

## **Proposition A**

Amending the Charter of the City of Victoria by deleting and amending those provisions which are redundant of state law, duplicative of other sections of the Charter or otherwise unnecessary for placement in the Charter and to provide clarity.

## **Measure A**

### **ARTICLE I. - INCORPORATION, GENERAL POWERS, AND BOUNDARIES**

#### **~~Section 3. -- Enumeration of powers in general.~~**

~~The City of Victoria, in the exercise of shall have the powers granted to cities by the Constitution and laws of the State of Texas, together with all such implied powers as may be necessary to exercise such granted powers, may sue and be sued; may adopt and use a corporate seal; may contract and be contracted with; may acquire property within or without its corporate limits by purchase, gift, devise, lease, or condemnation, and subject to provisions of this Charter, may sell, lease, mortgage, hold, manage, and control such property as may now or hereafter be owned by the City; may in cooperation with the government of the State of Texas, or any agency or political subdivision thereof, or in cooperation with the government of the United States of America or any agency thereof, accomplish any lawful purpose for advancement of the general welfare, health, morals, and safety of the City and its inhabitants; may enact and enforce all ordinances necessary to protect health, life and property, to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, provided that no ordinance shall be enacted inconsistent with the Constitution and laws of this State, or inconsistent with the provisions of this Charter. In addition to the powers enumerated herein, and subject only to the limitations imposed by the Constitution and laws of this State and by this Charter, the City of Victoria shall have each and every power, without the necessity of its express enumeration in this Charter, which the people of the City are empowered in accordance with the Constitution of Texas or any amendment thereto by election to grant to or confer upon the City by expressly and specifically granting and enumerating such powers in this Charter.~~

#### **~~Section 4. -- Power to hold property, vesting of titles.~~**

~~The City of Victoria shall have power to hold by gift, deed, devise or otherwise, any character of property, including any charitable or trust fund, plead and be impleaded in all courts, and to act in perpetual succession as a body politic. All real estate owned in fee simple, or held by lease, sufferance, easement, or otherwise, all public buildings, fire stations, public squares, parks, streets, alleys, and all property of whatever kind, character, and description, which has been granted, donated, purchased or otherwise acquired by the City of Victoria, through any means or agency, and all causes of action, choses in action, rights or privileges of every kind and character, and all property of whatever kind or character or description, which may have been held and is now held, controlled, or used by the City of Victoria for public use or in trust for the public use or in trust for the public, shall vest in and inure to the City of Victoria.~~

## ARTICLE II. - THE CITY COUNCIL

### Section 3. - Mayor elected at large, Councilmembers elected from districts, terms of members.

~~The City Council shall be composed of a Mayor and six (6) Councilmembers. The Mayor shall be elected from the city at large, by virtue of receiving a majority of the votes cast for that position, to serve a term of three (3) years, at an election held in each of the election precincts of the City of Victoria on the second Saturday in August, 1992, and every three years thereafter; provided, however, that the election held in 1995 and subsequent years shall occur in May.~~

Each Councilmember shall occupy a position, or place, on the City Council, for a term of three (3) years, such positions being numbered One, Two, Three, Four, Five, and Six. Council positions numbered One, Two, Three, and Four shall be elected from Council Districts One, Two, Three, and Four, respectively, said Districts being delineated on a map on file in the City Secretary's Office. Council position Five shall be elected from the area defined by the combination of Council Districts One and Two, and Council District Six shall be elected from the area defined by the combination of Council Districts Three and Four. Areas for election Districts One, Two, Three, and Four shall be determined by the City Council by ordinance with said district areas to be reviewed periodically by the City Council as deemed necessary but at least once every ten (10) years.

The general elections for City Council shall be held in May.

