

**CHARTER
OF THE
CITY OF NACOGDOCHES**

**VOTED UPON AT A
SPECIAL ELECTION
THURSDAY, MARCH 21, 1929**

AND AMENDED AT ELECTIONS HELD:

OCTOBER 10, 1950

APRIL 4, 1961

AUGUST 18, 1970

FEBRUARY 3, 1973

MAY 7, 1988

MAY 6, 1995

MAY 7, 2005

PART I

THE CHARTER OF THE CITY OF NACOGDOCHES, TEXAS*

Article I. Name and Boundaries

- Sec. 1. Corporate name.
- Sec. 2. Boundaries.
- Sec. 2a. Change of boundaries and annexation of territory.
- Sec. 3. Platting of property.

Article II. Corporate Powers

- Sec. 1. Body politic.
- Sec. 2. Powers of ordinance.
- Sec. 3. Style of ordinances.
- Sec. 4. Real estate, etc. owned by the City.
- Sec. 5. Acquisition of property.
- Sec. 6. Public property exempt from executions.
- Sec. 7. City funds not subject to garnishment.
- Sec. 8. Liability for damages.
- Sec. 9. Right of eminent domain.
- Sec. 10. Ownership of public utilities.
- Sec. 11. Funds for acquisition of any public utility; security for same, etc.
- Sec. 12. Manufacture or purchase of public utility products.
- Sec. 13. Right to operate and maintain public utility acquired, exclusive.
- Sec. 14. Right to regulate charges, etc., of holder of franchise or privilege.
- Sec. 15. Street powers.
- Sec. 16. Construction of sidewalks and curbs.
- Sec. 17. Sidewalks, improvement; defective may be declared nuisance.
- Sec. 18. Franchises for use of streets.
- Sec. 19. Public works improvements.
- Sec. 20. Altering streets, obstructions, encroachments, etc.
- Sec. 21. Parks, playgrounds, etc.
- Sec. 22. Peace and good order.

Article III. Taxation

- Sec. 1. Taxation.
- Sec. 2. Bonds, certificates of obligation and other evidence of indebtedness.
- Sec. 3. [Obligations of City] incontestable.
- Sec. 4. Budget.
- Sec. 5. Expenditures.
- Sec. 6. [Accounting procedure.]
- Sec. 7. [Annual audit; certification of statements; balance sheet; publication of summaries.]
- Sec. 8. Depository.

*Editor's note—Printed herein is the Charter for the City of Nacogdoches, as adopted by referendum on March 21, 1929. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State law reference—Home rule generally, V.T.C.A., Local Government Code § 51.071 et seq.

NACOGDOCHES CODE

Article IV. The City Commission

- Sec. 1. Commissioners.
- Sec. 2. Regular election.
- Sec. 3. Special election.
- Sec. 4. Ordering elections.
- Sec. 5. Election returns.
- Sec. 6. Term of office.
- Sec. 7. Chairman of the Commission.
- Sec. 8. Vacancies.
- Sec. 9. Qualifications.
- Sec. 10. Commission constituted legislative and governing body of City.
- Sec. 11. Meeting of the Commission.
- Sec. 12. Legislative procedures.
- Sec. 13. Compensation and attendance.
- Sec. 14. Ordinance enactment.
- Sec. 15. Emergency measures: Defined and provided for.
- Sec. 16. Ordinances: Publication.
- Sec. 17. Ordinance: Recording.
- Sec. 18. Investigations by Commission.
- Sec. 19. Appointments by City Commission.

Article V. The City Manager

- Sec. 1. Appointment.
- Sec. 2. Residence of City Manager.
- Sec. 3. Term of office.
- Sec. 4. Absence of [or] disability of City Manager.
- Sec. 5. Powers and duties.
- Sec. 6. Compensation of City Manager.
- Sec. 7. Departments.
- Sec. 8. Surety bond.
- Secs. 9, 10. Reserved.

Article VI. Municipal Court

- Sec. 1. Establishment.
- Sec. 2. Judge and Clerk of the Municipal Court.
- Sec. 3. Powers of Clerk.
- Sec. 4. Substitute Judges.

Article VII. General Provisions

- Sec. 1. Amendments to Charter.
- Sec. 2. Ordinances continued in force.
- Sec. 3. Continuance of present officers.
- Sec. 4. Continuance of contracts and vested rights.
- Sec. 5. Construction.
- Sec. 6. Meaning of certain words.
- Sec. 7. Males and females.
- Sec. 8. [Saving clause.]

ARTICLE I. NAME AND BOUNDARIES

Sec. 1. Corporate name.

All the inhabitants of the City of Nacogdoches, in Nacogdoches County, Texas, as the boundaries and limits of said City are herein established, or may hereafter be established, shall be a body politic, incorporated under, and to be known by the name and style of the "CITY OF NACOGDOCHES", with such powers, rights and duties as are herein provided.

Sec. 2. Boundaries.

Editor's note—This section describes the boundaries of the City as they existed when the Charter was adopted. Since subsequent annexation ordinances have rendered such description obsolete, this section has been omitted. The present boundaries of the City are on file in the office of the City Secretary.

Sec. 2a. Change of boundaries and annexation of territory.

The City Commission shall have [the] power by ordinance to fix the boundary limits of the City of Nacogdoches; and to provide for the alteration and extension of said boundary limits, the detachment of territory, and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory inhabitants annexed or detached. Upon the introduction of any ordinance annexing additional territory, such ordinance shall be published in the form in which it may be finally passed, in the official newspaper of said City at least one (1) time, and said ordinance shall not thereafter be finally acted upon until at least thirty (30) days have elapsed after the first publication thereof; and upon the final passage of any such ordinance, the corporate limits of the City shall thereafter include the territory so annexed; and when any additional territory has been so annexed, same shall be a part of the City of Nacogdoches and the property situated therein shall bear its pro rata of the taxes levied by the City, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens, and shall be bound by the acts and ordinances, resolutions and regulations of the City. Upon the final adoption of any ordi-

nance detaching territory from the City, the corporate limits of the City shall be reduced by the territory so detached.

