

ARTICLE X. GENERAL POWERS AND PROVISIONS

Sec. 1. General Powers.

(a) The city shall have and may exercise, for any municipal purpose, all powers applicable to home rule cities in the Texas constitution, statutes and codes, and specifically including the power presently enumerated in Article 1175, Texas Civil Statutes, and formerly enumerated in Article 1175, which have been codified in other provisions of Texas statutes and codes, and which may be added thereto at any time in the future, and the following powers, to the fullest extent it deems necessary, desirable, or convenient except as clearly prohibited or limited by state law or this charter:

- (1) To use a corporate seal.
- (2) To sue and be sued.
- (3) To contract.
- (4) To define and abate nuisances.
- (5) To levy and collect taxes.
- (6) To borrow money by issue or sale of bonds, warrants, notes or other method.
- (7) To appropriate and expend monies.
- (8) To acquire and own property or any interest therein, within and without the corporate limits, by purchase, eminent domain, gift, devise, exaction, or any other means whatsoever.
- (9) To sell, lease or otherwise convey city property, real or personal.
- (10) To manage and control all city property.
- (11) To establish, improve and maintain a comprehensive system of streets and public ways and all appurtenances related thereto, and to control and regulate any use thereof; provided, no street or alley may be opened or closed except after notice by one publication in a newspaper of general circulation in the city and by mail to the last known address of all owners within 450 feet therefrom and hearing by the city council.
- (12) To assess the cost of street, sidewalk and related improvements against abutting property owners and fix a lien against such abutting property in any manner authorized by Subchapter E of Chapter 402, Texas Local Government Code, and Chapters 312 and 313, Texas Transportation Code, as the same may be amended in the future, or other state law, or any city ordinance, which procedures are hereby adopted as alternatives which may be exercised.
- (13) To levy and collect assessments against property benefitted by improvements, and fix liens thereto, according to procedures established by ordinance or law.
- (14) To assess property for costs incurred by the city in exercise of its governmental or regulatory powers, and to fix liens against such property, according to procedures established by ordinance or law.
- (15) To regulate land use and development.
- (16) To regulate construction and maintenance of buildings and structures.
- (17) To construct public works and improvements.
- (18) To own and operate airports.
- (19) To acquire any public utility upon approval by the qualified city voters, and a four-fifths vote of the city council.
- (20) To own and operate any public utility.
- (21) To require and grant franchises, licenses and permits.
- (22) To regulate public utilities and franchise holders, including their rates and charges.
- (23) To regulate the laying of gas, water, sewer, electrical, telephone, television and other pipes, lines and cables in the city's jurisdiction.
- (24) To promote health and sanitation, and prevent, suppress or relieve disease and epidemic.
- (25) To regulate the processing and dispensing of foodstuffs.
- (26) To take measures to prevent, avoid or relieve the effects of natural or made disasters.
- (27) To adopt regulations to promote fire safety.

- (28) To establish, provide, maintain or regulate any social or human service program or activity.
- (29) To regulate any activity, business, occupation, profession or trade.
- (30) To establish and maintain yacht basins, piers, docks, warehouses and any other water-related facilities.
- (31) To regulate all water areas, and all activities therein or connected therewith.
- (32) To operate a jail.
- (33) To promote economic prosperity in the community.
- (34) To advertise and provide public information.
- (35) To regulate animals.
- (36) To adopt regulations for drainage and flood control.
- (37) To provide and support libraries, museums, parks, arts, music, education, literature, recreational and cultural activities.
- (38) To establish criminal and civil penalties for ordinance violations.
- (39) To take all measures, including but not limited to the right to permit, prohibit, regulate or license, any activity in order to promote and protect the health, morals, comfort, safety, convenience and welfare of the city's inhabitants, and exercise all manner of governmental and regulatory power.
- (b) The enumeration of particular powers in this charter is not exclusive. The city shall have and may exercise all powers which it would be competent for this charter specifically to delegate, except as clearly prohibited or limited in this charter.
- (c) The city is empowered to use all methods and do all things it deems necessary or convenient to carry out the powers in this section within the limits of the law.

