



**CITIZENS CHARTER REVIEW COMMITTEE MINUTES
AUGUST 31, 2017**

I. CALL TO ORDER

Chairman Sue Ann Harting called the meeting to order at 5:30 p.m.

Members Present: Duane May, Leahmon Bryant, Michael Williamson, De Anna Penninga, Dan Kelso and Kevin Heath

Present: Daniel Ray (City Attorney) and Carole Kuykendall (Interim City Secretary)

Absent: None

II. APPROVAL OF AUGUST 24, 2017, MINUTES

Member Bryant moved to accept the minutes as submitted from August 24, 2017, Member May seconded. Motion passed by unanimous vote of the Charter Review Committee present.

III. ITEMS TO BE DISCUSSED

A. OLD BUSINESS

1. Articles I – XI-A

Sec. 4. Voting Districts

Discussion by members to withdraw previous revision recommendations as noted in the August 10, 2017, minutes and new recommendation is as follows:

The City of Greenville shall be divided into six (6) council districts known as districts 1, 2, 3, 4, 5, and 6. The six (6) Council districts shall be defined by ordinance and the boundaries thereof shall be subject to ~~biennial~~ **decennial** review by the Council to insure equal voting rights for all citizens under state and federal law. **The decennial review shall occur by February of the year following the year of release of the full decennial US Census. If during the review any district is found to include a number of residents more than 15% higher than any other district, the Council district boundaries shall be redefined by ordinance to compensate for any significant change in population within a given district. that disparity. Any such ordinance shall be passed by June 1 of that same year if possible, and the ordinance shall set council districts containing official numbers of residents no more than 10% higher than any other district based on date from the most recent US Census. Council shall only pass such a redistricting ordinance within the confines of state and federal law at the time the ordinance is passed.**

Member Penninga moved, Member May seconded for changes to Sec. 4 of the Charter. Motion passed by unanimous vote of the Citizens Charter Review Committee.

Sec. 16. Compensation of Members

Discussion by members to withdraw previous revision recommendation as noted in the August 10, 2017, minutes and recommend no changes to the following:

Members of the City Council and Board of Development shall serve without pay or compensation; provided, however, they shall be entitled to all necessary expenses incurred in the performance of their official duties upon approval by the City Council. Necessary expenses include reimbursement for reasonable expenses including, but not limited to, reimbursement for expenses of training at seminars, expenses of membership, or participation in industry associations, and expenses incurred by members of the Board of Development or City Council for other types of professional development undertaken by members of the Board of Development or City Council in connection with service.

Member Kelso moved, Member May seconded to leave language as is and bring to the attention of the City Council to make sure the City Council approves all necessary expenses incurred is being followed. Motion passed by unanimous vote of the Citizens Charter Review Committee.

Sec. 120 Control Over and Powers with Reference to City Property

The ownership, right of control and use of streets, highways, alleys, parks, public places and all other real property of the City of Greenville is hereby declared to be inalienable to said City of Greenville, except by ordinances passed by vote of the simple majority of the governing body of the city, as hereinafter provided; and no franchise or easement involving the right to use same, either along, across, over or under the same, shall ever be valid, unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the City of Greenville, its governing body, officers, or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise or easement not expressly granted by ordinance.

The City of Greenville shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person or corporation, the franchise or right to use the property of the City of Greenville, as defined in the preceding paragraph, for the purpose of furnishing to the public any general public service, including ~~heat, light, power, telephone service, or other utilities refrigeration, steam, and manufacture and distribution of ice, and the carriage of passengers or freight,~~ within the said city and its suburbs over the streets, highways and property of said city, or for any other purposes whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to, in part, appropriate or use the streets, highways or other property of the City of Greenville is necessary or proper; and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of Greenville **that is not otherwise regulated by a state or federal agency**; provided that no franchise shall be granted by the said City of Greenville to any person, firm or corporation to own, control or operate waterworks therein.

Upon demand of the City of Greenville, any holder of a franchise granted by the City of Greenville shall be required to immediately remove and/or relocate any transmission line or other physical obstruction from the City's right of way, easement, street, and all other real property which is owned or subject to the control of the City to facilitate the City's installation, repair, maintenance, and/or removal of any essential City service, including but not limited to water lines, sewer lines, roads, highways, streets, and electric lines. Such removal and/or relocations shall commence at the time demanded by the City and shall be completed within a reasonable period of time, and shall in every case be accomplished at the sole cost of the franchise holder, and using labor supplied by the franchise holder. Should the franchise holder fail or refuse to remove and/or relocate the obstruction as provided herein, the City may remove the obstruction and charge any and all costs associated with the removal to the franchise holder. Should the franchise holder refuse to pay all costs associated with the removal within thirty (30) days of the date of the City's demand for payment, the City shall immediately revoke the franchise of the franchise holder.

