



City of Colleyville City Council Worksession Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817.503.1000
www.colleyville.com

Tuesday, June 14, 2016
6:00 p.m.

Executive Conference Room
Third Floor - City Hall

- 1. CALL TO ORDER**
- 2. PRESENTATION AND DISCUSSION**
 - 2a** Discussion of the City of Colleyville Charter
- 3. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, June 10, 2016 by 5:00 p.m.

Amy Shelley, TRMC
City Secretary

A quorum of any Colleyville board, commission, or committee may be present at this meeting.

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at 817.503.1133, and reasonable accommodations will be made to assist you.



City of Colleyville Colleyville City Council Worksession Agenda Briefing

City Hall
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Agenda Number 2a	Agenda Date 06/14/2016	Number
Type Presentation and Discussion		
Department City Council		
Title		
Discussion of the City of Colleyville Charter		

Strategy Map Connection

B4- Cultivate a culture of transparency and consistent communication

Explanation

This item was requested by Mayor Richard Newton to provided for discussion regarding a potential amendment to the City of Colleyville Charter. Staff will provide the attached presentation that details the history of the Charter, previous amendments, process discussion, potential items for review, and a potential calendar created for an anticipated November election.

Staff has also included each ordinance and/or resolution calling each Charter amendment election; resolution in which the elections were canvassed, the current Colleyville Charter; and, a memo from the city attorney dated June 10, 2016.

Attachments

1. Charter Review Presentation
2. Ordinance O-79-314
3. Resolution R-79-188
4. Ordinance O-81-401
5. Resolution R-81-236
6. Ordinance O-84-506
7. Resolution R-84-297
8. Ordinance O-91-846
9. Resolution R-92-743
10. Ordinance O-95-1003
11. Resolution R-95-1161
12. Resolution R-05-2521
13. Resolution R-05-2544
14. Current Colleyville Charter
15. Memo from City Attorney dated June 10, 2016



Discussion of City Charter Amendment Process

**City Council Worksession
June 14, 2016**

City Charter Background

- The Colleyville Home-Rule City Charter was first established in 1977 by local voters
- The original Charter was prepared and recommended to the voters by a Charter Commission consisting of 15 local residents
- The Charter is authorized and governed by Chapter 9 of the Local Government code

Charter Amendment History

In 1979, the following Sections were amended

Article VI - Legislation by the People, Initiative and Referendum	Section 6.09 – Ordinances or Resolutions Passed by Popular Vote, Repeal or Amendment
Article IX – Municipal Finance	Section 9.02B,C – Annual Budget, 9.06B – Administration of Budget
Article XIV – General Provisions	Section 14.10 – Amending the Charter

In 1981, the following Section was amended

Article XI – Planning and Zoning, Board of Adjustments	Section 11.02C – Powers and Duties
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Charter Amendment History

In 1984, the following Sections were amended

Article III – The Governing Body	Section 3.02 – Qualifications, 3.06 – Mayor and Mayor Pro Tem, 3.13 – Resolutions
Article V – Recall of Officers by the People	Section 5.04 – Various Papers Constituting Petition, 5.05 – Presentation of Petition to the City Council
Article VI – Legislation by the People, Initiative and Referendum	Section 6.02 – Initiative, 6.12 – Compelling Submission
Article VII – Administrative Organization	Section 7.03B – Department of Police, 7.04B – Fire Department
Article X – Taxation	Section 10.03 – Limitation on Tax Rate

Charter Amendment History

In 1992, the following Sections were amended

Article IV - Elections	Section 4.07C – Public Disclosure
Article V – Recall of Officers by the People	Section 5.07 – Election to be Called
Article VII – Administrative Organization	Section 7.01A,B,C,D(11) – City Manager

In 1995, the following Sections were amended

Article III - The Governing Body	Section 3.11 – Ordinances in General
Article IX - Municipal Finance	Section 9.02A(11)e – Annual Budget
Article XIV – General Provisions	Section 14.05 – Tort Liability

Charter Amendment History

In 2005, the following Sections were amended

Article I – Form of Government and Boundaries	Section 1.02 – Boundaries of the City
Article II – Powers of the City	Title
Article III – The Governing Body	Section 3.01 – Number, Selection, Term, 3.06 – Mayor and Mayor Pro Tem, 3.07 – Powers of the City Council, 3.08A(1),B – Forfeiture of Elected Office, 3.09A,C – Meetings and Rules of Procedure, 3.10 – Investigation by the City Council, 3.12 – Emergency Ordinances
Article IV – Elections	Section 4.01 – Laws Governing City Elections, 4.02 – General Elections, 4.07A – Public Disclosure, 4.08A,B – Oath of Office
Article V – Recall of Officers by the People	Section 5.01 – Scope of Recall, 5.02 – Petitions for Recall
Article VI – Legislation by the People, Initiative and Referendum	Section 6.07 – Adoption of Ordinances or Resolutions by Referendum or Initiative, 6.11 – Franchise Ordinances
Article VII – Administrative Organization	Section 7.02 – City Secretary, 7.03A – Department of Police, 7.04A – Fire Department, 7.05 – Department of Public Works, 7.06 – Department of Finance

Charter Amendment History

In 2005, the following Sections were amended (Continued)

Article VIII – Legal and Judicial Services	Section 8.03 – Clerk of the Municipal Court, 8.04 – City Attorney
Article IX – Municipal Finance	Section 9.02E,F – Annual Budget, 9.04A – Amendments after Adoption
Article X – Taxation	Section 10.01 – Department of Taxation, 10.04 – Taxes – When Due and Payable, 10.05 – Tax Liens
Article XI – Planning and Zoning, Board of Adjustments	Section 11.01 – The Planning and Zoning Commission, 11.04 – Legal Effect of the Master Plan, 11.05 – Zoning Board of Adjustment
Article XII – Franchises, Public Utilities and Other Users of Public Property	Section 12.01 – Powers of the City, 12.02 – Power to Grant Franchise, 12.04 – Transfer of Franchise, 12.05 – Right of Regulation, 12.06 – Extensions, 12.10A – Sales of Municipal Services
Article XIII – Transitional Provisions	Section 13.01B,C - Schedule
Article XIV – General Provisions	Section 14.01 – Publicity of Records, 14.02 – Personal Financial Interest

Discussion of Process

- Establish the scope of the review
 - Specific chapters, sections, or items
 - Complete review
- Appoint a Committee, or not
 - If a committee, appointment process
 - Develop the charge to the committee
- If not a committee
 - Process direction
- Review the potential calendar for November election

Discussion of Potential Calendar

November 8, 2016 – Uniform Election Date
A more detailed calendar will be available soon

ACTION	DATE
Deadline for calling special election and posting notice of election on bulletin board	Tuesday, August 16, 2016 – Regular City Council Meeting, by Resolution
Last Day to Register to Vote	Tuesday, October 11, 2016
First Day of Early Voting	Monday, October 24, 2016
Last Day to Apply for Ballot by Mail (Received, not Postmarked)	Friday, October 28, 2016
Last Day of Early Voting	Friday, November 4, 2016
Last Day to Receive Ballot by Mail	Tuesday, November 8, 2016 (election day) at 7:00 p.m. (unless overseas deadline applies)
Election Day	Tuesday, November 8, 2016
Recommended period for canvassing the special election	Wednesday, November 16, 2016 through Monday, November 21, 2106 (If official election results are available from Tarrant County earlier than this deadline, the canvass may be moved to the regular City Council meeting on Tuesday, November 15, 2016.)

Potential Items for Charter Review

- Staff identified
 - Article IV – Does the November uniform election date constitute a special or regular municipal election day?
 - Section 3.09A – Calling of a special meeting requires the Mayor or 4 members of the City Council which constitutes a quorum and could lead to a violation of the Open Meetings Act?
 - Section 3.09C – Should appointments or election of the Mayor Pro Tem be allowed as exceptions to the roll call method of “ayes” and “nays”?

Potential Items for Charter Review

- City Council previously identified
 - Section 3.09C – Recusal from voting is only allowed for statutory conflict of interest. Should this be broadened for other relationships, etc.?
- Discussion of other potential items, if not a full review

Discussion or Questions?

ORDINANCE NO. 0-79-314 - Emergency

AN ORDINANCE CALLING AN ELECTION APRIL 7, 1979, FOR THE PURPOSE OF SUBMITTING PROPOSED COLLEYVILLE CHARTER AMENDMENTS AND DECLARING AN EMERGENCY.

WHEREAS, a group of citizens has spent several months studying the Colleyville Charter with a view to modernizing and improving the framework of local municipal government; and

WHEREAS, the City Council is of the opinion that the proposed Amendments to the Charter herein submitted merit the consideration of the citizens of Colleyville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COLLEYVILLE, TEXAS:

Sec. 1. An election is hereby called contemporaneously with the regular election for the Mayor and City Council, Places 1 and 2, to be held April 7, 1979, at the Colleyville Fire and Police Station, 5201 Bransford Rd., Colleyville, Texas, from 7 a.m. until 7 p.m. for the purpose of voting on Colleyville Charter Amendments herein proposed.

Sec. 2. Notice of the election shall be given by publishing Sections 1 and 3 of this Ordinance on the same day in each of two successive weeks, the date of first publication to be not less than fourteen (14) days prior to the date set for such election, all as provided by Article 1170, V.A.T.S.

Sec. 3. The following amendments shall be submitted by ballot in accordance with the requirements of Article 1170, V.A.T.S.:

1. Shall Section 3.02 of the Colleyville Charter, which provides qualifications for City Council members and for the removal of City Council members, be amended to read as follows:

"Section 3.02 Qualifications:

Each candidate for membership and each member of the City Council shall be and remain:

(a) A resident of the City of Colleyville and shall have been a resident for a period of not less than twelve (12) months immediately preceeding their election or resident of any territory not formerly within the corporate limits of the City but which is annexed under the provisions of this Charter for twelve (12) months preceeding their election;

(b) A qualified voter of the State of Texas and

the City of Colleyville;

(c) Not indebted to the City.

If any member of the Council fails to maintain the foregoing qualifications, or shall be absent without cause from three (3) consecutive regularly scheduled meetings, or shall fail to maintain a seventy-five percent attendance record for all regular meetings during each elected year, or shall be convicted of a felony or offense involving moral turpitude, the Council shall declare a vacancy in the office of that member of the Council at its next regular meeting and shall fill the vacancy as set forth in this Charter."

2. Shall Section 3.06 B of the Colleyville Charter, providing for the election of a Mayor Pro-Tem, be amended to read as follows:

"B. Election of Mayor Pro-Tem: Immediately following the final swearing in of all new members, the Council shall in its first regular meeting, elect from among its members a Mayor Pro-Tem who shall serve for the term of one year, and who shall perform all of the duties of the Mayor in the absence or disability of the Mayor."

3. Shall Section 3.09 C of the Colleyville Charter, which does not currently require a meeting be adjourned if a quorum ceases to be present, be amended to read as follows:

"C. Voting: Voting, except on procedural motions, shall be by roll call and the "ayes" and "nays" shall be recorded in the minutes. Every Councilperson shall vote on all issues unless there is a declared and recorded conflict of interest. Four members of the Council, excluding the Mayor, shall constitute a quorum. If, during the course of a meeting, a quorum ceases to exist, the meeting shall be deemed adjourned and no further business shall be conducted."

4. Shall the first paragraph in Sec. 3.11 of the Colleyville Charter, providing for the procedures to be followed in enacting ordinances, be amended to read as follows:

"Section 3.11 Ordinances in General:

The Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the City Council of the City of Colleyville." The City Attorney shall approve as to legality all ordinances prior to final action by the City Council. Every ordinance enacted by the Council shall be signed by the Mayor

or Mayor Pro-Tem in the Mayor's absence, and shall be filed with and recorded by the City Secretary. All ordinances exclusive of emergency ordinances as defined by Section 3.12, shall be read in open meeting of the Council at three (3) consecutive regular Council meetings. At the first reading of each ordinance the Council shall read the entire text of the ordinance; provided, however, neither metes and bounds descriptions nor national, state, industrial or uniform codes or manuals shall be read. The caption only of each proposed ordinance shall be read at the second and third reading. Each reading of a proposed ordinance shall be followed by a public hearing. No action shall be taken by the Council until after the third reading and public hearing on each ordinance. All ordinances shall be posted upon a bulletin board at the City Hall established for the purpose of giving notice of Council meetings not less than 72 hours prior to the meeting at which such ordinances are read."

5. Shall Section 6.09 of the Colleyville Charter, providing for the repeal or amendment of ordinances or resolutions passed by popular vote, be amended to read as follows:

"Section 6.09 Ordinances or Resolutions Passed By Popular Vote. Repeal or Amendment:

No ordinance or resolution which may have been passed by the Council upon petition or as a result of a popular vote under the provisions of this article shall be repealed or amended for a period of five years, unless there is included in such ordinance or resolution a clause which establishes a lesser period of time in which said ordinance or resolution shall not be repealed or amended, or unless said ordinance or resolution is repealed or amended upon referendum vote or by submission as provided in Section 6.02 of this Charter."

6. Shall Section 6.12 be added to Article 6 of the Colleyville Charter as follows:

"Section 6.12 Compelling Submission:

In the event a court of competent jurisdiction renders a final, nonappealable judgment directing issuance of a writ of mandamus compelling the City Council to comply with the duties imposed upon it by Sections 6.02 or 6.03 of this article the City shall pay the reasonable attorney's fees incurred by the person or persons bringing the action to compel compliance with same."

7. Shall Section 9.02 B of the Colleyville Charter, which currently requires a budget submission prior to the

1st of August each year, be amended to read as follows:

"B. Submission:

The City Manager shall submit to the Council a proposed budget and accompanying message. The Council shall review the proposed budget and revise as deemed appropriate prior to general circulation for public hearings."

8. Shall Section 9.02 C of the Colleyville Charter, which does not currently specifically deal with the consideration and hearing of budget matters, be amended to read as follows:

"C. Public Notice and Hearing:

The Council shall post in the City Hall and publish in the official newspaper not more than 14 days prior to each public hearing on the budget a notice stating:
(1) the time and place where copies of the message and budget are available for inspection by the public, and
(2) the time and place of each public hearing on the budget. The Council may consider, hold public hearings and adopt the budget at special meetings called by the Council for that purpose, notwithstanding the provision of Section 3.11 of this Charter requiring action at three consecutive regular Council meetings.

9. Shall Section 9.02 E of the Colleyville Charter, which currently requires adoption of the budget by the 15th of September, be amended to read as follows:

"E. Adoption:

The Council shall adopt the budget by ordinance not later than the 30th day of September. Adoption of the budget will require an affirmative vote of at least a majority of all of the members of the Council. Adoption of the budget shall constitute appropriations of the amount specified therein as expenditures from the fund indicated, and shall constitute a levy of the property tax therein proposed."

10. Shall the last sentence in 9.06 B of the Colleyville Charter, which limits the City to accrual basis accounting, be deleted and in substitution therefore the following inserted:

"The financial records of the City will be maintained in accordance with accepted principles recommended by the American Institute of Certified Public Accountants and by the National Committee on Governmental Accounting."

11. Shall Section 11.04 of the Colleyville Charter, which does not currently require a 3/4 vote of the Council to override a Commission disapproval of a proposed change in the Master Plan, be amended to read as follows:

"Section 11.04 Legal Effect of the Master Plan:

Upon adoption of the Master Plan by the Council, no subdivision, street, park or any public way, ground or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the Master Plan shall be constructed or authorized by the City until and unless the location and extent thereof shall have been submitted to the Commission and approved by the Council. In case of Commission disapproval, they shall communicate their reasons to the Council, which shall have power to overrule such disapproval by a 3/4 vote, and upon such overruling, the Council shall have the power to proceed. The widening, narrowing, relocating, vacating or change in the use of any street, alley or public way, or ground, or sale of any public building or real property, shall be subject to similar submission and approval of the Planning and Zoning Commission and failure to approve may be similarly overruled by the Council."

12. Shall Section 14.10 of the Colleyville Charter, which currently does not make compliance with state law mandatory in amending the Charter, be amended to read as follows:

"Section 14.10 Amending the Charter:

Amendments to this Charter shall be formulated and submitted to the voters of the City in the manner provided by Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925, as now or hereinafter amended."

Sec. 4. Absentee voting shall commence in the office of the City Secretary at 5505 Pleasant Run Rd., Colleyville, Texas, on March 19, 1979, and shall continue Monday through Friday from 8 a.m. until 4:30 p.m. until April 3, 1979.

Sec. 5. The following persons shall be the officers who shall conduct the election:

J.O. Bailey - Presiding Judge

James B. Moore - Alternate Presiding Judge

and no more than seven other eligible persons as clerks that the election judge shall appoint.

Sec. 6. The election shall be conducted in accordance with Election laws of the State of Texas.

Sec. 7. The requirement of Article 11.70 requiring that Charter Amendment Elections be held not less than thirty (30) days after passage of the ordinance calling for such election together with a desirability of saving money by holding this election concurrently with the regular election for Mayor and Councilpersons, Places 1 and 2, creates an emergency making it unnecessary to read and consider this ordinance more than one time.

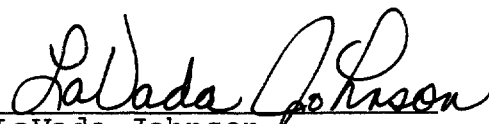
AND IT IS SO ORDERED.

Passed, approved and adopted by the City Council of the City of Colleyville, Texas, this the 6th day of March, 1979 by the vote of 3 to 1.

CITY OF COLLEYVILLE

By: John A. Andrews, Mayor

ATTEST:


LaVada Johnson
City Secretary

*Approved according to Section 3:13 of the City Charter: "If the Mayor shall neglect to approve or object to any such proceedings for a longer period than seven (7) days after the ordinance or resolution is placed in the Office of the City Secretary as aforesaid, the same shall become effective immediately upon publication as required by law."

APPROVED AS TO FORM AND LEGALITY:

Ross T. Foster
City Attorney

STATE OF EMERGENCY: Be based on the cost of an additional election.

STATE OF TEXAS X
COUNTY OF TARRANT X
CITY OF COLLEYVILLE X

RESOLUTION R-79-188

WHEREAS, on the 7th day of April, 1979, being the first Saturday in April, the regular municipal election was held within the corporate limits of the City of Colleyville, Texas, for the election of Mayor and two Councilpersons, and Charter Amendments; and,

WHEREAS, there were cast at said election 593 valid and legal votes; that each of the candidates in said election received the following votes:

NAME OF CANDIDATE	OFFICE	NUMBER OF VOTES
Buck Hubbard	Mayor	332
Jack L. Drain	Mayor	256
Robert E. Noble	Councilperson Place 1	420
Melba Naylor	Councilperson Place 1	1
Judy Welch	Councilperson Place 1	1
O.J. Blakey	Councilperson Place 1	1
James D. Burson	Councilperson Place 1	4
Virgil Turner	Councilperson Place 1	1
Bob Cain	Councilperson Place 1	2
Greg Foreman	Councilperson Place 1	2
David Blemings	Councilperson Place 1	2
J.B. Sandlin	Councilperson Place 1	1
John Andrews	Councilperson Place 1	1
Opal Ethridge	Councilperson Place 1	1
Rowland Ballard	Councilperson Place 1	5
Buck Hubbard	Councilperson Place 1	1
Alex Kufe	Councilperson Place 1	1
H.L. (Skip) Gibson	Councilperson Place 1	1
Bob Hill	Councilperson Place 1	1
C.L. "Smokey" Vanover	Councilperson Place 2	425
Dennis Fuchshuber	Councilperson Place 2	140
Rowland Ballard	Councilperson Place 2	1

WHEREAS, that each of the Charter Amendments received the following votes (Attachment A is hereby made a part of and incorporated with this resolution):

CHARTER AMENDMENT	FOR	AGAINST
1	457	51
2	461	53
3	455	64
4	424	52
5	282	188
6	349	130
7	450	55
8	463	35
9	444	42
10	466	28
11	403	88
12	380	56

WHEREAS, as is provided in the Charter of the City of Colleyville, in accordance with the State of Texas regulating municipal elections, it is the duty of the City Council to canvass the returns and declare the results of said election; and,

WHEREAS, after a full and complete canvass thereof:

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

THAT the following candidates for the respective offices having received a majority number of votes in their respective offices, be, and are hereby declared elected to the respective offices named below for and during the term of two years and until the duly constituted election is held in said City the first Saturday in April, 1981.

OFFICE	DULY ELECTED OFFICIAL
Mayor	Buck Hubbard
Councilperson Place 1	Robert E. Noble
Councilperson Place 2	C.L. "Smokey" Vanover

THAT all the Charter Amendments, having received a majority of favorable votes, be, and are hereby declared approved and as amending the Charter of Colleyville, Texas.

PASSED, APPROVED, AND ADOPTED this 17th day of April, 1979, by the City Council of the City of Colleyville, Texas:

The vote of the City Council being:

JUDY L. WELCH	FOR
C.L. "SMOKEY" VANOVER	FOR
LEONARD LEAR	FOR
HOWARD COLLINS	FOR
DALE R. HODGSON	FOR

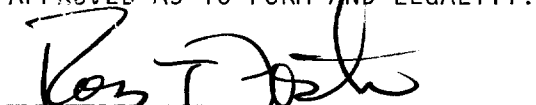
APPROVED:


BUCK HUBBARD, Mayor

ATTEST:


LaVada Johnson, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster, City Attorney

INSTRUCTION NOTE: Place an "X" in the square beside the statement indicating the way you wish to vote.

Nota de Instrucción: Lugar una "X" en el cuadro al lado de la frase que indica la manera en acual usted quiere votante.

CHARTER BALLOT

- | | | | |
|---|---|---|--|
| <p>457 ☐ YES
51 ☐ NO</p> <p>461 ☐ YES
53 ☐ NO</p> <p>455 ☐ YES
64 ☐ NO</p> <p>424 ☐ YES
52 ☐ NO</p> <p>282 ☐ YES
188 ☐ NO</p> | <p>1. Shall Section 3.02 of the Colleyville Charter, which provides qualifications for City Council members and for the removal of City Council members, be amended to require candidates for membership in the City Council to maintain the same qualifications as members of the City Council.</p> <p>2. Shall Section 3.06 B of the Colleyville Charter be amended to provide for the election of the Mayor Pro-Tem only after all new members of the Council have been sworn in.</p> <p>3. Shall Section 3.09 C of the Colleyville Charter be amended to require the automatic adjournment of a Council meeting should a quorum cease to be present at the meeting.</p> <p>4. Shall the first paragraph in Section 3.11 of the Colleyville Charter be amended to read as follows:
"The Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the City Council of the City of Colleyville." The City Attorney shall approve as to legality all ordinances prior to final action by the City Council. Every ordinance enacted by the Council shall be signed by the Mayor or Mayor Pro-Tem in the Mayor's absence, and shall be filed with and recorded by the City Secretary. All ordinances exclusive of emergency ordinances as defined by Section 3.12, shall be read in open meeting of the Council at three (3) consecutive regular Council meetings. At the first reading of each ordinance the Council shall read the entire text of the ordinance; provided, however, neither mets and bounds descriptions nor national, state, industrial or uniform codes or manuals shall be read. The caption only of each proposed ordinance shall be read at the second and third reading. Each reading of a proposed ordinance shall be followed by a public hearing. No action shall be taken by the Council until after the third reading and public hearing on each ordinance. All ordinances shall be posted upon a bulletin board at the City Hall established for the purpose of giving notice of Council meetings not less than 72 hours prior to the meeting at which such ordinances are read."</p> <p>5. Shall Section 6.09 of the Colleyville Charter be amended to allow an ordinance or resolution passed by initiative or as the result of a popular vote to provide a period of less than five (5) years in which such ordinance shall not be repealed or amended.</p> | <p>349 ☐ YES
130 ☐ NO</p> <p>450 ☐ YES
55 ☐ NO</p> <p>463 ☐ YES
35 ☐ NO</p> <p>444 ☐ YES
42 ☐ NO</p> <p>466 ☐ YES
28 ☐ NO</p> <p>403 ☐ YES
88 ☐ NO</p> <p>380 ☐ YES
56 ☐ NO</p> | <p>6. Shall Section 6.12 be added to Article 6 of the Colleyville Charter to provide for the recovery of attorney's fee by persons, who by judicial decree, have compelled the City Council to comply with the duties imposed upon it by the initiative or referendum portions of the Charter.</p> <p>7. Shall Section 9.02 B of the Colleyville Charter be amended to require the City Manager to submit to the Council a proposed budget and accompanying message prior to the general circulation of the budget for public hearings.</p> <p>8. Shall Section 9.02 C of the Colleyville Charter be amended to read as follows:
"The Council shall post in the City Hall and publish in the official newspaper not more than 14 days prior to each public hearing on the budget a notice stating: (1) the time and place where copies of the message and budget are available for inspection by the public, and (2) the time and place of each public hearing on the budget. The Council may consider, hold public hearings and adopt the budget at special meetings called by the Council for that purpose, notwithstanding the provision of Section 3.11 of this Charter requiring action at three (3) consecutive regular Council meetings."</p> <p>9. Shall Section 9.02 E of the Colleyville Charter be amended to require adoption of the budget not later than the 30th day of September by a majority of all members of the Council.</p> <p>10. Shall Section 9.06B of the Colleyville Charter be amended to require the City financial records to be maintained in accordance with accepted principles recommended by the American Institute of Certified Public Accountants and by the National Committee on Governmental Accounting.</p> <p>11. Shall Section 11.04 of the Colleyville Charter be amended to require a $\frac{3}{4}$ vote of the Council to override a Commission disapproval of a proposed change in the Master Plan.</p> <p>12. Shall Section 14.10 of the Colleyville Charter, which deals with Charter amendments, be amended to require compliance with Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 125, and any amendment thereto.</p> |
|---|---|---|--|

INSTRUCTION NOTE: Place an "X" in the square beside the statement indicating the way you wish to vote.

Nota de Instrucción: Lugar una "X" en el cuadro al lado de la frase que indica la manera en acual usted quiere votante.

CHARTER BALLOT

457 ☐ YES

51 ☐ NO

1. Shall Section 3.02 of the Colleyville Charter, which provides qualifications for City Council members and for the removal of City Council members, be amended to require candidates for membership in the City Council to maintain the same qualifications as members of the City Council.

461 ☐ YES

53 ☐ NO

2. Shall Section 3.06 B of the Colleyville Charter be amended to provide for the election of the Mayor Pro-Tem only after all new members of the Council have been sworn in.

455 ☐ YES

64 ☐ NO

3. Shall Section 3.09 C of the Colleyville Charter be amended to require the automatic adjournment of a Council meeting should a quorum cease to be present at the meeting.

424 ☐ YES

52 ☐ NO

4. Shall the first paragraph in Section 3.11 of the Colleyville Charter be amended to read as follows:

"The Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the City Council of the City of Colleyville." The City Attorney shall approve as to legality all ordinances prior to final action by the City Council. Every ordinance enacted by the Council shall be signed by the Mayor or Mayor Pro-Tem in the Mayor's absence, and shall be filed with and recorded by the City Secretary. All ordinances exclusive of emergency ordinances as defined by Section 3.12, shall be read in open meeting of the Council at three (3) consecutive regular Council meetings. At the first reading of each ordinance the Council shall read the entire text of the ordinance; provided, however, neither mets and bounds descriptions nor national, state, industrial or uniform codes or manuals shall be read. The caption only of each proposed ordinance shall be read at the second and third reading. Each reading of a proposed ordinance shall be followed by a public hearing. No action shall be taken by the Council until after the third reading and public hearing on each ordinance. All ordinances shall be posted upon a bulletin board at the City Hall established for the purpose of giving notice of Council meetings not less than 72 hours prior to the meeting at which such ordinances are read."