The Chairman of the City Commission of the City of Nacogdoches, Texas, is hereby directed to certify to the Secretary of State of Texas an authenticated copy of the hereinabove mentioned amendment in compliance with Article 1173 of Vernon's Civil Statutes of Texas [Vernon's Ann. Civ. St. art. 1173].

The City Secretary is hereby directed to record upon the records of the City, in a book kept for that purpose, [this] amendment, as adopted. (Election of 4-4-1961)

Sec. 3. Platting of property.

Should any property lying within or adjacent to the City limits, as established by this Charter, 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 abutting on same, and shall file with the City Commission a correct map thereof, provided, that in no case shall the City of Nacogdoches be required to pay for any of said streets or alleys, at whatever date opened, but when opened by reason of the platting of said property at whatever date platted, they shall become, by such act, the property of the City of Nacogdoches, for use as public highways.

ARTICLE II. CORPORATE POWERS

Sec. 1. Body politic.

The City of Nacogdoches, made a body politic and corporate by the legal adoption of this Charter, shall have perpetual succession, may use a common seal, may sue, and be sued, may contract and be contracted with, implead and be impleaded in all courts and places and in all matters whatever; may take, hold and purchase lands, within or without the City limits, as may be needed for the corporate purposes of said City and may sell any real estate or personal property owned by it; may perform and render all public services and when deemed expedient, may condemn property for corporate use and may hold, manage and control the same and shall be subject to all the

duties and obligations now pertaining to or incumbent upon said City as a corporation, not in conflict with the provisions of this Charter, and shall enjoy all the rights, immunities, powers, privileges and franchises now possessed by said City, and herein conferred and granted.
(Election of 5-6-1995)

Sec. 2. Powers of ordinance.

The City of Nacogdoches shall have the power to enact and enforce all ordinances necessary to protect health, life and property, and to prevent, and summarily abate and remove all nuisances and to preserve and enforce the good government, order and security of the City and its inhabitants, and to enact and enforce ordinances on any and all subjects, provided, that no ordinance shall be enacted inconsistent with the provisions of this Charter, or the General Laws or Constitution of the State of Texas.

Sec. 3. Style of ordinances.

The style of all ordinances of the City of Nacogdoches shall be: "Be it ordained by the City of Nacogdoches," but the same may be omitted when published in book or pamphlet form purporting to be published by the City of Nacogdoches.

Sec. 4. Real estate, etc. owned by the City.

All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all public buildings, fire stations, parks, streets and alleys, and all property, whether real or personal, of whatever kind, character or description, now owned or controlled by the City of Nacogdoches, shall vest in, inure to, remain and be the property of said City of Nacogdoches.

Sec. 5. Acquisition of property.

The City of Nacogdoches shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation or otherwise, any character of property, including any charitable or trust fund.

Sec. 6. Public property exempt from executions.

Said City shall have the power to provide that no public property, or any other character of property owned or held by said City, shall be subject to any execution of any kind or nature.

Sec. 7. City funds not subject to garnishment.

Said City shall have the power to provide that no funds of the City shall be subject to garnishment and that the City shall never be required to answer in any garnishment proceedings.

Sec. 8. Liability for damages.

The City of Nacogdoches shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within six (6) months after the time at which it is claimed such damages were inflicted upon such person or property, file with the City Manager a written statement stating the nature and character of such damage or injuries, the extent of the same, the place where same happened, the circumstances under which same happened and the conditions causing same, with a detailed statement of each item of damages and the amount thereof, and if it be for personal injuries, giving a list of any witnesses known by affiant to have seen the accident.

(Election of 5-7-1988)

Sec. 9. Right of eminent domain.

Said City shall have the right of eminent domain and the power to appropriate private property for public purposes whenever the governing authority shall deem it necessary; and to take any private property, within or without the City limits, for any of the following purposes, to-wit; City Halls, Police Stations, Jails, Calaboose, Fire Stations and Fire Alarm Systems, Libraries, Hospitals, Sanitariums, Auditoriums, Market Houses, Reformatories, Abattoirs, Streets, Alleys, Parks, Highways, Playgrounds, Sewer Systems, Storm Sewers, Sewage Disposal Plants, Filtering Beds and Emptying Grounds for Sewer

Systems, Drainage, Water and Electric Light and Power Systems, Street Car Systems, Telephone and Telegraph Systems, Gas Plants or Gas Systems, Cemeteries, Crematories, Prison Farms, Pest Houses, and to acquire lands, within or without the City, for any other municipal purpose that may be deemed advisable. That the power therein granted for the purpose of acquiring private property shall include the power of improvement and enlargement of waterworks, including water supply, riparian rights, standpipes, water-sheds, and the construction of supply reservoirs. In all cases wherein the City exercises the power of eminent domain, it shall be controlled, as nearly as practicable, by the laws governing the condemnation of property by railroad corporations in this State; the City taking the position of the railroad corporation in such case.

Sec. 10. Ownership of public utilities.

Said City shall have the power to buy, own or construct, and to maintain and operate, within or without the City limits, [a] complete water system or systems, gas or electric lighting or power plant or plants, telephone systems, street railways, sewer systems, sewage plants, fertilizing plants, abattoirs, municipal railway terminals, or any other public service utility, and to demand and receive compensation for services furnished by the City for private purposes or otherwise, and to have the power to regulate, by ordinance, the collection of compensation for such services. That said City shall have the power to acquire by lease, purchase or condemnation, the property of any person, firm or corporation now or hereafter conducting any such business, for the purpose of operating such public utility or utilities, and for the purpose of distributing such service throughout the City, or any portion thereof.

Sec. 11. Funds for acquisition of any public utility; security for same, etc.

Should the City determine to acquire any public utility by purchase, condemnation or otherwise, as herein provided, said City shall have the power to obtain funds for the purpose of acquiring said public utility and paying the compensation therefor, by issuing bonds or notes, may secure such notes by fixing a lien upon the property

constituting the public utility so acquired, and said security shall apply alone to said property so pledged.