Member Bryant moved, Member May seconded for changes to Sec. 120. Motion carried by unanimous vote of the Citizens Charter Review Committee.

Sec. 123. Term and Conditions

No recommended changes but bring forth to the City Council that "(1) Every five (5) years the City Council shall hold a public hearing with a representative of the franchise to review services provided by city and franchisee" and make sure this is being followed.

B. NEW BUSINESS

1. Articles XII. General Provisions

No recommended changes in Article XII General Provisions.

Sec. 107. Form of Ballot for Initiated Ordinances

Discussion regarding the ability of the Hunt County Voter Administration to include "For the Ordinance" and "Against the Ordinance" on paper ballots and electronic voting without further expenses because of Spanish wording being longer and overlapping into the next column.

Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance, if a paper ballot, shall have below the ballot title the following propositions, one (1) above the other in the order indicated: "For ~~The Ordinance~~," and "Against ~~The Ordinance~~." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two (2) propositions, one (1) above the other or one (1) preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two (2) propositions and thereby to vote for or against the ordinance.

Member May moved, Member Williamson seconded to remove "The Ordinance" for both "For" and "Against." Motion carried by unanimous vote of the Citizens Charter Review Committee.

Exhibit "A", attached hereto and incorporated herein for all purposes, is a condensed summary of all recommended changes or sections to be noted by the Council.

III. SET NEXT MEETING DATE IF NEEDED

No meeting date set.

V. EXECUTIVE SESSION

A. Section 551.071 (2) – Consultation with City Attorney (as needed)

VI. ADJOURN

Being no further discussion, the Citizens Charter Review Committee adjourned at 6:50 p.m.

Sue Ann Harting, Chairman

EXHIBIT "A"

Article 1. Incorporation: Form of Government: Territory

Sec. 4. Voting Districts

Recommended changes as follows:

The City of Greenville shall be divided into six (6) council districts known as districts 1, 2, 3, 4, 5, and 6. The six (6) Council districts shall be defined by ordinance and the boundaries thereof shall be subject to ~~biennial~~ **decennial** review by the Council to insure equal voting rights for all citizens under state and federal law. **The decennial review shall occur by February of the year following the year of release of the full decennial US Census. If during the review any district is found to include a number of residents more than 15% higher than any other district, the Council district boundaries shall be redefined by ordinance to compensate for any significant change in population within a given district. that disparity. Any such ordinance shall be passed by June 1 of that same year if possible, and the ordinance shall set council districts containing official numbers of residents no more than 10% higher than any other district based on date from the most recent US Census. Council shall only pass such a redistricting ordinance within the confines of state and federal law at the time the ordinance is passed.**

Proposed Charter language for entire Sec. 4 Voting Districts to read as follows:

The City of Greenville shall be divided into six (6) council districts known as districts 1, 2, 3, 4, 5, and 6. The six (6) Council districts shall be defined by ordinance and the boundaries thereof shall be subject to decennial review by the Council to insure equal voting rights for all citizens under state and federal law. The decennial review shall occur by February of the year following the year of release of the full decennial US Census. If during the review any district is found to include a number of residents more than 15% higher than any other district, the Council district boundaries shall be redefined by ordinance to compensate for that disparity. Any such ordinance shall be passed by June 1 of that same year if possible, and the ordinance shall set council districts containing official numbers of residents no more than 10% higher than any other district based on date from the most recent US Census. Council shall only pass such a redistricting ordinance within the confines of state and federal law at the time the ordinance is passed.

Article III. The Council

Sec. 16. Compensation of Members

No suggested changes; however, verify the City Council approves all necessary expenses incurred in the performance of their official duties.

Members of the City Council and Board of Development shall serve without pay or compensation; provided, however, they shall be entitled to all necessary expenses incurred in the performance of their official duties upon approval by the City Council. Necessary expenses include reimbursement for reasonable expenses including, but not limited to, reimbursement for expenses of training at seminars, expenses of membership, or participation in industry associations, and expenses incurred by members of the Board of Development or City Council for other types of professional development undertaken by members of the Board of Development or City Council in connection with service.

Sec. 19. Powers

Recommended change to Item Number One (1) as follows:

- 1) Appoint and remove the City Manager, ~~City Secretary~~, City Attorney, and Municipal Judge.