282 ☐ YES

188 ☐ NO

5. Shall Section 6.09 of the Colleyville Charter be amended to allow an ordinance or resolution passed by initiative or as the result of a popular vote to provide a period of less than five (5) years in which such ordinance shall not be repealed or amended.

349 ☐ YES

130 ☐ NO

6. Shall Section 6.12 be added to Article 6 of the Colleyville Charter to provide for the recovery of attorney's fee by persons, who by judicial decree, have compelled the City Council to comply with the duties imposed upon it by the initiative or referendum portions of the Charter.

450 ☐ YES

55 ☐ NO

7. Shall Section 9.02 B of the Colleyville Charter be amended to require the City Manager to submit to the Council a proposed budget and accompanying message prior to the general circulation of the budget for public hearings.

463 ☐ YES

35 ☐ NO

8. Shall Section 9.02 C of the Colleyville Charter be amended to read as follows:
"The Council shall post in the City Hall and publish in the official newspaper not more than 14 days prior to each public hearing on the budget a notice stating: (1) the time and place where copies of the message and budget are available for inspection by the public, and (2) the time and place of each public hearing on the budget. The Council may consider, hold public hearings and adopt the budget at special meetings called by the Council for that purpose, notwithstanding the provision of Section 3.11 of this Charter requiring action at three (3) consecutive regular Council meetings."

444 ☐ YES

42 ☐ NO

9. Shall Section 9.02 E of the Colleyville Charter be amended to require adoption of the budget not later than the 30th day of September by a majority of all members of the Council.

466 ☐ YES

28 ☐ NO

10. Shall Section 9.06B of the Colleyville Charter be amended to require the City financial records to be maintained in accordance with accepted principles recommended by the American Institute of Certified Public Accountants and by the National Committee on Governmental Accounting.

403 ☐ YES

88 ☐ NO

11. Shall Section 11.04 of the Colleyville Charter be amended to require a $\frac{3}{4}$ vote of the Council to override a Commission disapproval of a proposed change in the Master Plan.

380 ☐ YES

56 ☐ NO

12. Shall Section 14.10 of the Colleyville Charter, which deals with Charter amendments, be amended to require compliance with Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 125, and any amendment thereto.

Posted
2-15-81
4:00 P.M.
luj

ORDINANCE NO. 0-81-401

AN ORDINANCE CALLING AN ELECTION APRIL 4, 1981, FOR THE PURPOSE OF SUBMITTING PROPOSED COLLEYVILLE CHARTER AMENDMENTS, AND APPOINTING ELECTION JUDGES.

WHEREAS, a group of citizens have spent several months studying the Colleyville Charter with a view to modernizing and improving the framework of local municipal government; and,

WHEREAS, the City Council is of the opinion that the proposed amendments to the Charter herein submitted merit the consideration of the citizens of the City of Colleyville; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. An election is hereby called contemporaneously with the regular election for Mayor and City Council Places 1 and 2, to be held April 4, 1981, at the City Hall, 5400 Bransford Road, Colleyville, Texas, from 7:00 a.m. until 7:00 p.m. for the purpose of voting on Colleyville Charter Amendments herein proposed.

Sec. 2. Notice of the election shall be given by publishing Sections 1 and 3 of this ordinance on the same day in each of two successive weeks, the date of the first publication to be not less than 14 days prior to the date set for such election, all as provided by Article 1170, V.A.T.S.

Sec. 3. The following amendments shall be submitted by ballot in accordance with the requirements of Article 1170, V.A.T.S.:

1. Shall the third sentence of Section 7.01(A) of the Colleyville Charter, which provides that the City Manager shall become a resident of the City within six months after his appointment and provides for the Council to extend this period for an additional six months, be amended to read as follows:

"However, he shall become a resident of the City within six (6) months after appointment, provided the Council may extend this period in their discretion, and thereafter shall continue to reside within the City during his tenure of office."

2. Shall Section 7.06 of the Colleyville City Charter, which among other things provides for the discretionary appointment of a deputy director of finance who may be the City Assessor and Collector of taxes, be amended by deleting therefrom the terms "Assessor and", and as same appears in the second sentence of said section.

3. Shall Section 10.01 of the Colleyville City Charter, which deals with the appointment of the City Assessor-Collector of taxes and provides for the giving of a bond, be amended by deleting therefrom the term "Assessor-", which appears both in the first and second sentence of said section.

4. Shall Section 10.04 of the Colleyville Charter, which deals with the assessment of property, be amended to delete therefrom the term "City Tax Assessor-Collector" in the third sentence of said section and inserting in its stead the term "Tax Assessor."

5. Shall Section 10.09 of the Colleyville City Charter, which deals with the collection of taxes, be amended by deleting therefrom the term "City Tax Assessor-Collector" as same appears in the first sentence of said section and inserting in its stead the term "City Tax Collector."

6. Shall Section 11.02(c) of the Colleyville City Charter, which provides for the exercise of control over platting and subdividing by the Planning and Zoning Commission, be amended to read as follows:

"11.02 Power and Duties

(c) Exercise control over the platting or subdividing of land within the corporate limits of the City and outside said corporate limits to the extent authorized by law, provided, however, this grant of authority shall not limit the City Council's right to provide that the Council shall have final approval of plats, as provided in Vernons Annotated Texas Statutes, Article 974a."

Sec. 4. Absentee voting shall commence in the office of the City Secretary on March 16, 1981, and shall continue Monday through Friday from 8:00 a.m. until 4:30 p.m., until 4:30 p.m. on March 31, 1981.

Sec. 5. The following persons shall be the officers who shall conduct the election:

James B. Moore - Presiding Judge
J. O. Bailey - Alternate Presiding Judge

and no more than seven other eligible persons as clerks that the election judge shall appoint.

Sec. 6. The election shall be conducted in accordance with the election laws of the State of Texas.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of February, 1981.

The second reading and public hearing being conducted on the 3rd day of March, 1981.

The third reading and public hearing being conducted on the 17th day of March, 1981.

CITY OF COLLEYVILLE

By: Buck Hubbard
Buck Hubbard, Mayor

ATTEST:

Lavada Johnson
Lavada Johnson
City Secretary

Approved as to form and legality:

Ross T. Foster
Ross T. Foster
City Attorney

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RESOLUTION NO. R-81-236

WHEREAS, an election was duly held in the City of Colleyville, Texas on the 4th day of April, 1981, to elect Mayor and City Councilmen, Places 1 and 2, and to vote on amendments to the Charter; and,

WHEREAS, the City Council has met and canvassed the votes cast in such election; and,

WHEREAS, such canvass showed the following results:

Mayor

Buck Hubbard	704
Mike Fay	587

Place 1 - City Councilman

Denis C. Duffy, Jr.	636
Leonard E. Pratt	585

Place 2 - City Councilman

C. L. "Smokey" Vanover	732
Tom Cooney	558

and that the votes on the Charter election were cast as follows:

- | | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 1. Shall the third sentence of Section 7.01(A) of the Colleyville Charter, which provides that the City Manager shall become a resident of the City within six months after his appointment and provides for the Council to extend this period for an additional six months, be amended to read as follows:

"However, he shall become a resident of the City within six (6) months after appointment, provided the Council may extend this period in their discretion, and thereafter shall continue to reside within the City during his tenure of office." | 767 | 225 |
| 2. Shall Section 7.06 of the Colleyville City Charter, which among other things provides for the discretionary appointment of a deputy director of finance who | | |

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	<u>Yes</u>	<u>No</u>
may be the City Assessor and Collector of taxes, be amended by deleting therefrom the terms "Assessor and", and as same appears in the second sentence of said section.	713	216
3. Shall Section 10.01 of the Colleyville City Charter, which deals with the appointment of the City Assessor-Collector of taxes and provides for the giving of a bond, be amended by deleting therefrom the term "Assessor-", which appears both in the first and second sentence of said section.	717	204
4. Shall Section 10.04 of the Colleyville Charter, which deals with the assessment of property, be amended to delete therefrom the term "City Tax Assessor-Collector" in the third sentence of said section and inserting in its stead the term "Tax Assessor."	714	202
5. Shall Section 10.09 of the Colleyville City Charter, which deals with the collection of taxes, be amended by deleting therefrom the term "City Tax Assessor-Collector" as same appears in the first sentence of said section and inserting in its stead the term "City Tax Collector."	715	196
6. Shall Section 11.02(c) of the Colleyville City Charter, which provides for the exercise of control over platting and subdividing by the Planning and Zoning Commission, be amended to read as follows: "11.02 Power and Duties (c) Exercise control over the platting or subdividing of land within the corporate limits to the extent authorized by law, provided, however, this grant of authority shall not limit the City Council's right to provide that the Council shall have final approval of plats as provided in Vernons Annotated Texas Statutes, Article 974a."	710	240

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

COLLEYVILLE, TARRANT COUNTY, TEXAS:

Sec. 1. THAT the above canvass be, and the same is hereby approved.

Sec. 2. THAT Buck Hubbard, be, and is hereby declared to have been elected to the office of Mayor; and that Denis C. Duffy, Jr., be, and is hereby declared to have been elected to the office of City Councilman, Place 1; and that C. L. "Smokey" Vanover, be, and is hereby declared to have been elected to the office of City Councilman, Place 2; each to serve until April, 1983, or until their successors are duly elected and qualified.

Sec. 3. THAT as a result of such vote, propositions 1, 2, 3, 4, 5 and 6 passed and no other were approved by a majority of the qualified voters voting in such election, and the Colleyville City Charter is legally amended. The City Secretary is hereby authorized to forward such amendments to the Texas Secretary of State as provided by law.

AND IT IS SO ORDERED.

Passed by a vote of 5 to 0 this 7th day of April, 1981.

CITY OF COLLEYVILLE

By: Buck Hubbard
Buck Hubbard, Mayor

ATTEST:

Lavada Johnson
Lavada Johnson
City Secretary

Approved as to form and legality:

Ross T. Foster
Ross T. Foster
City Attorney

Posted
1-12-84
3:30 p.m.
by
amended
2-21-84
by

ORDINANCE NO. 0-84-506 ✓

AN ORDINANCE CALLING AN ELECTION APRIL 7, 1984, FOR THE PURPOSE OF SUBMITTING PROPOSED COLLEYVILLE CHARTER AMENDMENTS AND APPOINTING ELECTION JUDGES.

WHEREAS, a group of citizens has spent several months studying the Colleyville Charter with a view to modernizing and improving the framework of local municipal government; and,

WHEREAS, the City Council is of the opinion that the proposed amendments to the Charter herein submitted merit the considerations of the citizens of the City of Colleyville; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. An election is hereby called contemporaneously with the regular election for City Council Places 3, 4 and 5, to be held April 7, 1984, at the City Hall, 5400 Bransford Road, Colleyville, Texas, from 7:00 a.m. until 7:00 p.m. for the purpose of voting on Colleyville Charter amendments herein proposed.

Sec. 2. Notice of the election shall be given by publishing Sections 1 and 3 of this ordinance on the same day in each of two successive weeks, the date of the first publication to be not less than 14 days prior to the date set for such election, all as provided by Article 1170, V.A.T.S.

Sec. 3. The following amendments shall be submitted by ballot in accordance with the requirements of Article 1170, V.A.T.S.:

1. Shall the last paragraph of Section 3.02 of the Colleyville Charter, which provides for the Council to declare a vacancy in the office of the Council if a member fails to maintain certain qualifications or is convicted of certain acts, be amended to read as follows:

"If any member of the Council fails to maintain the foregoing qualifications, or shall fail to maintain the 75 per cent attendance record for all regularly scheduled meetings, as specified in Section 3.09 hereof, during each elected year, or shall be convicted of a felony or offense involving moral turpitude, the Council

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3 shall declare a vacancy in the office of that member of
the Council at its next regular meeting and shall fill
the vacancy as set forth in this Charter."

4 2. Shall Part A of Section 3.06 of the Colleyville
5 Charter, which describes the powers and position of the
Mayor, be amended to read as follows:

6 "(A). The Mayor shall preside at all meetings of the
7 Council, shall vote only in case of a tie vote of the
8 Council, and shall have veto power. The Mayor shall
9 sign all contracts and conveyances made or entered into
by the City, and all bonds issued under the provision of
this Charter, and shall be the official representative
of the City. The Mayor shall be recognized as the
official of the City by the Court for the purpose of
serving civil process."

10 3. Shall Part B of Section 3.06 of the Colleyville
11 Code, which provides for the election of a Mayor Pro Tem
be amended to read as follows:

12 "(B) Election of Mayor Pro Tem: Immediately following
13 the final swearing in of all new members elected in
accordance with Section 4.02 of this Charter, the
14 Council shall in its first regular meeting, elect from
among its members a Mayor Pro Tem who shall serve for
the term of one year."

15 4. Shall Section 3.06 of the Colleyville Charter be
16 amended by adding thereto a Part C, providing for the
duties and powers of the Mayor Pro Tem to read as
follows:

17 "(C) The Mayor Pro Tem shall, in the absence of the
18 Mayor, preside at all meetings of the Council and shall
vote on all issues before the Council. The Mayor Pro
19 Tem shall have no veto power, but shall perform all
other duties of the Mayor during the absence or
disability of the Mayor."

20 5. Shall the first sentence of Part A of Section 3.09
21 of the Colleyville Charter which provides the location
of City Council meetings and their regularity be amended
22 to read as follows:

23 "(A) Council meetings shall be held at the City Hall
24 and the Council shall meet regularly at least twice in
every month at such times as the Council may prescribe
by rule. In the event of a lack of a quorum at a

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3 regularly scheduled meeting, the meeting shall be open
and the roll shall be taken and recorded."

4 6. Shall Section C of Section 3.09 of the Colleyville
5 Charter, which provides for the procedure to be followed
by the Council in voting, be amended to read as follows:

6 "C. Voting: Voting, except on procedural motions,
7 shall be by roll call and the "ayes" and "nays" shall be
8 recorded in the minutes. Every Councilperson shall vote
9 on all issues unless there is a declared and recorded
10 conflict of interest. Four voting members of the
11 Council shall constitute a quorum, however, no action
shall be approved with less than three affirmative
votes. If during the course of a meeting a quorum
ceases to exist, the meeting shall be deemed adjourned
and no further business shall be conducted. However, if
because of a conflict of interest a member steps down
and remains in the Chamber to return after the item is
resolved, then a quorum will be considered in attendance
even though only three Councilpersons are left to vote."

12 7. Shall the first sentence of Section 3.10 of the
13 Colleyville Charter, which provides the power of the
14 Council to inquire into the conduct of municipal affairs
and to issue subpoenas for that purpose, be amended to
read as follows:

15 "The Council, by majority vote, shall have authority to
16 inquire into the conduct of any office, department,
17 agency, Council member, officer or employee of the City,
and to make investigations as to municipal affairs, and
for that purpose the Council shall have the power to
authorize the Mayor to subpoena witnesses, administer
oath, and compel production of books, documents, or
other tangible evidence."

18 8. Shall the Charter of the City of Colleyville be
19 amended by renumbering Section 3.13 to Section 3.14 and
20 inserting under Section 3.13 a new provision dealing
with resolutions before the Council, to provide as
follows:

21 "Sec. 3.13. Resolutions.

22 Any official action of the Council not authorized by
23 ordinance shall be authorized by resolution. All reso-
24 lutions shall be read in open meeting of the Council and
shall be followed by public hearing."

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3 9. Shall Section 5.02 of the Colleyville Charter, which
4 provides for the requirements of a petition instigating
5 the question of recall, be amended to read as follows:

6 "Before the question of recall of such officer shall be
7 submitted to the qualified voters of the City, a peti-
8 tion demanding such question to be submitted, shall
9 first be signed by the qualified voters of the City
10 equal in number to at least forty per cent (40%) of the
11 number of votes cast in the last regular municipal
12 election of the City, and in no event less than five
13 hundred (500) such petitioners. Each signer of such
14 recall petition shall personally sign their name thereto
15 in ink or indelible pencil, using their normal signa-
16 ture. In addition, each signer shall print their name,
17 street address of their residence in Colleyville, voter
18 registration and the day, month and year that their
19 signature was affixed to the recall petition."

20
21 10. Shall Section 5.04 of the Colleyville Charter which
22 specifies the various papers constituting a petition be
23 amended by adding thereto the following provisions:

24 "Within ten (10) days from the filing of such petition,
25 the City Secretary shall examine the same and from the
26 list of qualified voters ascertain whether or not said
petition is signed by the requisite number of qualified
voters, and, if necessary, the Council shall allow him
extra help for that purpose, and he shall attach to said
petition a certificate showing the result of such
examination. If by the Secretary's certificate the peti-
tion is shown to be insufficient, it may be amended
within ten (10) days from the date of said certificate.
The Secretary shall, within ten (10) days after such
amendment is filed, in case one is filed with him, make
a like examination of said amended petition, and if his
certificate shall show the same to be insufficient, it
shall be returned to the person filing same without
prejudice, however, to the filing of a new petition
based upon new and different grounds, and not upon the
same grounds."

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28 11. Shall Section 5.05 of the Colleyville Charter,
29 which provides for the presentation of a recall petition
30 to the Council be amended to read as follows:

31 "Within fifteen (15) days after the date of filing of
32 the papers constituting the recall petition, the person
33 performing the duties of the City Secretary shall pre-
34 sent such petition to the Council of the City of Colley-

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3 ville at a special meeting called for this purpose, or
at the next regular meeting of the City Council."

4 12. Shall the second sentence in Section 6.02 of the
Colleyville Charter, which provides for the number of
5 petitioners required on a initiative petition, be
amended to read as follows:

6 "Said petition must be signed by qualified voters of the
City equal in number to at least forty per cent (40%) of
7 the number of votes cast the last regular municipal
election of the City, but in no event less than five
8 hundred (500) such petitioners."

9 13. Shall the sixth sentence of Section 6.02 of the
Colleyville Charter, which requires the filing of a
10 petition for initiative with the City Secretary, be
amended to read as follows:

11 "Such petition shall be filed with the person performing
the duties of the City Secretary and must be certified
12 as required by Section 5.04 of this Charter."

13 14. Shall the second and third sentences of Part A of
Section 7.01 of the Colleyville Charter, which provides
14 for the basis of choosing a City Manager and specifies
residence qualifications for the City Manager, be
amended to read as follows:

15 "He shall be chosen by the Council solely on the basis
of his executive and administrative training, education,
16 experience, ability and character."

17 15. Shall Part C of Section 7.01 of the Colleyville
Charter, which provides for the powers and duties of the
18 City Manager, be amended to add an additional section to
read as follows to be numbered 4 and to consecutively
19 number the remaining provisions thereafter:

20 "4. Provide each department head with a complete job
description of his duties."

21 16. Shall the second sentence of Part A of Section 7.03
of the Colleyville Charter which requires the Chief of
22 Police to carry out the duties as required of him by the
City Council be amended to read as follows:

23 "He shall appoint and remove the employees of said
department and shall perform such duties as may be
24 required of him by the City Manager."

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3 17. Shall Part B of Section 7.03 of the Colleyville
4 Charter, which limits those who may be special police,
be amended to read as follows:

5 "B. Special Police and Reserve Police:

6 No person, except as authorized by general law, by this
7 Charter, or by the ordinances passed pursuant hereto,
shall act as a special police officer or reserve police
officer. No person holding an elective office may act
as a reserve police officer."

8 18. Shall the second sentence of Part A of Section 7.04
9 of the Colleyville Charter, which requires the fire
chief to perform such duties as may be required of him
by the City Council, be amended to read as follows:

10 "He shall appoint and remove the employees of said
11 department and shall perform such duties as may be
required by the City Manager."

12 19. Shall Part B of Section 7.04 of the Colleyville
13 Charter, which provides for the establishment of a
volunteer fire department, be amended by adding thereto
the following provision:

14 "No person holding an elective office may serve as a
15 volunteer fireman."

16 20. Shall Part A of Section 7.05 of the Colleyville
17 Charter, which requires the Director of Public Works to
perform such duties as may be required of him by the
City Council, be amended to read as follows:

18 "He shall appoint and remove the employees of said
19 department and shall perform such duties as may be
required of him by the City Manager."

20 21. Shall Section 10.03 of the Colleyville City
Charter, which provides for a limitation on tax rate, be
amended by adding thereto the following provision:

21 "The maximum tax rate shall not exceed \$1.50 on the one
22 hundred dollars (\$100.00) valuation of taxable property
within the City. Any tax rate set per budget year shall
23 not result in an ad valorem tax revenue increase greater
than seven percent (7%) of the total ad valorem tax
24 revenue collected in the preceding budget year unless
authorized by the voters of the City at a special elec-

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3 tion. For the purpose of the preceding limitation, any
4 additional ad valorem tax revenue generated or attribu-
5 table to construction within a preceding budget year
6 shall not be considered in determining whether the tax
7 revenue increase is more than seven percent (7%) of the
8 preceding budget year."

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10 22. Shall Section 11.01 of the Colleyville Charter,
11 which provides for the establishment, make-up, and
12 operation of a Planning and Zoning Board, be amended to
13 read as follows:

14 "There shall be established a Planning and Zoning
15 Commission, which shall consist of seven (7) citizens of
16 the City of Colleyville. Members of said Commission
17 shall be appointed by the Council for a term of two (2)
18 years. Three (3) members of the Planning and Zoning
19 Commission shall be appointed each odd numbered year and
20 four (4) members shall be appointed each even numbered
21 year. The Commission shall elect a chairman from its
22 membership and shall meet in the City Hall not less than
23 once each month. The chairman of the Commission shall
24 be a voting member. Vacancies shall be filled by the
25 Council for the remainder of the term. A majority of
26 the members shall constitute a quorum; however, no action
shall be approved with less than four (4) affirmative
votes. Members of the Commission may be removed by a
majority of the Council after public hearing and for
cause set forth in writing. Attendance requirements for
members shall be the same as for members of the Council.
The Commission shall keep minutes of its proceedings
which shall be of public record. The Commission shall
serve without compensation."

17 Sec. 4. Absentee voting shall commence in the office of the City
18 Secretary on March 19, 1984 and shall continue Monday
19 through Friday from 8:00 a.m. until 4:30 p.m. and until
20 4:30 p.m. on April 3, 1984.

21 Sec. 5. The following persons shall be officers who shall con-
22 duct the election:

23 James B. Moore - Presiding Judge

24 Sharon Lambert - Alternate Presiding Judge

25 and no more than seven (7) other eligible persons as
26 clerks that the election judge shall appoint.

Sec. 6. The election shall be conducted in accordance with the

election laws of the State of Texas.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 24th
day of January, 1984.
The second reading and public hearing being conducted on the 7th
day of February, 1984.
The third reading and public hearing being conducted on the 21st
day of February, 1984.

THE CITY OF COLLEYVILLE

Robert E. Neely
Robert E. Neely
Mayor

ATTEST

Lavada Johnson
Lavada Johnson
City Secretary

Approved as to Form and Legality

Ross T. Foster
Ross T. Foster
City Attorney

RESOLUTION NO. R-84-297

WHEREAS, an election was duly held in the City of Colleyville, Texas on the 7th day of April, 1984, to elect City Council Places 3, 4 and 5, and to vote on amendments to the Charter; and,

WHEREAS, the City Council has met and canvassed the votes cast in such election; and,

WHEREAS, such canvass showed the following results:

Place 3 - City Councilman

Lyle Piner	540
Neil Gholson	848

Place 4 - City Councilman

Philip Kelly	698
Buck Hubbard	683
Nancy Burgoyne (write-in)	1

Place 5 - City Councilman

Nancy J. Burgoyne	166
Steve Turner	692
Mike Fay	527

and that the votes on the Charter election were cast as follows:

<u>For</u>	<u>Against</u>
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1. Shall the last paragraph of Section 3.02 of the Colleyville Charter, which provides for the Council to declare a vacancy in the office of the Council if a member fails to maintain certain qualifications or is convicted of certain acts, be amended to read as follows:

"If any member of the Council fails to maintain the foregoing qualifications, or shall fail to maintain the 75 per cent attendance record for all regularly scheduled meetings, as specified in Section 3.09 hereof, during each elected year, or shall be

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For Against

convicted of a felony or offense involving moral turpitude, the Council shall declare a vacancy in the office of that member of the Council at its next regular meeting and shall fill the vacancy as set forth in this Charter."

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2. Shall Part A of Section 3.06 of the Colleyville Charter, which describes the powers and position of the Mayor, be amended to read as follows:

"(A). The Mayor shall preside at all meetings of the Council, shall vote only in case of a tie vote of the Council, and shall have veto power. The Mayor shall sign all contracts and conveyances made or entered into by the City, and all bonds issued under the provision of this Charter, and shall be the official representative of the City. The Mayor shall be recognized as the official of the City by the Court for the purpose of serving civil process."

890 270

3. Shall Part B of Section 3.06 of the Colleyville Code, which provides for the election of a Mayor Pro Tem be amended to read as follows:

"(B) Election of Mayor Pro Tem: Immediately following the final swearing in of all new members elected in accordance with Section 4.02 of this Charter, the Council shall in its first regular meeting, elect from among its members a Mayor Pro Tem who shall serve for the term of one year."

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4. Shall Section 3.06 of the Colleyville Charter be amended by adding thereto a Part C, providing for the duties and powers of the Mayor Pro Tem to read as follows:

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"(C) The Mayor Pro Tem shall, in the absence of the Mayor, preside at all meetings of the Council and shall vote on all issues before the Council. The Mayor Pro Tem shall have no veto power, but shall perform all other duties of the Mayor during the absence or disability of the Mayor."

924 223

5. Shall the first sentence of Part A of Section 3.09 of the Colleyville Charter which provides the location of City Council meetings and their regularity be amended to read as follows:

"(A) Council meetings shall be held at the City Hall and the Council shall meet regularly at least twice in every month at such times as the Council may prescribe by rule. In the event of a lack of a quorum at a regularly scheduled meeting, the meeting shall be open and the roll shall be taken and recorded."

952 204

6. Shall Section C of Section 3.09 of the Colleyville Charter, which provides for the procedure to be followed by the Council in voting, be amended to read as follows:

"C. Voting: Voting, except on procedural motions, shall be by roll call and the "ayes" and "nays" shall be recorded in the minutes. Every Councilperson shall vote on all issues unless there is a declared and recorded conflict of interest. Four voting members of the Council shall constitute a quorum, however, no action shall be approved with less than three affirmative votes. If during the course of a meeting a quorum ceases to exist, the meeting shall be deemed adjourned and no further business shall be conducted. However, if because of a conflict of

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For Against

interest a member steps down and remains in the Chamber to return after the item is resolved, then a quorum will be considered in attendance even though only three Councilpersons are left to vote."

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7. Shall the first sentence of Section 3.10 of the Colleyville Charter, which provides the power of the Council to inquire into the conduct of municipal affairs and to issue subpoenas for that purpose, be amended to read as follows:

"The Council, by majority vote, shall have authority to inquire into the conduct of any office, department, agency, Council member, officer or employer of the City, and to make investigations as to municipal affairs, and for that purpose the Council shall have the power to authorize the Mayor to subpoena witnesses, administer oath, and compel production of books, documents, or other tangible evidence."

836 296

8. Shall the Charter of the City of Colleyville be amended by renumbering Section 3.13 to Section 3.14 and inserting under Section 3.13 a new provision dealing with resolutions before the Council, to provide as follows:

"Sec. 3.13. Resolutions.

Any official action of the Council not authorized by ordinance shall be authorized by resolution. All resolutions shall be read in open meeting of the Council and shall be followed by public hearing."