~~A Councilmember to occupy position One shall be elected by only the registered voters of District One, by virtue of receiving a majority of the votes cast for that position, at an election to be held on the second Saturday in August, 1992.~~

~~A Councilmember to occupy position Two shall be elected by only the registered voters of District Two, by virtue of receiving a majority of the votes cast for that position, at an election to be held on the second Saturday in August, 1992.~~

~~A Councilmember to occupy position Three shall be elected by only the registered voters of District Three, by virtue of receiving a majority of the votes cast for that position, at an election to be held on the second Saturday in August, 1992.~~

~~A Councilmember to occupy position Four shall be elected by one [only] the registered voters of District Four, by virtue of receiving a majority of the votes cast for that position, at an election to be held on the second Saturday in August, 1992.~~

~~A Councilmember to occupy position Five shall be elected by only the registered voters of Council District Five (i.e. the combination of Council Districts One and Two) at an election to be held on the second Saturday in August, 1992.~~

~~A Councilmember to occupy position Six shall be elected by only the registered voters of Council District Six (i.e. the combination of Council Districts Three and Four) at an election to be held on the second Saturday in August, 1992.~~

~~Following the City Council election of the second Saturday in August, 1992, and following the official canvass of the votes of said election and official adoption of those results by the City Council, the four (4) single member district terms will expire May, 1994, and the two (2) super~~

~~district (Council Districts Five and Six) and mayoral terms will expire May, 1995; and every three (3) years thereafter.~~

~~Members of the City Council, following completion of interim terms, shall hold their offices for a term of three years beginning on the date of the first regular meeting of the Council after election results are canvassed or until their successors have been duly elected and qualified.~~

#### **Section 4. - Election to fill vacancy.**

~~In case of a vacancy in the office of the Mayor or any Councilmember, by refusal to accept or failure to qualify, or by death, resignation, or otherwise, the City Council shall order an election to fill such vacancy, and all special elections shall be conducted as provided for the holding of general elections for the City.~~

### **ARTICLE III. – EXECUTIVE AND ADMINISTRATIVE AFFAIRS**

#### **Section 2. - Duty and power of City Manager.**

It shall be the power and duty of the City Manager of the City of Victoria:

- (a) To appoint and remove all employees of the City, except the positions of certain department heads and their staffs as otherwise provided in this Charter, ~~members of the City Planning Commission, and members of all other official boards and commissions of the City, which excepted appointments are specifically reserved for action of the City Council;~~

#### **~~Section 4. -- Creation of departments by City Council, abolishing and combining, administrative code.~~**

~~In addition to administrative departments established by this Charter, the City Council may by ordinance create such administrative offices and departments as the City Council may deem advisable for the efficient and economical operation of the affairs of the City of Victoria. All administrative offices and departments, however created, shall be under the control and direction of the City Manager. The City Council may abolish any department or combine two or more departments created by the City Council; but no administrative department shall be created, abolished or combined with another until the City Council has requested and considered the recommendations of the City Manager with respect to such proposed action. The City Council may by ordinance prescribe the general organization of the administrative services of the City and prescribe procedures designed to promote efficiency and economy in administration of the business affairs of the City. In no case shall an officer or employee of the City of Victoria be entitled to any compensation or emolument of any office or employment which has been abolished, or from which such person has been removed, except for services rendered to date when the office was abolished or the incumbent removed.~~

**Section 5. -- Holding additional office.**

~~Except as may be authorized by law, no member of the City Council may hold any other elected public office or any employment, compensation of which is paid out of City moneys, nor be appointed to any office created by the City Council, compensation of which was increased or fixed by the City Council which such person was a member thereof, until the expiration of at least one year after such person has ceased to be a member of the City Council. Nothing in this section shall be construed to prohibit the council from selecting any current or former Councilmember to represent the city on the governing board of any regional or other intergovernmental entity.~~

ARTICLE IV. -- RESERVED TAXES AND TAXATION

**Section 1. -- Limitation of tax levy.**

- (a) ~~—The City of Victoria shall have power to levy, assess, and collect taxes for any municipal purpose on property of any kind or character, within the corporate limits within the maximum authorized now or hereafter by the Constitution and laws of the State of Texas, and on persons, privileges, subjects, and occupations. Provided, that the total tax levied annually for general purposes, and for the purpose of paying the interest and providing the sinking fund on the outstanding bonded indebtedness of the City of Victoria, and for paying the interest and making provisions for the sinking fund on such future bond issues as may be authorized, shall not exceed Two Dollars on the One Hundred Dollar assessed valuation of taxable property; except that an additional tax within the maximum authorized now or hereafter by the Constitution of the State of Texas may be levied upon approval of a majority vote of the qualified voters of the City of Victoria at an election in the City at which the increased rate of taxation shall be submitted to such voters of the City.~~
- (b) ~~—The governing body of the City of Victoria may decrease the official tax rate for the current year at any time.~~