Proposed Charter language for entire Sec. 19. Powers to read as follows:

All powers of the City of Greenville and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter the City Council shall have all powers authorized to be exercised by the City Council by Chapter 4 of Title 28, Vernon's Annotated Civil Statutes, and acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager, City Attorney, and Municipal Judge.
- (2) Adopt the budget of the City of Greenville.
- (3) Authorize the issuance of bonds by a bond ordinance, except as such power is exercised by the Electric Utility Board.
- (4) Inquire into the conduct of any office, department or agency of the City of Greenville and make investigations as to municipal affairs.
- (5) Provide for a Planning and Zoning Commission, Board of Adjustment, and appoint the members of all such commissions and boards. The Planning and Zoning Commission shall have all powers and duties now or hereafter conferred and created by this Charter, by the city ordinance or by law.
- (6) Delegate the plat approval authority to the Planning and Zoning Commission.
- (7) Adopt and modify the official map of the City of Greenville.
- (8) Adopt, modify, and carry out plans proposed by the Planning Commission.
- (9) Regulate and license any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City of Greenville.
- (10) Provide for the establishment and designation of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and to provide for the erection of fireproof buildings within certain limits, and to provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (11) Create such administrative departments as are necessary to perform city functions and services.
- (12) Waive the residency requirements in increments of 90 days when it is necessary to replace any City Official. The waiver of residency requirement is to allow for the appointment of an interim official who may not meet the residency requirements at time of appointment. However, once the non-interim Official is selected, the appointed City Official must meet all residency requirements required in the respective section of this Charter governing the office for which he or she fulfills.
- (13) Appoint additional Legal Counsel, besides the City Attorney, to represent it for special assignments as deemed necessary by the City Council. This Legal Counsel shall serve at the will of, and shall report to the City Council. The City Council may request the City Attorney to provide assistance to or review opinions provided to the City by the appointed Legal Counsel.

Sec 25. Municipal Judge

Recommended change to Paragraph three (3) as follows:

He or she may be removed by the City Council at any time for incompetency, misconduct, malfeasance, or disability. He or she shall receive such salary as may be fixed by the Council ~~but his or her salary shall not be reduced during a two (2) year term of office.~~ In the event of the failure or inability of the Municipal

Judge to act for any reason, the City Council may appoint a suitable and qualified person to act temporarily in the place and stead of the Municipal Judge and, in the event of a vacancy in such office, until a Municipal Judge is appointed to fill such vacancy.

Proposed Charter language for entire Sec. 25. Municipal Judge to read as follows:

The Council shall appoint an Officer of the City of Greenville who shall serve as Municipal Judge. There shall be a magistrate of the municipal court known as the Municipal Judge who shall be appointed by the City Council to serve for a term of two (2) years. At the time of his or her appointment, he or she need not be a resident of the City of Greenville or the State of Texas, but during his or her tenure of office he or she shall be a resident of Hunt County, with preference given to residents of the City of Greenville.

The Municipal Judge may be removed from his or her individual position upon a majority vote of the City Council. If removed at any time after six (6) months from his or her appointment, he or she may demand written charges and a public hearing thereon, before the City Council prior to the date on which his or her final removal shall take effect, but during such period the Council may suspend him or her from office. The action of the Council in suspending or removing the City Official shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council.

He or she may be removed by the City Council at any time for incompetency, misconduct, malfeasance, or disability. He or she shall receive such salary as may be fixed by the Council. In the event of the failure or inability of the Municipal Judge to act for any reason, the City Council may appoint a suitable and qualified person to act temporarily in the place and stead of the Municipal Judge and, in the event of a vacancy in such office, until a Municipal Judge is appointed to fill such vacancy.

Sec. 26. City Attorney

Recommended change to paragraph one (1) as follows:

The Council shall appoint an Officer of the City of Greenville who shall serve as City Attorney. ~~At the time of his or her appointment, he or she need not be a resident of the City of Greenville or the State of Texas, but during his or her tenure of office he or she shall reside within the City of Greenville.~~

Proposed Charter language for entire Sec. 26. City Attorney to read as follows:

The Council shall appoint an Officer of the City of Greenville who shall serve as City Attorney. The City Attorney shall represent the City in all litigation and controversies and shall prosecute all cases brought before the municipal court. He or she shall draft, approve or file his, or her written opinion on the legality of every proposed ordinance before it is acted upon by the council, and may be requested to pass upon all documents, contracts and other legal instruments in which the city may have an interest.

He or she shall be the legal advisor of the City Manager, City Council, and of all boards, commissions, agencies, officers, and employees, with the exception of Economic Development Corporation, Greenville Board of Development, and Greenville Electric Utility System, their officers and their employees, with respect to any legal question involving official duties or any legal matter pertaining to the affairs of the City of Greenville. He or she shall perform such other duties as may be required by statute, Charter, ordinance, or request of the Council.