851 266

9. Shall Section 5.02 of the Colleyville Charter, which provides for the requirements of a petition

For Against

instigating the question of recall, be amended to read as follows:

"Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be submitted, shall first be signed by the qualified voters of the City equal in number to at least forty per cent (40%) of the number of votes cast in the last regular municipal election of the City, and in no event less than five hundred (500) such petitioners. Each signer of such recall petition shall personally sign their name thereto in ink or indelible pencil, using their normal signature. In addition, each signer shall print their name, street address of their residence in Colleyville, voter registration and the day, month and year that their signature was affixed to the recall petition."

816 311

10. Shall Section 5.04 of the Colleyville Charter which specifies the various papers constituting a petition be amended by adding thereto the following provisions:

"Within ten (10) days from the filing of such petition, the City Secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters, and, if necessary, the Council shall allow him extra help for that purpose, and he shall attach to said petition a certificate showing the result of such examination. If by the Secretary's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The Secretary shall, within ten (10) days after such amendment is filed, in case

For Against

one is filed with him, make a like examination of said amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition based upon new and different grounds, and not upon the same grounds."

853 265

11. Shall Section 5.05 of the Colleyville Charter, which provides for the presentation of a recall petition to the Council be amended to read as follows:

"Within fifteen (15) days after the date of filing of the papers constituting the recall petition, the person performing the duties of the City Secretary shall present such petition to the Council of the City of Colleyville at a special meeting called for this purpose, or at the next regular meeting of the City Council."

883 234

12. Shall the second sentence in Section 6.02 of the Colleyville Charter, which provides for the number of petitioners required on a initiative petition, be amended to read as follows:

"Said petition must be signed by qualified voters of the City equal in number to at least forty per cent (40%) of the number of votes cast the last regular municipal election of the City, but in no event less than five hundred (500) such petitioners."

803 308

13. Shall the sixth sentence of Section 6.02 of the Colleyville Charter, which requires the filing of a petition for initiative with the City Secretary, be amended to read as follows:

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For Against

"Such petition shall be filed with the person performing the duties of the City Secretary and must be certified as required by Section 5.04 of this Charter."

860 243

14. Shall the second and third sentences of Part A of Section 7.01 of the Colleyville Charter, which provides for the basis of choosing a City Manager and specifies residence qualifications for the City Manager, be amended to read as follows:

"He shall be chosen by the Council solely on the basis of his executive and administrative training, education, experience, ability and character."

826 284

15. Shall Part C of Section 7.01 of the Colleyville Charter, which provides for the powers and duties of the City Manager, be amended to add an additional section to read as follows to be numbered 4 and to consecutively number the remaining provisions thereafter:

"4. Provide each department head with a complete job description of his duties."

908 201

16. Shall the second sentence of Part A of Section 7.03 of the Colleyville Charter which requires the Chief of Police to carry out the duties as required of him by the City Council be amended to read as follows:

"He shall appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Manager."

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17. Shall Part B of Section 7.03 of the Colleyville Charter, which limits those who may be special police, be

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amended to read as follows:

"B. Special Police and Reserve
 Police:

No person, except as authorized by
general law, by this Charter, or by
the ordinances passed pursuant hereto,
shall act as a special police officer
or reserve police officer. No person
holding an elective office may act as
a reserve police officer."

822 285

18. Shall the second sentence of Part
A of Section 7.04 of the Colleyville
Charter, which requires the fire chief
to perform such duties as may be re-
quired of him by the City Council, be
amended to read as follows:

"He shall appoint and remove the
employees of said department and shall
perform such duties as may be required
by the City Manager."

833 270

19. Shall Part B of Section 7.04 of
the Colleyville Charter, which
provides for the establishment of a
volunteer fire department, be amended
by adding thereto the following provi-
sion:

"No person holding an elective office
may serve as a volunteer fireman."

658 447

20. Shall Part A of Section 7.05 of
the Colleyville Charter, which re-
quires the Director of Public Works to
perform such duties as may be required
of him by the City Council, be amended
to read as follows:

"He shall appoint and remove the
employees of said department and shall
perform such duties as may be required
of him by the City Manager."

829 262

21. Shall Section 10.03 of the

For Against

Colleyville City Charter, which provides for a limitation on tax rate, be amended by adding thereto the following provision:

"The maximum tax rate shall not exceed \$1.50 on the one hundred dollars (\$100.00) valuation of taxable property within the City. Any tax rate set per budget year shall not result in an ad valorem tax revenue increase greater than seven percent (7%) of the total ad valorem tax revenue collected in the preceding budget year unless authorized by the voters of the City at a special election. For the purpose of the preceding limitation, any additional ad valorem tax revenue generated or attributable to construction within a preceding budget year shall not be considered in determining whether the tax revenue increase is more than seven percent (7%) of the preceding budget year."

793 294

22. Shall Section 11.01 of the Colleyville Charter, which provides for the establishment, make-up, and operation of a Planning and Zoning Board, be amended to read as follows:

"There shall be established a Planning and Zoning Commission, which shall consist of seven (7) citizens of the City of Colleyville. Members of said Commission shall be appointed by the Council for a term of two (2) years. Three (3) members of the Planning and Zoning Commission shall be appointed each odd numbered year and four (4) members shall be appointed each even numbered year. The Commission shall elect a chairman from its membership and shall meet in the City Hall not less than once each month. The chairman of the Commission shall be a voting member. Vacancies shall be

For Against

filled by the Council for the remainder of the term. A majority of the members shall constitute a quorum; however, no action shall be approved with less than four (4) affirmative votes. Members of the Commission may be removed by a majority of the Council after public hearing and for cause set forth in writing. Attendance requirements for members shall be the same as for members of the Council. The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation."

835 248

NOW, THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. THAT the above canvass be, and the same is hereby approved.

Sec. 2. THAT Neil Gholson be, and is hereby declared to have been elected to the office of City Councilman, Place 3; and that Philip Kelly be, and is hereby declared to have been elected to the office of City Councilman, Place 4; each to serve until April, 1986, or until their successors are duly elected and qualified.

Sec. 3. THAT as a result of such vote, amendments 1 through 22 passed by a majority of the qualified voters voting in such election, and the Colleyville City Charter is legally amended. The City Secretary is hereby authorized to forward such amendments to the Secretary of the State of Texas as provided by law.

Sec. 4. THAT as a result of such election for Place 5, no person received a majority of the votes, an election is hereby called to be held at the City Hall, 5400 Bransford Road, Colleyville, Texas, on the 28th day of April, 1984, for the purpose of choosing between Steve Turner and Mike Fay for the position of City Councilman, Place 5, to serve until April of 1986 and until a successor is duly elected and qualified. Absentee voting shall commence in the office of the City Secretary on the 12th day of April, 1984, and shall continue Monday through Friday from 8:00 a.m. until 4:30 p.m. and until 4:30 p.m. on

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2 April 24, 1984. Such election shall be conducted
3 according to the election laws of the State of Texas and
4 the following persons shall be the officers who shall
5 conduct the election:

6 SHARON LAMBERT - Presiding Judge

7 JAMES B. MOORE - Alternate Presiding Judge

8 and no more than seven (7) eligible persons as clerks
9 whom the election judge shall appoint.

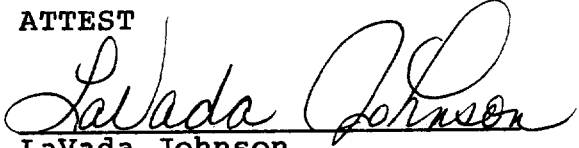
10 AND IT IS SO RESOLVED.

11 PASSED by a vote of 5 to 0 this 11th day of April,
12 1984.

13 THE CITY OF COLLEYVILLE

14 
15 Robert E. Neely
16 Mayor

17 ATTEST

18 
19 LaVada Johnson
20 City Secretary

21 Approved as to Form and Legality

22 
23 Ross T. Foster
24 City Attorney

25 The absentee voting for the above designated election shall be held
26 at 5400 Bransford - City Hall Building, in said City, and said place
of absentee voting shall remain open for at least 8 hours on each
day of absentee voting which is not a Saturday, Sunday or an official
State Holiday, beginning April 12, 1984, and shall continue from
8:00 a.m. until 4:30 p.m. ending at 4:30 p.m. on April 24, 1984.
SPECIAL NOTICE THAT THE OFFICE FOR ABSENTEE VOTING WILL BE OPENED
ON FRIDAY, APRIL 20, 1984 (THE REST OF CITY HALL WILL BE CLOSED
FOR GOOD FRIDAY HOLIDAY) and SATURDAY, APRIL 21, 1984 FROM 2:00
p.m. to 8:00 p.m. FOR THE PURPOSE OF VOTING ABSENTEE.

ORDINANCE NO: 0-91-846

AN ORDINANCE CALLING AN ELECTION ON JANUARY 18, 1992 FOR THE PURPOSE OF SUBMITTING AMENDMENTS TO THE HOME-RULE CHARTER OF THE CITY OF COLLEYVILLE AND APPOINTING ELECTION JUDGES.

WHEREAS, the citizens of the City, the City staff and the City Council have spent several months studying the Colleyville City Charter with a view to modernizing and improving the framework of local municipal government; and

WHEREAS, the City Council is of the opinion that the proposed amendments to the Charter herein submitted merit the consideration of the citizens of the City of Colleyville;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS AS FOLLOWS:

Sec. 1: THAT an election is hereby called to be held on January 18, 1992 at the City Hall, 5400 Bransford Road, Colleyville, Texas, from 7:00 A.M., until 7:00 P.M., for the purpose of voting on the proposed amendments to the Colleyville Home-Rule Charter proposed herein.

Sec. 2: THAT notice of the election shall be published in accordance with the provisions of Section 9.004 of the Local Government Code and all other applicable laws.

Sec. 3: THAT the following proposed amendments shall be submitted on the ballot in accordance with law:

(1) Shall the last sentence of the second paragraph in Section 2.04 of the Colleyville Charter, which limits assessments to the cost of two lane collector streets, be amended by deleting said sentence in its entirety.

(2) Shall the third paragraph of Section 2.04 of the Colleyville Charter, which requires the approval of 60% of abutting property owners prior to assessment for construction of streets, be amended by deleting said paragraph in its entirety.

(3) Shall Section 3.04 of the Colleyville Charter, which provides for compensation to the Mayor and Council persons, be amended to read as follows:

"Section 3.04. Compensation.

The Mayor and Council persons shall receive a stipend of \$100.00 per month and shall be entitled to actual and necessary expenses incurred in the performance of their official duties."

(4) Shall Section 3.08 A of the Colleyville Charter, which prohibits the Mayor and Council persons from holding certain offices during and after their elective term, be amended to read as follows:

"A. Holding Other Office.

No member of the City Council shall hold any other elective public office during the term for which the member was elected to the Council. No member of the City Council shall hold any other City office or employment during the term for which the member was elected to the Council. No former member of the City Council shall hold any compensated appointed office or employment with the City until one year after the expiration of the term of which the member was elected to the Council; provided, notwithstanding the foregoing limitations, a former member of the Council may be appointed to represent the City on the governing board of any regional or inter-governmental agency."

(5) Shall Section 3.08 B of the Colleyville Charter, which prohibits the Council from appointing or removing employees under the control of the City Manager except in certain circumstances, be amended to read as follows:

"B. Appointment and Removals.

The City Council shall not have any authority to require the appointment or removal of any City administrative officer or employee which the City Manager or any of his subordinates is empowered to appoint; provided, however,

the Council may discuss the appointment and removal of such officers and may communicate its opinions to the City Manager."

(6) Shall Section 3.08 C of the Colleyville Charter, which prohibits the Council from interfering with the administration of the City, be amended to read as follows:

"C. Interference With Administration.

Except for the purpose of inquiries and investigations under Section 3.10 of this Charter, the Council and its members shall deal with City officers and employees, who are subject to the direction and supervision of the City Manager, solely through the City Manager, and neither the Council nor its members shall direct such officer or employee in any manner, either publicly or privately."

(7) Shall Section 3.09 A of the Colleyville Charter, which provides for the number, location and conduct of Council meetings, be amended to read as follows:

"A. Meetings of Council.

The Council shall hold at least two regular meetings each month. All regular meetings and special meetings called for the purpose of taking action shall be held at the City Hall of the City of Colleyville. The Council shall fix, by resolution, the days and times of regular meetings. In the event of a lack of quorum at any called meeting, the meeting shall be opened and the role shall be taken and recorded. Special meetings may be held on the call of the Mayor or three (3) members of the Council. All meetings of the Council shall be held in accordance with the laws of the State of Texas."

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4 (8) Shall Section 3.11 of the Colleyville
5 Charter, which provides for the method of consideration
6 and enactment of ordinances, be amended to read as
7 follows:

8 "Section 3.11. Ordinances in General.

9 The Council shall legislate by
10 ordinance, and the enacting cause of
11 every ordinance shall be "be it ordained
12 by the City Council of the City of
13 Colleyville". The City Attorney shall
14 approve as to legality all ordinances
15 prior to final action by the City
16 Council. All ordinances exclusive of
17 emergency ordinances as defined in
18 Section 3.12, shall be read at an open
19 meeting of the Council in at least two
20 regular Council meetings, with a minimum
21 of 10 days between each regular meeting.
22 The reading aloud of the caption of the
23 ordinance will constitutes a reading
24 hereunder; provided, however, upon the
25 request of three Council members, the
26 ordinance shall be read in its entirety.
Each reading of a proposed ordinance
shall be followed by a public hearing.
The City Secretary shall make available
to the public copies of the ordinances
to be considered at a meeting. A
proposed ordinance may be amended on
first or second reading. Every
ordinance enacted by the Council shall
be signed by the Mayor or the Mayor Pro-
Tem in the Mayor's absence, and shall be
filed with and recorded by the City
Secretary. All ordinances shall be
posted upon a bulletin board at the City
Hall established for the purpose of
giving notice of the Council meetings
not less than 72 hours prior to the
meeting at which such ordinances are
read."

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28 (9) Shall Section 4.02 of the Colleyville
29 Charter, which provides for the date of general
30 elections be modified to provide that City elections
31 shall be held annually on the first Saturday in May, at
32 which time the officers shall be elected to fill the
33 offices as required by the Charter.

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4 (10) Shall Article 4 of the Colleyville Charter,
5 which provides for regulations concerning elections and
6 elective officials, be modified by adding thereto a
7 Section 4.07, providing as follows:

8 "Section 4.07. Public Disclosure.

9 At the time of filing of a
10 candidate for a City office, the
11 candidate shall deliver to the City
12 Secretary a disclosure statement
13 containing the following information:

14 (a) The location, size, and
15 current use of all property owned
16 within the City or held in trust by
17 the candidate, their spouse, and
18 any dependent minor children.

19 (b) The name and address
20 of any person or corporation which
21 currently has or during the
22 preceding 12 months has had a
23 contractual relationship with the
24 City and from which the candidate,
25 their spouse or dependent minor
26 children have received a fee,
salary, or gift of a value
exceeding \$100.00.

(c) The name and address of
any corporation or business, which
currently has or in the preceding
12 months has had a contractual
relationship with the City, of
which the candidate, their spouse,
or any dependent minor children own
more than 2% of the outstanding
equity interest or more than 2% of
the assets."

21 (11) Shall Section 5.07 of the Colleyville
22 Charter, which provides for the date when a re-call
23 election is to be called, be amended to read as
24 follows:

25 "Section 5.07. Election to be Called.

26 If an officer whose removal is
sought does not resign, the City Council
shall order an election and fix a date

for holding such re-call election within 30 days of the date of the petition; provided, however, if an election cannot be called within said 30 day period, then the date of the election shall be the first date an election may be called under State law."

(12) Shall Section 7.01 A of the Colleyville Charter, which provides for the appointment and qualifications of the City Manager, be amended to read as follows:

"A. Appointment and Qualifications.

The Council by a vote of not less than 4 members shall appoint the City Manager for an indefinite term and fix the Manager's compensation. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the City or State at the time of appointment. The Manager may not reside out side the City while in office without the approval of the Council."

(13) Shall Section 7.01 B of the Colleyville Charter, which provides for the term and salary of the Manager, be amended to read as follows:

"B. Removal.

The City Manager may be removed from office by a vote of not less than four members of the Council, including the Mayor.

(14) Shall Section 7.01 C of the Colleyville Charter, which provides for the powers and the duties of an acting City Manager be amended to read as follows:

"C. Acting City Manager.

By a letter filed with the City Secretary, the City Manager may

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4 designate a City officer or employee to
5 exercise the powers and perform the
6 duties of the City Manager during the
7 Manager's temporary absence or
8 disability. The City Council may revoke
9 the Manager's designation and may
10 appoint an officer or employee of the
11 City to serve during the Manager's
12 absence or disability."

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14 (15) Shall Section 7.01 of the Colleyville
15 Charter, which deals with the position of City Manager,
16 be amended by adding thereto a part D, providing as
17 follows:

18 "D. Powers and Duties of the City
19 Manager.

20 The City Manager shall be the chief
21 administrative officer of the City,
22 responsible to the Council for the
23 administration of all City affairs
24 placed in the Manager's charge by or
25 under this Charter. The City Manager
26 shall:

(1) Appoint, suspend or
remove all City employees and appointed
administrative officers in accordance
with the provisions of state law, this
Charter and the ordinances of the City.
The City Manager may delegate to an
administrative officer, subject to the
Manager's direction and supervision, the
authority to exercise the power to
appoint, suspend or remove employees
working under the administrative
officer;

(2) direct and supervise the
administration of all departments,
offices and agencies of the City, except
as otherwise provided by this Charter or
by law;

(3) attend all City Council
meetings, and participate in the
discussion to the extent required by the
Council;

(4) provide for the faithful execution and enforcement of all laws, this Charter, and acts of the Council;

(5) prepare and submit the annual budget and capital program to the City Council;

(6) submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;

(7) make such other reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;

(8) keep the City Council fully advised as to the financial condition and future needs of the City;

(9) make recommendations to the City Council concerning the affairs of the City;

(10) provide staff support services for the Mayor, Council members, and appointed commissions, boards, and committees; and

(11) perform such other duties as are specified in this Charter or as may be required by the City Council."

(16) Shall Section 7.02 of the Colleyville Charter, which provides for the appointment and operation of the office of the City Secretary be amended by modifying the first two sentences of said section to read as follows:

"The City Manager shall appoint a qualified individual to fill the position of City Secretary. The City Secretary shall not be appointed for a definite term, but may be removed from office by the City Manager."

(17) Shall Sections 7.03, 7.04, 7.05, 7.06 and 7.07 of the Colleyville Charter, which establish the administrative heads of departments of the City, be amended by deleting Sections 7.04, 7.05, 7.06 and 7.07, and amending Section 7.03 to read as follows:

"Section 7.03. Other Departments, Boards and Commissions.

There shall be such administrative departments as are established by this Charter and as may be established by the Council, from time to time, by Ordinance. The Council may discontinue, redesignate, or combine any administrative departments provided for by Ordinance.

The Council shall create, establish, or appoint as may be required by law, or in its discretion, those boards, commissions and committees which are necessary to carry out the functions and obligations of the City. The Council shall prescribe accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter."

(18) Shall Section 8.03 of the Colleyville Charter, which provides for the Office of the Clerk of the Municipal Court, be amended by deleting the portion of the first sentence of said section which states: "with the concurrence of the City Council".

(19) Shall Section 9.08 of the Colleyville Charter, which provides for and limits the method and manner of purchasing by the City, be deleted in its entirety and Section 9.09 be renumbered 9.08.

(20) Shall Section 9.09 of the Colleyville Charter, which provides for the creation of reserved funds for special purposes and the use of the said funds, be amended to read as follows:

"9.09. Specified Reserved Fund.

Specified reserved funds may be created for specific purposes, and shall

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4 be used only for such purposes or
returned to the general fund."

5 (21) Shall Section 10.01 of the Colleyville
6 Charter, which provides for the creation of a
7 Department of Taxation at the discretion of the
8 Council, be amended by deleting from the first sentence
of said section, the phrase "with the approval of the
City Council".

9 (22) Shall Section 10.02 of the Colleyville
10 Charter, which provides that the City shall have the
power to levy taxes, be amended to read as follows:

11 "The City Council shall have the power under
12 the provisions of State law to levy, assess and
13 collect an annual tax on real and personal
14 property within the City to the maximum provided
15 by the Constitution and general laws of the State
16 of Texas."

17 (23) Shall Section 10.03 of the Colleyville
18 Charter, which provides for a limitation on the tax
19 rate in the City, be amended by deleting said section
in its entirety and renumbering Section 10.04 of the
Charter to 10.03.

20 (24) Shall Section 10.05, 10.06, 10.07 and 10.08
21 of the Colleyville Charter which provide for the
22 establishment and operation of a Board of Equalization,
23 be amended by deleting those sections in their entirety
24 and renumbering Section 10.09 and 10.10, sequentially,
25 within Article 10.

26 (25) Shall the first three sentences of Section
11.01 of the Colleyville Charter, which provides for
the establishment and make-up of a Planning and Zoning
Commission, be amended to read as follows:

"There shall be established a Planning and
Zoning Commission, which shall consist of seven
regular members and two alternates. The
alternates shall serve in the absence or inability
to serve of a regular member. Members of the
Commission shall be appointed by the Council for a
term of two years. Three regular and the two
alternate members of the Commission shall be

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4 appointed each odd numbered year, and four regular
members shall be appointed each even numbered
5 year."

6 (26) Shall the fifth and sixth sentences of
7 Section 11.01 of the Colleyville Charter, which provide
for a chairman, be amended by substituting the term
"chairperson" for "chairman".

8 (27) Shall the seventh sentence of Section 11.01
9 of the Colleyville Charter, which provides requirements
for passage of a matter, be amended to read as follows:

10 "Six members shall constitute a quorum."

11 (28) Shall the eighth and ninth sentence of
12 Section 11.01 of the Colleyville Charter, which
provides for attendance requirements for members, be
modified to read as follows:

13 "Attendance requirements for members and
14 alternates shall be the same as for members of the
Council."

15 (29) Shall Sections 11.03 and 11.04 of the
16 Colleyville Charter, which provide for the adoption and
effect of a Master Plan, be amended by deleting in its
17 entirety Section 11.04 and amending Section 11.03 to
read as follows, with the remaining sections of Article
18 11 to be renumbered sequentially:

"Section 11.03. The Master Plan.

19 The Commission shall recommend to
20 the Council a Master Plan for the
growth, development and beautification
21 of the City. The Master Plan shall have
no legal effect, and is intended to be
used as a non-binding guide in the
22 physical development of the City. The
Council shall consider the
recommendations of the Commission and
23 adopt in whole or in part the Master
Plan recommended by the Commission. In
24 the event the Council fails to adopt a
part of the recommended Master Plan, the
25 portion not adopted shall be returned to
the Commission for further consideration

and recommendation, and again forwarded to the Council for its consideration."

(30) Shall Section 14.02 of the Colleyville Charter, which deals with personal, financial interests in contracts, and Section 14.14, which deals with conflict of interest, be deleted and a new Section 14.02 dealing with personal, financial interests and conflict of interest, be enacted to read as follows:

"Section 14.02. Ethics and Conflict of Interest:

A. Scope. This section shall apply to all elected and appointed City officials, members of commissions, boards, committees and City employees.

B. Misuse of Office. No person shall use his office, position or employment in an unlawful manner or in a manner calculated to obtain a financial benefit, which is not normally or customarily received as a result of the office, position or employment held.

C. Contracts. A person, who is subject to this Section and has a direct interest in any proposed or existing contract, purchase, work, sale or service to or by the City, shall not participate in discussions thereon, render a decision thereon, or vote thereon.

D. Notice. Any person who shall have a conflict of interest under paragraph C above shall file a sworn statement describing in reasonable detail such conflict with the City Secretary no later than either the beginning of the meeting at which the matter will first be discussed or acted upon, or the time at which the potential conflict first becomes known to the person, whichever occurs first.

E. Citizen Complaints. Any citizen of the City may file with the City Secretary a statement of suspected conflict of interest. Such statement of suspected conflict of interest shall be filed within 15 days of the decision, vote, or other event giving rise to an asserted violation of paragraph C above, and shall describe the complained of conflict

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4 in reasonable detail. The City Council, or
5 its designee, shall respond in writing to a
6 timely filed statement of suspected conflict
of interest, and the statement of suspected
conflict of interest and response of the
Council shall be maintained in the public
records of the City.

7 F. Oath. Upon the election,
8 appointment, or employment of any person by
9 the City, they shall sign a statement
10 acknowledging that they have read and are
11 familiar with the provisions of this section
of the Charter, and all other sections of
state law pertaining to conflict of interest,
and these statements shall be maintained as
public records of the City.

12 G. Removal from Office. Failure to
13 comply with any of the provisions of this
14 section shall constitute malfeasance in
office and upon a finding by a Court of
competent jurisdiction of said violation, the
person shall immediately forfeit their
position or office, and such position or
office shall be deemed vacant.

15 H. Contracts Voidable. Any violation
16 of part C of this section in the approval
process of any contract shall make said
contract voidable by the City.

17
18 (31) Shall Section 14.05 of the Colleyville
19 Charter, which provides for notice of claims against
the City, be amended by increasing the period provided
in the first sentence in said Section, within which to
give notice from 30 days to 120 days.

20
21 (32) Shall Article 14 of the Colleyville Charter,
22 which contains the general provisions of the Charter,
be amended by adding thereto a Section 14.15, providing
as follows:

23 "Section 14.15. Officials Indemnified.

24 Elected or appointed city
25 officials, commissions, boards,
committees, and employees shall be
indemnified by the City from all claims

for damages, costs, attorney's fees and other expenditures necessitated by a claim, resulting from or predicated upon the individual's position with the City or an action taken in good faith while acting within their official capacity with the City."

(33) Shall Section 11.02 (c) of the Colleyville Charter, which provides for the duties of the Planning and Zoning Commission concerning plats be amended to read as follows:

"(c) Exercise control over the platting or subdividing of land to the extent authorized by law and as provided for by the City Council."

Sec. 4: THAT absentee voting shall commence in the office of the City Secretary on DECEMBER 30, 1991, and shall continue Monday through Friday from 8:00 A.M., to 4:30 P.M., and until 4:30 P.M., on JANUARY 14, 1992.

Sec. 5: THAT the following persons shall be officers who shall conduct the election: SHARON LAMBERT - Presiding Judge, HELEN LEAR - Alternate Presiding Judge and no more than seven other eligible persons as Clerks that the Election Judge shall appoint.

Sec. 6: THAT the election shall be conducted in accordance with the election laws of the State of Texas.

AND IT IS SO ORDERED

The first reading and public hearing being conducted on the 19th day of November, 1991.

The second reading and public hearing being conducted on the 3rd day of December, 1991.

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The third reading and public hearing being conducted on the
17th day of December, 1991.

ATTEST:

CITY OF COLLEYVILLE

Jean Harris
 Jean Harris
 City Secretary

Chris Hawkins
 Chris Hawkins
 Mayor

APPROVED AS TO FORM AND LEGALITY:

Ross T. Foster
 Ross T. Foster
 City Attorney



December 27, 1991

Mary Jane Robillard
Legal Notices
Fort Worth Star Telegram
400 West Seventh Street
Fort Worth, Texas 76102

Post-It™ brand fax transmittal memo 7671 # of pages > 2

To	Mary Jane Robillard	From	Mar Harris
Co.	Star Telegram	Cd.	Colleyville
Dept.	Legal Dept	Phone #	281-4044
Fax #	390-7520	Fax #	

Dear Mary Jane:

Please publish and furnish an affidavit: December 29, 1991

The City Council of the City of Colleyville hereby gives Public Notice that the following Ordinances were passed and adopted.