ARTICLE V. - REVENUES AND EXPENDITURES

**Section 8. -- General obligation bonds.**

~~The City of Victoria shall have power to borrow money on the credit of the City and to issue general obligation bonds for the acquisition of property, for permanent public improvements, or for any other public purpose not now or hereafter prohibited by the Constitution and laws of the State of Texas. Except for the refunds of bonds previously issued, any proposition to borrow money and to issue such bonds shall be approved first by a majority of the qualified voters at an election called for the purpose of authorizing the issuance of such indebtedness. The ordinance calling such election and the manner of conducting the election shall conform in all respects to the general laws of the State of Texas.~~

**Section 9. -- Revenue bonds.**

~~The City of Victoria shall have power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing of public utilities, recreational facilities, or facilities for any other self-liquidating municipal function not now or hereafter prohibited by any general law of the State of Texas, and to issue revenue bonds to evidence the obligation thereby created. Such bonds when issued shall be a charge upon and payable solely from the properties acquired, or interest therein, and the income therefrom, and shall never be a debt of the City of Victoria. All revenue bonds issued by the City shall be authorized first by a majority of the qualified electors voting at an election held for such purpose. The City Council shall have authority to provide for the terms and form of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.~~

**~~Section 10. -- Interest and sinking fund.~~**

~~The City Council shall levy an annual tax sufficient to pay the interest and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City of Victoria. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on such bonds. The sinking fund maintained for the redemption of any debt may be invested in any interest bearing bond of the United States of America, the State of Texas, the City of Victoria, or in any other investment authorized by law.~~

**~~Section 11. -- Sale of bonds by City Council.~~**

~~No bonds issued by the City of Victoria shall be sold for less than par value and accrued interest, and such bonds shall be sold only upon bids received and considered by the City Council, submitted in response to public advertisement therefor, but the City Council shall have the right to reject any or all bids submitted.~~

**ARTICLE VI. - PUBLIC UTILITIES AND FRANCHISES**

**~~Section 1. -- Grant of franchise must be express, by City Council.~~**

~~The provision of this Charter shall never grant to any person, firm, or corporation any right or franchise to use or occupy the public streets, avenues, highways, sidewalks, alleys, parks, public squares, or public grounds of the City of Victoria, but the City Council shall have the exclusive power and authority to make such grants of any franchise or right to use and occupy the public streets, avenues, highways, sidewalks, alleys, parks, public squares, and grounds of the City. The right of control and use of the public streets, avenues, highways, sidewalks, alleys, parks, public squares, and grounds of the City is hereby declared to be inalienable by the City of Victoria, except by ordinances duly adopted by the City Council not in conflict with provisions of this Charter; and no act or omission by the City Council, or by any officer or agent of the City, shall be construed to grant, renew, extend, or amend by estoppel or indirection any right, franchise, or easement affecting the public streets, avenues, highways, sidewalks, alleys, parks, public squares, public places and other real property of the City of Victoria.~~

**Section 2. - No right to franchise without grant, rates and regulations by City Council.**

~~The City of Victoria shall have the power to prohibit the use of any street, avenue, highway, sidewalk, alley, park, public square, or grounds of the City by any telegraph, telephone, electric light, electric power, street railway, interurban railway, gas company, or any other character of public utility, without there first being obtained the consent of the City Council expressed by ordinance, and upon paying such compensation as may be prescribed and upon such conditions as may be provided by any such ordinance. The City shall have power to determine, fix, and regulate charges, fares, or rates of any person, firm, or corporation enjoying, or that may enjoy, the franchise, or exercising any other public privilege in the City of Victoria; and to prescribe the kind of service to be furnished by such person, firm, or corporation, and the manner in which it shall be rendered; and from time to time to alter or change such rules, regulations, and compensations.~~

**Section 3. - How franchise ordinances are passed, term limited to fifteen years.**

~~The City Council shall have power by ordinance to grant, renew, and extend all franchises of all public utilities of every character operating within the City of Victoria, and may amend such franchise with consent of the holder. The City Council shall have no power to grant, renew or extend any franchise for an indeterminate period or term, and no franchise shall be granted for a term of more than fifteen years. Every ordinance granting, renewing, extending, or amending a public utility franchise shall be read at three regular meetings of the City Council, and shall not be finally passed until thirty days after the first reading. Within seven days following each of the three readings of the ordinance, the full text thereof shall be published one time in some newspaper of general circulation in the City of Victoria, and the expense of such publication shall be borne by the utility seeking the franchise. No ordinance granting, renewing, extending, or amending a public utility franchise shall become effective until the expiration of sixty days following the date of its final adoption by the City Council. No public utility franchise, after being granted by the City Council, shall be transferred by the holder, except upon the approval of the City Council expressed by ordinance.~~