Sec. 2. Contracts.

- (a) All contracts shall be authorized by the city council, except that the city manager may authorize contracts which do not require expenditures exceeding the limit at which competitive bids are required under the Texas Local Government Code, as amended, and may exceed that sum in the case of emergency which shall be reported to the council.
- (b) No contract shall be binding until it has been (1) signed by the city manager or the manager's authorized representative, and (2) approved or objected to in writing by the city attorney, which objection shall be filed with the city secretary. Provided, however, as to standard contracts for multiple transactions, the city attorney need only approve the standard form.
- (c) All purchases and contracts must be competitively bid or proposed or based upon a procurement method authorized by state law. For any contract that is based on competitive bids or proposal, after approval of specifications by the city manager, advertisement of such contracts shall be published in a newspaper of general circulation in the city at least once in each week for two consecutive weeks, inviting competitive bids or proposals. All bids or proposals submitted shall be sealed and delivered in the manner required by the specifications. At the time announced in such notice, the bids or proposals shall be opened in the presence of one or more city employees designated by the city manager and in the presence of those bidders desiring to be present, except that confidentiality may be provided in accordance with state law. The council shall determine the most advantageous bid or proposal for the city. The city shall always have the right to reject any and all bids or proposals. In the event all bids or proposals are rejected, the city may call for new bids or proposals at its discretion, which shall be advertised in like manner as the original.
- (d) No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time; but all contracts for personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city.

Sec. 3. Action by Citizens.

Any taxpayer of the city may maintain an action in the proper court to restrain the execution of any illegal, unauthorized or fraudulent contract or agreement on behalf of the

city, and to restrain, any disbursing officer of the city from paying any illegal, unauthorized or fraudulent bills, claims or demands against the city or any salaries or compensation to any person in the administrative service whose appointment has not been made pursuant to the provisions of law. In case any such illegal, unauthorized or fraudulent bills, claims or demands, or any such salary or compensation shall have been paid, a taxpayer may maintain an action in the name of the city against the officer making such payment and the party receiving the same, or either of them, to recover the amount so paid, and any recovery after deducting all expenses of the action, shall be paid into the city treasury; provided, however, that the court shall require the taxpayer to give security to indemnify the city against costs of court, unless the court shall decide that there is reasonable cause for bringing the action. The right of any taxpayer of the city to bring an action to restrain the payment of compensation to any person holding any position or employment in violation of any of the provisions of this act, shall not be limited or denied by reason of the fact that said position or employment shall have been determined to be not subject to competitive examination; provided, however, that any judgment or injunction granted or made in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the city. In case of any unsatisfied judgment or proper suit or process of law against the city, any five or more citizens who are taxpayers of the city shall upon petition, accompanied by affidavit that they believe that injustice will be done to said city in said suit or judgment, be permitted to intervene and inquire into the validity of said judgment, or defend said suit or action as fully and completely as the officers of said city would by law have the right to do.

Sec. 4. Certain Restrictions of Vehicular Access to the Gulf Beach

Vehicular access to an on the Gulf beach may not be restricted unless approved by a majority vote of qualified voters of the City, voting at an election duly called for such purpose. Thereafter, the City Council may take appropriate action to restrict vehicular access to and on specific portions of the Gulf beach and comply with all other requirements necessary to implement the result of the election. The approval at election requirement shall not apply when vehicles are restricted from access to areas of the Gulf beach for public necessity. "Public necessity" shall be limited to environmental emergencies, public health and safety emergencies, and government functions whose importance justifies the restriction of vehicular access. The restriction of vehicular access for public necessity shall be limited to the smallest possible area and for the shortest possible duration.

Sec. 5. Existing Ordinances.

All ordinances of the city not inconsistent with the provisions of this charter, shall remain in full force and effect until altered or repealed by the city council; provided, that the power to pass such ordinances under former charters has not been repealed expressly or implied by the terms of this act.

Sec. 6. Printed Ordinances as Evidence.

