

ARTICLE XII

GENERAL PROVISIONS

Section 12.01 Personal Financial Interest.

For purposes of this Section term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for City Council members or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171.

Section 12.02 Charter Amendment.

Amendments to this Charter may be framed and submitted to the voters of the City by a charter commission in the manner provided by law, by ordinance passed by a majority vote of the full membership of the City Council, or by a petition signed by not less than five percent of the qualified voters of the City. When a charter amendment petition shall have been filed in conformity with Section 10.03 of this Charter, the City Council shall, subject to applicable law, forthwith provide by ordinance for submitting such proposed amendment to a vote of the voters of the City. Any ordinance for submitting a charter amendment to the voters shall provide for submission of such amendments to the voters in accordance with applicable law. Not less than thirty days prior to such election the City Secretary shall make available at the City Offices a copy of the proposed amendment or amendments. If a proposed amendment shall be approved by a majority of the voters voting thereon, it shall become a part of the Charter at the time fixed therein. Each amendment shall be confined to one subject; and, when more than one amendment shall be submitted at the same time, they shall be submitted so as to enable the voters to vote on each separately.

Section 12.03 Charter Review Commission.

The City Council shall periodically appoint a Charter Review Commission which shall consist of no less than 5 and no more than 11 citizens of the City. It shall be the duty of the Commission to:

(a) Inquire into the operation of the City government under the Charter provisions and determine whether any such provisions require revision and to this end, public hearings may be held and the Commission shall have the power to compel the attendance of any officer or employee of the City to require the submission of any of the City records which it may consider necessary to the conduct of such hearing.

(b) Make any recommendations it considers desirable to insure compliance with the provisions of this Charter by the several departments of the City.

(c) Propose amendments to this Charter to improve its effective application to current conditions.

(d) Report its findings and present its proposed amendments, if any, to the City Council. The City Council shall receive any report submitted by the Charter Review Commission, may comment on any proposed amendment recommendations made, and, if any amendment or amendments are presented as a part of such report, shall order such to be submitted to the voters of the City in the manner provided in Section 12.04.

(e) The term of office of the Charter Review Commission shall be 180 days after the date of the first meeting, said first meeting to occur within forty-five (45) days of the date of appointment. If during this term no report is presented to the City Council, then all records of the proceedings of the Commission shall be filed with the City Manager and the Charter Review Commission shall be dismissed.

Section 12.04 Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 12.05 State Law.

References in this Charter to "State law" shall refer to applicable provisions of State law in effect from time to time.

Section 12.06 Headings.

Headings and titles of Sections and subsections of this Charter are for convenience only and shall not affect the meaning of any provisions within such Sections.

Section 12.07 Penalty Clause.

A. Criminal Penalty. Any person who by himself or with others violates any provision of this charter shall, in addition to any other penalty, be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more \$500.00. City Council shall enact an ordinance enforcing this section.

B. Civil Penalty. Upon the affirmative vote of two-thirds of the City Council any person who by himself or with others violates any provision of this charter shall be, in addition to any other penalty provided for herein, subject to a civil fine of not more than \$500.00.

Section 12.08 Disaster Clause.

In the case of a common disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within 24 hours of such disaster, request the highest surviving officers of the Guadalupe County Commissioners Court to appoint a number of residents of Schertz, qualified to serve as City Council Members, equal to the number necessary to make a quorum to act during the emergency as the City

Council. The newly appointed City Council shall call a City election within 15 days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the City Council will meet again, the appointed Council Members shall serve in their position until such time as the Council Members may begin serving.

[End of Article XII]