Sec. 12. Manufacture or purchase of public utility products.

Said City shall have the authority to manufacture its own electricity, gas or anything else that may be needed or used by it or the public, to make contracts with any person, firm or corporation for the purchase of gas, water, electricity or any other commodity or articles used by it or the public, and to sell same to the public as may be determined by the governing authority.

Sec. 13. Right to operate and maintain public utility acquired, exclusive.

In the event said City shall acquire, by purchase, gift, devise, deed, condemnation or otherwise, any water-works system, electric-light or power system, gas system, street railway system, telephone system or any other public service utility to operate and maintain for the purpose of serving the inhabitants of said City, the right to operate and maintain such public utility, so acquired, shall be exclusive.

Sec. 14. Right to regulate charges, etc., of holder of franchise or privilege.

Said City shall have the power to determine, fix and regulate the charges, fares and rates of any person, firm or corporation exercising, or that may hereafter exercise any right or franchise or public privilege in said City, and to prescribe the kind of service to be furnished, the equipment to be used, the manner in which service shall be rendered and to change such regulations from time to time; that in order to ascertain all of the facts necessary for a proper understanding of what is or should be reasonable rate of regulation, the governing authority shall have full power to inspect the books and other records of such person, firm or corporation, and compel the attendance of witnesses for such purpose; provided that in adopting such regulations and in fixing or changing such compensation, no stock or bonds authorized or issued by any person, firm or corporation exercising such franchise or privilege

shall be considered unless proof be made that the same have been actually issued by such person, firm or corporation for money, or its equivalent, paid and used for the development of the property under investigation.

Sec. 15. Street powers.

The City of Nacogdoches shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, rights-of-way, avenues, alleys, and highways of the City and to provide for the improvement thereof by paving, raising, grading, draining or otherwise, and to charge the cost of making such improvement against the abutting property, as provided by state law.

(Election of 5-6-1995)

Editor's note—The above section incorporated Vernon's Ann. Civ. St. art. 1105b as a part of this Charter pursuant to an election held on October 10, 1950.

Sec. 16. Construction of sidewalks and curbs.

Said City shall have the power to provide for the construction and building of sidewalks and to charge the entire cost of the construction of said sidewalks, including the curb, against the owner of the abutting property and to make a special charge against the owner for such cost, and to provide by special assessments, a lien against such property for such cost.

Sec. 17. Sidewalks, improvement; defective may be declared nuisance.

Said City shall have the power to provide for the construction, improvement or repair of any such sidewalk, or the construction of any such curb, by penal ordinance, and to declare defective sidewalks to be a public nuisance.

Sec. 18. Franchises for use of streets.

Said City shall have the power and authority to grant franchises for the use and occupancy of streets, rights-of-way, avenues, alleys and any and all public grounds belonging to or under the control of the City. No telegraph, telephone, electric light or power, street railway, interurban railway, street railway, [sic] gas company, water-works, water systems of [or] any other character

of public utility shall be granted any franchise or permitted the use of any street, rights-of-way, avenue, alley, highway or grounds of the City without first making application to and obtaining the consent of the governing authorities thereto, expressed by ordinance, and upon paying such compensation as may be prescribed, and upon such conditions as may be provided for by such ordinance, and before such ordinance proposing to make any grant or franchise or privilege to any applicant to use or occupy any streets, avenue, alley or any other public ground belonging to or under control of the City, shall become effective, publication of said ordinance, as finally proposed to be passed, shall be made in some newspaper published in the City of Nacogdoches, once a week for three (3) weeks; which publication shall be made at the expense of the applicant desiring said grant, and said proposed ordinance shall not be thereafter changed unless again republished as in the first instance nor shall any such ordinance take effect or become a law or contract or vest any rights in the applicant therefor, until after the expiration of thirty days from the last publication of said ordinance, as aforesaid. Pending the time such ordinance may become effective, it is hereby made the duty of the governing authority of the City to order an election if requested so to do by written petition signed by at least ten (10) per cent of the legally qualified voters, as determined by the number of votes cast in the last regular municipal election; at which election the qualified voters of said City shall vote for or against the proposed grant, as set forth in detail by the ordinance conferring the rights and privileges upon the applicant therefor. Such election shall be ordered not less than thirty (30) days nor more than ninety (90) days from the date of filing said petition, and if at said election the majority of the votes cast shall be for the granting of such franchise or privilege, said ordinance and the making of said proposed grant shall thereupon become effective, but if a majority of the votes cast at said election shall be against the granting of such franchise or privilege, such ordinance shall be ineffective and the making of such proposed grant be null and void.

(Election of 5-6-1995)

Sec. 19. Public works improvements.

Said City shall have the power to open, extend, straighten and widen any public street, rights-of-

way, avenue, or alley and for such purpose to acquire the necessary land, by purchase or condemnation, and to provide that the cost of improving any such streets, avenue or alley by opening, extending, straightening or widening the same shall be paid by the owner of property lying in the territory of such improvement in accordance with state law.

(Election of 5-6-1995)

Sec. 20. Altering streets, obstructions, encroachments, etc.

Said City shall have the power to control, regulate and remove all obstructions, encroachments and incumbrances on any public street, rights-of-way, avenue, or alley, and to narrow, alter, widen, straighten, vacate, abandon and close same; to provide for sprinkling and cleaning same, and to regulate and control the moving of buildings and structures of every kind and character upon and along the same.

(Election of 5-6-1995)

Sec. 21. Parks, playgrounds, etc.

Said City shall have exclusive control over all City parks and playgrounds, and to control, regulate and remove all obstructions and prevent all encroachments thereupon; and to provide for raising, grading, filling, terracing, landscape gardening, erecting buildings, providing amusements therein, for establishing walks and paving driveways around, in, and through said parks, playgrounds and other public grounds.

Sec. 22. Peace and good order.