**Section 14. - Safeguards for public with respect to franchise holders and other public utilities.**

**Section 2 5. - Rate-making power of City Council.**

**ARTICLE VII. - ELECTIONS, GENERAL AND SPECIAL**

**Section 1. - Elections under state law and ordinance; general elections.**

~~All elections in the City of Victoria shall be conducted and results canvassed and announced by the authorities as prescribed by and in accordance with the laws of the State of Texas regulating the holding of municipal elections, and in accordance with ordinances adopted by the City Council for the conduct of elections. All provisions of the Texas Election Code and any amendments to it which result in conflicts with any of the provisions of this Charter shall supersede this Charter to the extent of any conflict, even if the provision or amendment does not expressly provide for it to supersede any such charter provision.~~

**Section 2. - General elections, run-off elections.**

The general election of the members of the City Council shall be held on the Uniform Election Date nearest the first Saturday in May of each election year. ~~At every general election and at every special election called to fill one or more vacant places on the City Council, election to each place on the City Council shall be by a majority of all the votes cast for such place at each election. Each qualified voter in every such election shall vote for not more than one candidate for each place on the City Council to be filled. Where in an election to a place on the City Council no candidate receives a majority of all the votes cast for such place in such election, the City Council, immediately upon declaring the official returns of the election, shall order a run-off election for every place to which no one was elected to be conducted in accordance with the election laws of the State of Texas, and the candidate who receives the majority of the votes cast for each such place in the run-off election shall be elected to such place on the City Council.~~

### **Section 3. - Filing for places on City Council, consent of candidates.**

~~Any qualified person may have his or her name placed on the official ballot as a candidate for Mayor or Councilmember at any election held for the purpose of electing a Mayor or Councilmember by filing with the City Secretary a sworn application on a form prescribed by the Secretary of State in conformance with Section 141.031 of the Texas Election Code or any successor statute thereto, not earlier than the 75th day nor later than the 45th day before the date of election. Nomination of candidates for Mayor or Councilmember may also be made by petition filed with the City Secretary not earlier than the 75th day nor later than the 45th day before the date of election, provided the candidate accepts such nomination in writing and files an acceptance with the City Secretary not earlier than the 75th day nor later than the 45th day before the date of election. Any such petition and the signatures thereon must conform to the requirements for a petition for a candidate's application for a place on the ballot in other elections as prescribed by the Texas Election Code. The minimum number of signatures that must appear on the petition is the greater of 25 or one half of one percent of the total vote received in the territory or district from which the office is elected by all candidates for mayor in the most recent mayoral general election. Verification of signatures will be performed by the City Secretary, who shall follow the verification procedures provided by the Election Code.~~

### **Section 4. - Official ballot, placing names on ballot.**

~~For every general election and for every special election in the City of Victoria called to fill one or more vacant places on the City Council, the City Secretary shall place upon the official ballot the name of every candidate who has filed an application, or who has been nominated, in compliance with the provisions of the Texas Election Code. The places to be filled on the City Council shall be placed on the ballot in numerical order after the place of Mayor which shall be first on the ballot.~~

### **Section 5. - Election judges, emergency appointments, returns, record of canvass.**

~~The City Council shall appoint the election judges and other election officials as required by and in accordance with the Texas Election Code. Emergency appointments shall be made in compliance with said Code. The returns of every municipal election shall be delivered by the election judges to the City Secretary within twenty-four hours after the polls are closed, and the returns, together with the official results of the election as declared in canvass by the City~~

~~Council, shall be recorded in the Minutes of the City Council by voting precinct totals for each candidate or for each measure.~~

**~~Section 6. -- Special elections.~~**

~~The City Council may call by ordinance such special elections as are authorized by the laws of the State of Texas and by the provisions of this Charter, and may fix the time of holding and provide all reasonable means for holding such special elections.~~