ORDINANCE 0-91-846

AN ORDINANCE CALLING AN ELECTION ON JANUARY 18, 1992, FOR THE PURPOSE OF SUBMITTING AMENDMENTS TO THE HOME-RULE CHARTER OF THE CITY OF COLLEYVILLE AND APPOINTING ELECTION JUDGES.

Approved on December 17, 1991

ORDINANCE 0-91-847

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, RELATING TO FISCAL YEAR 1991-92 BUDGET BY AMENDING SECTION 1; PROVIDING AN EFFECTIVE DATE.

Approved: December 17, 1991

ORDINANCE 0-91-842

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF ABSTRACT 963, A.J. LOTT SURVEY, TRACTS 2B2A, 2B3C, 2B3B, 2B2A3, (3.8354 ACRES) TO THE CITY OF COLLEYVILLE, TEXAS FROM AG TO ML; PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.

Sec. 2. Any person, firm or corporation violating any of the provisions of this ordinance as read together with the Zoning Ordinance of the City of Colleyville and accompanying official Zoning Map thereto shall be guilty

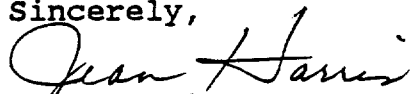
of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

Approved: December 17, 1991

Jean Harris, CMC
City Secretary

If questions arise please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jean Harris".

Jean Harris, CMC
City Secretary

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3 RESOLUTION R-92-743
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5 WHEREAS, an election was duly held in the City of Colleyville,
6 Texas, on the 18th day of January, 1992, for the purpose
7 of Amending the City's Charter, and;

8 WHEREAS, the City Council has met and canvassed the votes cast in
9 such election; and,

10 WHEREAS, such canvass showed the following results:

11 PROPOSITION 1.

12 Amend the Charter to allow assessment for the costs of
13 other than a two lane collector street except as limited
14 by State law.

15 FOR: 211

16 AGAINST: 529

17 PROPOSITION 2.

18 Amend the Charter to allow assessment for roadways
19 without approval of abutting property owners except as
20 limited by State law.

21 FOR: 172

22 AGAINST: 573

23 PROPOSITION 3.

24 Amend the Charter to provide a stipend and expenses to
25 the Council.

26 FOR: 214

AGAINST: 524

PROPOSITION 4.

Amend the Charter to establish provisions governing the holding of other offices by City Council members.

FOR: 307

AGAINST: 427

PROPOSITION 5.

Amend the Charter to establish the authority of the City Council over appointment and removal of employees.

FOR: 278

AGAINST: 465

PROPOSITION 6.

Amend the Charter to prohibit City Council interference with administration of the City.

FOR: 272

AGAINST: 468

PROPOSITION 7.

Amend the Charter to provide for regulations governing the number of meetings of the Council and the conduct thereof.

FOR: 342

AGAINST: 393

PROPOSITION 8.

Amend the Charter to provide for a procedure for the adoption of ordinances.

FOR: 340

AGAINST: 401

PROPOSITION 9.

Amend the Charter to provide for the first Saturday in May for the conduct of the City's annual elections.

FOR: 435

AGAINST: 300

PROPOSITION 10.

Amend the Charter to provide for public disclosures of candidates for City offices.

FOR: 490

AGAINST: 256

PROPOSITION 11.

Amend the Charter to provide for a procedure to fix the date for a re-call election.

FOR: 398

AGAINST: 339

PROPOSITION 12.

Amend the Charter to provide for appointment and qualifications of the City Manager.

FOR: 402

AGAINST: 337

PROPOSITION 13.

Amend the Charter to provide for a procedure for removal of the City Manager.

FOR: 417

AGAINST: 318

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PROPOSITION 14.

Amend the Charter to provide for the appointment and removal of an acting City Manager

FOR: 400

AGAINST: 334

PROPOSITION 15.

Amend the Charter to provide the powers and duties of the City Manager.

FOR: 375

AGAINST: 360

PROPOSITION 16.

Amend the Charter to provide for the appointment and removal of the City Secretary.

FOR: 362

AGAINST: 378

PROPOSITION 17.

Amend the Charter to provide for the establishment, discontinuance and organization of administrative departments, boards and commissions of the City.

FOR: 330

AGAINST: 412

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PROPOSITION 18.

Amend the Charter to provide for the City Manager to appoint the Clerk of the Municipal Court.

FOR: 279

AGAINST: 460

PROPOSITION 19.

Amend the Charter to remove the provisions dealing with methods and manner of purchasing by the City.

FOR: 211

AGAINST: 517

PROPOSITION 20.

Amend the Charter to provide for the creation and use of specified reserved funds.

FOR: 256

AGAINST: 444

PROPOSITION 21.

Amend the Charter to provide that the City tax collector shall be appointed by the City Manager.

FOR: 233

AGAINST: 474

PROPOSITION 22.

Amend the Charter to provide the City Council has the power to tax real and personal property in accordance with the Constitution and general laws of the State of Texas.

FOR: 143

AGAINST: 564

PROPOSITION 23.

Amend the Charter to remove the limitation on the tax rate in the City except as limited by State law.

FOR: 94

AGAINST: 622

PROPOSITION 24.

Amend the Charter to delete the provisions dealing with a board of equalization.

FOR: 206

AGAINST: 483

PROPOSITION 25.

Amend the Charter to provide for the establishment, conduct and make-up of the Planning and Zoning Commission.

FOR: 345

AGAINST: 360

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PROPOSITION 26.

Amend the Charter to designate the presiding officer of the Planning and Zoning Commission as the Chairperson.

FOR: 329

AGAINST: 373

PROPOSITION 27.

Amend the Charter to provide for the number of members of the Planning and Zoning Commission which will constitute a quorum.

FOR: 345

AGAINST: 359

PROPOSITION 28.

Amend the Charter to provide for attendance requirements of the members of the Planning and Zoning Commission.

FOR: 385

AGAINST: 318

PROPOSITION 29.

Amend the Charter to provide for the establishment and effect of a master plan for the City.

FOR: 340

AGAINST: 364

PROPOSITION 30.

Amend the Charter to provide for standards of ethics and conflict of interest, procedures relating thereto, removal from office and the effect of contracts concerning officials, employees and other officers of the City.

FOR: 441

AGAINST: 266

PROPOSITION 31.

Amend the Charter to provide for 120 days as a period for giving notice of claims against the City.

FOR: 309

AGAINST: 387

PROPOSITION 32.

Amend the Charter to provide for the City to indemnify officials and employees from claims while acting in their capacity with the City.

FOR: 265

AGAINST: 431

PROPOSITION 33.

Amend the Charter to provide for the powers and duties of the Planning and Zoning Board concerning platting and subdividing of land.

FOR: 292

AGAINST: 402

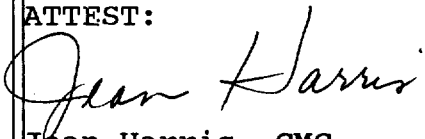
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

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3 Sec. 1. THAT the above canvass be, and the same is hereby
4 approved.

5
6 AND IT IS SO RESOLVED.

7 Passed by a vote of 5 to 0 on this the 21st day of
8 January, 1992.

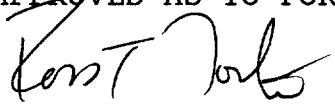
9
10 ATTEST:

11 
12 Jean Harris, CMC
City Secretary

CITY OF COLLEYVILLE


ED MCKNIGHT
MAYOR PRO TEM

13 APPROVED AS TO FORM:

14 
15 Ross T. Foster
City Attorney

ORDINANCE O-95-1003

AN ORDINANCE CALLING A SPECIAL JOINT ELECTION WITH TARRANT COUNTY FOR THE PURPOSE OF AMENDING THE CONSTITUTION AND THE CITY'S CHARTER; PROVIDING AN AGREEMENT BETWEEN THE CITY OF COLLEYVILLE AND TARRANT COUNTY; AND PROVIDING DATES AND PLACES FOR EARLY VOTING

WHEREAS, the citizens of the City of Colleyville, the City staff and the City Council have spent several months studying the Colleyville City Charter with a view to modernizing and improving the framework of local municipal government; and

WHEREAS, the City Council is of the opinion that the proposed amendments to the Charter merit the consideration of the citizens of the City of Colleyville; and

WHEREAS, the County of Tarrant as well as the City of Colleyville will hold elections on November 7, 1995; and

WHEREAS, it is desirable for voter convenience and to reduce the overall cost to each entity that said elections be held jointly with those political subdivisions in Tarrant County conducting an election on November 7, 1995; and

WHEREAS, in order that the joint election be organized properly, the City of Colleyville, in Tarrant County desires to select the Tarrant County Election Administrator to conduct and coordinate this joint election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COLLEYVILLE, TEXAS, AS FOLLOWS:

Sec. 1: That a Special Joint Election is hereby called to be held on Tuesday, November 7, 1995, at the City Hall, 5400 Bransford Road, Colleyville, Texas, from 7:00 a.m., until 7:00 p.m., for the purpose of voting on the proposed Constitutional Amendments and the proposed amendments to the Colleyville Home-Rule Charter.

Sec. 2: That notice of the election shall be published in accordance with the provisions of Section 9.004 of the Local Government Code and all other applicable laws.

Sec. 3: That the following proposed amendments shall be submitted on the ballot in accordance with law:

- (1) Shall Section 3.11 of the Colleyville Charter, which provides for the method of consideration and enactment of ordinances, be amended to read as follows:

"Section 3.11. Ordinances in General.

The Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the City Council of the City of Colleyville." The City Attorney shall approve as to legality all ordinances prior to final action by the City Council. Every ordinance enacted by the Council shall be signed by the Mayor or the Mayor Pro Tem in the Mayor's absence, and shall be filed with and recorded by the City Secretary. All ordinances exclusive of emergency ordinances as defined in Section 3.12 shall be read in open meeting of the Council at two (2) consecutive regular Council meetings. The caption only of each proposed ordinance shall be read at the first and second reading, provided that upon the request of any two (2) members of the Council, the ordinance shall be read in its entirety on either the first or second reading, and further provided, however, that neither metes and bounds descriptions nor national, state, industrial, or uniform codes or manuals shall be read. Each reading of a proposed ordinance shall be followed by a public hearing. No final vote of approval or disapproval shall be taken by the Council until after the second reading and public hearing on each ordinance. The captions of all proposed ordinances shall be posted upon a bulletin board at City Hall established for the purpose of giving notice of Council meetings not less than seventy-two (72) hours prior to the meeting at which such ordinances are read."

- (2) Shall Section 3.09A of the Colleyville Charter, which provides for the number, location, and conduct of Council meetings, be amended to read as follows:

"A. Meetings of Council. Council meetings shall be held at the City Hall or such place within the City of Colleyville that the Council shall direct. The Council shall meet regularly at least twice (2) in every month at such times as the Council may prescribe by rule. In the event of a lack of a quorum at a regularly scheduled meeting, the meeting shall be opened and the roll call taken and recorded. Special meetings may be held on the call of the Mayor or three (3) members of the Council at the place within the City of Colleyville designated in the public notice. All meetings shall be held and public notice thereof given as required by the Statutes of the State of Texas, as now or hereafter amended."

- (3) Shall Section 9.02 of the Colleyville Charter, which deals with the Annual Budget, be amended by adding thereto a subpart A(11) (e) providing as follows:

"A statement indicating the relationship to, and whether each sum improvement is consistent with the Master Plan."

- (4) Shall Sections 10.05, 10.06, 10.07, and 10.08 of the Colleyville Charter which provide for the establishment and operation of a Board of Equalization, be amended by deleting those sections in their entirety and renumbering Sections 10.09 and 10.10 sequentially within Article 10.
- (5) Shall Section 14.05 of the Colleyville Charter, which provides for notice of claims against the City, be amended by increasing the period provided in the first sentence in said Section, within which to give notice, from 30 days to 120 days.
- (6) Shall Section 9.08 of the Colleyville Charter, which provides for and limits the method and manner of purchasing by the City, be amended to read as follows:

"The Council may confer upon the City Manager general authority to contract for expenditures without further approval of the Council for all budgeted items not exceeding limits set by the City Council or State law."

- Sec. 4: That the mutual project referenced herein, the parties hereto agree to hold an election jointly on November 7, 1995, in accordance with Section 271.002, Texas Election Code, and that said election be conducted jointly pursuant to the terms of this agreement.
- Sec. 5: That this agreement is made and entered into this 10th day of October, 1995, by and between the County of Tarrant, acting by and through the Tarrant County Elections Administrator (hereinafter referred to as "County") and the City of Colleyville, acting by and through its Mayor and his/her designee (hereinafter referred to as "City").
- Sec. 6: That the City and County shall participate in the election on Tuesday, November 7, 1995, and shall have and use the same voting equipment, ballots and the same list of registered voters.
- Sec. 7: That the City and County shall share the cost of conducting the election.
- Sec. 8: That the County shall be responsible for early voting ballot requests by mail.
- Sec. 9: That the following applies to Early Voting by Personal Appearance:
- a. Robert Parten shall serve as Early Voting Clerk; other clerks shall be appointed as needed.
 - b. The City Secretary or her designee shall serve as Deputy Early Voting Clerk
 - c. Early voting for said joint election shall be conducted at City Hall, 5400 Bransford Road, Colleyville, Texas.
 - d. Any resident of any political subdivision participating in this joint election may vote at the Tarrant County main early voting location (Muller Building, 600 West Weatherford Street, Fort Worth, Texas, 76102).

- e. Early voting by personal appearance will begin on October 18, 1995, and will end on November 3, 1995.
- f. Extended hours for early voting shall take place at all early voting sites on Saturday, October 28, from 7:00 a.m. to 7:00 p.m., and on Sunday, October 29, from 11:00 a.m. to 4:00 p.m., and Thursday and Friday, November 2 and 3, from 7:00 a.m. to 7:00 p.m.

Sec. 10: That the Tarrant County Elections Administrator shall be responsible for the preparation of all Early Voting Ballots.

Sec. 11: That the Tarrant County Elections Administrator shall prepare the voted Early Voting Ballots for counting by the Early Voting Ballot Board.

Sec. 12: That the Early Voting Ballot Board may include individuals from the City, and the names of those persons selected should be submitted to the Elections Administrator.

Sec. 13: That the Elections Administrator agrees to coordinate, supervise and conduct the Joint Election, pursuant to the provisions of the Texas Election Code unless specifically provided otherwise in this agreement.

Sec. 14: That the Elections Administrator shall perform the following specific duties:

- a. Appoint, notify, and train all presiding judges, alternate judges, and clerks. The names and addresses of each judge and alternate judge shall be furnished to the City Secretary.

- b. Compensate election judges and clerks. Each election judge and clerk will receive \$5.50 per hour (for maximum of 15 hours). The election judge will receive an additional \$25.00 for picking up the election supplies prior to election day and for delivering election returns and supplies to the Central Counting Station after the polls close. Election judges and alternate judges will receive \$10.00 each for attending the election school.
- c. Procure, prepare, and distribute ballots.
- d. Procure, prepare, and distribute early voting and election day supplies.
- e. Procure, prepare, and distribute tables and chairs, as needed, and transport equipment to and from the polling places.
- f. Procure and deliver to polling places all voting equipment.
- g. Rent, if necessary, voting locations.
- h. Provide lists of registered voters to the election judge.
- i. Arrange for the use of a Central Counting Station and for tabulating personnel and equipment needed at the Counting Station and assist in preparation of programs and test materials for tabulation of the ballots to be used with electronic voting equipment.
- j. Public notice of the date, time, and place of the testing of the electronic tabulation equipment and conduct such testing.
- k. Supervise the handling and disposition of election returns, tabulate unofficial returns and assist in preparing the tabulation for the official canvass.

- l. Prepare the unofficial canvass report after all precincts have been counted and deliver a copy of the unofficial canvass to the City of Colleyville.
- m. Serve as custodian of election records and store election records as provided by law.
- n. Conduct any required recounts.

Sec. 15: That the City Secretary of the City of Colleyville shall perform the following specific duties:

- a. The City of Colleyville shall designate voting sites giving preference to customary City locations.
- b. Maps or other reference guides containing the boundaries of each political subdivision should be made available to Tarrant County.
- c. Prepare all election orders, resolutions, notices, and other pertinent documents for adoption for execution by the appropriate officer; and take all actions required by law for calling the election, establishing precincts and polling places, handling contests, canvassing the returns, and declaring the results, including the Spanish translation thereof.
- d. Prepare and publish in the official newspaper, or post all required election notices.
- e. Deliver to the Elections Administrator as soon as possible, but no later than September 27, 1995, the official wording that is to be printed on the ballot with the exact form, order, wording and spelling that is to be used.
- f. Prepare and submit to the U. S. Department of Justice under Section 5 of the Voting Rights Act of 1965, the required submissions on voting changes.
- g. Canvass the official results of the election.

- Sec. 16: That in consideration for the services and expenses provided by the Elections Administrator and to pay for the City's share the cost of conducting this joint election, the City of Colleyville agrees to pay the sum of \$1,800 to the Tarrant County Elections Administrator.
- Sec. 17: That should a recount be required, those costs associated with the recount, if any, are in addition to those contemplated in this agreement, and shall be negotiated at the time the need for said recount is determined.
- Sec. 18: That the official for all parties to contact for all purposes shall be listed at the end of the agreement. All notices and other deliveries under the agreement shall be delivered to said individual so listed.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 5th day of September, 1995.

The second reading and public hearing being conducted on the 19th day of September, 1995.

The third reading and public hearing being conducted on the 3rd day of October, 1995

ATTEST:


Jean Harris, CMC
City Secretary

CITY OF COLLEYVILLE


Ed Baker
Mayor

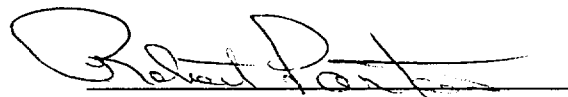
APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

ACCEPTANCE:

On behalf of Tarrant County Elections Administration, I hereby accept the terms of this Agreement contained in this Ordinance.

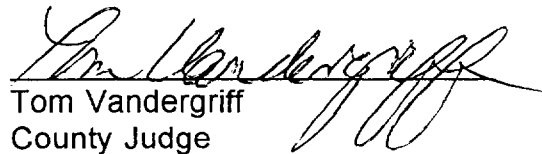
Signed this 10th day of October, 1995.



Robert Parten
Elections Administrator

In witness whereof, the above Ordinance and Agreement was adopted at a meeting of the Commissioners Court of Tarrant County held on the 10th day of October, 1995.

County of Tarrant



Tom Vandergriff
County Judge

OFFICIALS FOR NOTICE:

Robert Parten
County of Tarrant
Elections Administrator
100 West Weatherford Street
Fort Worth, Texas 76196

Jean Harris, CMC
City Secretary
City of Colleyville
5400 Bransford Road
Colleyville, Texas 76034

RESOLUTION R-95-1161

WHEREAS, an election was duly held in the City of Colleyville, Texas, on the 7th day of November, 1995, for the purpose of Amending the City's Charter; and,

WHEREAS, the City Council has met and canvassed the votes cast in such election; and,

WHEREAS, such canvass showed the following results:

PROPOSITION 1.

Amend the Charter to provide for a procedure that would reduce the required number of public hearings for an ordinance from three to two and would eliminate the requirement that ordinances be read word for word except upon the request of two Council Members.

FOR: 490

AGAINST: 209

PROPOSITION 2.

Amend the Charter to allow Council Meetings to be held at places within the City limits other than City Hall.

FOR: 520

AGAINST: 179

PROPOSITION 3.

Amend the Charter to provide for the content of the budget to include a Capital Program that references the Master Plan.

FOR: 508

AGAINST: 180

PROPOSITION 4.

Amend the Charter to remove the provision for a Board of Equalization.

FOR: 449

AGAINST: 197

PROPOSITION 5.

Amend the Charter to provide for an extension of the time period from 30 to 120 days within which a citizen can give notice of a claim against the City.

FOR: 608

AGAINST: 86

PROPOSITION 6.

Amend the Charter to modify the purchasing procedure.

FOR: 437

AGAINST: 223

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. THAT the above canvass be, and the same is hereby approved.

AND IT IS SO RESOLVED

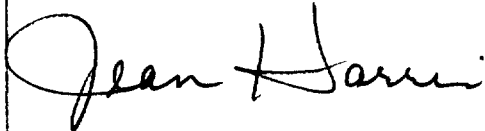
Resolution R-95-1161

Page 3 of 3

Passed by a vote of 2 ayes, 0 nays, and 0 abstentions, on this
10th day of November, 1995.

ATTEST:

CITY OF COLLEYVILLE



Jean Harris, CMC
City Secretary



Ed Baker
Mayor

RESOLUTION R-05-2521

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS, CALLING AN ELECTION TO BE HELD ON MAY 7, 2005, IN THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF COLLEYVILLE THE ADOPTION OR REJECTION OF PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER; DESIGNATING THE OFFICIAL POLLING PLACES AND APPOINTING ELECTION OFFICIALS; PRESCRIBING THE FORM OF THE BALLOTS; PROVIDING FOR NOTICE OF THE ELECTION; AND PROVIDING GENERALLY FOR THE CONDUCT OF THE ELECTION

WHEREAS, the Colleyville City Council has determined that certain amendments and changes should be made to the Colleyville City Charter which was originally adopted by the citizens of Colleyville on January 15, 1977, and as subsequently amended thereafter; and

WHEREAS, the Colleyville Charter has not been amended within the two years preceding the proposed election date herein designated; and

WHEREAS, certain changes are proposed for the purpose of making the Charter consistent with State Law and eliminating outdated historical references, and such changes shall be submitted in one (1) proposition (Proposition No. 1); and

WHEREAS, certain changes are proposed relating to the powers and composition of the City Council and transition issues related to said amendments and shall be submitted in one (1) proposition (Proposition No. 2); and

WHEREAS, the Colleyville City Council now deems it proper to submit said proposed amendments to the Colleyville City Charter to the qualified voters of the City of Colleyville for adoption or rejection at an election to be held on May 7, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. **THAT** all matters stated hereinabove are found to be true and correct and are incorporated herein as if copied in their entirety.

Sec. 2. THAT the ballot propositions shall be submitted to the voters to amend the existing Charter of the City of Colleyville as provided for in Exhibit "A" hereto, which exhibit is incorporated herein by reference.

Sec. 3. THAT such election shall be held in the cafeteria at Bransford Elementary, 601 Glade Road, Colleyville, Texas, on the 7th day of May 2005, from 7:00 a.m. to 7:00 p.m.; and that early voting shall be held at City Hall, 100 Main Street, Second Floor Training Room, Colleyville, Texas, beginning April 20, 2005, and shall continue through May 3, 2005, Monday through Friday, from 8:00 a.m. until 5:00 p.m. and on Saturday, April 30, 2005, from 9 a.m. until 3:00 p.m.

Sec. 4. THAT voting machines shall be employed for the regular municipal election, including early voting, herein ordered in compliance with the provisions of Chapter 121 of the Texas Election Code, as amended.

Sec. 5. THAT the following persons shall be the officers who shall conduct the election:

Bertha Westerman – Presiding Judge

Connie Hampton – Alternate Presiding Judge

and no more than ten (10) eligible persons as clerks whom the election judge shall appoint.

Sec. 6. THAT Tarrant County Elections Administration will assume the responsibility for the Early Voting Ballot Board.

Sec. 7. THAT the Election shall be conducted according to the election laws of the State of Texas and requirements of the Charter of the City of Colleyville.

Sec. 8. THAT the notice of the election on the proposed Charter amendments shall be given by publication of the Propositions, all in accordance with State law, on the same day of two successive weeks in a newspaper of general circulation published within the City of Colleyville, the date of the first publication to be not less than fourteen (14) days before the

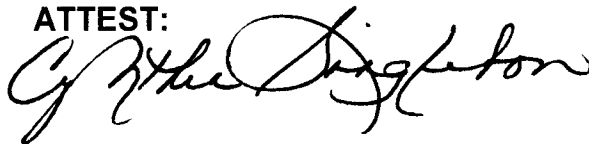
election date set herein. Such notice shall include a substantial copy of the proposed amendments.

- Sec. 9. THAT the text of the City of Colleyville Charter, containing all proposed revisions, shall be kept in the office of the City Secretary of the City of Colleyville, and copies of it shall be made available to any person upon request free of charge. The notices required in Section 8 above shall state that the proposed text of the City of Colleyville Charter will be available to all interested persons at the office of the City Secretary of the City of Colleyville.
- Sec. 10. THAT should any Charter amendment section, provision, word, phrase, or clause of this resolution or the application thereof to any person, or circumstances be held invalid, unconstitutional or ineffective, the remainder of the resolution and the application of such provisions to the other persons or circumstances shall not be affected thereby.

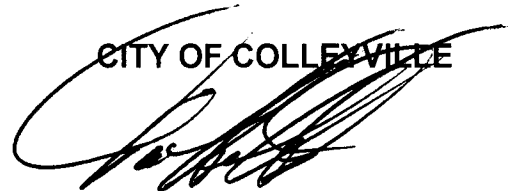
AND IT IS SO RESOLVED.

APPROVED THIS 1ST DAY OF March 2005, BY A VOTE
OF 4 AYES, 0 NAYS AND 0 ABSTENTIONS.

ATTEST:



Cynthia Singleton, TRMC
City Secretary



CITY OF COLLEYVILLE

Joe Hocutt
Mayor

Exhibit A

PROPOSITION 1:

All of these amendments in Proposition No. 1 are submitted for the purpose of bringing the Charter into compliance with State Law, improving consistency, and eliminating outdated historical references.

Shall the following provisions be amended as follows?

All references to "the State law" shall be amended to read "State law"

All references to "Council" shall be amended to read "City Council".

All references to specific statutory or constitutional provisions shall be amended to refer to the general law.

All references to "Secretary" shall be amended to read "City Secretary", as appropriate.

All references to the "Mayor" and "City Council" shall be ordered to place "Mayor" prior to "City Council", as "Mayor and City Council".

"Preamble"

We, the citizens of Colleyville, Texas, in order to establish a Home Rule municipal government, provide for the future progress of our City, and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with State law ~~the Statutes of the State of Texas~~ and do hereby declare the residents of the City of Colleyville in Tarrant County, Texas, living within the legally established boundaries of said City, to be a political subdivision of said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the "City of Colleyville" with such powers, rights, authorities, privileges, obligations and immunities ~~and duties~~ as are herein provided."

"ARTICLE I FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 Form of Government:

The Municipal Government provided by this Charter shall be known as the "Council-Manager Government". Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, State law ~~the Statutes of this State~~, and by this Charter, all powers of the City Council shall be vested in an elective City Council, hereinafter referred to as the "City Council". ~~which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City.~~ All powers of the City shall be exercised in the manner prescribed by this

Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by Ordinance, Resolution, the State Constitution, or by State law Statutes of the State of Texas.

Section 1.02 Boundaries of the City:

The Inhabitants of the City of Colleyville, Tarrant County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Colleyville" ~~with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided.~~ The boundaries of the City of Colleyville shall be those of the City of Colleyville as of the 6th day of November, 1976 (See Exhibit "A). ,which boundaries are more fully set out and described by metes and bounds. These are on file in the Office of City Secretary.

