

Section 9.10 Other Conditions

All franchises heretofore granted are recognized as contracts between the City and the franchisee and the contractual rights as contained therein shall not be impaired by the provisions of this Charter except:

- (a) the power of the City to exercise the right of eminent domain to acquire the property and assets of the utility is reserved;
- (b) the general power of the City to regulate the rates and services of a utility including the right to require adequate and reasonable extension of plant and service and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency shall be enforced; and
- (c) the City Council shall review each franchise at its first renewal date subsequent to the adoption of this Charter and shall cause the franchise, if renewed, to meet the provisions of this Charter; and no rights shall be vested in the franchisee with regard to any renewal based upon the terms, conditions or limitations expressed in any such existing franchise.

Section 9.11 Accounts of Municipally Owned Utilities

Separate accounts for each public utility owned or operated by the City shall be kept in accordance with generally accepted accounting practices. The City Council shall have an annual report on such accounts performed by a certified public accountant and shall, upon acceptance by City Council, publish notice of such report in a local newspaper.

Section 9.12 Election Required

No City-owned electric utility, gas, water, sewer, cable television, telecommunications system, park, or other utility shall be sold or leased without authorization by a majority vote of the qualified voters of the City voting at an election held for such purpose.

**ARTICLE X
PLANNING***

Section 10.01 Planning Commission

The City Council shall appoint a City Planning Commission consisting of five (5) members who shall be residents of the City who are not members of the City Council or employees of the City and who shall serve without compensation. Members shall be appointed at the first regular meeting of June of each year for a two (2) year term with three (3) to be appointed each even numbered year and two (2) to be appointed each odd numbered year.

State law reference—Authority of municipality to establish planning and zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

* **State law reference**—Planning and zoning generally, V.T.C.A., Local Government Code, chs. 211, 212, 371.