The City Attorney shall have power to appoint assistants or retain special counsel as deemed necessary subject to approval of the City Council, at such compensation as may be fixed by the Council. Such assistants or special counsel shall serve at the will of the City Council and under the supervision of the City Attorney.

The City Attorney may not research legal issues or perform any other functions in his or her official capacity in response to a request from a non-quorum group of elected officials, other than a duly-appointed committee of the council, unless notice of the request is provided in writing to the City Secretary, and then forwarded from the City Secretary to the entire Council.

The City Attorney may be removed from his or her individual position upon a majority vote of the City Council. If removed at any time after six (6) months from his or her initial appointment, he or she may demand written charges and a public hearing thereon, before the City Council prior to the date on which his or her final removal shall take effect, but during such period the Council may suspend him or her from office. The action of the Council in suspending or removing the City Official shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the City.

Sec. 31. Procedure for Passage of Ordinances

Recommended change to fifth sentence as follows:

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective no less than ten (10) days after the date of its passage; subject to the provisions of Article X of this charter. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the description or title, including the penalty, of any such ordinance to be published in the official newspaper of the City of Greenville at least once within ten (10) days after the passage of said ordinance. He or she shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the Charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City of Greenville for publication in book or pamphlet form. Except as otherwise provided by Article XI of this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one (1) time or considered at more than one (1) session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor ~~and City Council~~ and shall be systematically recorded and indexed in an ordinance book in a manner approved by the Council.

Proposed Charter language for entire Sec. 31. Procedure for Passage of Ordinance as follows:

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective no less than ten (10) days after the date of its passage; subject to the provisions of Article X of this charter. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the description or title, including the penalty, of any such ordinance to be published in the official newspaper of the City of Greenville at least once within ten (10) days after the passage of said ordinance. He or she shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the Charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City of Greenville for publication in book or pamphlet form. Except as otherwise provided by Article XI of this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one (1) time or considered at more than one (1) session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor and shall be systematically recorded and indexed in an ordinance book in a manner approved by the Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of Council meetings. The City Council shall have the power to cause the ordinances of the City of Greenville to be corrected, amended, revised, coded and printed in code form as often as the Council deems advisable, and such printed code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

Article X. Initiative, Referendum and Recall

Sec. 107. Form of Ballot for Initiated Ordinances

Recommended change to second sentence as follows:

Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance, if a paper ballot, shall have below the ballot title the following propositions, one (1) above the other in the order indicated: "For ~~The Ordinance,~~" and "Against ~~The Ordinance.~~" Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two (2) propositions, one (1) above the other or one (1) preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two (2) propositions and thereby to vote for or against the ordinance.

Proposed Charter language to entire Sec. 107. Form of Ballot for Initiated Ordinances as follows:

Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance, if a paper ballot, shall have below the ballot title the following propositions, one (1) above the other in the order indicated: "For" and "Against." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two (2) propositions, one (1) above the other or one (1) preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two (2) propositions and thereby to vote for or against the ordinance.

Article XI. Franchises and Public Utilities

Sec. 120 Control Over and Powers with Reference to City Property

Recommended changes to second paragraph as follows:

The City of Greenville shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person or corporation, the franchise or right to use the property of the City of Greenville, as defined in the preceding paragraph, for the purpose of furnishing to the public any general public service, including ~~heat, light, power, telephone service, or other utilities refrigeration, steam, and manufacture and distribution of ice, and the carriage of passengers or freight,~~ within the said city and its suburbs over the streets, highways and property of said city, or for any other purposes whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to, in part, appropriate or use the streets, highways or other property of the City of Greenville is necessary or proper; and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of Greenville **that is not otherwise regulated by a state or federal agency**; provided that no franchise shall be granted by the said City of Greenville to any person, firm or corporation to own, control or operate waterworks therein.

Proposed Charter language to entire Sec. 120 Control Over and Powers with Reference to City Property as follows:

The ownership, right of control and use of streets, highways, alleys, parks, public places and all other real property of the City of Greenville is hereby declared to be inalienable to said City of Greenville, except by ordinances passed by vote of the simple majority of the governing body of the city, as hereinafter provided; and no franchise or easement involving the right to use same, either along, across, over or under the same, shall ever be valid, unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the City of Greenville, its governing body, officers, or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise or easement not expressly granted by ordinance.