[1] Said City shall have the power to define all nuisances, prohibit the same within the City and outside the City limits for a distance of five thousand (5000) feet; to police all parks, grounds, speedways, streets, rights-of-way, avenues, and alleys owned by said City, within or without the City limits; to prohibit the pollution of all sources of water supply of said City, and to provide for the protection of water sheds.

[2] To provide for the inspection of dairies, cows and dairy herds, slaughter pens and slaughter houses and abattoirs, within or without the City limits from which meat, milk, butter or eggs

from same are furnished to the inhabitants of said City, and to provide for the inspection of meat markets, grocery stores, drug stores, confectioneries, fruit stands, ice cream factories, laundries, bottling plants, hotels, restaurants and bakeries, the source, storage, and distribution of water, and all other places where food or drinks for human consumption are manufactured, handled, sold or exposed for sale, and to regulate and inspect the character and standard of such articles of food and drink so sold or offered for sale.

[3] To provide for the inspection and regulation of the sanitary conditions of all premises and vacant lots within the City limits, for the removal of garbage, night soil, refuse and unsanitary vegetation; to provide for establishing a lien against the property for any excuse [expense] incurred by the City in enforcing this provision and further to provide for the making and enforcing of all proper and reasonable regulations, for the health and sanitation of said City and its inhabitants.

[4] To provide for a health department and the establishment of rules and regulations protecting the health of the City; the establishment of quarantine station, pest-houses and hospital and to provide for the adoption of necessary quarantine laws to protect the inhabitants against contagious and infectious diseases.

[5] To provide for a sanitary sewer system and for the maintenance thereof; to require property owners to make connection to such sewers with their premises and to provide for fixing a lien against any property owner's premises who fails or refuses to make sanitary sewer connections and to charge the cost against the said owner and make it a personal liability, and to fix penalties for failure to make sanitary sewer connections.

[6] To require property owners, their agents and lessees to remove within a reasonable time, ice, slush, snow and other debris from sidewalks fronting on property owned, occupied or controlled by such owner, agent or lessee and to require such owner, agent or lessee to remove all low hanging limbs from trees adjacent to sidewalks in said City.

[7] To prohibit or regulate the driving of herds of horses, mules, cattle, hogs, sheep, goats and all herds of domestic animals along or upon the streets, avenues or alleys of said City.

[8] To establish and regulate public pounds and to regulate, restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese, chickens, pigeons, ducks, and all other domesticated animals and fowls and to authorize the restraining, impounding and sale of the same for the cost of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold and to impose penalties upon the owner thereof for the violation of any ordinances regulating or prohibiting the same, and to tax, regulate, restrain, and prohibit the running at large of dogs, and to authorize their destruction and impose penalties on the owners or keepers thereof.

[9] To prohibit the inhumane treatment of animals and provide punishment therefor.

[10] To prohibit and restrain the flying of kites, firing firearms, fireworks, rolling of hoops and the use of velocipedes, bicycles and skates, or the use and practice of any amusements on the streets or sidewalks to the annoyance of pedestrians or persons using such streets or sidewalks, and to restrain, regulate and prohibit the ringing of bells, or blowing of horns, bugles and whistles, crying of goods and all other noises, practices and performances tending to the collection of persons in the streets or tending, unnecessarily, to interfere with the peace and quietude of the inhabitants of said City, and to suppress and regulate all necessary noises.

[11] To license any lawful business, occupation or calling that is susceptible to the control of the police power, and to license, regulate, control or prohibit the erection of signs or billboards.

[12] To license, tax and regulate or suppress and prevent hawkers, peddlers and pawnbrokers.

[13] To license, tax and regulate all charges of fares made by any person, firm or corporation owning, operating or controlling any vehicle operated for the carriage of passengers or freight for hire on the public streets of the City.

[14] To regulate the operation of railway trains and street cars operated on, along or across the streets, rights-of-way, avenues or alleys of said City; to license and control the operation of automobiles, motorcycles, taxicabs, busses, cabs and carriages and all character of vehicles using the public streets and to regulate the use and occupancy of the streets by any of such vehicles.

[15] To regulate and control building trades and to charge fees therefore to the extent not preempted by state law.

[16] To provide for the inspection of weights, measures and meters and fix a standard of such weights, measures and meters and require conformity to such standards and provide penalties for failure to use or conform to the same, and to provide for inspection fees.

[17] To provide for the issuance of permits for erecting all buildings; for the inspection of the construction of all buildings in respect to proper wiring for electric lights and other electric appliances; piping for gas, flues, chimneys, plumbing and sewer connections, and to enforce proper regulations in regard thereto.

[18] To provide for establishing and maintain[ing] a public library.

[19] To provide for the establishment and designation of fire limits; to prescribe for the kind and character of structures to be erected therein; to provide for the erection of fireproof buildings within said limits and for the condemnation of dangerous or dilapidated structures which are calculated to increase the fire hazard.

[20] To enact and enforce all ordinances and resolutions, necessary to regulate the safety of all office buildings, hotels, apartment houses, rooming houses, hospitals, theatres, store buildings and all public buildings.

[21] To require the construction of fire escapes in connection with public buildings, and to determine the sufficiency and regulate the safety of all exits and fire escapes provided on public buildings of every kind and character.

[22] To restrain and punish vagrants, mendicants, beggars and prostitutes, to regulate, control or prohibit the sale, gift, barter, or exchange of cocaine, opium, morphine and the salts thereof.

[23] To prohibit and punish keepers and inmates of bawdy, assignation and disorderly houses, and to prevent and suppress such bawdy, assignation and disorderly houses, and to punish such keepers, inmates and owners, or agents, of such owners of such houses, knowingly permitting such houses to be occupied as such bawdy, assignation or disorderly houses, to determine such inmates and keepers to be vagrants.

[24] To provide for establishing and maintaining the Fire Department of the City.

[25] To require waterworks corporation, gas companies, street car companies, telephone companies, electric light and power companies or other companies or individuals, exercising franchises, now or hereafter, from the City, to make and furnish extensions of their service to such territory as may be required by ordinance.