Section 1.03 Boundary Adjustment ~~Extension of Boundaries:~~

~~The corporate limits of the City of Colleyville may hereafter be extended by Ordinance passed and adopted by the City Council after publication of such notices and holding of such public hearings as are required by law. The City Council shall have the power by ordinance to fix the boundaries of the City and to provide for the alteration or the extension of said boundaries, pursuant to State law now or hereinafter enacted where the same is not inconsistent with State law."~~

"ARTICLE II POWERS OF THE CITY

Section 2.01 General Powers Adopted:

~~The City of Colleyville may exercise all powers that now are or hereafter may be granted to municipalities by the Constitution or the laws of the State of Texas. All such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, and when not prescribed herein, in such manner as may be provided by ordinance or resolution of the Council of the City of Colleyville. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City of Colleyville shall have and may exercise all powers of local self-government, and all powers enumerated in Chapter 13, Title 28, Article 1175, of the Revised Civil Statutes of the State of Texas, of 1925, and amendments thereto and hereafter enacted, or any other powers which under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate in so far as those powers are not limited by this Charter.~~

The City Council shall have the powers, functions, rights, privileges and immunities of every name and nature, that are now or hereafter may be granted to a Home Rule City by the Constitution and State law, together with all implied powers necessary to carry into execution all such powers granted.

Among such powers, the City Council shall have police powers, the power to adjust boundaries, to contract and to co-operate with the government of any state or any agency or subdivision thereof, or with the federal government or any agency thereof to accomplish any lawful purpose. The City may use a corporate seal; may acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lease interest or estate by purchase, gift, devise, lease, exchange, condemnation, and subject to the provisions of this Charter, may sell, lease mortgage, hold, manage, improve, exchange and control property as may now or hereafter be owned by it; may sue and be sued; may furnish municipal services, both within and without its corporate limits; may implead and be impleaded in all courts and places and in all matters whatever; may provide for the expenditure of public funds for a retirement system, group health, life and accident insurance coverage, and surety bonds for City employees or officers; may pass ordinances, resolutions, and enact such regulations as may be expedient for the maintenance of good government, order and peace of the City and the interest, welfare, health, morals, comfort, safety, security and convenience of the City for its inhabitants consistent with the provisions of this Charter.

The enumeration of particular powers of this Charter shall not be held or deemed exclusive, but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers. The City Council shall have and may exercise all powers of local self government and all powers which under the Constitution and State law would be competent for this Charter to specifically enumerate.

Section 2.02 Eminent Domain:

The City shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the Constitution or State law of the State of Texas. The power of eminent domain hereby conferred shall include the right of the City to take the fee title and easement interests in the lands so condemned and such power and authority shall include the right to condemn, for any municipal or public purpose. The City shall have the power through eminent domain proceedings to acquire any public utility operating with or without a franchise, and furnishing a public service to the citizens of Colleyville. ~~The procedure to be used in the acquisition of such property through eminent domain proceedings shall be that as set forth in Article 3264 through Article 3271, inclusive, Title 52 Revised Civil Statutes of the State of Texas. In valuing the property of the public utility to be acquired by the City through eminent domain proceedings, the measure of damages shall be the fair market value of the physical properties together with its franchise, if any, taken together as one (1) system."~~

"Section 2.04 Street Development and Improvements:

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets or ways within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same by purchasing, condemning, and taking property therefore; by filling, grading, raising, lowering, paving, repaving and repairing in a permanent manner, the same, and by constructing, reconstructing, altering, repairing,

and realigning curbs, gutters, drains, sidewalks, culverts and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove, or any combination or parts thereof.

The cost of such development and improvement may be paid partly by assessments levied as a lien against the property abutting thereon and against the owners thereof, subject, however, to the limitations imposed by ~~State law Article 1105b, Section 8, Vernon's Annotated Civil Statutes of Texas, as amended.~~ Such assessments may be levied in any amounts and under any procedures not prohibited by State ~~law~~ Law, but such assessments may not be levied in excess of thirty-three and one-third percent (33 1/3%) of the costs of such improvements for property abutting one side of said street or public way, or sixty-six and two-thirds percent (66 2/3%) of the cost of such improvements for property abutting both sides of said street or way. In no case shall any property owner be assessed in excess of the cost of like improvements or repairs for a two (2) lane Collector Street as defined by City Ordinance.

Provided, however, that whenever the City undertakes developing, improving and paving of public streets, sidewalks, alleys, highways, and other public ways within its corporate limits, the City shall not have the power and authority to assess property abutting the streets to be developed, improved, or paved, without the approval of sixty percent (60%) of the abutting property owners.

~~The City shall have any additional powers not in conflict with this Section, as enumerated in Article 1105b of Vernon's Annotated Civil Statutes of Texas, as amended."~~

_____ for the proposition

_____ against the proposition

PROPOSITION 2:

Proposition 2 shall address the powers and composition of the City Council and transition issues related to said amendments.

Shall the following provisions be amended as follows?

"ARTICLE III THE GOVERNING BODY

Section 3.01 Number, Selection, Term:

The Legislature and Governing Body of the City shall consist of seven (7) ~~six (6)~~ members; ~~six (6)~~ ~~five (5)~~ City Council Persons elected by place number and a Mayor, all members to be elected from the City at large, and shall be known as the 'City Council of the City of Colleyville'. ~~Upon the adoption of this Charter, the title of each incumbent Alderman shall be changed to Council Person.~~

The Mayor and City Council Persons and ~~Mayor~~ shall be elected under the general provisions provided by Article IV of this Charter for three (3) two (2) year terms. The three (3) two (2) year terms shall be staggered so that ~~Council Persons from Place 1 and 2 at large and the Mayor and City Council Persons from Place 1 and 2 and the Mayor~~ shall be elected ~~one (1) year~~ one (1), and City Council Persons from Places 3 and 4 shall be elected ~~the following year~~ elected year two (2), and City Council Persons Place 5 and 6 shall be elected year three (3). The Mayor and each ~~Each of the City Council Persons and Mayor~~, unless sooner removed under the provisions of this Charter or State law, shall hold office until his successor is elected and duly sworn.

Positions for members of the City Council shall be for Mayor and Places 1 through 6. Commencing with the regular municipal City Council election of 2006, positions for Places 3 and 4 shall be elected for a term of two (2) years and City Council Persons for Places 5 and 6 shall be elected for a term of three (3) years. Commencing with the regular municipal election of 2007, positions for Mayor and City Council Persons for Places 1 and 2 shall be elected for a term of three (3) years. Commencing with the regular municipal election of 2008, City Council Persons for Places 3 and 4 shall be elected for a three (3) year term. Thereafter, the Mayor and each member of the City Council shall be elected for a three (3) year term.

Terms ~~Regular terms~~ of office shall commence at the beginning of the first regular meeting of the City Council following the canvass of the election as provided by Article 4.

Section 3.02 Qualifications:

Each candidate for membership and each member of the City Council shall be and remain:

- (A) A resident of the City of Colleyville and shall have been a resident for a period of not less than twelve (12) months immediately preceding their election or a resident of any territory not formerly within the corporate limits of the City but which is annexed under the provisions of this Charter for twelve (12) months preceding their election;
- (B) A qualified voter of the State of Texas and the City of Colleyville;
- (C) Not financially delinquent ~~indebted~~ to the City.

If any member of the City Council fails to maintain the foregoing qualifications, or shall fail to maintain the seventy-five percent (75%) attendance record for all regularly scheduled meetings, as specified in Section 3.09 hereof, during each elected year, or shall be convicted of a felony or offense involving moral turpitude, the City Council shall declare a vacancy in the office of that member of the City Council at its next regular meeting and shall fill the vacancy as set forth in this Charter. (Amended April 7, 1984)

[Sections 3.03, 3.04, 3.05 shall remain unchanged.]

Section 3.06 Mayor and Mayor Pro Tem:

The Mayor shall preside at all meetings of the City Council and shall vote on all issues. The Mayor, except as provided in 3.07, ~~shall vote only in case of a tie of the Council,~~ ~~and shall have veto power.~~ sign all contracts and conveyances made or entered into by the City, and all bonds issued under the provision of this Charter, and shall be the official representative of the City. The Mayor shall be recognized as the official agent of the City by the Court for the purpose of serving civil process.

~~b. Election of Mayor Pro Tem:~~ Immediately following the final swearing in of all members elected in accordance with Section 4.02 of this Charter, the new City Council shall in its first regular meeting, elect from among its members a Mayor Pro Tem who shall serve for the term of one (1) year.

~~c. The Mayor Pro Tem shall,~~ in the absence of the Mayor, preside at all meetings of the City Council and shall vote on all issues before the City Council. The Mayor Pro Tem shall ~~have no veto power,~~ but shall perform all other duties of the Mayor during the absence or disability of the Mayor.

~~d. Emergency Powers of the Mayor:~~ In time of danger or emergency, the Mayor may take command of the Police and govern the City by proclamation and maintain order and enforce all laws.

Section 3.07 Powers of the City Council:

All powers and authority granted to the City by the Constitution of the State of Texas shall be vested in the City Council, except as otherwise provided by State law or this Charter. The City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the City by State law and this Charter.

In addition to the provisions set forth in Section 3.06, the City Council shall have the power to authorize the City Manager to sign a specific contract or expenditure; provided, however, the City Manager shall not be authorized to sign any bonds issued under any provisions of the Charter.

Section 3.08 Forfeiture of Elected Office Prohibitions:

(A) Except where authorized by State law, a Mayor or City Council Person shall:

(1) Resign their current office at the time of filing for any publicly elected position if their term extends past the beginning of the position sought;

(2) Not hold any compensated appointive City office or employment with the City during the term for which elected; and

(3) Not hold any compensated appointive City Office or employment with the City until one (1) year after the expiration of the term for which elected.

~~A. Holding other office: Except where authorized by State law, no Mayor or City Council Person shall hold any other City office or employment by the City during the term for which he was elected to the City Council, and no former Mayor or City Council Person shall hold any compensated appointive City Office or employment until one (1) year after the expiration of the term for which he was elected.~~

(B) Appointments and/or removals of City employees. The members of the City Council shall in no way dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint, unless otherwise provided in this Charter. ~~The Council, by at least four (4) affirmative votes, in public session, may require the City Manager to remove any employee for cause.~~

(C) Interference with Administration. Except for the purpose of inquiries and investigations by the direction of the City Council, unless provided otherwise in this Charter, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except in a state of declared emergency.

(D) Admission of liability. Neither the City Council nor its members shall accept or admit liability or pay any claim for damages asserted against the City without first obtaining a written opinion from the City Attorney regarding the City's liability therein.

~~E. Resignation of elected official: Any elected official seeking election to any other elected position must resign his current office at time of filing, if his elected term extends past the beginning of the position sought.~~

Section 3.09 Meetings and Rules of Procedure:

(A) Meetings of City Council. City Council meetings shall be held at the City Hall or such place within the City of Colleyville that the City Council shall direct. The City Council shall meet regularly at least twice (2) in every month at such times as a City Council may prescribe by rule. In the event of a lack of a quorum at a regularly scheduled meeting, the meeting shall be opened and the roll call taken, and recorded and adjourned until the regular or called special meeting. Special meetings may be held on the call of the Mayor or four ~~three~~ (4) (3) members of the City Council at the place within the City of Colleyville designated in the public notice. All meetings shall be held and public notice thereof given as required by State law the State of Texas, as now or hereafter amended.

(B) Minutes and Rules. The City Council shall determine its own rules and order of business, and shall provide for keeping minutes of its proceedings and post copy on the City Bulletin Board until the next meeting. The minutes shall be a public record.

(C) Quorum and Voting. Four (4) voting members of the City Council shall constitute a quorum. Voting, except on procedural motions, shall be by roll call and the "ayes" and "nays" shall be recorded in the minutes. The Mayor and every City Council Person shall vote on all issues unless there is a declared and recorded statutory conflict of interest. If because of a statutory conflict of interest a member steps down and remains in the Chamber to return after the item is resolved, then a quorum will be considered in attendance even though only three (3) City Council Persons are left to vote. However, no action shall be approved with less than four (4) affirmative votes. If during the course of a meeting a quorum ceases to exist, the meeting shall be deemed adjourned and no further business shall be conducted.

~~Voting, except on procedural motions, shall be by roll call and the "ayes" and "nays" shall be recorded in the minutes. Every Council Person shall vote on all issues unless there is a declared and recorded conflict of interest. Four (4) voting members of the Council shall constitute a quorum. , however, no action shall be approved with less than three (3) affirmative votes. If during the course of a meeting a quorum ceases to exist, the meeting shall be deemed adjourned and no further business shall be conducted. However, if because of a conflict of interest a member steps down and remains in the Chamber to return after the item is resolved, then a quorum will be considered in attendance even though only three (3) Council Persons are left to vote. (Amended April 7, 1984)~~

Section 3.10 Investigation by the City Council:

~~The City Council, by majority vote, shall have authority to inquire into the conduct of any office, department, agency, City Council member, officer or employee of the City, and to make investigations as to municipal affairs, and for that purpose the City Council shall have the power to authorize the Mayor to subpoena witnesses, administer oaths, and compel production of books, documents, or other evidence. Failure to obey such subpoena or produce books, documents, or other tangible evidence as ordered under the provisions of this Section shall constitute cause for removal from office and/or dismissal from employment in accordance with the provisions of Section 3.08 B of this Charter.~~

Section 3.11 Ordinances in General:

~~The City Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the City Council of the City of Colleyville." The City Attorney shall approve as to legality of all ordinances and resolutions and their compliance with the Charter. all ordinances prior to final action by the City Council. Every ordinance enacted by the City Council shall be signed by the Mayor or Mayor Pro-Tem in the Mayor's absence, and shall be filed with and recorded by the City Secretary. All ordinances exclusive of emergency ordinances as defined by Section 3.12, shall be read in open meeting of the City Council at two (2) consecutive regular City Council meetings. The caption only of each proposed ordinance shall be read at the first and second reading, provided, that upon the request of any three two (3) (2) members of the City Council, the ordinance shall be read in its entirety on either the first or second reading, and further provided, however, that neither metes and bounds descriptions nor national, state, industrial, or uniform codes or manuals shall be read. Tabled ordinances shall be read~~

after being removed from the table. Each reading of a proposed or tabled ordinance shall be followed by a public hearing. No final vote of approval or disapproval shall be taken by the City Council until after the second reading and public hearing on each ordinance. The captions of all proposed ordinances shall be posted upon a bulletin board at City Hall established for the purpose of giving notice of City Council meetings not less than seventy-two (72) hours prior to the meeting at which such ordinances are read.

Section 3.12 Emergency Ordinances:

The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property, or the public peace. In particular such ordinances shall not levy taxes, grant or renew or extend a franchise, or attempt to regulate the rate charged by any public utility for its services. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of a majority of four (4) or more members the City Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances. Every emergency ordinance so adopted, shall automatically stand repealed as of the sixty-first (61) day following the day on which it became effective, but this shall not prevent re-enactment of the emergency ordinance or as an ordinance in general under Section 3.11.

Section 3.13 Resolutions:

Any official action of the City Council not authorized by ordinance shall be authorized by resolution. All resolutions shall be read in open meeting of the City Council and shall be followed by public hearing.

Section 3.14 [Shall be deleted in its entirety.]”

“Section 13.01 Schedule:

(A) **[Shall remain unchanged.]**

(B) Upon adoption of this Charter, the present Mayor and members of the City Council filling elective offices shall continue to fill those offices for the terms shall serve until the terms to which they were elected. shall have expired and until their successors shall have been qualified. The City Council shall be elected as provided in Article 3 of this Charter. Persons, who on the date this Charter is adopted, are filling appointive positions with the City which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the City Council or by other means provided for in this Charter or State law.

(C) Prior to the initial election of the City Council Person for Place 6, the following provisions shall apply:

(1) The Mayor shall retain veto powers, and the process and procedures thereto as, permitted by the Charter dated December 7, 1995.

(2) The Mayor shall vote only in case of a tie or to vote to remove the City Manager,

(3) Special meetings of the City Council may be held on the call of the Mayor or three (3) members of the City Council,

(4) No action shall be approved with less than three (3) affirmative votes of the City Council, and

(5) Any two (2) members of the City Council may request an entire ordinance to be read at the first and second readings of an ordinance.

~~C. Conversion of the accounting system from cash to an accrued cash basis shall occur at the beginning of the first fiscal year after employment of the City Manager.~~

Section 13.02 [Shall remain unchanged.]

Section 13.03 [Shall remain unchanged.]

Section 13.04 [Shall remain unchanged.]

Section 13.05 [Shall be eliminated in its entirety.]”

_____ for the proposition

_____ against the proposition

PROPOSITION 3:

Shall Article VII, Administrative Organization be amended as follows?

“ARTICLE VII ADMINISTRATIVE ORGANIZATION

Section 7.01 City Manager:

(A) Appointment and Qualifications. The City Council by a vote of not less than four (4) members shall appoint the City Manager for an indefinite term and fix the Manager’s compensation. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The City Manager need not be a resident of the City or State at the time of appointment. The City Manager may not

reside outside the City while in office without the approval of the City Council. (Amended April 7, 1984)

(B) Removal. The City Manager may be removed from office by a vote of not less than four (4) members of the City Council, ~~including the Mayor~~. The Mayor shall be entitled to vote on the removal of the City Manager. (Amended January 18, 1992)

(C) Acting City Manager. By a letter filed with the City Secretary, the City Manager may designate a City officer or employee to exercise the powers and perform the duties of the City Manager during the City Manager's temporary absence or disability. The City Council may revoke the City Manager's designation and may appoint an officer or employee of the City to serve during the City Manager's absence or disability. (Amended January 18, 1992)

(D) Powers and Duties of the City Manager. The City Manager shall be the chief administrative officer of the City, responsible to the City Council for the administration of all City affairs placed in the City Manager's charge by or under this Charter. The City Manager shall:

- (1) Appoint, suspend or remove all City employees and appointed administrative officers in accordance with the provisions of State law, this Charter and the ordinances of the City. The City Manager may delegate to an administrative officer, subject to the City Manager's direction and supervision, the authority to exercise the power to appoint, suspend or remove employees working under the administrative officer;
- (2) Direct and supervise the administration of all departments, as otherwise provided by this Charter, ~~except as otherwise provided by this Charter or by law~~;
- (3) Attend all City Council meetings, and participate in the discussion to the extent required by the City Council;
- (4) Provide for the faithful execution and enforcement of all laws, this Charter, and acts of the City Council;
- (5) Prepare and submit the annual budget and capital program to the City Council;
- (6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (7) Make such other reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;

- (8) Keep the City Council fully advised as to the financial condition and future needs of the City;
- (9) Make recommendations to the City Council concerning the affairs of the City;
- (10) Provide staff support services for the Mayor, City Council members, and appointed commissions, boards, and committees; and
- (11) Perform such other duties as are specified in this Charter or as may be required by the City Council.

Section 7.02 City Secretary:

The City Manager shall appoint a qualified individual to fill the position of City Secretary, ~~with the approval of the City Council.~~ The City Secretary shall not be appointed for a definite term, but may be removed from office by the City Manager ~~with the approval of the City Council.~~ The City Secretary shall:

- (A) Give notice of and attend all official public meetings of the City Council;
- (B) Record the minutes and proceedings of all official public meetings of the City Council; provided, however, that only the title and caption of duly enacted ordinances shall be recorded in the minutes;
- (C) Act as custodian of all official records of the City Council;
- (D) Hold and maintain the Seal of the City and affix this Seal to all appropriate documents;
- (E) Authenticate by signature and Seal, and record in a book kept and indexed for the purpose, all ordinances and resolutions of the City; and
- (F) Perform such other duties as may be required by the City Manager, the City Council, this Charter, or by the State laws ~~of the State of Texas~~ and not inconsistent with other provisions of this Charter.

Section 7.03 Department of Police:

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

- (A) Chief of Police. The Chief of Police shall be the chief administrative officer of the Department of Police. He shall appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Manager. The Chief of Police shall be appointed by the City Manager ~~with the approval of the City Council~~ for an indefinite term. The Chief of Police shall be fully

responsible to the City Manager for the administration of his Department, and for the carrying out and enforcement of the resolutions and ordinances of the City Council. He may be removed from office by said City Manager, ~~with the approval of City Council.~~

(B) Special Police and Reserve Police. No person, except as authorized by general law, by this Charter, or by the ordinances passed pursuant hereto, shall act as a special police officer or reserve police officer. No person holding an elective office may act as a reserve police officer.

Section 7.04 Fire Department:

There shall be established and maintained a Fire Department to provide means for protection against conflagrations and other disasters and to provide for the maintenance, support, and regulation of a Fire Department and for the guarding against fires.

(A) Fire Chief. The Fire Chief shall be the chief administrative officer of the Fire Department. He shall appoint and remove the employees of said department and shall perform such duties as may be required by the City Manager. The Fire Chief shall be appointed by the City Manager ~~with the approval of the City Council~~ for an indefinite term. The Fire Chief shall be fully responsible to the City Manager for the administration of his department, and for the carrying out and enforcement of the resolutions and ordinances of the City Council. He may be removed from office by said City Manager ~~with the approval of the City Council.~~ (Amended April 7, 1984)

(B) Volunteer Fire Department. Authority is hereby granted to maintain a Volunteer Fire Department. No person holding an elective office may serve as a volunteer fireman. (Amended April 7, 1984)

Section 7.05 Department of Public Works:

There shall be established and maintained a Department of Public Works to provide and maintain water and sewer services and such other duties as the City Council may direct.

~~A. Director of Public Works:~~ The Director of Public Works shall be the chief administrative officer of the Department of Public Works. He shall appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Manager. The Director of Public Works shall be appointed by the City Manager ~~with the approval of the City Council~~ for an indefinite term. The Director of Public Works shall be fully responsible to the City Manager for the administration of his Department, and for the carrying out and enforcement of the resolutions and ordinances of the City Council. He may be removed from Office by said City Manager ~~with the approval of the City Council.~~ (Amended April 7, 1984)

Section 7.06 Department of Finance:

There shall be a Department of Finance headed by the City Manager or his appointee. The City Manager ~~with the approval of City Council~~ may appoint a deputy director of finance who may be the City Collector of Taxes. (Amended April 4, 1981)

Section 7.07 Other Departments, Boards and Commissions:

The City Council may abolish or consolidate any office or department except those created by this Charter. The City Council may divide the administration of any such departments as it may deem advisable and may create new departments.

The City Council shall create, establish, or appoint, as may be required by State law, circumstances, or this Charter, those Boards, Commissions, and Committees which are deemed necessary to carry out the functions and obligations of the City. The City Council shall prescribe accountability and tenure of each Board, Commission, and Committee where such are not prescribed by State law or this Charter."

_____ for the proposition

_____ against the proposition

PROPOSITION 4:

Shall the Article X, Taxation be amended as follows?

**"ARTICLE X
TAXATION**

Section 10.01 Department of Taxation:

At the discretion of the City Council, there shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Collector which office shall be filled by appointment by the City Manager ~~with the approval of the City Council~~, for an indefinite term. The Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the State ~~law~~ Law bearing upon the functions of his office, in a sum which shall be fixed by the City Council at not less than one hundred ~~ten thousand~~ dollars (~~\$10,000.00~~ \$100,000).

Section 10.02 Power to Tax:

The City Council of the City shall have the power, and is hereby authorized to levy, assess and collect, not to exceed the maximum limits set by the Constitution and State law ~~laws of the State of Texas as they now exist or as they may be amended~~, on each one hundred dollar (\$100.00) assessed valuation of all property having a situs within the corporate limits of the City and not exempt from taxation by the Constitution and State ~~laws of the State of Texas~~.

Section 10.03 [Shall remain unchanged.]

Section 10.04 Taxes - When Due and Payable:

All taxes due the City of Colleyville shall be payable at the office of the City Tax Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October 1st. Taxes shall be paid on or before January 31st, and all such taxes not paid on or prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as ~~the City Council may provide by ordinance~~ authorized by State law. ~~The City Council may provide further by ordinance that all taxes either current or delinquent, due the City of Colleyville may be paid by installments.~~ Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipt for the years in question. ~~The Council shall be prohibited from waiving penalties and interest, allowing discounts, and extending time for payment of taxes.~~

Section 10.05 Tax Liens:

The tax levied by the City is hereby declared to be a lien, charge, or encumbrance upon the property as of January 1st of any each year, upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property is such as to give the State Courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this State or person whose residence is unknown, but as against non-residents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, and such lien may be foreclosed in any court having jurisdiction. Such lien shall be, ~~prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien entitled to that priority as allowed by State law.~~

In addition to the lien herein provided, on the first day of January of any year the owner of real and personal property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City Assessment Rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property intended to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or personal judgment against the owner for such taxes."

_____ for the proposition

_____ against the proposition

PROPOSITION 5:

Shall Article XIV, General Provisions be amended as follows?

“Section 14.01 Publicity of Records:

All record and accounts of every office, department, or agency of the City shall be open to inspection by any citizen individual subject to public inspection as provided by State law ~~or by any representative of the press at all reasonable times and under such reasonable regulations as may be established by the City Manager and/or the City Council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish or those records and documents prohibited from disclosure by law.~~

Section 14.02 Personal Financial Interest:

This section shall apply to all elected and appointed City officials, members of commissions, boards, committees and City employees.

~~A. Scope. This section shall apply to all elected and appointed City officials, members of commissions, boards, committees and City employees.~~

~~B (A) Misuse of Office. No person shall use his office, position or employment in an unlawful manner or in a manner calculated to obtain a financial benefit or a commercial benefit that would not be available to someone not holding such office or position. which is not normally or customarily received as a result of the office, position or employment held.~~

~~C (B) Contracts. A person, who is subject to this section and has a direct interest in any proposed or existing contract, purchase, work, sale or service to or by the City, shall not participate in discussions thereon, render a decision thereon, or vote thereon.~~

~~D (C) Discretionary Authority. No person shall make a decision or exercise their discretionary authority with regard to an entity in which he or she has a direct or indirect financial interest as prohibited by State law.~~

~~E (D) No person shall grant, accept or solicit in the discharge of his official duties any favor or personal benefit, service or thing of value to any person or entity in violation of State law.~~

~~F (E) Notice. Any person who shall have a conflict of interest under paragraph B G above shall file a sworn statement describing in reasonable detail such conflict with the City Secretary no later than either the beginning of the meeting at which the matter will first be discussed or acted upon, or the time at which the potential conflict first becomes known to the person, whichever occurs first.~~

~~G (F) Citizen Complaints. Any citizen of the City may file with the City Secretary a statement of suspected conflict of interest. Such statement of suspected conflict of~~

interest shall be filed within fifteen (15) days of the decision, vote, or other event giving rise to an asserted violation of paragraph C above, and shall describe the complained of conflict in reasonable detail. The City Council, or its designee, shall respond in writing to a timely filed statement of suspected conflict of interest, and the statement of suspected conflict of interest and response of the City Council shall be maintained in the public records of the City.

H (G) Oath. Upon the election, appointment, or employment of any person by the City, they shall sign a statement acknowledging that they have read and are familiar with the provisions of this Section of the Charter, and all other sections of State law pertaining to the conflict of interest, and these statements shall be maintained as public record of the City.

I (H) Removal from Office. Failure to comply with any of the provisions of this Section shall constitute malfeasance in office and upon a finding by a Court of competent jurisdiction of said violation, the person shall immediately forfeit their position or office and such position or office shall be deemed vacant.

J (I) Contracts Voidable. Any violation of part C of this Section in the approval process of any contract shall make said contract voidable by the City.

K (J) The City Council may adopt by ordinance, a code of ethics and conduct that is consistent with the provisions of this Charter.

Section 14.03 [Shall remain unchanged.]

Section 14.04 [Shall remain unchanged except as amended by Proposition 1.]

Section 14.05 Tort Liability:

Before the City shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, which does not constitute a taking or damaging of property under the Constitution of the State of Texas, Article I, Section 17, Constitution of the State of Texas, the person injured, if living, or his representatives, if deceased, or the owner, his agent or attorney of the property damaged or destroyed shall give the City Manager or City Secretary notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within one hundred twenty (120) days after same has been sustained, stating specifically in such written notice when, where, and how the death, injury, damage or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six (6) months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. No action at law for damages shall be brought against the City for such death, injury, damage or destruction prior to the expiration of sixty (60) days after the notice hereinbefore described has been filed with the City Manager or the City Secretary.