The City of Greenville shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person or corporation, the franchise or right to use the property of the City of Greenville, as defined in the preceding paragraph, for the purpose of furnishing to the public any general public

service, including power, telephone service, or other utilities within the said city and its suburbs over the streets, highways and property of said city, or for any other purposes whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to, in part, appropriate or use the streets, highways or other property of the City of Greenville is necessary or proper; and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of Greenville that is not otherwise regulated by a state or federal agency; provided that no franchise shall be granted by the said City of Greenville to any person, firm or corporation to own, control or operate waterworks therein.

Upon demand of the City of Greenville, any holder of a franchise granted by the City of Greenville shall be required to immediately remove and/or relocate any transmission line or other physical obstruction from the City's right of way, easement, street, and all other real property which is owned or subject to the control of the City to facilitate the City's installation, repair, maintenance, and/or removal of any essential City service, including but not limited to water lines, sewer lines, roads, highways, streets, and electric lines. Such removal and/or relocations shall commence at the time demanded by the City and shall be completed within a reasonable period of time, and shall in every case be accomplished at the sole cost of the franchise holder, and using labor supplied by the franchise holder. Should the franchise holder fail or refuse to remove and/or relocate the obstruction as provided herein, the City may remove the obstruction and charge any and all costs associated with the removal to the franchise holder. Should the franchise holder refuse to pay all costs associated with the removal within thirty (30) days of the date of the City's demand for payment, the City shall immediately revoke the franchise of the franchise holder.

Sec. 123. Terms and Conditions

All utilities under a franchise agreement whose term is ten (10) years or more shall be reviewed as follows:

- (1) Every five (5) years the City Council shall hold a public hearing with a representative of the franchise to review services provided by city and franchisee.
- (2) The City Council shall have the opportunity during the public hearing to review the revenue received from franchise during previous years and, upon due consideration, may request the franchisee to adjust its percentage of payment to city. The franchisee may elect to do so and request additional modifications) of the franchise agreement. All modifications to the franchise agreement, including revenue percentage adjustment, shall be done pursuant to the procedure required to enact a franchise (Sec.122).

No recommended changes but bring forth to the City Council that " Every five (5) years the City Council shall hold a public hearing with a representative of the franchise to review services provided by city and franchisee" and make sure this is being followed.

Sec. 124. Utility Rates and Charges

Recommended change as follows:

The City Council shall have the power by ordinance to fix and regulate the price of water, gas, electric distribution service ~~and steam heat~~, and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind, except as may be prohibited by state law operating within the corporate limits of the City of Greenville.

Proposed Charter language to entire Sec. 124. Utility Rates and Charges as follows:

The City Council shall have the power by ordinance to fix and regulate the price of water, electric distribution service, and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind, except as may be prohibited by state law operating within the corporate limits of the City of Greenville.

Article XI-A. Electric Utility Board

Sec. 147. Independent Board

Recommended changes to A(2) and C, Paragraph Six (6) as follows:

A(2) To ~~have~~ **adopt** a seal which may be altered at its pleasure, **or use the seal of the City of Greenville**, and to use the same by causing it or a facsimile thereof to be impressed on, affixed to, or in any manner reproduced upon instruments of any nature required or authorized to be executed by its proper officers.

C (Paragraph Six, First Sentence) The bonds shall be signed by the Chairman, Vice-Chairman, or the designated Acting Chairman of the Board, shall be attested by the Secretary or Assistant Secretary of the Board, and shall bear the seal of the Board, **if any, or the seal of the City of Greenville.**

Proposed Charter language to Sec. 147. Independent Board 2 and C, Paragraph Six as follows:

A. The Board shall exercise public and essential governmental functions, and shall have all the powers necessary or convenient to accomplish and effectuate the purposes and provisions as set forth herein, including, without limitation, the following powers:

(1) To adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) To adopt a seal which may be altered at its pleasure, or use the seal of the City of Greenville, and to use the same by causing it or a facsimile thereof to be impressed on, affixed to, or in any manner reproduced upon instruments of any nature required or authorized to be executed by its proper officers.

C. The bonds shall be signed by the Chairman, Vice-Chairman, or the designated Acting Chairman of the Board, shall be attested by the Secretary or Assistant Secretary of the Board, and shall bear the seal of the Board, if any, or the seal of the City of Greenville. It is provided, however, that such signatures may be printed or lithographed on the bonds if authorized by the Board, and such seal may be impressed on the bonds or printed or lithographed thereon. The Board may adopt or use for any purpose the signature of any person who shall have been an officer, notwithstanding the fact that he or she may have ceased to be such officer at the time when bonds shall be delivered to a purchaser or purchasers.