[26] To establish and maintain the City Police Department, prescribe the qualifications and duties of policemen and regulate their conduct.

[27] To provide for the enforcement of all ordinances enacted by it, by a fine not to exceed two hundred dollars (\$200.00), provided that no ordinance shall provide a greater or less[er] penalty than is prescribed for a like offense by the laws of the state.

[28] To provide for the commutation of fines imposed, by labor in a workhouse, on the public streets and public ways of the City; and for the collection of any fine imposed, execution may be enforced, as executions issued in civil cases.

[29] To establish, maintain and regulate the City prison, workhouses and other means of punishment for vagrants, City convicts and disorderly persons, and such hospitals, orphanages and charitable institutions as may be deemed expedient by the governing authority. (Election of 5-6-1995)

ARTICLE III. TAXATION

Sec. 1. Taxation.

[1] The City shall have the power and is hereby authorized to annually levy and collect ad valorem taxes on all property within the territorial limits of the City (which is subject to municipal taxation) to the extent of the limit prescribed by the Constitution of the State of Texas for cities having a population in excess of 5,000.

[2] The City shall have no right to require the payment of any poll tax or fee as a condition to the right to vote in any municipal election.

[3] Said City shall authorize the granting and issuance of licenses and shall direct the manner of issuing and registering the same and fix the fees therefor; but no license shall issue for a longer period than one (1) year and shall not be assignable except by permission of the governing authority of the City.

[4] Said City shall have the power, annually, to levy and collect a franchise tax against any public corporation using and occupying the public streets or grounds of the City, separately from the tangible property of such corporation, and to levy and collect, annually upon the property and shares of corporations, companies and corporate institutions, as the same are now or may be assessed by the State laws, and shall have full power to enforce the collection of such taxes.

[5] Said City shall have the power to regulate the manner and mode of making out tax lists, inventories and appraisements of property therein, and to prescribe the oath that shall be administered to each person rendering property for taxation and to prescribe how, when and where property shall be rendered and to prescribe the number and form of assessment as may be deemed advisable to secure the assessment of all property within the City limits and to collect taxes thereon and may provide a fine upon all persons failing, neglecting or refusing to render their property for taxation, and to do any and all other things necessary or proper to render effectual the collection of monies by taxation.

[6] Said City shall have the power to provide for the rendition of unrendered property for taxation and levy and assess taxes thereon, annually, and to provide for the rendition, levy and assessment of taxes for previous years on property omitted from taxation and to provide interest at the rate of six (6) per cent per annum upon such unrendered or omitted property and to charge and provide for correction and reassessment of property erroneously assessed.

[7] All real, personal or mixed property held, owned or situated in the City of Nacogdoches shall be liable for all municipal taxes, due by the owner thereof, including taxes on real estate, franchises, personal and mixed property and all other municipal taxes of whatsoever character. Such municipal taxes are hereby declared to be a lien, charge and encumbrance upon the property so taxed and shall be a prior lien to all other claims, sales, assignments, transfers, gifts, and judicial writs. Said lien shall exist from the first day of January of each year until all such taxes have been paid and against any real estate which, for any cause, has failed to be assessed for one (1) or more years, and such lien shall be good and effective for every year for which assessment has so failed.

[8] Personal property of all persons, firms or corporations owing any taxes to City of Nacogdoches is hereby made liable for all of such taxes, whether the same upon personal or real property or upon both.

[9] The governing authority of the City prior to October 1 of each year, shall levy the annual tax for such year, but special taxes or assessments allowed by this Charter may be levied, assessed and collected at such times as the governing authority may provide; provided, that should the governing authority fail or neglect to levy the annual tax herein provided for any one (1) year the annual tax levy for the preceding year last made by said governing authority shall and will be considered in force and effective as the tax levy for the year for which no annual tax levy was made.

[10] Said City shall have full power to provide for the prompt collection, by suit or otherwise, of taxes assessed, levied and imposed, and 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 and enact all such ordinances as are deemed necessary for the collection of any taxes provided in this Charter.

[11] It shall not be necessary in any action, suit or proceeding [proceeding] in which the City shall be a party, for any bond, undertaking or security to be executed in behalf of the City.

[12] The City shall have the power to control and manage the finances of the City; to provide its fiscal year and fiscal arrangements.

[13] All moneys arising from the collection of taxes by the City shall be divided into two (2) funds, and designated as a "General Fund," and "Interest and Sinking Fund."

[14] No irregularities in the time or manner of making or returning the City assessment rolls or the approval of such rolls, shall invalidate any assessment.

[15] The governing authority of the City shall create a Board of Equalization whose duties shall be to equalize the values of all property rendered for taxation in the City of Nacogdoches; prescribe the qualifications, compensation and number necessary to constitute said board, and enact all ordinances necessary to regulate and control the equalization of values by such board.

[16] The provisions of this Section 1 shall be superseded by contrary or additional provisions and have all powers granted cities in the Property Tax Code of the State of Texas (V.T.C.A., Tax Code) except that nothing therein shall restrict the right of the voters of such City to utilize City-level initiative and referendum to set a tax rate, level of spending or limitation on tax increase for the City.
(Election of 8-18-1970; election of 5-7-1988; election of 5-6-1995)

Sec. 2. Bonds, certificates of obligation and other evidence of indebtedness.

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improve-

ments or for any other public purpose not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding obligations of the City previously issued. All such obligations shall be issued in conformity with the laws of the State of Texas.

The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing of public municipal facilities, recreational public municipal facilities, or any revenue-producing municipal facilities not prohibited by the Constitution and laws of the State of Texas, and to issue revenue obligations to evidence the pledge of revenue or property, either or both, to secure the repayment of such borrowing. With respect to obligations payable solely from the revenue or property pledged, the holders thereof shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such obligations shall be issued in conformity with the laws of the State of Texas.