Section 14.06 [Shall remain unchanged.]

Section 14.07 [Shall remain unchanged except as amended by Proposition 1.]

Section 14.08 [Shall remain unchanged except as amended by Proposition 1.]

Section 14.09 [Shall remain unchanged.]

Section 14.10 **Amending the Charter:**

Amendments to this Charter may be framed ~~shall be formulated~~ and submitted to the voters of the City in the manner provided by State law, but in no event more frequently than once every two years. ~~Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925, as now or hereafter amended.~~

Section 14.11 [Shall remain unchanged.]

Section 14.12 [Shall remain unchanged.]

Section 14.13 [Shall be deleted in its entirety.]”

_____ for the proposition

_____ against the proposition

PROPOSITION 6:

Shall Article IV, Elections be amended as follows?

“ARTICLE IV ELECTIONS

Section 4.01 **Laws Governing City Elections:**

All City elections shall be governed, except as otherwise provided by this Charter, by ~~the laws of the State law of Texas governing general and municipal elections, so far as the laws of the State law~~ law may be applicable thereto. In the event there should be any failure of ~~the laws of the State law~~ of Texas or this Charter to provide for some feature of the City elections, the City Council shall have the power to provide for or correct such deficiency. ~~No informalities in conducting a City election shall invalidate said election, if~~ If the election is conducted fairly and in substantial compliance with ~~the laws of the State law, where applicable,~~ and the Charter and ordinances of the City, the election shall not be invalidated.

Section 4.02 General Elections:

The regular City elections shall be held annually on the first Saturday in May, unless specifically required to be held on another day pursuant to State law, at which time officers shall be elected to fill those offices as required by this Charter. The same shall be conducted and the results canvassed and announced in accordance with ~~the laws of the State~~ law of Texas regulating all municipal elections and in accordance with the ordinances and resolutions adopted by the City Council for the conduct of elections.

Section 4.03 Special Elections:

The City Council may by ordinance or resolution call such Special Elections as are authorized by ~~the laws of the State~~ law of Texas or by this Charter, fix the date and place of holding same, and provide all means for holding such Special Election.

Section 4.04 Publishing City Elections:

It is the responsibility of the City Council to inform the registered voters of the City as to the time, place, date and purpose of any forthcoming City election, and the City Council shall establish such rules and procedures, in addition to those required by State law ~~Law~~, to adequately inform the qualified voters of the City.

Section 4.05 Run-Off Election:

In the event that no candidate for a designated office received a majority of all votes cast for that position in the regular or special election, a run off election shall be held as required by ~~the State law. Election Code of the State of Texas, Vernon's Annotated Civil Statutes, as amended.~~ the State law.

Section 4.06 [Shall remain unchanged]

Section 4.07 Public Disclosure:

At the time of filing of a candidate for a City office, the candidate shall deliver to the City Secretary a disclosure statement containing the following information:

(A) The location, size, and current use of all property owned within the city or within any contiguous city, or held in trust by the candidate, their spouse, and any dependent minor children, or any business entity in which the candidate has a financial interest.

(B) and (C) **[Shall remain unchanged]**

Section 4.08 Oath of Office:

Every officer of the City, whether elected or appointed, shall, within thirty (30) days of his election or appointment, take and subscribe to the following applicable oath or affirmation to be filed and kept in the office of the City Secretary.

(A) For elected officers. "I _____, do solemnly swear (or affirm) that I will faithfully execute the duties of _____, of the City of Colleyville, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and Laws of the United States of America and of this State and the Charter, Ordinances and Resolutions of this City. I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money or valuable thing, or promised any public office or employment, as a reward for the giving or withholding of a vote at the election at which I was elected. So help me God."

(B) For appointed officers. "I _____, do solemnly swear (or affirm) that I will faithfully execute the duties of _____, of the City of Colleyville, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and Laws of the United States of America and of this State and the Charter, Ordinances and Resolutions of this City. I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money or valuable thing, or promised any public office or employment, as a reward to secure my appointment or the confirmation thereof. So help me God."

_____ for the proposition

_____ against the proposition

PROPOSITION 7:

Shall Article V, Recall of Officers by the People be amended as follows?

"ARTICLE V RECALL OF OFFICERS BY THE PEOPLE

Section 5.01 Scope of Recall:

All members of the City Council shall be subject to recall and removal from office by the qualified voters of the city.

~~Any City official, whether elected to office by the qualified voters of the City or appointed by the City Council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the City.~~

Section 5.02 Petitions for Recall:

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be submitted, shall first be signed by the qualified voters of the City equal in number to at least ~~forty~~ thirty percent (30 40%) of the number of votes cast in the last regular municipal election of the City, and in no event less

than five hundred (500) such petitioners. Each signer of such recall petition shall personally sign their name thereto in ink or indelible pencil, using their normal signature. In addition, each signer shall print their name, street address of their residence in Colleyville, voter registration certification number and the day, month and year that their signature was affixed to the recall petition. (Amended April 7, 1984)

Section 5.03 Form of Recall Petition:

The recall petition mentioned above must be addressed to the City Council of the City of Colleyville, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and if there be more than one (1) ground, such as for incompetence ~~incompetency~~, misconduct, or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he is charged.

The signature shall be verified by oath in the following form:

STATE OF TEXAS

COUNTY OF TARRANT

_____, being first duly sworn, on oath deposes and says that I am one (1) of the signers of the above petition and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

SWORN AND SUBSCRIBED TO before me this _____ day of _____, 20
19____.

Notary Public in and for
The State of Texas

- | | |
|---------------------|--|
| Section 5.04 | [Shall remain unchanged except as provided for in Proposition 1.] |
| Section 5.05 | [Shall remain unchanged except as provided for in Proposition 1.] |
| Section 5.06 | [Shall remain unchanged.] |
| Section 5.07 | [Shall remain unchanged.] |
| Section 5.08 | [Shall remain unchanged.] |
| Section 5.09 | [Shall remain unchanged.] |
| Section 5.10 | [Shall remain unchanged.] |

Section 5.11 [Shall remain unchanged except as provided for in Proposition 1.]”

_____ for the proposition

_____ against the proposition

PROPOSITION 8:

Shall Article VIII, Legal and Judicial Services be amended as follows?

“ARTICLE VIII
LEGAL AND JUDICIAL SERVICES

Section 8.01 [Shall remain unchanged except as provided for in Proposition 1.]

Section 8.02 [Shall remain unchanged except as provided for in Proposition 1.]

Section 8.03 **Clerk of the Municipal Court:**

There shall be a clerk of the Municipal Court to be appointed by the City Manager with the concurrence of the City Council. ~~Said clerk may hold another position of City employment concurrent with, but secondary to and not in conflict with this position.~~ The clerk of the court and deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court, and generally do and perform any and all acts as usual and necessary to be performed by the clerks of courts in issuing process of said courts and conducting the business thereof.

Section 8.04 **City Attorney:**

The City Council shall appoint a competent and duly licensed attorney practicing law in the State of Texas, who shall be the Attorney for the City (and may also be referred to as City Attorney). He shall receive for his services such compensation as may be fixed by the City Council and shall hold his office at the pleasure of the City Council. The City Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm, with City Council approval, to serve as City Attorney. The City Attorney, or such other attorneys selected by him with the approval of the City Council, may represent the City in litigation. The City Council shall have the right to retain special counsel at any time they may deem it appropriate and/or necessary.

The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof and attend all meetings as deemed necessary by the City Council.

The City Attorney shall review and concur or dissent upon all documents, contracts, and legal instruments in which the City may have an interest.

The City Attorney shall perform other duties prescribed by this Charter, ordinance, or as directed by the City Council.

~~The City Council shall appoint a competent and duly licensed attorney practicing law in the State of Texas, who shall be the Attorney for the City (and may also be referred to as City Attorney). He shall receive for his services such compensation as may be fixed by the City Council and shall hold his office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by him with the approval of the City Council, shall represent the City in all litigation. He shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof.~~

~~The City Attorney shall review and concur or dissent upon all documents, contracts, and legal instruments in which the City may have an interest.~~

~~The City Council shall have the right to retain special counsel at any time they may deem it appropriate and/or necessary.~~

~~The City Attorney shall perform other duties prescribed by this Charter, ordinance, or as directed by the City Council."~~

_____ for the proposition

_____ against the proposition

PROPOSITION 9:

Shall Article IX, Municipal Finance be amended as follows?

"ARTICLE IX MUNICIPAL FINANCE

Section 9.01 [Shall remain unchanged]

Section 9.02 Annual Budget:

(A) [Shall remain unchanged except as provided for in Proposition 1.]

(B) [Shall remain unchanged except as provided for in Proposition 1.]

(C) Public Notice and Hearing: The City Council shall post in the City Hall and publish in the official newspaper not more than fourteen (14) days prior to each

public hearing on the budget a notice stating the time and place where copies of the message and budget are available for inspection by the public, and the time and place of each public hearing on the budget. The City Council may consider, holding ~~held~~ public hearings and adopt the budget at regular ~~special~~ meetings called by the City Council for that purpose, notwithstanding the provisions of Section 3.11 of this Charter requiring action at two (2) ~~three (3)~~ consecutive regular City Council meetings. (Amended April 7, 1979)

(D) [Shall remain unchanged except as provided for in Proposition 1.]

(E) Adoption: The City Council shall adopt the budget by ordinance not later than the second regular City Council meeting in September of the current fiscal year. ~~30th day of September.~~ Adoption of the budget will require an affirmative vote of at least a majority of all of the members of the City Council. Adoption of the budget shall constitute appropriations of the amount specified therein as expenditures from the fund indicated, and shall constitute a levy of the property tax therein proposed. (Amended April 7, 1979)

(F) Failure: If the City Council fails to adopt the budget by the ~~15th day of September~~ second regular City Council meeting in September of the current fiscal year, the amounts appropriated 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 pro-rated accordingly until such time as the City Council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved as a part of the budget adoption will be set to equal the total current fiscal year receipts, unless the ensuing fiscal year budget is approved by ~~September 15th~~ the second regular City Council meeting in September of the current fiscal year.

Section 9.03 [Shall remain unchanged.]

Section 9.04 Amendments after Adoption:

(A) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council may, by Ordinance, ~~carry the excess into the next fiscal year or by resolution may make supplemental appropriations to retire indebtedness or to fund emergency appropriations as described in Section 9.04B in this Charter.~~

(B) [Shall remain unchanged except as provided for in Proposition 1.]

(C) [Shall remain unchanged except as provided for in Proposition 1.]

(D) [Shall remain unchanged except as provided for in Proposition 1.]

(E) [Shall remain unchanged.]

(F) [Shall remain unchanged.]

Section 9.05 [Shall remain unchanged.]

Section 9.06 [Shall remain unchanged except as provided for in Proposition 1.]

Section 9.07 [Shall remain unchanged except as provided for in Proposition 1.]

Section 9.08 [Shall remain unchanged except as provided for in Proposition 1.]

Section 9.09 [Shall remain unchanged.]”

_____ for the proposition

_____ against the proposition

PROPOSITION 10:

Shall Article XI, Planning and Zoning, Board of Adjustment be amended as follows?

“ARTICLE XI
PLANNING AND ZONING, BOARD OF ADJUSTMENT

Section 11.01 The Planning and Zoning Commission:

There shall be established a Planning and Zoning Commission, which shall consist of seven (7) citizens of the City of Colleyville. Members of said Commission shall be appointed by the City Council for a term of two (2) years ~~who shall and will serve at the will and pleasure of the City Council.~~ Three (3) members of the Planning and Zoning Commission shall be appointed each odd numbered year and four (4) members shall be appointed each even numbered year. The Commission shall elect a chairman from its membership and shall meet in the City Hall not less than once each month. The chairman of the Commission shall be a voting member. Vacancies which are created by resignation, removal by vote of a majority of the City Council, or by for any other reason shall be filled by the City Council for the remainder of the term. ~~Vacancies shall be filled by the Council for the remainder of the term.~~ A majority of the members shall constitute a quorum; however, no action shall be approved with less than four (4) affirmative votes. Attendance requirements for members shall be the same as for members of the City Council. The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation.

Section 11.02 [Shall remain unchanged except as provided for in Proposition 1.]

Section 11.03 **[Shall remain unchanged except as provided for in Proposition 1.]**

Section 11.04 Legal Effect of the Master Plan:

Upon adoption of the Master Plan by the City Council, no subdivision, street, park, or any public way, ground or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the Master Plan shall be constructed or authorized by the City until and unless the location and extent thereof shall have been submitted to the Commission and approved by the City Council. In case of Commission disapproval, they shall communicate their reasons to the City Council, which shall have the power to overrule such disapproval. ~~by a three-fourths (3/4) vote, and upon such overruling, the City Council shall have the power to proceed.~~ The widening, narrowing, relocating, vacating, or change in the use of any street, alley, or public way, or ground, or sale of any public building or real property, shall be subject to similar submission and approval of the Planning and Zoning Commission and failure to approve may be similarly overruled by the City Council. (Amended April 7, 1979)

Section 11.05 Zoning Board of Adjustment:

There shall be a Zoning Board of Adjustment as specified by State law in Article 1011G, Chapter 4 Title 28, Revised Civil Statutes of Texas of 1925 as now or hereafter revised. Vacancies which are created by resignation, or for any other reason shall be filled by the City Council for the remainder of the term.

Section 11.06 Separation of Planning and Zoning Commissions:

The City Council may by ordinance, at such time as deemed in the best interest of the citizens of Colleyville, create a separate Commission to perform the duties of Planning. This Commission shall have the same structure as provided for the Zoning Commission in Section 11.01, and will perform all duties listed in Section 11.01 through 11.05 of this Charter, for Planning only. The Zoning Commission will perform only the duties described in the same Sections for Zoning, and as advisory board to the Planning Commission."

_____ for the proposition

_____ against the proposition

PROPOSITION 11:

Shall Article XII, Franchises, Public Utilities and Other Users of Public Property be amended as follows?

"ARTICLE XII
FRANCHISES, PUBLIC UTILITIES AND OTHER USERS OF PUBLIC PROPERTY

Section 12.01 Powers of the City:

In addition to the City's power to buy, construct, lease, maintain, operate, and regulate public utilities and other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, within or without the City Limits, and to manufacture, distribute and sell the commodities or products of such utility operations required and used by the public, the City shall have such further powers as may now or hereafter be granted under the Constitution and State law ~~Laws of the State of Texas.~~ Such powers to regulate the use of public property includes, but is not limited to, the right to require relocation of facilities in the public rights-of-way, streets and utility easements, within or without the City Limits, at the facility owners cost for any City public works project to the fullest extent allowed the City now and as may hereafter be permitted by the Constitution and State law.

Section 12.02 Power to Grant Franchise:

The City Council shall have the power by ordinance to grant, renew, and extend all franchises for all public utilities of every character and consents and agreements as to all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, operating within the City and, with consent of the franchise holder, to amend the same, provided, however, that no franchise shall be granted for an indeterminate term, and that no franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension. City Council action on all ordinances granting, renewing, extending or amending a public utility franchise shall comply with the applicable provisions set forth in Section 3.11 of this Charter.

Section 12.03 [Shall remain unchanged.]

Section 12.04 Transfer of Franchise:

No public utility franchise shall be transferable except with the approval of the City Council as expressed by ordinance. The term "transferable", as used herein, shall not be construed in such manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.

Section 12.05 Right of Regulation:

All grants, renewals, extensions, or amendments of public utility franchises and consents and agreements as to all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, whether it be so provided in the ordinance or not, shall be subject to the right of the City:

(A) **[Shall remain unchanged.]**

(B) **[Shall remain unchanged.]**

(C) **[Shall remain unchanged.]**

(D) To require at any time such compensation and rental as may be permitted by State law ~~the laws of the State of Texas~~.

(E) **[Shall remain unchanged.]**

(F) **[Shall remain unchanged.]**

Section 12.06 Extensions:

All extensions of service of public utilities and of all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, within the City limits shall become a part of the aggregate property of the public utility, shall operate as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 12.05 of this Charter. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Section 12.07 Regulation of Rates:

The City Council shall have full power after due notice and hearing to regulate by ordinance the rates, charges and fares of all public utility franchise holders providing gas, electric, water and sewer utility service within the City provided that no such ordinance shall be passed as an emergency measure. All such franchise holders who shall request an increase in rates, charges, or fares shall have, at the hearing of the City Council called to consider such request, the burden of establishing by clear, competent, and convincing evidence the value of its investment properly allowable to service in the City, and the amount and character of its expenses and revenues connected with the rendering of such service. If, upon such hearing, the City Council is not satisfied with the sufficiency of the evidence so furnished, it shall be entitled to call upon such public utility for the furnishing of additional evidence at a subsequent date to which said hearing may be adjourned. No public utility franchise holder shall institute any legal action to contest any rate, charge, or fare fixed by the City Council until such franchise holder has filed a motion for rehearing with the City Council for a specific date setting out each ground of its complaint against the rate, charge, or fare fixed by the City Council, and until the City Council shall have acted upon such motion. Such motion shall be deemed overruled unless acted upon by the City Council within a reasonable time, not to exceed sixty (60) days from the filing of such motion for rehearing; provided, that the City Council may by resolution extend such time for acting on said motion for rehearing from sixty (60) days to ninety (90) days. The City shall have the power to employ at the expense of the franchise holder, expert assistance and advise in determining a reasonable rate and equitable profit to the franchise holder.

Section 12.08 [Shall remain unchanged except as provided for in Proposition 1.]

Section 12.09 [Shall remain unchanged except as provided for in Proposition 1.]

Section 12.10 Sales of Municipal Services:

The City Council shall have the power and authority by ordinance:

(A) In or outside the limits of the City, to sell and distribute water; sell and provide sewer service; sell and provide garbage and trash collection disposition; and to sell and provide other municipal services, including but not limited to cable television services, telecommunications services, information services and other electronically transmitted services, whether transmitted by radio waves, light wave or impulses, by digital transmissions or otherwise, unless expressly prohibited by the State or Federal law.

(B) To establish specifications for materials and construction used within or beyond the limits of the City for such municipal services; inspect same and require such materials to be kept in good order and condition at all times; make such rules and regulations as shall be necessary and proper; and prescribe penalties for noncompliance with same.

Section 12.11 [Shall remain unchanged.]”

_____ for the proposition

_____ against the proposition

PROPOSITION 12:

Shall Article VI, Legislation by the People, Initiative, and Referendum be amended as follows?

“Section 6.07 Adoption of Ordinances or Resolutions by Referendum or Initiative:

If a majority of the qualified voters voting on a proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective. ~~as a law or as a mandatory order to the Council.~~ No signature of the Mayor shall be required.”

“Section 6.11 Franchise Ordinances:

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of this Charter pertaining to ordinances granting franchises. ~~when valuable rights have accrued thereunder.”~~

_____ for the proposition

_____ against the proposition

RESOLUTION R-05-2544

**A RESOLUTION CANVASSING THE MAY 7, 2005, SPECIAL CITY CHARTER
AMENDMENT ELECTION**

WHEREAS, a Special City Charter Amendment Election was duly held in the City of Colleyville, Texas, on the 7th day of May 2005; and

WHEREAS, the City Council has met and canvassed the votes cast in such election in accordance with the Texas Election Code, Section 67.004; and

WHEREAS, such canvass shows the following results:

PROPOSITION 1

For	1,377
Against	415

PROPOSITION 2

For	1,225
Against	551

PROPOSITION 3

For	1,245
Against	527

PROPOSITION 4

For	1,229
Against	526

PROPOSITION 5

For	1,437
Against	323

PROPOSITION 6

For	1,430
Against	327

PROPOSITION 7

For	1,361
Against	402

PROPOSITION 8

For	1,377
Against	375

PROPOSITION 9

For	1393
Against	339

PROPOSITION 10

For	1,332
Against	410

PROPOSITION 11

For	1,326
Against	421

PROPOSITION 12

For	1,380
Against	374

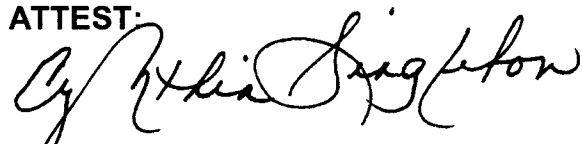
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. THAT the above canvass is hereby approved.

AND IT IS SO RESOLVED.

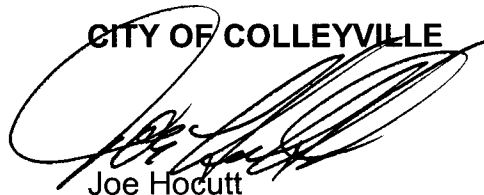
PASSED BY A VOTE OF 5 AYES, 0 NAYS AND 0 ABSTENTIONS
ON THIS THE 17th DAY OF May 2005.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



Joe Hocutt
Mayor

CHARTER

of



Revised May 7, 2005

COLLEYVILLE CITY CHARTER

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ARTICLE II
POWERS OF THE CITY
(Amended May 7, 2005)

Section 2.01 General Powers Adopted:

The City Council shall have the powers, functions, rights, privileges and immunities of every name and nature, that are now or hereafter may be granted to a Home Rule City by the Constitution and State law, together with all implied powers necessary to carry into execution all such powers granted.

Among such powers, the City Council shall have police powers, the power to adjust boundaries, to contract and to co-operate with the government of any state or any agency or subdivision thereof, or with the federal government or any agency thereof to accomplish any lawful purpose. The City may use a corporate seal; may acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lease interest or estate by purchase, gift, devise, lease, exchange, condemnation, and subject to the provisions of this Charter, may sell, lease mortgage, hold, manage, improve, exchange and control property as may now or hereafter be owned by it; may sue and be sued; may furnish municipal services, both within and without its corporate limits; may implead and be impleaded in all courts and places and in all matters whatever; may provide for the expenditure of public funds for a retirement system, group health, life and accident insurance coverage, and surety bonds for City employees or officers; may pass ordinances, resolutions, and enact such regulations as may be expedient for the maintenance of good government, order and peace of the City and the interest, welfare, health, morals, comfort, safety, security and convenience of the City for its inhabitants consistent with the provisions of this Charter.

The enumeration of particular powers of this Charter shall not be held or deemed exclusive, but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers. The City Council shall have and may exercise all powers of local self government and all powers which under the Constitution and State law would be competent for this Charter to specifically enumerate.

Section 2.02 Eminent Domain:

The City shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the Constitution or State law. The power of eminent domain hereby conferred shall include the right of the City to take the fee title and easement interests in the lands so condemned and such power and authority shall include the right to condemn, for any municipal or public purpose. The City shall have the power through eminent domain proceedings to acquire any public utility operating with or without a franchise, and furnishing a public service to the citizens of Colleyville.

Section 2.03 Establishment and Control of Public Property:

The City of Colleyville shall have the power to lay out, establish, open, alter, widen, lower, raise, extend, grade, abandon, discontinue, abolish, close, care for, pave,

HOME RULE CHARTER

for the

CITY OF COLLEYVILLE, TEXAS

Preamble

We, the citizens of Colleyville, Texas, in order to establish a Home Rule municipal government, provide for the future progress of our City, and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with State law and do hereby declare the residents of the City of Colleyville in Tarrant County, Texas, living within the legally established boundaries of said City, to be a political subdivision of said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the "City of Colleyville" with such powers, rights, authorities, privileges, obligations and immunities as are herein provided.

ARTICLE I

FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 Form of Government:

The Municipal Government provided by this Charter shall be known as the "Council-Manager Government". Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, State law, and by this Charter, all powers of the City Council shall be vested in an elective City Council, hereinafter referred to as the "City Council". All powers of the City shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by Ordinance, Resolution, the State Constitution, or by State law.

Section 1.02 Boundaries of the City:

The Inhabitants of the City of Colleyville, Tarrant County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Colleyville", which boundaries are more fully set out and described by metes and bounds. These are on file in the Office of City Secretary. (Amended May 7, 2005)

Section 1.03 Boundary Adjustment:

The City Council shall have the power by ordinance to fix the boundaries of the City and to provide for the alteration or the extension of said boundaries, pursuant to State law now or hereinafter enacted where the same is not inconsistent with State law.

supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate the use thereof; require the removal from streets, sidewalks, alleys, and other public property or places of all obstructions and encroachments of every nature or character upon any of said streets and sidewalks, and the power to regulate, control and/or prohibit the moving of any type of objects over, along, or upon, under or across streets, alleys, sidewalks, parks, squares, public places and bridges, of every kind and character in such places and at such time as public need shall dictate.

Section 2.04 Street Development and Improvements:

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets or ways within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same by purchasing, condemning, and taking property therefore; by filling, grading, raising, lowering, paving, repaving and repairing in a permanent manner, the same, and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove, or any combination or parts thereof.

The cost of such development and improvement may be paid partly by assessments levied as a lien against the property abutting thereon and against the owners thereof, subject, however, to the limitations imposed by State law. Such assessments may be levied in any amounts and under any procedures not prohibited by State law, but such assessments may not be levied in excess of thirty-three and one-third percent (33 1/3%) of the costs of such improvements for property abutting one side of said street or public way, or sixty-six and two-thirds percent (66 2/3%) of the cost of such improvements for property abutting both sides of said street or way. In no case shall any property owner be assessed in excess of the cost of like improvements or repairs for a two (2) lane Collector Street as defined by City Ordinance.

Provided, however, that whenever the City undertakes developing, improving and paving of public streets, sidewalks, alleys, highways, and other public ways within its corporate limits, the City shall not have the power and authority to assess property abutting the streets to be developed, improved, or paved, without the approval of sixty percent (60%) of the abutting property owners.

ARTICLE III THE GOVERNING BODY (Amended May 7, 2005)

Section 3.01 Number, Selection, Term:

The Legislature and Governing Body of the City shall consist of seven (7) members; six (6) City Council Persons elected by place number and a Mayor, all members to be elected from the City at large, and shall be known as the 'City Council of the City of Colleyville'.

The Mayor and City Council Persons shall be elected under the general provisions provided by Article IV of this Charter for three (3) year terms. The three (3) year terms shall be staggered so that the Mayor and City Council Persons from Place 1 and 2 shall be elected year one (1), City Council Persons from Places 3 and 4 shall be elected year two (2), and City Council Persons Place 5 and 6 shall be elected year three (3). The Mayor and each of the City Council Persons, unless sooner removed under the provisions of this Charter or State law, shall hold office until his successor is elected and duly sworn.

Positions for members of the City Council shall be for Mayor and Places 1 through 6. Commencing with the regular municipal City Council election of 2006, positions for Places 3 and 4 shall be elected for a term of two (2) years and City Council Persons for Places 5 and 6 shall be elected for a term of three (3) years. Commencing with the regular municipal election of 2007, positions for Mayor and City Council Persons for Places 1 and 2 shall be elected for a term of three (3) years. Commencing with the regular municipal election of 2008, City Council Persons for Places 3 and 4 shall be elected for a three (3) year term. Thereafter, the Mayor and each member of the City Council shall be elected for a three (3) year term.

Terms of office shall commence at the beginning of the first regular meeting of the City Council following the canvass of the election as provided by Article 4. (Amended May 7, 2005)

Section 3.02 Qualifications:

Each candidate for membership and each member of the City Council shall be and remain:

(A) A resident of the City of Colleyville and shall have been a resident for a period of not less than twelve (12) months immediately preceding their election or a resident of any territory not formerly within the corporate limits of the City but which is annexed under the provisions of this Charter for twelve (12) months preceding their election;

(B) A qualified voter of the State of Texas and the City of Colleyville;

(C) Not financially delinquent to the City.

