

## **ARTICLE IV. ADMINISTRATION**

### **Sec. 1. Creation of Departments.**

(a) The council shall establish city departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or assigned to any other unless so specified by this charter.

(b) All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council, the manager may serve as head of one or more such departments, offices or agencies or may appoint one person as the head of one, two or more of them.

### **Sec. 2. Fiscal Year; Budget Submission, Contents, and Adoption; Appropriation.**

(a) The city's fiscal year shall be set by ordinance, but shall not be changed more often than every four years except by two-thirds vote of the council.

(b) At least sixty days prior to the beginning of the fiscal year, the city manager shall submit to the council a budget proposal estimating city revenues and expenses for the next year.

(c) Expenditures in the proposed budget will not exceed estimated revenues and funds available from all sources.

(d) The proposed budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and shall be in such form as the manager deems desirable or the council may require.

(e) The city council shall adopt a balanced budget prior to the beginning of the fiscal year. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year.

(f) The city council shall appropriate monies as provided in the budget.

### **Sec. 3. Interdepartmental Transfer of Funds.**

Upon written recommendation of the city manager, the city council may at any time transfer the unencumbered balance of an appropriation made for the use of one department, division or purpose, to any other department, division or purpose.

### **Sec. 4. Revenue in Excess of Total Estimated Income.**

If at any time the total accruing revenue of the city shall be in excess of the total estimated income thereof as set forth in the budget, the council may from time to time appropriate such excess to such uses as will not conflict with any uses for which revenues specifically accrue.

### **Sec. 5. Money Drawn from City Treasury.**

No money shall be drawn from the city treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriations made by the council, and whenever an appropriation is so made, the city secretary shall forthwith give notice to the director of finance. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated.

### **Sec. 6. Accounts Maintained.**

The city's accounts and records thereof shall be maintained and reported in accordance with generally accepted accounting principles.

### **Sec. 7. Funds in Treasury.**

No contract, agreement or other obligation involving the expenditure requiring approval by City Council shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the council or be authorized by any officer of the city, except in the case hereinafter specified, unless the director of finance first certifies to the council, or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation.

### **Sec. 8. Money Deemed in Treasury.**

The following funds shall be considered money in the treasury:

- (1) All moneys actually in the treasury to the credit of the fund from which they are to be drawn,
- (2) all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come in the treasury before the maturity of such contract, agreement or obligation, from taxes, assessments, fees, fines, charges, revenues, or from any other city undertaking, accounts or bills receivable, or other credits in process of collection,
- (3) all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the city treasury prior to the maturity of such contract, agreement or obligation, and
- (4) all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from moneys to be received from bonds, notes or other obligations the city is lawfully authorized under state law or this charter to issue, and which the city has authorized to be issued at one time or from time to time, and which are to be delivered and payment therefore received before the maturity of such contract, agreement or obligation, before the maturity of such contract agreement, or obligation.

### **Sec. 9. Obligation Contrary to Preceding Sections Void.**

All contracts, agreements or other obligations entered into, all ordinances passed and resolutions and orders adopted, contrary to the preceding sections shall be void, and no person whosoever shall have any claim or demand against the city thereunder, nor shall the council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution or order as provided in Section 7 hereof, or fasten upon the city any liability whatever in excess of such limits, or relieve any party from an exact compliance with his contract under such ordinance, resolution or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure.

### **Sec. 10. Legal Department.**

There shall be a legal officer of the city, appointed by the manager and confirmed by council who shall be the city attorney. The city attorney shall appoint such assistants with the approval of the city manager as provided for by the city council. The city attorney shall be a competent attorney who shall have practiced law in the State of Texas for at least five years immediately preceding appointment.

Responsibilities and duties of the city attorney shall include:

- (a) legal advisor to the council, manager, officers, departments, divisions, boards and commissions of the city;
- (b) representation of the city in all litigation, controversy and legal proceedings;
- (c) drafting and filing approvals or written objections to all ordinances presented to council;
- (d) reviewing and filing approvals or written objections to all contracts, franchises and other legal documents subject to city council approval and others as to form prior to execution by the city;
- (e) all written objections as set forth above shall be maintained by the city secretary as public records;
- (f) the city attorney shall see that all penal ordinances of the city are impartially enforced;
- (g) any and all other duties as may be assigned by the manager or by ordinance; and
- (h) no contract for the employment of private counsel shall be made by the city, except upon the request in writing of the city attorney stating the necessity therefor and with the consent of the city manager.

### **Sec. 11. Special Police.**

No persons, except as otherwise provided by general law or the charter, or the ordinances passed in pursuance thereof, shall act as special police or special detective, except upon written authority from the city manager. Such authority when conferred shall be exercised only under the direction and control of the chief of police and for the time specified in the appointment.