Where not prohibited by the Constitution and laws of the State of Texas, the City may also make or issue tax anticipation notes, revenue anticipation notes, advance refunding bonds, deficiency warrants, certificates of obligation, obligations representing the City's obligation under a lease-purchase contract and combined tax and revenue obligations where, in addition to ad valorem taxes, all or part of the revenues of a facility are pledged to the payment of the obligation. All such obligations shall be issued in conformity with the laws of the State of Texas.
(Election of 5-7-1988)

Sec. 3. [Obligations of City] incontestable.

All obligations of the City having been issued and having been delivered to the purchaser thereof, shall thereafter be incontestable, and all bonds issued to refund or in exchange for outstanding obligations previously issued shall, and after said refunding or exchange, be incontestable.
(Election of 5-7-1988)

Sec. 4. Budget.

The budget shall be prepared on the basis of estimates of departments. These departmental

estimates, showing the expenses of the department for the preceding year, and indicating wherein increases or diminutions are recommended for the ensuing year, shall be printed in a City newspaper once at least two (2) weeks before submission to the City Commission. Due announcement shall be made of the day on which the budget is to be discussed by the City Commission and printed copies of the budget as recommended shall be available to any citizen at the City Hall at least one (1) week before the date set for discussion in the City Commission. This discussion shall be in open meeting, and sufficient time shall be given to hearing protests and objections, oral or written, to any items in the budget.

Sec. 5. Expenditures.

Expenditures shall be legal only on the basis of appropriations in the budget, and on the authority of warrants issued by the director of accounting, and approved by the Chairman of the Commission for the Commission.

For good cause shown, the City Commission may pass resolutions transferring appropriations made from one (1) department to another department, but in no event shall the total appropriations made for all the departments of the City exceed the reasonably anticipated revenues for the City in excess of fixed charges for that year.
(Election of 5-6-1995)

Sec. 6. [Accounting procedure.]

Accounting procedure shall be devised and maintained for the City, adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of anything of value, 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.

Sec. 7. [Annual audit; certification of statements; balance sheet; publication of summaries.]

The City Commission shall cause a continuous audit of the books of account, and of all records and transactions of the administration of the affairs of the City; such audit to be made annually, embracing each fiscal year and shall be made by a certified public accountant. The duty of the certified public accountant shall include the certification of all statements required in Section 6 herein; such statements shall include a general balance sheet showing summaries of income and expenditures and also comparisons, in proper classification, with the last previous audit; such summaries shall promptly be made available for public inspection and may be published in some newspaper published in Nacogdoches, one (1) time, within ten (10) days after the completion of such audit.

(Election of 5-6-1995)

Sec. 8. Depository.

The City Commission shall designate a bank as the City Depository, which shall be selected in accordance with current State law.

(Election of 5-7-1988; election of 5-7-2005)

ARTICLE IV. THE CITY COMMISSION

Sec. 1. Commissioners.

(a) The elective officers of the City shall consist of five (5) Commissioners, one (1) Commissioner to be elected by each of the four (4) wards and one (1) to be elected at large, all for two-year terms.

Each candidate shall designate the ward or place for which election is sought, and shall have such candidate's name placed on the official ballot as a candidate for the particular ward or place he seeks; and each voter may vote for but one (1) candidate for the ward in which such voter resides and for one (1) candidate for the at-large place

(b) In the event a candidate for any of said ward or place fails to receive a majority of the votes cast at the election for said office, the

Chairman of the City Commission shall, immediately following the completion of the official count of the ballots cast at the said election and not later than three (3) days thereafter, issue a call for a second election to be held within thirty-five (35) days after said call, at which election the two (2) candidates receiving the highest number of votes for any such ward or place to which no one was elected at said first election by receiving a majority of the votes cast thereon, shall be voted for. The ballot to be used at said second election shall contain the office designated at the first election. The two (2) persons receiving, at the first election, the first and second highest number of votes cast for candidates for such ward or place shall be entitled to have their names printed on said ballot in the order of their standing in the computation of the votes cast at said first election for such ward or place. If any person who was a candidate at the first election and who shall be entitled to become candidate at the second election shall, before said election is called, request that such candidate's name be not placed on the ballot therefor, the candidate for such ward or place standing next in the computation of votes shall succeed to the first candidate's rights with respect thereto. In the event of a tie in the vote for the two (2) leading candidates for any ward or place at said first election, said office shall be filled at a second election, as herein provided for, at which such candidates, so tied in said first election, may again become candidates.

(Election of 2-3-1973; election of 5-7-1988; election of 5-6-1995)

Sec. 2. Regular election.

The regular municipal election of the City of Nacogdoches shall be held on the first Saturday in May of every year.

(Election of 5-7-1988)

Sec. 3. Special election.

All elections provided for in this Charter except the regular election held on the first Saturday in May of every year, shall be called Special Elections, and all elections shall be conducted and results canvassed and announced by the election authorities as prescribed by the Election Code of the State of Texas [V.T.C.A., Election Code] relat-

ing to cities and towns, and said Election Code shall control in all municipal elections, except as otherwise herein provided. The Commission shall be the judge of the election and qualification of its members.
(Election of 5-7-1988)

Sec. 4. Ordering elections.

Notice of such election shall be given in accordance with current State law.
(Election of 5-6-1995; election of 5-7-2005)

Sec. 5. Election returns.

The Commission shall, on the next regular meeting day of said Commission, after each regular and special election, canvass the returns and declare the results of such election.

Sec. 6. Term of office.

Each Commissioner shall serve two (2) years and until his successor shall be elected and qualified.

Sec. 7. Chairman of the Commission.

The commissioner occupying the at large position shall serve as Chairman of the City Commission and be given the honorary title of Mayor, effective with the election of May 6, 1995.

The Chairman shall be the presiding officer of the City Commission. He shall vote as a member of the City Commission on all matters coming before the body; sign all bonds, warrants and other official documents; 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, and resolutions of the City Commission. On an annual basis the City Commission shall choose a Chairman Pro Tempore and Vice Chairman Pro Tempore to serve in the absence of the Chairman.
(Election of 5-6-1995)

Sec. 8. Vacancies.