If any member of the City Council fails to maintain the foregoing qualifications, or shall fail to maintain the seventy-five percent (75%) attendance record for all regularly scheduled meetings, as specified in Section 3.09 hereof, during each elected year, or shall be convicted of a felony or offense involving moral turpitude, the City Council shall declare a vacancy in the office of that member of the City Council at its next regular meeting and shall fill the vacancy as set forth in this Charter. (Amended April 7, 1984)

Section 3.03 City Council to be the Judge of Election Qualification:

The City Council shall be the judge of the election and qualification of its own members.

Section 3.04 Compensation:

The Mayor and City Council Persons shall not receive a salary, but shall be entitled to actual and necessary expenses incurred in the performance of their specific official duties of the office.

Section 3.05 Vacancies:

A single vacancy in the City Council shall be filled within thirty (30) days of the occurrence of the vacancy by a majority vote of the remaining members of the City Council by selection of a person qualified for the position as described in this Charter. This appointee shall serve until the position can be filled at the next regular or special City election as provided by law. However, if such vacancy occurs within one hundred twenty (120) days of a regular election, then no election shall be called to fill the vacancy, and the remaining City Council members shall appoint a qualified person to fill the vacancy until the regular election.

Notwithstanding the requirement in Section 3.09 that a quorum of the City Council consists of four (4) members, if at any time the membership of the City Council is reduced to less than four (4), the remaining members may by majority action appoint additional members to raise the membership to four (4). These appointees shall serve until the positions can be filled at the next regular or special City election.

Section 3.06 Mayor and Mayor Pro Tem:

The Mayor shall preside at all meetings of the City Council and shall vote on all issues. The Mayor, except as provided in 3.07, shall sign all contracts and conveyances made or entered into by the City, and all bonds issued under the provision of this Charter, and shall be the official representative of the City. The Mayor shall be recognized as the official agent of the City by the Court for the purpose of serving civil process. (Amended May 7, 2005)

Immediately following the final swearing in of all members elected in accordance with Section 4.02 of this Charter, the new City Council shall in its first regular meeting, elect from among its members a Mayor Pro Tem who shall serve for the term of one (1) year. (Amended April 7, 1984)

The Mayor Pro Tem shall, in the absence of the Mayor, preside at all meetings of the City Council and shall vote on all issues before the City Council. The Mayor Pro Tem shall perform all other duties of the Mayor during the absence or disability of the Mayor. (Amended April 7, 1984)

In time of danger or emergency, the Mayor may take command of the Police and govern the City by proclamation and maintain order and enforce all laws.

Section 3.07 Powers of the City Council:

All powers and authority granted to the City by the Constitution of the State of Texas shall be vested in the City Council, except as otherwise provided by State law or this Charter. The City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the City by State law and this Charter.

In addition to the provisions set forth in Section 3.06, the City Council shall have the power to authorize the City Manager to sign a specific contract or expenditure; provided, however, the City Manager shall not be authorized to sign any bonds issued under any provisions of the Charter. (Amended May 7, 2005)

Section 3.08 Forfeiture of Elected Office:

(A) Except where authorized by State law, a Mayor or City Council Person shall:

- (1) Resign their current office at the time of filing for any publicly elected position if their term extends past the beginning of the position sought; (Amended May 7, 2005)
- (2) Not hold any compensated appointive City office or employment with the City during the term for which elected; and
- (3) Not hold any compensated appointive City Office or employment with the City until one (1) year after the expiration of the term for which elected.

(B) Appointments and/or removals of City employees. The members of the City Council shall in no way dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint, unless otherwise provided in this Charter. (Amended May 7, 2005)

(C) Interference with Administration. Except for the purpose of inquiries and investigations by the direction of the City Council, unless provided otherwise in this Charter, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except in a state of declared emergency.

(D) Admission of liability. Neither the City Council nor its members shall accept or admit liability or pay any claim for damages asserted against the City without first obtaining a written opinion from the City Attorney regarding the City's liability therein.

Section 3.09 Meetings and Rules of Procedure:

(A) Meetings of City Council. City Council meetings shall be held at the City Hall or such place within the City of Colleyville that the City Council shall direct. The

City Council shall meet regularly at least twice (2) in every month at such times as a City Council may prescribe by rule. In the event of a lack of a quorum at a regularly scheduled meeting, the meeting shall be opened and the roll call taken, recorded and adjourned until the regular or called special meeting. Special meetings may be held on the call of the Mayor or four (4) members of the City Council at the place within the City of Colleyville designated in the public notice. All meetings shall be held and public notice thereof given as required by State law. (Amended May 7, 2005)

(B) Minutes and Rules. The City Council shall determine its own rules and order of business, and shall provide for keeping minutes of its proceedings and post copy on the City Bulletin Board until the next meeting. The minutes shall be a public record.

(C) Quorum and Voting. Four (4) voting members of the City Council shall constitute a quorum. Voting, except on procedural motions, shall be by roll call and the "ayes" and "nays" shall be recorded in the minutes. The Mayor and every City Council Person shall vote on all issues unless there is a declared and recorded statutory conflict of interest. If because of a statutory conflict of interest a member steps down and remains in the Chamber to return after the item is resolved, then a quorum will be considered in attendance even though only three (3) City Council Persons are left to vote. However, no action shall be approved with less than four (4) affirmative votes. If during the course of a meeting a quorum ceases to exist, the meeting shall be deemed adjourned and no further business shall be conducted. (Amended May 7, 2005)

Section 3.10 Investigation by the City Council:

The City Council, by majority vote, shall have authority to inquire into the conduct of any office, department, agency, City Council member, officer or employee of the City, and to make investigations as to municipal affairs, and for that purpose the City Council shall have the power to authorize the Mayor to subpoena witnesses, administer oaths, and compel production of books, documents, or other evidence. Failure to obey such subpoena or produce books, documents, or other tangible evidence as ordered under the provisions of this Section shall constitute cause for removal from office. (Amended May 7, 2005)

Section 3.11 Ordinances in General:

The City Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the City Council of the City of Colleyville." The City Attorney shall approve as to legality prior to final action by the City Council. Every ordinance enacted by the City Council shall be signed by the Mayor or Mayor Pro-Tem in the Mayor's absence, and shall be filed with and recorded by the City Secretary. All ordinances exclusive of emergency ordinances as defined by Section 3.12, shall be read in open meeting of the City Council at two (2) consecutive regular City Council meetings. The caption only of each proposed ordinance shall be read at the first and second reading, provided, that upon the request of any three (3) members of the City Council, the

ordinance shall be read in its entirety on either the first or second reading, and further provided, however, that neither metes and bounds descriptions nor national, state, industrial, or uniform codes or manuals shall be read. Tabled ordinances shall be read after being removed from the table. Each reading of a proposed or tabled ordinance shall be followed by a public hearing. No final vote of approval or disapproval shall be taken by the City Council until after the second reading and public hearing on each ordinance. The captions of all proposed ordinances shall be posted upon a bulletin board at City Hall established for the purpose of giving notice of City Council meetings not less than seventy-two (72) hours prior to the meeting at which such ordinances are read. (Amended November 7, 1995)

Section 3.12 Emergency Ordinances:

The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property, or the public peace. In particular such ordinances shall not levy taxes, grant or renew or extend a franchise, or attempt to regulate the rate charged by any public utility for its services. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of a majority of four (4) or more members the City Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances. Every emergency ordinance so adopted, shall automatically stand repealed as of the sixty-first (61) day following the day on which it became effective, but this shall not prevent re-enactment of the emergency ordinance or as an ordinance in general under Section 3.11. (Amended May 7, 2005)

Section 3.13 Resolutions:

Any official action of the City Council not authorized by ordinance shall be authorized by resolution. All resolutions shall be read in open meeting of the City Council and shall be followed by public hearing. (Amended April 7, 1984)

ARTICLE IV ELECTIONS

Section 4.01 Laws Governing City Elections:

All City elections shall be governed, except as otherwise provided by this Charter, by State law governing general and municipal elections, so far as State law may be applicable thereto. In the event there should be any failure of State law of Texas or this Charter to provide for some feature of the City elections, the City Council shall have the power to provide for or correct such deficiency. If the election is conducted fairly and in substantial compliance with State law, and the Charter and ordinances of the City, the election shall not be invalidated. (Amended May 7, 2005)

Section 4.02 General Elections:

The regular City elections shall be held annually on the first Saturday in May, unless specifically required to be held on another day pursuant to State law, at which time officers shall be elected to fill those offices as required by this Charter. The same shall be conducted and the results canvassed and announced in accordance with State law regulating all municipal elections and in accordance with the ordinances and resolutions adopted by the City Council for the conduct of elections. (Amended May 7, 2005)

Section 4.03 Special Elections:

The City Council may by ordinance or resolution call such Special Elections as are authorized by State law or by this Charter, fix the date and place of holding same, and provide all means for holding such Special Election.

Section 4.04 Publishing City Elections:

It is the responsibility of the City Council to inform the registered voters of the City as to the time, place, date and purpose of any forthcoming City election, and the City Council shall establish such rules and procedures, in addition to those required by State law, to adequately inform the qualified voters of the City.

Section 4.05 Run-Off Election:

In the event that no candidate for a designated office received a majority of all votes cast for that position in the regular or special election, a run off election shall be held as required by State law.

Section 4.06 Election by Majority:

The candidate for each position on the ballot who shall have received the majority of all votes cast for such position shall be declared elected.

Section 4.07 Public Disclosure:

At the time of filing of a candidate for a City office, the candidate shall deliver to the City Secretary a disclosure statement containing the following information:

(A) The location, size, and current use of all property owned within the city or within any contiguous city, or held in trust by the candidate, their spouse, and any dependent minor children, or any business entity in which the candidate has a financial interest. (Amended May 7, 2005)

(B) The name and address of any person or corporation which currently has or during the preceding twelve (12) months has had a contractual relationship with the City and from which the candidate, their spouse or dependent minor children have received a fee, salary, or gift of a value exceeding one hundred dollars (\$100.00)

(C) The name and address of any corporation or business, which currently has or in the preceding twelve (12) months has had a contractual relationship with the City, of which the candidate, their spouse, or any dependent minor children own more than two percent (2%) of the outstanding equity interest or more than two percent (2%) of the assets. (Amended January 18, 1992)

Section 4.08 Oath of Office:

Every officer of the City, whether elected or appointed, shall, within thirty (30) days of his election or appointment, take and subscribe to the following applicable oath or affirmation to be filed and kept in the office of the City Secretary.

(A) For elected officers. "I _____, do solemnly swear (or affirm) that I will faithfully execute the duties of _____, of the City of Colleyville, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and Laws of the United States of America and of this State and the Charter, Ordinances and Resolutions of this City. I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money or valuable thing, or promised any public office or employment, as a reward for the giving or withholding of a vote at the election at which I was elected. So help me God." (Amended May 7, 2005)

(B) For appointed officers. "I _____, do solemnly swear (or affirm) that I will faithfully execute the duties of _____, of the City of Colleyville, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and Laws of the United States of America and of this State and the Charter, Ordinances and Resolutions of this City. I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money or valuable thing, or promised any public office or employment, as a reward to secure my appointment or the confirmation thereof. So help me God. (Amended May 7, 2005)

ARTICLE V RECALL OF OFFICERS BY THE PEOPLE

Section 5.01 Scope of Recall:

All members of the City Council shall be subject to recall and removal from office by the qualified voters of the city. (Amended May 7, 2005)

Section 5.02 Petitions for Recall:

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be submitted, shall first be signed by the qualified voters of the City equal in number to at least thirty percent (30 %) of the number of votes cast in the last regular municipal election of the City, and in no event less than five hundred (500) such petitioners. Each signer of such recall petition shall personally sign their name thereto in ink or indelible pencil, using their normal signature. In addition, each

signer shall print their name, street address of their residence in Colleyville, voter registration certification number and the day, month and year that their signature was affixed to the recall petition. (Amended May 7, 2005)

Section 5.03 Form of Recall Petition:

The recall petition mentioned above must be addressed to the City Council of the City of Colleyville, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and if there be more than one (1) ground, such as for incompetence, misconduct, or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he is charged.

The signature shall be verified by oath in the following form:

STATE OF TEXAS

COUNTY OF TARRANT

_____, being first duly sworn, on oath deposes and says that I am one (1) of the signers of the above petition and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

SWORN AND SUBSCRIBED TO before me this ____ day of _____, 20 ____.

Notary Public in and for
The State of Texas

Section 5.04 Various Papers Constituting Petition:

Within ten (10) days from the filing of such petition, the City Secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters, and, if necessary, the City Council shall allow him extra help for that purpose, and he shall attach to said petition a certificate showing the result of such examination. If by the City Secretary's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The City Secretary shall, within ten (10) days after such amendment is filed, in case one (1) is filed with him, make a like examination of said amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition based upon new and different grounds, and not upon the same grounds. (Amended April 7, 1984)

Section 5.05 Presentation of Petition to the City Council:

Within fifteen (15) days after the date of filing of the papers constituting the recall petition, the person performing the duties of the City Secretary shall present such petition to the City Council of the City of Colleyville at a special meeting called for this purpose, or at the next regular meeting of the City Council. (Amended April 7, 1984)

Section 5.06 Public Hearing to be Held:

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held not less than ten (10) days nor more than twenty (20) days after receiving such request for a public hearing.

Section 5.07 Election to be Called:

If an officer whose removal is sought does not resign, the City Council shall order an election and fix a date for holding such recall election within thirty (30) days of the date of the petition; provided, however, if an election cannot be called within said thirty (30) day period, then the date of the election shall be the first date an election may be called under State law. (Amended January 18, 1992)

Section 5.08 Ballots in Recall Election:

Ballots used at recall elections shall conform to the following requirements:

(A) With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (name of office) by recall?"

(B) Immediately below each such question there shall be printed the following words, one (1) above the other, in the order indicated:

_____FOR the recall of (name of person).

_____AGAINST the recall of (name of person).

Section 5.09 Result of Recall Election:

If the majority of the votes cast at a recall election shall be against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as specified in this Charter. If a majority of the votes cast at such election be for the recall of the person named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as provided in Section 3.05 of this Charter.

Section 5.10 Recall, Restrictions Thereon:

No recall petition shall be filed against any officer of the City within six (6) months after his election, nor within six (6) months after an election for such officer's recall. Nothing herein shall prevent impeachment of an officer of the City nor removal for other causes as provided for herein.

Section 5.11 Failure of City Council to Call an Election:

In case all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, then the County Judge of Tarrant County, Texas, may discharge any such duties herein provided to be discharged by the City Secretary or by the City Council.

**ARTICLE VI
LEGISLATION BY THE PEOPLE, INITIATIVE
AND REFERENDUM**

Section 6.01 General Power:

The qualified voters of the City of Colleyville, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the initiative and referendum.

Section 6.02 Initiative:

The people of the City of Colleyville reserve the power of direct legislation by initiative, and in exercise of such power may initiate legislation by submitting a petition addressed to the City Council, which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to at least forty percent (40%) of the number of votes cast at the last regular municipal election of the City, but in no event less than five hundred (500) such petitioners. Each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed as provided in Section 5.02 of this Charter, and shall be verified by oath in the manner and form provided by recall petitions in Section 5.03 of this Charter. The petition may consist of one (1) or more copies as permitted for recall petitions in Section 5.04 of this Charter. Such petition shall be filed with the person performing the duties of the City Secretary and must be certified as required by Section 5.04 of this Charter. At the next regular City Council meeting after the filing of such a petition, the person performing the duties of City Secretary shall present said petition and proposed ordinance or resolution to the City Council. Upon presentation of the petition and draft of proposed ordinance or resolution, the City Council shall pass and adopt such ordinance or resolution as provided in Article III of this Charter, without alteration as to meaning or effect in the opinion of the person filing the petition, or call a special election, as provided by law, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election. (Amended April 7, 1984)

Section 6.03 Referendum:

Qualified voters of the City may require that any ordinance or resolution, with the exception of ordinances or resolutions authorizing the issuance of either tax bonds or revenue bonds, whether original or refunding, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within ninety (90) days after final passage of said ordinance or resolution, or within ninety (90) days after its publication. Said petition shall be addressed, prepared, signed, and verified as required for petitions initiating legislation as provided in Section 6.02 of this Charter, and shall be submitted to the person performing the duties of City Secretary. Immediately upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution, and if it does not entirely repeal the same, shall submit it to popular vote as provided in Section 6.02 of this Charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereon.

Should the popular vote be to uphold the ordinance or resolution, no other referendum election may be held on the same and/or similar ordinance or resolution within six (6) months. But should the same and/or similar ordinance or resolution be passed by the City Council after invalidation by popular vote, a referendum petition may be filed again as outlined in Article VI of this Charter.

Section 6.04 Voluntary Submission of Legislation by the City Council:

The City Council, upon its own motion and by a majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, in the same manner and with the same force and effect as provided in this Article for submission on petition, and may in its discretion call a special election as provided by State law for this purpose.

Section 6.05 Form of Ballots:

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

"FOR THE ORDINANCE" and
"AGAINST THE ORDINANCE", or

"FOR THE RESOLUTION" and
"AGAINST THE RESOLUTION".

Section 6.06 Publication of Proposed and Referred Ordinance or Resolution:

The person performing the duties of City Secretary shall publish at least once in the official newspaper of the City, the notice of special referendum election and the preamble of proposed or referred ordinance or resolution, and shall give such other notices and do

such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

Section 6.07 Adoption of Ordinances or Resolutions by Referendum or Initiative:

If a majority of the qualified voters voting on a proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective. No signature of the Mayor shall be required. (Amended May 7, 2005)

Section 6.08 Inconsistent Ordinances or Resolutions:

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number votes shall prevail.

Section 6.09 Ordinances or Resolutions Passed by Popular Vote, Repeal or Amendment:

No ordinance or resolution which may have been passed by the City Council upon petition or as a result of a popular vote under the provisions of this article shall be repealed or amended for a period of five (5) years, unless there is included in such ordinance or resolution a clause which establishes a lesser period of time in which said ordinance or resolution shall not be repealed or amended, or unless said ordinance or resolution is repealed or amended upon referendum vote or by submission as provided in Section 6.02 of this Charter. (Amended April 7, 1979)

Section 6.10 Further Regulations by City Council:

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article not inconsistent herewith.

Section 6.11 Franchise Ordinances:

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of this Charter pertaining to ordinances granting franchises. (Amended May 7, 2005)

Section 6.12 Compelling Submission:

In the event a court of competent jurisdiction renders a final, nonappealable judgment directing issuance of a writ of mandamus compelling the City Council to comply with the duties imposed upon it by Sections 6.02 or 6.03 of this Charter the City shall pay the reasonable attorney's fees incurred by the person or persons bringing the action to compel compliance with same. (Amended April 7, 1984)

ARTICLE VII
ADMINISTRATIVE ORGANIZATION

Section 7.01 City Manager:

(A) Appointment and Qualifications. The City Council by a vote of not less than four (4) members shall appoint the City Manager for an indefinite term and fix the Manager's compensation. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The City Manager need not be a resident of the City or State at the time of appointment. The City Manager may not reside outside the City while in office without the approval of the City Council. (Amended January 18, 1992)

(B) Removal. The City Manager may be removed from office by a vote of not less than four (4) members of the City Council. The Mayor shall be entitled to vote on the removal of the City Manager. (Amended January 18, 1992)

(C) Acting City Manager. By a letter filed with the City Secretary, the City Manager may designate a City officer or employee to exercise the powers and perform the duties of the City Manager during the City Manager's temporary absence or disability. The City Council may revoke the City Manager's designation and may appoint an officer or employee of the City to serve during the City Manager's absence or disability. (Amended January 18, 1992)

(D) Powers and Duties of the City Manager. The City Manager shall be the chief administrative officer of the City, responsible to the City Council for the administration of all City affairs placed in the City Manager's charge by or under this Charter. The City Manager shall:

- (1) Appoint, suspend or remove all City employees and appointed administrative officers in accordance with the provisions of State law, this Charter and the ordinances of the City. The City Manager may delegate to an administrative officer, subject to the City Manager's direction and supervision, the authority to exercise the power to appoint, suspend or remove employees working under the administrative officer;
- (2) Direct and supervise the administration of all departments, as otherwise provided by this Charter;
- (3) Attend all City Council meetings, and participate in the discussion to the extent required by the City Council;
- (4) Provide for the faithful execution and enforcement of all laws, this Charter, and acts of the City Council;
- (5) Prepare and submit the annual budget and capital program to the City Council;

- (6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- (7) Make such other reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;
- (8) Keep the City Council fully advised as to the financial condition and future needs of the City;
- (9) Make recommendations to the City Council concerning the affairs of the City;
- (10) Provide staff support services for the Mayor, City Council members, and appointed commissions, boards, and committees; and
- (11) Perform such other duties as are specified in this Charter or as may be required by the City Council. (Amended January 18, 1992)

Section 7.02 City Secretary:

The City Manager shall appoint a qualified individual to fill the position of City Secretary. The City Secretary shall not be appointed for a definite term, but may be removed from office by the City Manager. The City Secretary shall: (Amended May 7, 2005)

- (A) Give notice of and attend all official public meetings of the City Council;
- (B) Record the minutes and proceedings of all official public meetings of the City Council; provided, however, that only the title and caption of duly enacted ordinances shall be recorded in the minutes;
- (C) Act as custodian of all official records of the City Council;
- (D) Hold and maintain the Seal of the City and affix this Seal to all appropriate documents;
- (E) Authenticate by signature and Seal, and record in a book kept and indexed for the purpose, all ordinances and resolutions of the City; and
- (F) Perform such other duties as may be required by the City Manager, the City Council, this Charter, or by State law and not inconsistent with other provisions of this Charter.

Section 7.03 Department of Police:

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

(A) Chief of Police. The Chief of Police shall be the chief administrative officer of the Department of Police. He shall appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Manager. The Chief of Police shall be appointed by the City Manager for an indefinite term. The Chief of Police shall be fully responsible to the City Manager for the administration of his Department, and for the carrying out and enforcement of the resolutions and ordinances of the City Council. He may be removed from office by said City Manager. (Amended May 7, 2005)

(B) Special Police and Reserve Police. No person, except as authorized by general law, by this Charter, or by the ordinances passed pursuant hereto, shall act as a special police officer or reserve police officer. No person holding an elective office may act as a reserve police officer. (Amended April 7, 1984)

Section 7.04 Fire Department:

There shall be established and maintained a Fire Department to provide means for protection against conflagrations and other disasters and to provide for the maintenance, support, and regulation of a Fire Department and for the guarding against fires.

(A) Fire Chief. The Fire Chief shall be the chief administrative officer of the Fire Department. He shall appoint and remove the employees of said department and shall perform such duties as may be required by the City Manager. The Fire Chief shall be appointed by the City Manager for an indefinite term. The Fire Chief shall be fully responsible to the City Manager for the administration of his department, and for the carrying out and enforcement of the resolutions and ordinances of the City Council. He may be removed from office by said City Manager. (Amended May 7, 2005)

(B) Volunteer Fire Department. Authority is hereby granted to maintain a Volunteer Fire Department. No person holding an elective office may serve as a volunteer fireman. (Amended April 7, 1984)

Section 7.05 Department of Public Works:

There shall be established and maintained a Department of Public Works to provide and maintain water and sewer services and such other duties as the City Council may direct.

The Director of Public Works shall be the chief administrative officer of the Department of Public Works. He shall appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Manager. The Director of Public Works shall be appointed by the City Manager for an indefinite term. The Director of Public Works shall be fully responsible to the City Manager for the administration of his Department, and for the carrying out and enforcement of the resolutions and ordinances of the City Council. He may be removed from Office by said City Manager. (Amended May 7, 2005)

Section 7.06 Department of Finance:

There shall be a Department of Finance headed by the City Manager or his appointee. The City Manager may appoint a deputy director of finance who may be the City Collector of Taxes. (Amended May 7, 2005)

Section 7.07 Other Departments, Boards and Commissions:

The City Council may abolish or consolidate any office or department except those created by this Charter. The City Council may divide the administration of any such departments as it may deem advisable and may create new departments.

The City Council shall create, establish, or appoint, as may be required by State law, circumstances, or this Charter, those Boards, Commissions, and Committees which are deemed necessary to carry out the functions and obligations of the City. The City Council shall prescribe accountability and tenure of each Board, Commission, and Committee where such are not prescribed by State law or this Charter.

**ARTICLE VIII
LEGAL AND JUDICIAL SERVICES**

Section 8.01 Municipal Court:

There shall be established and maintained a court designated as a "Municipal Court in the City of Colleyville", for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by State law relative to municipal courts. All fines imposed by said court shall be paid into the City Treasury for the use and benefit of the City.

Section 8.02 Judge of the Municipal Court:

The Judge of the Municipal Court shall be appointed by the City Council to serve at the discretion of the City Council. He shall be an attorney licensed and practicing in the State of Texas, and shall receive such salary as may be fixed by the City Council. In case of the disability or absence of the Judge of the Municipal Court, the City Council shall appoint a qualified person to act in his place.

Section 8.03 Clerk of the Municipal Court:

There shall be a clerk of the Municipal Court to be appointed by the City Manager. The clerk of the court and deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court, and generally do and perform any and all acts as usual and necessary to be performed by the clerks of courts in issuing process of said courts and conducting the business thereof. (Amended May 7, 2005)

Section 8.04 City Attorney: (Amended May 7, 2005)

The City Council shall appoint a competent and duly licensed attorney practicing law in the State of Texas, who shall be the Attorney for the City (and may also be referred to as City Attorney). He shall receive for his services such compensation as may be fixed by the City Council and shall hold his office at the pleasure of the City Council. The City Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm, with City Council approval, to serve as City Attorney. The City Attorney, or such other attorneys selected by him with the approval of the City Council, may represent the City in litigation. The City Council shall have the right to retain special counsel at any time they may deem it appropriate and/or necessary.

The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof and attend all meetings as deemed necessary by the City Council.

The City Attorney shall review and concur or dissent upon all documents, contracts, and legal instruments in which the City may have an interest.

The City Attorney shall perform other duties prescribed by this Charter, ordinance, or as directed by the City Council.

ARTICLE IX
MUNICIPAL FINANCE

Section 9.01 Fiscal Year:

The fiscal year of the City shall begin on the first day of October and end the last day of September of each calendar year. Such fiscal year shall also constitute the Budget and Accounting Year.

Section 9.02 Annual Budget:

(A) Content. The budget shall provide a complete financial plan of all City funds and activities and, except as required by State law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, with reason for such changes. It shall also summarize the City's debt position and include such other material as the City Manager deems advisable. The budget shall begin with a clear, general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated income. The budget shall be so arranged as to show comparative figures for actual and

estimated income and expenditures of the preceding fiscal year, compared to the estimate for the budgeted year. It shall include in separate sections:

- (1) An itemized estimate of the expense of conducting each department, division and office.
- (2) Reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year.
- (3) A separate schedule for each department, indicating tasks to be accomplished by the department during the year, and additional desirable tasks to be accomplished if possible.
- (4) A statement of the total probable income of the City from taxes for the period covered by the estimate.
- (5) Tax levies, rates, and collections for the preceding five (5) years.
- (6) An itemization of all anticipated revenue from sources other than the tax levy.
- (7) The amount required for interest on the City's debts, for sinking fund and for maturing serial bonds.
- (8) The total amount of outstanding City debt, with a schedule of maturities on bond issues.
- (9) Such other information as may be required by the City Council.
- (10) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each utility giving detailed income and expenditure information shall be attached as appendices to the budget.
- (11) A Capital Program, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition, and shall include the following items:
 - a. A summary of proposed programs;
 - b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - c. Cost estimates, method of financing and recommended time schedules for each such improvement; and
 - d. The estimated annual cost of operating and maintaining the

facilities to be constructed or acquired.