**~~Section 7. -- Campaign expenses.~~**

~~Every candidate for elective office of the City of Victoria shall file with the City Secretary such sworn statements of all contributions received and all expenditures made as required by and in conformance with Title 15 of the Texas Election Code and any amendments to it.~~

ARTICLE IX. - CITY PLANNING

**Section 2. - Powers and duties of Planning Commission.**

The Planning Commission of the City of Victoria shall exercise control over platting and subdividing land within the corporate limits of the City and within the City's defined extraterritorial jurisdiction ~~an area extending five miles beyond the City limits~~, and shall exercise such additional powers and have such additional duties and responsibilities as may be prescribed by ordinance of the City Council not inconsistent with the Constitution and laws of the State of Texas and the provisions of this Charter. ~~It is specifically here provided that the City Council may by ordinance assign to the Planning Commission the power and duty to recommend to the City Council approval or disapproval of proposed changes in the zoning plan of the City.~~

**Section 4. - If master plan is adopted.**

Upon adoption of a master plan, under Section 3 of this Article, by the City Council, no subdivision, street, public way, ground, space, park, public building or structure, public utility, whether publicly or privately owned, not in conformity with the principles of the master plan, shall not be constructed or authorized by the City Council or any officer or agency of the City, until and unless the location and extent of any such project shall have been submitted to the Planning Commission for study and recommendation to the City Council and unless and until the City Council shall approve the location and extent of such project. After the City Council has adopted a master plan, the widening, narrowing, relocating, vacating, or change in the use of any street, river or watercourse, or other public ground, and the sale of any public building or real property not consistent with the master plan and its objectives shall be submitted to the Planning Commission for study and recommendation to the City Council before such action is taken.

## ARTICLE X. - RESERVED—PUBLIC PROPERTY AND PUBLIC STREETS

### **Section 1. —Control over streets and public property.**

~~The City of Victoria shall have exclusive dominion, control, and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, and public ways within the corporate limits of the City, and in, upon, over, and under all public property of the City of Victoria. With respect to each and every City street, sidewalk, alley, highway, public square, or other public way within the corporate limits of the City of Victoria, the City shall have the power to establish, maintain, alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof; to abate and remove in a summary manner all obstructions or other encroachments or encumbrances; and to regulate and control the moving of buildings or other structures over and upon such streets, avenues, or other public ways.~~

### **Section 2. —Improving and paving streets.**

~~The City of Victoria shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, avenues, sidewalks, alleys, highways, and other public ways within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, and establishing building lines along the same; by purchasing, condemning, and taking property therefor; by filling, grading, raising, powering, paving, repaving, and repairing the same in a permanent manner; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development and improvements. The City may make or cause to be made any one or more of the kinds or classes of development and improvement here authorized, or any combination of parts thereof. The cost of such development and improvement shall be paid by the City of Victoria, or partly by the City and partly by assessments levied against the property, and such assessments may be levied in any amounts and under any procedure now or hereafter permitted by the laws of the State of Texas.~~

### **Section 3. —May adopt other methods.**

~~The powers herein stipulated and reserved for making street improvements and assessing the cost by special assessment in the several manners herein stated shall not be construed to prevent the City of Victoria from adopting and employing any other method or plan for the development, improvement, or paving of the public streets, avenues, alleys, sidewalks, highways, curbs, boulevards, and other public ways within the corporate limits which the City Council may provide by ordinance.~~

### **Section 4. —Saving clause for prior assessments and contracts.**

~~The adoption of this Charter or any amendment of the same shall never be construed to affect the right of the City of Victoria to collect by special assessment any special assessment~~

~~heretofore levied under any law for the purpose of improving any street, highway, avenue, or boulevard of the City, or for the purpose of opening, extending, widening, straightening, or otherwise improving the same; nor affecting any right on contract or obligation existing between the City of Victoria and any person, firm, or corporation for the making of any such improvements, and for the purpose of collecting any such special assessment and carrying out any such contract.~~

## ARTICLE XI. - MUNICIPAL COURT

### **Section 5. - Fines paid into Treasury.**

~~Fines and forfeitures imposed by the Municipal Court of the City of Victoria in any prosecution therein shall be paid into the Treasury of the City of Victoria for the use and benefit of the City of Victoria.~~