Vacancies in the Commission shall be filled by a special election for the remainder of the unexpired term, as provided by ordinance.

Sec. 9. Qualifications.

Each Commissioner shall be a resident citizen of the City of Nacogdoches; have the qualifications of electors therein, and shall have been a resident citizen of the City of Nacogdoches for a period of one (1) year immediately next preceding such election. Commissioners elected by a ward shall have been a resident of such ward for a period of six (6) months immediately preceding such election. The Commissioners and other officers and employees shall not be indebted to the City; shall not hold any other elective office of emolument and shall not participate in discussion nor vote on any contract[,] job, work or service for the municipality in which such Commissioner has a substantial interest. Any officer or 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. No officer or employee of the City (except policemen and firemen in uniform or wearing badge), shall accept any frank, free ticket, passes or service, or anything of value, directly or indirectly from any person, firm or corporation, upon terms more favorable than are granted to the public. Any violation of this section shall be a misdemeanor, and on conviction for such violation, such office or employment shall be forfeited.
(Election of 5-7-1988; election of 5-6-1995)

Sec. 10. Commission constituted legislative and governing body of City.

The Commission shall enact all ordinances and resolutions, and adopt all regulations; and constitute the legislative and governing body of the City.

Sec. 11. Meeting of the Commission.

Within five (5) days after the election of the Commissioners has been declared by the City, [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.

Sec. 12. Legislative procedures.

The Chairman of [or] any three (3) Commissioners may call special meetings of the City Commission at any time deemed advisable. The City Commission shall determine its own rules and order of business, and shall keep a journal of its proceedings, in a permanently bound book, and any citizen shall have access to the minutes and records thereof at all reasonable times. Any three (3) members of the City Commission shall constitute a quorum for the transaction of any business, and the affirmative vote of three (3) members of the City Commission shall be sufficient and necessary to adopt or repeal any ordinance or resolution, [which] shall be taken by "Yea" and "Nay" vote, and entered upon the journal. All members of the City Commission present at a meeting shall vote upon every question, ordinance or resolution, which shall be entered upon the journal. Any Commissioner refusing to vote shall be entered on the journal and counted as voting in the affirmative.

Every ordinance or resolution passed by the City Commission shall be signed by the Chairman and attested by the person acting as City Secretary and the seal of the City impressed thereon within ten (10) days after its passage.

Sec. 13. Compensation and attendance.

No Commissioner shall receive compensation for service on the City Commission.

Any Commissioner who fails to attend three (3) consecutive regular meetings of the City Commission without being granted an excused absence by the City Commission shall be deemed to have vacated the office by such absences.

(Election of 5-6-1995)

Sec. 14. Ordinance enactment.

Each proposed ordinance or resolution shall be introduced in written or printed form, shall not contain more than one (1) subject, which shall be clearly stated in the title, but general appropria-

tion ordinances may contain the various subjects and accounts for which monies are to be appropriated.

Sec. 15. 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 operations of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money 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. An emergency ordinance shall require a unanimous vote of all the Commissioners.

(Election of 5-7-1988; election of 5-6-1995)

Sec. 16. Ordinances: Publication.

Every ordinance imposing any penalty, fine, imprisonment, or forfeiture, shall after the passage thereof, be published once in some newspaper published in the City of Nacogdoches, and no such ordinance shall become effective until ten (10) days after the date of its publication, provided that emergency measures shall take effect according to their terms.

Sec. 17. Ordinance: Recording.

Every ordinance, or resolution upon its becoming effective, shall be recorded in a permanently bound book kept for such purpose and shall be authenticated by the signature of the Chairman of the Commission and the person exercising the duties of City Secretary.

Sec. 18. Investigations by Commission.

The Commission may investigate the financial transaction 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 Chairman; 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 in the matter under investigation before the Commission, the Commission shall have the power to cause the witness to be punished as for contempt not exceeding a fine of one hundred dollars (\$100.00), and three (3) days in the city prison. No witness shall be excused from testifying, touching his knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution except for perjury committed upon such inquiry.

Sec. 19. Appointments by City Commission.

The City Commission shall annually appoint, at its first regular meeting after the regular City Commission election, a City Attorney, Municipal Court Judge(s) and a City Health Officer.
(Election of 5-6-1995)

ARTICLE V. THE CITY MANAGER

Sec. 1. Appointment.

The City Commission shall appoint a City Manager at the organization meeting of said board or as soon thereafter as practicable, who shall be the administrative head of the municipal government, under the direction and supervision of said board.
(Election of 5-6-1995)

Sec. 2. Residence of City Manager.

The City Manager may or may not be a resident of the City of Nacogdoches when appointed; however, the City Manager shall become a bona fide resident of the City of Nacogdoches within six (6) months of appointment and thereafter such residence shall be a requirement of continued employment as City Manager.
(Election of 5-7-1988)

Sec. 3. Term of office.

The City Manager shall be appointed for an indefinite period and shall be subject to discharge at the will of the City Commission.
(Election of 5-6-1995)

Sec. 4. Absence of [or] disability of City Manager.

During the absence or disability of the City Manager, the City Commission shall designate some properly qualified person to perform the duties of said office.
(Election of 5-6-1995)

Sec. 5. Powers and duties.

The powers and duties of the City Manager shall be:

- (a) To devote all his working time and attention to the affairs of the City and be responsible to the City Commission for the efficient administration of its affairs.
- (b) To see that all laws and ordinances are enforced.
- (c) Appoint and, when necessary, suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to the charter. The City Commission shall approve department heads before said department head assumes his/her duties. The City Manager may authorize any administrative officer subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (d) To exercise supervision and control over all departments created by this Charter or that may hereafter be created by the City Commission, except as otherwise provided herein.
- (e) To attend all meetings of the City Commission with the right to take part in the discussions but having no vote; and he shall be notified of all special meetings of

said board in the time and manner this Charter requires such notice to be given to the members of said board.

