiration of ninety days from the time such notice shall have been given.

**SECTION 7.** This Charter, if adopted, shall have become effective from and after the votes cast at the election at which it is submitted to the voters shall have been counted and the result of said election declared and an order or ordinance shall have been entered upon the records of the City Commission declaring it adopted.

**SECTION 8.** This Charter, if adopted, may be altered, amended or repealed, not oftener than every two (2) years, and every two (2) years the City Commission may, of its own motion, submit to a vote of the qualified electors of the City proposed amendments hereto, and upon petition of at

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<sup>26</sup> Articles were renumbered consistent with the charter amendments adopted May 1992.

least ten percent of the qualified voters of the City, shall submit to a vote any proposed amendment or amendments hereto.

**SECTION 9.** This Charter, if adopted, shall be recorded in full in the minutes of the City Commission, and as part of the proceedings of the meeting at which it is declared adopted and the City Secretary shall carefully preserve the original in his office. As soon as practicable after it is adopted, it shall be the duty of the Mayor to certify to the Secretary of State, as required by statute, a duly authenticated copy hereof, under the seal of the City, for record in the office of said Secretary of State.

**SECTION 10.** The Charter herewith submitted is and shall be cumulative of all other laws of the State governing cities of more than five thousand inhabitants, not in conflict herewith, and the enumeration of the powers made in this Charter shall never be construed to preclude, by implication or otherwise, the City from doing any and all things not inhibited by the Constitution and laws of Texas.

**SECTION 11.** This Charter shall have the force and effect of a general law, and it shall not be necessary to plead or prove the same, or any part thereof, in any suit or legal proceedings, and all courts shall take judicial notice.

The foregoing proposed Charter of the City of De Leon is being submitted to the qualified voters of the City of De Leon for adoption or rejection at an election which will be held in said City on the 16<sup>th</sup> day of December, 1919, at which election, if a majority of the qualified voters in such election shall vote in favor of the adoption of said Charter, it shall become the Charter of the City of De Leon, until amended or repealed.

It being impracticable to submit this Charter by articles and sections, it is hereby prescribed that the form of the ballot to be used in such election shall be as follows, to-wit:

**FOR THE ADOPTION OF THE CHARTER  
AGAINST THE ADOPTION OF THE CHARTER**

This charter is submitted to the voters of the City of De Leon with the conscientious belief that when adopted it will be to the best interest of the City; that it will mark the beginning of an area of progress and prosperity and that it will enable the City to provide for the needs of its citizens by assuring them the comforts and conveniences incident to a City of the first class.

Respectfully submitted,


By Charter Commission, duly elected,

W. E. LOWE, Chairman  
W. T. PATTERSON  
C. E. KENYON  
A. E. HAMPTON  
A. M. ALLEN  
MERTEN L. HARRIS  
A. M. PATE  
W. W. NANCE  
J. J. SMITH  
J. D. HAM  
R. R. HARVEY  
W. C. STREETY  
F. R. CARTER  
T. P. WEAVER  
C. R. AYERS


**CERTIFICATION  
AMENDMENTS ADOPTED MAY 16, 2017**


STATE OF TEXAS           §  
  §  
COUNTY OF COMANCHE §

I, Terry D. Scott, as Mayor of the City of De Leon, Texas, hereby certify that the foregoing Charter of the City of De Leon, Texas was duly amended by the voters of the City at an election called for that purpose on May 6, 2017, and such amendments were adopted by formal action of the City Council on May 16, 2017. All such amendments have been made to the foregoing Charter of the City of De Leon, Texas and each such section amended thereby has been noted as such.

  
\_\_\_\_\_  
Terry D. Scott, Mayor  
City of De Leon, Texas

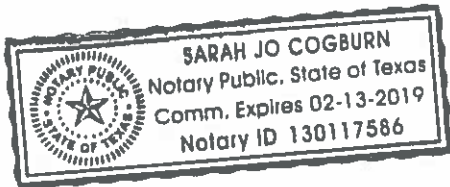
**ATTEST:**

  
\_\_\_\_\_  
Melenda K. Harbour, City Secretary

  
**ACKNOWLEDGMENT**

Before me on this day personally appeared Terry D. Scott, as Mayor of the City of De Leon, Texas, who is known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed.

Given under my hand and seal of office this the 18<sup>th</sup> day of May, 2017.



  
\_\_\_\_\_  
Notary Public, State of Texas

Sarah Cogburn  
\_\_\_\_\_  
(Notary's Printed Name)