### **Section 6. - Charter cumulative of State law.**

~~This Article is hereby declared to be cumulative of any laws of the State of Texas now in force or hereafter enacted regulating, prescribing, or increasing the jurisdiction of Municipal Courts in cities of the class and population of the City of Victoria.~~

## ARTICLE XII. - GENERAL AND MISCELLANEOUS PROVISIONS

### **Section 2. - Limitation on liability for damages.**

~~The City of Victoria shall not be liable for damages to anyone on account of any defect in, obstruction on, or anything else in connection with any sidewalk, street, avenue, alley or public place, unless and until it be shown that some person in the employment of the City of Victoria, and having superintendence or control of the work on the sidewalks, streets, avenues, alleys, or public places, had actual notice of such defect, obstruction, or other thing for a length of time sufficient before such injury was received to have remedied such condition of the sidewalk, street, avenue, alley or public place before the injury was received.~~

### **Section 3. - Security by city not required.**

~~It shall not be necessary in any action, suit, or proceeding in which the City of Victoria is a party for any bond, undertaking, or security to be demanded or executed by or on behalf of the City. The City of Victoria shall have all remedies of appeal provided by law to all courts in the State of Texas without bond or security of any kind, but shall be liable in the same manner and to the same extent as if such bond, undertaking, or security actually had been executed or given.~~

### **Section 4. - City free from execution, garnishment, and assignments.**

~~The property, real and personal, belonging to the City of Victoria shall not be liable for sale or appropriation under any writ of execution. The funds belonging to the City of Victoria in the hands of any person, firm, or corporation shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City of Victoria nor any of its officers or agents shall be required to answer any such writ of garnishment on any~~

~~account whatever. The City of Victoria shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors.~~

**Section 5. -- Oaths or affirmations of officers.**

~~Every person elected or appointed to any office in the City of Victoria shall, before entering upon the duties of office, subscribe to the statement and take the oath or affirmation of office prescribed in Article 16, Section 1, of the Texas Constitution or any amendment to it.~~

**Section 9. -- Officers and employees not to assist candidates.**

~~Any officer or employee of the City who, while on duty, by solicitation or otherwise shall exert his or her influence directly or indirectly to influence any other officer or employee of the City to favor any particular person or candidate for office in the City shall be guilty of a misdemeanor and upon conviction thereof shall forfeit his or her office or employment and be punished by a fine not exceeding five hundred dollars (\$500.00). Officers and employees shall not be permitted to take an active part in any political campaign of another for an elective position of the City if they are in uniform or on active duty. The term "active part" means making political speeches, passing out cards or other political literature, wearing campaign buttons, writing letters, circulating or signing petitions, soliciting votes, soliciting contributions, and making public derogatory remarks about candidates for such elective positions. City officers and employees are prohibited from contributing or using city resources, city equipment or city money for election campaigning. Officers and employees coming under the provisions of this section are not required to contribute to any political fund or render any political service to any person or party whatsoever; and no person shall be removed, reduced in classification or salary, or otherwise prejudiced by refusing to do so; and any official who attempts the same shall be guilty of violating the provisions of this section. The provisions of this charter shall not prohibit City officers and employees from campaigning for elective office, soliciting and contributing personal funds, and engaging in other First Amendment protected activities while they are not on active duty or in a City uniform. For purposes of this section, elected officers are not on "active duty" if they are not in a City owned building and not in a City Council meeting.~~

**Section 11. -- Judicial notice.**

~~This Charter shall be deemed a public act and may be read in evidence without pleading or proof, and judicial notice of this Charter shall be taken in all courts and places in the State of Texas.~~

**Section 12. -- When this Charter becomes effective.**

~~The Mayor and four Aldermen who were elected to the City Council of the City of Victoria on the first Tuesday in April, 1955, shall constitute the City Council from and after the adoption of this Charter until the election of a City Council on the first Tuesday in April, 1957, and the provisions of this Charter contained in Article II affecting the qualifications of members of the City Council, the composition of the City Council, and the election of a Mayor and four other Councilmen, and the provisions of this Charter contained in Article VII prescribing the time and manner of holding regular or general elections for members of the City Council shall become effective and be binding upon the City Council and the people of the City of Victoria from and after the first day of January, 1957. All provisions of this Charter not effective as provided hereinabove shall be effective upon and after the first Tuesday in April, 1957.~~