All ordinances of the city published in book or pamphlet form and purporting to be published "By authority of the City Council of the City of Corpus Christi," shall be received by all the courts of the State of Texas as prima facie evidence of the due passage and publication of such ordinances as appear therein; provided, that no person shall be precluded from showing by competent evidence, that any ordinance published "By authority of the City Council of the City of Corpus Christi," as aforesaid, is not a true copy of the original ordinance.

Sec. 7. City Not Required to Give Bond.

It shall not be necessary in any action, suit or proceeding in which the city is a party for any bond, undertaking or security to be demanded or executed by ore on behalf of said city in any of the state courts, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law, and said city shall be just as liable as if security or bond had been duly executed.

Sec. 8. Public Property Exempt from Execution Sale.

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city in the hands of any persons be liable to garnishment, but the city manager shall answer in a writ of garnishment for the city.

Sec. 9. City Inhabitants, Freeholders or Taxpayers not Disqualified.

No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or a freeholder, or a taxpayer of the city in any action or proceeding in which said city may be a party at interest.

Sec. 10. Notice of Personal Injuries Required.

Before the city shall be liable for damages for personal injuries of any kind, the person injured or someone in that person's behalf shall file with the city secretary in the manner prescribed by ordinance notice in writing of such injury within one hundred eighty days after the same has been sustained, reasonably describing the injury claimed and the time, manner and place of the injury. The failure to so notify the city within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever.

Sec. 11. Assessment and Improvement Districts.

(a) The city shall have the power to establish assessment districts, in the manner hereinafter provided, for the purpose of constructing public improvements within said districts and to provide that the cost of making any such improvements shall be paid by the property owners owning property specially benefitted by reason of making the improvements. The city may levy a special assessment as a lien against any such property and issue certificates of obligation covering the cost of such improvements bearing interest not to exceed the maximum legal rate. No assessment district shall be created without first submitting the question to a vote of the qualified voters in the city who own real estate in the proposed district. If the returns of the election show that two-thirds or more of the qualified voters of the city who own real estate in the proposed assessment district voting in the election voted in favor of the proposition, the city council shall create the assessment district and establish its boundaries. All matters pertaining to any assessment lien for public improvements shall be made in substantial compliance with the laws pertaining to street improvements.

(b) The city shall have power to establish improvement districts, in the manner hereinafter provided, in order to assist in the development of commerce, tourism, resort activity, and convention accommodation for the promotion of the welfare of the city. Within any such improvement district, the city council shall have the power to lease, sublease or provide for the installment sale of any city-owned improved or unimproved land, or any interest therein, for any governmental or private use, at its fair market value as determined by the city council without the necessity of voter approval. The term of any such transaction shall not exceed sixty years. An improvement district under this subsection shall be established by the council subject to approval by a majority vote of the qualified voters of the city voting at an election called for approval of the establishment of the district. The metes and bounds description of any such district, as approved by election, shall be kept on file in the office of the city secretary as part of the public records of the city, and any improvement district established by charter amendment prior to the adoption of this provision shall be maintained in full force and effect and shall be subject to the provisions of this section.

Sec. 12. Council Action Validated.

Acts of the city council previously enacted in granting franchises, assessing and collecting taxes, and the disbursement of same, the enforcement of its ordinances by criminal proceedings or otherwise, the collection of fines and the disbursement of same and any and all enforcement of the penal laws of this state, are hereby in all things validated and made as valid and binding as if passed by a legal city council.

Sec. 13. Construction of Charter.

This charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the city in the same manner as the Constitution of Texas is construed as a limitation on the powers of the legislature. Except where expressly prohibited by this charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the city to expressly grant to the city, shall be construed to be granted to the city by this charter.

Sec. 14. Judicial Notice.

This charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

Sec. 15. Separability Clause.

If any section or part of a section of this charter is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force or effect of any other section or part of a section of this charter.

Sec. 16. Rearrangement and Renumbering.

The council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of this charter or any amendments thereto, as it shall deem appropriate, and upon the passage of any such ordinance a copy thereof, certified by the city secretary, shall be forwarded to the secretary of state for filing.