- (f) To see that all terms and conditions imposed in favor of the City or its inhabitants on any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the City Commission.
- (g) To prepare and submit to the City Commission prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the estimated amounts required by months for the efficient operation of each department of the City Government and the reasons for such estimated expenditures.
- (h) To make a full written report to the City Commission as soon after the close of each month's accounts as possible, showing the operation and expenditures of each department of the City government for the preceding month, and a comparison of such monthly expenditures, by departments, with the monthly allowances made for such departments, and to keep said board fully advised at all times as to the financial condition and needs of the city.
- (i) To act as purchasing agent for the City and to purchase all merchandise, materials and supplies needed by the City; to establish a suitable storehouse where such supplies can be kept, and from which same shall be issued as needed, and to adopt such rules and regulations governing requisitions and the transaction of business between himself, as such purchasing agent, and the heads of the departments, officers and employees of the City, as the City Commission may approve.

The City Manager, as purchasing agent, shall have the authority to bind the City for up to \$5,000.00 from any one (1) ven-

dor within any three (3) month period for unbudgeted purchases without the approval of the Commission.

- (j) To recommend to the City Commission the salaries to be paid each appointive officer and subordinate employee of the City, and it shall be the duty of said board to pass ordinances or resolutions, from time to time, fixing rates of compensation.
- (k) To recommend to the City Commission in writing, from time to time, for adoption, such measures as he may deem necessary or expedient; and
- (l) To do and perform such other duties as may be prescribed by this Charter or be required of him by the ordinances and resolutions of the City Commission.
- (m) To sign deeds or other documents of conveyance of cemetery spaces, lots or parcels owned by the City of Nacogdoches.

(Election of 5-7-1988; election of 5-6-1995; election of 5-7-2005)

Sec. 6. Compensation of City Manager.

The City Manager shall receive such compensation as the City Commission shall fix from time to time by ordinance or resolution.

(Election of 5-6-1995)

Sec. 7. Departments.

There shall be such administrative departments, as: Law, Public Works and Utilities, Public Health, Public Safety and Welfare, Accounting and others as the Commission shall create. The Commission may divide or consolidate the administration of the City's affairs as they may deem

advisable, and may discontinue any such office or department, at their discretion, except the office of City Manager and City Secretary.
(Election of 5-6-1995)

Sec. 8. Surety bond.

Only the City Treasurer or his accredited deputies for whom he and his bondsmen will be responsible, shall collect, receive or handle any funds of the City.

The City Commission shall have the right to require official bond from all appointive officers and employees of the City, in such amounts as said Board may from time to time fix by ordinance or resolution, and conditioned for the faithful accounting of all credits and things of value coming into the hands of such officers or employees.

(Election of 5-6-1995)

Secs. 9, 10. Reserved.

Editor's note—At the election on May 7, 1995, §§ 9, 10, which pertained to the provisions applying only when the City Commission shall appoint a City Manager, and authority of the Commission when an office is vacant, were repealed.

ARTICLE VI. MUNICIPAL COURT

Sec. 1. Establishment.

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

(Election of 5-6-1995)

Sec. 2. Judge and Clerk of the Municipal Court.

The judge or judges of said court shall be appointed by the City Commission for a one-year term unless sooner terminated at the pleasure of the City Commission, shall receive such salary as may be fixed by the City Commission, shall be under the administrative direction of the City

Manager and said judge shall not be an elected official. The City Secretary or an assistant City Secretary shall be ex-officio Clerk of said court.
(Election of 5-6-1995)

Sec. 3. Powers of Clerk.

The Clerk and Deputy Clerk of said court shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by the Clerk of Courts in issuing process of said court and conducting the business thereof.

(Election of 5-6-1995)

Sec. 4. Substitute Judges.

The City Commission may appoint one (1) or more judges to serve if the regular judge, the presiding judge, or an associate judge is temporarily unable to act.

(Election of 5-6-1995)

ARTICLE VII. GENERAL PROVISIONS

Sec. 1. Amendments to Charter.

This Charter, after its adoption by the qualified voters of the City of Nacogdoches, may be amended in accordance with the provisions of an act of the 33rd Legislature of the State of Texas, entitled, "An Act Authorizing [sic] Cities Having More Than Five Thousand Inhabitants by Majority Vote of the Qualified Voters of Said City, at an Election Held for that Purpose to Adopt and Amend Their Own Charter, Etc.," approved April 7, 1913, and any Acts amendatory thereof.

Sec. 2. Ordinances continued in force.

All ordinances and resolutions in force at the time of the taking effect of this Charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

Sec. 3. Continuance of present officers.

All persons holding office at the time this Charter goes into effect shall continue in office and in the performance of their duties until provision shall have otherwise been made in

accordance with the provisions of this Charter for the performance of the duties of or the discontinuance of any such office. When such provision shall have been made, the term of any such officer shall expire and the office be abolished. The powers which are conferred and the duties which are imposed upon any officer, board or department of the City under the laws of this State shall, if such officer, board or department is abolished by this Charter, be thereafter exercised and discharged by the officer, board or department upon whom are imposed corresponding functions, duties and powers under the provisions of this Charter.

Sec. 4. Continuance of contracts and vested rights.

All vested rights of the City shall continue to be vested and shall not in any manner be affected by the adoption of this Charter, unless otherwise herein expressly provided to the contrary. All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under the laws in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws.

Sec. 5. Construction.

The provisions of this Charter shall be liberally construed for the purpose of obtaining the objects [objectives] thereof.

Sec. 6. Meaning of certain words.

Unless some other meaning is manifest, the word "City" shall be construed to mean the "City of Nacogdoches, Texas"; the word "and" may be read "or" and the word "or" may be read "and", if the sense requires it; and words in the present tense include future tense, except when a more restricted meaning is manifest, and singular may mean plural.

Sec. 7. Males and females.

Throughout this Charter, words used expressing masculine gender shall be construed to include the feminine.

Sec. 8. [Saving clause.]

Should any portion of this Charter be held by the Courts of the State to be unconstitutional, such holding shall not have the effect of invalidating any other portion of this Charter.