- e. A statement indicating the relationship to, and whether each such improvement is considered with the Master Plan. (Amended November 7, 1995)

(B) Submission: The City Manager shall submit to the City Council a proposed budget and accompanying message. The City Council shall review the proposed budget and revise as deemed appropriate prior to general circulation for public hearings. (Amended April 7, 1979)

(C) Public Notice and Hearing: The City Council shall post in the City Hall and publish in the official newspaper not more than fourteen (14) days prior to each public hearing on the budget a notice stating the time and place where copies of the message and budget are available for inspection by the public, and the time and place of each public hearing on the budget. The City Council may consider, holding public hearings and adopt the budget at regular meetings called by the City Council for that purpose, notwithstanding the provisions of Section 3.11 of this Charter requiring action at two (2) consecutive regular City Council meetings. (Amended April 7, 1979)

(D) Amendment before Adoption: After the public hearings, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

(E) Adoption: The City Council shall adopt the budget by ordinance not later than the second regular City Council meeting in September of the current fiscal year. Adoption of the budget will require an affirmative vote of at least a majority of all of the members of the City Council. Adoption of the budget shall constitute appropriations of the amount specified therein as expenditures from the fund indicated, and shall constitute a levy of the property tax therein proposed. (Amended May 7, 2005)

(F) Failure: If the City Council fails to adopt the budget by the second regular City Council meeting in September of the current fiscal year, the amounts appropriated 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 pro-rated accordingly until such time as the City Council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved as a part of the budget adoption will be set to equal the total current fiscal year receipts, unless the ensuing fiscal year budget is approved by the second regular City Council meeting in September of the current fiscal year. (Amended May 7, 2005)

Section 9.03 Public Records:

Copies of the approved budget, capital improvement program, and supporting papers shall be filed with the City Secretary and shall be public records available to the public upon request.

Section 9.04 Amendments after Adoption:

(A) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council may, by Ordinance, make supplemental appropriations to retire indebtedness or to fund emergency appropriations as described in Section 9.04 in this Charter. (Amended May 7, 2005)

(B) Emergency Appropriations. To meet a public emergency created by a natural disaster or man-made calamity affecting life, health, property, or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the City Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time.

(C) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial actions taken by him and his recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one (1) or more appropriations.

(D) Transfer of Appropriations. At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, division, or office and, upon written request by the City Manager, the City Council may by ordinance transfer part or all of any unencumbered appropriation balance from one (1) department, office or agency to another.

(E) Limitations. No appropriation for debt service may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

(F) Effective Date. The supplemental and emergency appropriations and reduction or transfer or appropriations authorized by this section may be made effective immediately upon adoption of the ordinance.

Section 9.05 Lapse of Appropriations:

Every appropriation, (except an appropriation for a capital expenditure), shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Section 9.06 Administration of Budget:

(A) Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriations and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and he shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

(B) Financial Reports. The City Manager shall submit to the City Council at its second formal meeting each month the financial condition of the City by budget items, budget estimates versus accruals for the preceding month and for the fiscal year to date. Such records are to be made public by the City Council during open meeting. The financial records of the City will be maintained in accordance with accepted principles recommended by the American Institute of Certified Public Accountants and by the National Committee on Governmental Accounting. (Amended April 7, 1979)

(C) Independent Audit. At the close of each fiscal year, and at such times as it may be deemed necessary, the City Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. Upon completion of the audit, the results thereof in a summary form shall be placed on file in the City Secretary's office as a public record.

Section 9.07 Borrowing:

The City Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

(A) General Obligation Bonds. The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the Constitution and State law, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds shall be issued in conformity with the State law.

(B) Revenue Bonds. The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and State law, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with State law.

(C) Bonds Incontestable. All bonds of the City having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.

(D) Borrowing in Anticipation of Property Tax. In any Budget year, the City Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the property tax for the same year whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.

(E) Use of Bond Funds. Any and all bond funds approved by a vote of the citizens of Colleyville will be expended only for the purposes stated in the bond issue.

(F) Certificates of Obligation. All certificates of obligation issued by the City shall be approved by ordinance and issued in accordance with State law.

Section 9.08 Purchasing:

The City Council may confer upon the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council or State law.

Section 9.09 Specified Reserve Fund:

Specified reserve funds may be created for specific purposes, and may be used only for such purposes.

ARTICLE X TAXATION

Section 10.01 Department of Taxation:

At the discretion of the City Council, there shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Collector which office shall be filled by appointment by the City Manager for an indefinite term. The Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the State law bearing upon the functions of his office, in a sum which shall be fixed by the City Council at not less than one hundred thousand dollars (\$100,000). (Amended May 7, 2005)

Section 10.02 Power to Tax:

The City Council of the City shall have the power, and is hereby authorized to levy, assess and collect, not to exceed the maximum limits set by the Constitution and State law, on each one hundred dollar (\$100.00) assessed valuation of all property having a situs within the corporate limits of the City and not exempt from taxation by the Constitution and State law.

Section 10.03 Limitation on Tax Rate:

The maximum tax rate shall not exceed one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) valuation of taxable property within the City. Any tax rate set per budget year shall not result in an ad valorem tax revenue increase greater than seven percent (7%) of the total ad valorem tax revenue collected in the preceding budget unless authorized by the voters of the City at a special election. (For the purpose of the preceding limitation, any additional ad valorem tax revenue generated or attributable to construction within a preceding budget year shall not be considered in determining whether the tax revenue increase is more than seven percent (7%) of the preceding budget year). (Amended April 7, 1984)

Section 10.04 Taxes - When Due and Payable:

All taxes due the City of Colleyville shall be payable at the office of the City Tax Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October 1st. Taxes shall be paid on or before January 31st, and all such taxes not paid on or prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as authorized by State law. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipt for the years in question. (Amended May 7, 2005)

Section 10.05 Tax Liens:

The tax levied by the City is hereby declared to be a lien, charge, or encumbrance upon the property as of January 1st of any year, upon which the tax is due, which lien, charge

or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property is such as to give the State Courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this State or person whose residence is unknown, but as against non-residents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, and such lien may be foreclosed in any court having jurisdiction. Such lien shall be entitled to that priority as allowed by State law.

In addition to the lien herein provided, on the first day of January of any year the owner of real and personal property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City Assessment Rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property intended to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or personal judgment against the owner for such taxes. (Amended May 7, 2005)

ARTICLE XI PLANNING AND ZONING, BOARD OF ADJUSTMENTS

Section 11.01 The Planning and Zoning Commission:

There shall be established a Planning and Zoning Commission, which shall consist of seven (7) citizens of the City of Colleyville. Members of said Commission shall be appointed by the City Council for a term of two (2) years and will serve at the will and pleasure of the City Council. Three (3) members of the Planning and Zoning Commission shall be appointed each odd numbered year and four (4) members shall be appointed each even numbered year. The Commission shall elect a chairman from its membership and shall meet in the City Hall not less than once each month. The chairman of the Commission shall be a voting member. Vacancies created by resignation, removal by vote of a majority of the City Council, or by any other reason shall be filled by the City Council for the remainder of the term. A majority of the members shall constitute a quorum; however, no action shall be approved with less than four (4) affirmative votes. Attendance requirements for members shall be the same as for members of the City Council. The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation. (Amended May 7, 2005)

Section 11.02 Powers and Duties:

The Planning and Zoning Commission shall:

- (A) Recommend a City Plan for the physical development of the City.
- (B) Recommend to the City Council, approval or disapproval of proposed changes in the Zoning Plan.

(C) Exercise control over the platting or subdividing of land within the corporate limits of the City and outside same corporate limits to the extent authorized by State law; provided, however, this grant of authority shall not limit the City Council's right to provide that the City Council shall have final approval of plats, as provided by State law (Amended April 4, 1981)

The Commission shall be responsible to and act as an advisory body to the City Council, and shall have and perform such additional duties as may be prescribed by ordinance.

Section 11.03 The Master Plan:

The Master Plan for the physical development of the City of Colleyville shall contain the Commission's recommendations for growth, development and beautification of the City. A copy of the Master Plan, or any part thereof, shall be forwarded to the City Council, which may adopt this plan in whole or in parts, and may adopt any amendment thereto after at least one (1) public hearing on the proposed action. The Commission shall act on such plan, or part thereof, and again forward it to the City Council for consideration.

All amendments to the Master Plan recommended by the Commission shall be submitted in the same manner as outlined above to the City Council for approval, and all other recommendations affecting the Master Plan shall be accompanied by a recommendation from Planning and Zoning Commission.

Section 11.04 Legal Effect of the Master Plan:

Upon adoption of the Master Plan by the City Council, no subdivision, street, park, or any public way, ground or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the Master Plan shall be constructed or authorized by the City until and unless the location and extent thereof shall have been submitted to the Commission and approved by the City Council. In case of Commission disapproval, they shall communicate their reasons to the City Council, which shall have the power to overrule such disapproval. The widening, narrowing, relocating, vacating, or change in the use of any street, alley, or public way, or ground, or sale of any public building or real property, shall be subject to similar submission and approval of the Planning and Zoning Commission and failure to approve may be similarly overruled by the City Council. (Amended May 7, 2005)

Section 11.05 Zoning Board of Adjustment:

There shall be a Zoning Board of Adjustment as specified by State law. Vacancies which are created by resignation, or for any other reason shall be filled by the City Council for the remainder of the term. (Amended May 7, 2005)

Section 11.06 Separation of Planning and Zoning Commissions:

The City Council may by ordinance, at such time as deemed in the best interest of the citizens of Colleyville, create a separate Commission to perform the duties of Planning. This Commission shall have the same structure as provided for the Zoning Commission in

Section 11.01, and will perform all duties listed in Section 11.01 through 11.05 of this Charter, for Planning only. The Zoning Commission will perform only the duties described in the same Sections for Zoning, and as advisory board to the Planning Commission.

ARTICLE XII FRANCHISES, PUBLIC UTILITIES AND OTHER USERS OF PUBLIC PROPERTY

Section 12.01 Powers of the City:

In addition to the City's power to buy, construct, lease, maintain, operate, and regulate public utilities and other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, within or without the City Limits, and to manufacture, distribute and sell the commodities or products of such utility operations required and used by the public, the City shall have such further powers as may now or hereafter be granted under the Constitution and State law. Such powers to regulate the use of public property includes, but is not limited to, the right to require relocation of facilities in the public rights-of-way, streets and utility easements, within or without the City Limits, at the facility owners cost for any City public works project to the fullest extent allowed the City now and as may hereafter be permitted by the Constitution and State law. (Amended May 7, 2005)

Section 12.02 Power to Grant Franchise:

The City Council shall have the power by ordinance to grant, renew, and extend all franchises for all public utilities of every character and consents and agreements as to all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, operating within the City and, with consent of the franchise holder, to amend the same, provided, however, that no franchise shall be granted for an indeterminate term, and that no franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension. City Council action on all ordinances granting, renewing, extending or amending a public utility franchise shall comply with the applicable provisions set forth in Section 3.11 of this Charter. (Amended May 7, 2005)

Section 12.03 Grant Not to be Exclusive:

No grant or franchise to construct, maintain or operate a public utility and no renewal or extension of such grant or franchise shall be exclusive.

Section 12.04 Transfer of Franchise:

No public utility franchise shall be transferable except with the approval of the City Council as expressed by ordinance. The term "transferable", as used herein, shall not be construed in such manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage. (Amended May 7, 2005)

Section 12.05 Right of Regulation:

All grants, renewals, extensions, or amendments of public utility franchises and consents and agreements as to all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, whether it be so provided in the ordinance or not, shall be subject to the right of the City: (Amended May 7, 2005)

- (A) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.
- (B) To require an adequate extension of plant and service as is necessary to provide adequate service to the public, and maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (C) To impose regulations to insure safe, efficient and continuous service to the public.
- (D) To require at any time such compensation and rental as may be permitted by State law.
- (E) To require the franchisee to restore at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair or removal. The franchise holder in opening and refilling of all earth openings shall re-lay the pavement and do all other work necessary to complete restoration of streets, sidewalks or grounds to a condition equally as good or better as when disturbed.
- (F) To require every franchisee to furnish within a reasonable time to the City, without cost to the City, a general map, with updates outlining the location, character, size, length, and terminals of all facilities of such franchisee in, over, and under ground of property in the City and to provide detailed information on request.

Section 12.06 Extensions:

All extensions of service of public utilities and of all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, within the City limits shall become a part of the aggregate property of the public utility, shall operate as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 12.05 of this Charter. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant. (Amended May 7, 2005)

Section 12.07 Regulation of Rates:

The City Council shall have full power after due notice and hearing to regulate by ordinance the rates, charges and fares of all public utility franchise holders providing gas, electric, water and sewer utility service within the City provided that no such ordinance shall be passed as an emergency measure. All such franchise holders who shall request an increase in rates, charges, or fares shall have, at the hearing of the City Council called to consider such request, the burden of establishing by clear, competent, and convincing evidence the value of its investment properly allowable to service in the City, and the amount and character of its expenses and revenues connected with the rendering of such service. If, upon such hearing, the City Council is not satisfied with the sufficiency of the evidence so furnished, it shall be entitled to call upon such public utility for the furnishing of additional evidence at a subsequent date to which said hearing may be adjourned. No public utility franchise holder shall institute any legal action to contest any rate, charge, or fare fixed by the City Council until such franchise holder has filed a motion for rehearing with the City Council for a specific date setting out each ground of its complaint against the rate, charge, or fare fixed by the City Council, and until the City Council shall have acted upon such motion. Such motion shall be deemed overruled unless acted upon by the City Council within a reasonable time, not to exceed sixty (60) days from the filing of such motion for rehearing; provided, that the City Council may by resolution extend such time for acting on said motion for rehearing from sixty (60) days to ninety (90) days. The City shall have the power to employ at the expense of the franchise holder, expert assistance and advise in determining a reasonable rate and equitable profit to the franchise holder.

Section 12.08 Public Service Corporations to File Annual Reports:

The City Council shall require all public service Corporations operating within the corporate limits of the City to file a sworn annual report of the receipts from the operation of the said business for the current year, how expended, how much thereof for betterments or improvements, the rate of tolls or charges for services rendered to the public, and any other facts or information that the City Council may deem pertinent for its use including reports on operations within the City in intelligently passing upon any questions that may arise between the City and said public service corporations; said reports to be filed with the City Secretary, and preserved for the use of the City Council. Such reports shall be reviewed annually by the City Council to determine the propriety of the rates being charged.

Any public service corporation, partnership, or proprietorship who shall for a thirty (30) day period willfully refuse or fail to report in the manner provided by this Charter shall forfeit and pay to the City the sum of one hundred dollars (\$100.00), per day for each and every day during which it shall continue in default; or, if any such enterprise shall file any report, knowing that the same does not truly report the facts about the matters mentioned therein, it shall forfeit and pay to the City the sum of one thousand dollars (\$1,000.00) for each such willfully false report and shall be liable for submittal of a corrected report within two (2) weeks from notification by the City of any errors under the same penalty provisions as the original report.

Section 12.09 Accounts of Municipally Owned Utilities:

Accounts shall be kept for each public utility owned or operated by the City, in such manner as to show the true and complete financial results of such City ownership and operation, including all assets, appropriately subdivided into different classes, all liabilities subdivided by classes, depreciation reserve, and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show the actual capital cost to the City of each public utility owned, also the cost of all extensions, additions and improvements and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The City Council shall annually cause to be made by a certified public accountant and shall publish a report showing the financial results of such City ownership and operation, giving the information specified in this Section and such other data as the City Council shall deem expedient.

Section 12.10 Sales of Municipal Services:

The City Council shall have the power and authority by ordinance:

(A) In or outside the limits of the City, to sell and distribute water; sell and provide sewer service; sell and provide garbage and trash collection disposition; and to sell and provide other municipal services, including but not limited to cable television services, telecommunications services, information services and other electronically transmitted services, whether transmitted by radio waves, light wave or impulses, by digital transmissions or otherwise, unless expressly prohibited by the State or Federal law. (Amended May 7, 2005)

(B) To establish specifications for materials and construction used within or beyond the limits of the City for such municipal services; inspect same and require such materials to be kept in good order and condition at all times; make such rules and regulations as shall be necessary and proper; and prescribe penalties for noncompliance with same.

Section 12.11 Franchise Records:

The City shall compile and maintain a public record of public utility franchises.

ARTICLE XIII TRANSITIONAL PROVISIONS

Section 13.01 Schedule:

(A) This Charter shall take effect immediately following adoption by the voters, and shall be fully operable within one (1) year after adoption, except as provided in paragraph C of this section.

(B) Upon adoption of this Charter, the present Mayor and members of the City Council filling elective offices shall continue to fill those offices for the terms to which they were elected. The City Council shall be elected as provided in Article 3 of this Charter. Persons, who on the date this Charter is adopted, are filling appointive positions with the City which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the City Council or by other means provided for in this Charter or State law. (Amended May 7, 2005)

(C) Prior to the initial election of the City Council Person for Place 6, the following provisions shall apply: (Amended May 7, 2005)

- (1) The Mayor shall retain veto powers, and the process and procedures thereto as, permitted by the Charter dated December 7, 1995.
- (2) The Mayor shall vote only in case of a tie or to vote to remove the City Manager,
- (3) Special meetings of the City Council may be held on the call of the Mayor or three (3) members of the City Council,
- (4) No action shall be approved with less than three (3) affirmative votes of the City Council, and
- (5) Any two (2) members of the City Council may request an entire ordinance to be read at the first and second readings of an ordinance.

Section 13.02 Officers and Employees:

(A) Rights and Privileges Preserved. Nothing in this Charter except as otherwise specifically provided shall effect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

(B) Personnel System. An employee holding a City position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system.

Section 13.03 Preservations of Contract Rights:

All rights, claims, actions, orders, contracts, franchises, and legal or administrative proceedings in existence at the time of the adoption of this Charter shall continue until consummation. All renewals or new rights, claims, actions, orders, contracts, franchises, and legal or administrative proceedings arising after the adoption of this Charter shall be conducted pursuant to the Charter.

Section 13.04 Franchises:

Within six (6) months after the effective date of the adoption of the original Charter, every public utility and every owner of a public utility franchise shall file with the City certified copies of all franchises owned or claimed, or under which such utility is operated in the City.

ARTICLE XIV GENERAL PROVISIONS

Section 14.01 Publicity of Records:

All record and accounts of every office, department, or agency of the City shall be open to inspection by any individual subject to public inspection as provided by State law .
(Amended May 7, 2005)

Section 14.02 Personal Financial Interest: (Amended May 7, 2005)

This section shall apply to all elected and appointed City officials, members of commissions, boards, committees and City employees.

(A) Misuse of Office. No person shall use his office, position or employment in an unlawful manner or in a manner calculated to obtain a financial benefit or a commercial benefit that would not be available to someone not holding such office or position

(B) Contracts. A person, who is subject to this section and has a direct interest in any proposed or existing contract, purchase, work, sale or service to or by the City, shall not participate in discussions thereon, render a decision thereon, or vote thereon.

(C) Discretionary Authority. No person shall make a decision or exercise their discretionary authority with regard to an entity in which he or she has a financial interest as prohibited by State law.

(D) No person shall grant, accept or solicit in the discharge of his official duties any favor or personal benefit, service or thing of value to any person or entity in violation of State law.

(E) Notice. Any person who shall have a conflict of interest under paragraph B above shall file a sworn statement describing in reasonable detail such conflict with the City Secretary no later than either the beginning of the meeting at which the matter will first be discussed or acted upon, or the time at which the potential conflict first becomes known to the person, whichever occurs first.

(F) Citizen Complaints. Any citizen of the City may file with the City Secretary a statement of suspected conflict of interest. Such statement of suspected conflict of interest shall be filed within fifteen (15) days of the decision, vote, or other event

giving rise to an asserted violation of paragraph C above, and shall describe the complained of conflict in reasonable detail. The City Council, or its designee, shall respond in writing to a timely filed statement of suspected conflict of interest, and the statement of suspected conflict of interest and response of the City Council shall be maintained in the public records of the City.

(G) Oath. Upon the election, appointment, or employment of any person by the City, they shall sign a statement acknowledging that they have read and are familiar with the provisions of this Section of the Charter, and all other sections of State law pertaining to the conflict of interest, and these statements shall be maintained as public record of the City.

(H) Removal from Office. Failure to comply with any of the provisions of this Section shall constitute malfeasance in office and upon a finding by a Court of competent jurisdiction of said violation, the person shall immediately forfeit their position or office and such position or office shall be deemed vacant.

(I) Contracts Voidable. Any violation of part C of this Section in the approval process of any contract shall make said contract voidable by the City.

(J) The City Council may adopt by ordinance, a code of ethics and conduct that is consistent with the provisions of this Charter.

Section 14.03 Nepotism:

No person related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to any office, position or clerkship or other service to the City. This prohibition shall not apply; however, to any person who shall have been continuously employed by the City for a period of two (2) years prior to the election of the Mayor, City Council Person or appointment of the City Manager so related to him. This provision shall not apply to volunteer services to the City.

Section 14.04 Official Bond for City Employees:

The City Council shall require bonds of all municipal officers and employees who receive or disburse any funds of the City. The amount of such bonds shall be determined by the City Council and the cost thereof shall be paid by the City.

Section 14.05 Tort Liability:

Before the City shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, which does not constitute a taking or damaging of property under the Constitution of the State of Texas, the person injured, if living, or his representatives, if deceased, or the owner, his agent or attorney of the property damaged or destroyed shall give the City Manager or City Secretary notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within one hundred twenty (120) days after same has been sustained, stating specifically in such written notice when, where, and how the death, injury, damage or destruction occurred,

and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six (6) months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. No action at law for damages shall be brought against the City for such death, injury, damage or destruction prior to the expiration of sixty (60) days after the notice hereinbefore described has been filed with the City Manager or the City Secretary. (Amended November 7, 1995)

Section 14.06 Severability Clause:

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 14.07 Effect of Charter on Existing Laws:

All codes, ordinances, resolutions, rules and regulations in force on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed by the City Council. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under State law in force at the time of the beginning of such proceedings or under State law after the adoption of this Charter. All rights of the City under existing franchises and contracts and all existing authority for the issuance of bonds, granted prior to adoption of this Charter, shall be preserved in full force and effect.

Section 14.08 Applicability of General Laws:

The Constitution of the State of Texas, State law applicable to Home-Rule Municipal Corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall in the order mentioned, be applicable to the City of Colleyville, but the City shall also have the power to exercise any and all powers conferred by State law upon any kind of city, town, or village, not contrary to the provisions of said home-rule status, Charter and ordinances, but the exercise of any such powers by the City of Colleyville shall be optional with it, and it shall not be required to conform to State law governing any other cities, town or villages unless and until by ordinance it adopts same.

Section 14.09 Property Not Exempt from Special Assessments:

No property of any kind, by whomsoever owned or held or by whatsoever Institution, Agency, political subdivision or organization, owned or held, whether in trust or by non-profit organization, or corporation, or by "foundation", or otherwise, (except property of the City of Colleyville, Texas, independent school districts, and other tax supported institutions), shall be exempt in any way from any of the Special Taxes, Charges, Levies and Assessments, authorized or permitted by this Charter, for Local Improvements for the public welfare.

Section 14.10 Amending the Charter:

Amendments to this Charter may be framed and submitted to the voters in the manner provided by State law, but in no event more frequently than once every two years.
(Amended April 7, 1979)

Section 14.11 Judicial Notice:

This Charter shall be deemed a Public Act and shall have the force and effect of a General Law, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all Courts and places.

Section 14.12 Gender of Wording:

The masculine gender of the wording used throughout this Charter shall always be interpreted to mean either sex.

SUBMISSION OF CHARTER TO VOTERS

The Charter Commission in preparing this Charter, finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Colleyville at an election to be held for that purpose on the 15th day of January, 1977. Not less than thirty (30) days prior to such an election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Colleyville as appears on the latest voters' registration list.

The present City Council of the City of Colleyville shall call such election in accordance with the provisions of the general laws of the State governing such elections, and the same shall be conducted and the returns made and results declared as provided by the laws of the State of Texas governing municipal elections. If a majority of the votes cast at such election shall be in favor of the adoption of such Charter, then an official order shall be entered upon the records of said City by the City Council of Colleyville declaring the same adopted, and the City Secretary shall record at length upon the records of the City, in a separate book to be kept in his office for such purpose, such Charter as adopted, and such Secretary shall furnish to the Mayor a copy of the Charter, which copy of the Charter shall be forwarded by the Mayor as soon as practical, to the Secretary of State under the seal of the City, together with a certificate showing the approval of the qualified voters of such Charter.

We, the undersigned members of the Charter Commission heretofore duly elected to prepare a Charter for the City of Colleyville, Texas, do hereby certify that this publication constitutes a true copy of the proposed Charter for the City of Colleyville, Texas, as unanimously adopted by the members thereof, and the undersigned do hereby recommend its submission to the qualified voters of said City as provided by law.

COMPLETED AND SUBSCRIBED TO on this the 11th day of November, 1976, at Colleyville, Texas.

BARBARA ANDREWS	LEONARD LEAR	FRANK RAWLS
TOMMY ELLISON	LOWELL LONNON	D.B.SCROGGINS
OPAL ETHRIDGE	LOUIS MILLER	MAX SUMMERS
H.L. GIBSON	JAMES MOORE	LINDA THOMPSON
WANDA JOHNSON	JONI NEELY	FRANK WHITMIRE

CHARTER COMMISSION, CITY OF COLLEYVILLE, TEXAS.

HOME RULE CHARTER

for the

CITY OF COLLEYVILLE, TEXAS

CHARTER AMENDMENT ELECTION MAY 7, 2005

COLLEYVILLE CITIZENS CITY CHARTER REVIEW COMMITTEE

James Moore
Ed Baker
Linda Bond

Steve Magee
Louis C. Miller
Richard Newton

Brad Rice
Mike Taylor
Frank Whitmire

MEMO

DATE: June 10, 2016
TO: Jennifer Fadden
FROM: Cathy Cunningham
RE: City Charter Amendment Process

- A city Charter may be amended either through a Council initiated process or a petition initiated.¹
- A city charter can only be adopted and amended through majority vote.²
- The initial charter and amendments shall not contain any provision inconsistent with the state Constitution or laws.³
- A city charter may not be amended more often than every two years.⁴
- Although not required for amendments, City Councils often appoint a Charter Commission to review the Charter and recommend changes. The Commission must have at least 15 members.⁵
- The Charter Commission may present its recommendations to the Council. The Council submits proposed amendments to the voters at the next uniform date that allows sufficient time to comply with legal requirements – must be at least 30 days after the ordinance calling the election is adopted.⁶
- Notice is required. When the city is voting whether to adopt an initial charter, the charter must be mailed to all voters. Charter amendments must be advertised in “a newspaper of general circulation published in the municipality.”⁷
- The published notice must include: (1) a substantial copy of the proposed amendment(s); and (2) an estimate of the anticipated fiscal impact to the municipality if the purposed amendment is approved at the election.⁸

¹ Tex. Local Government Code §9.004(a)

² Texas Constitution Article XI, §5

³ *Id.*

⁴ *Id.*

⁵ Tex. Local Government Code §9.002(d)

⁶ Texas Local Government Code §9.004

⁷ Texas Local Government Code §9.004(c)

⁸ Texas Local Government Code §9.004(c)(1) and (2)

- Time of Notice – the notice must be published: (1) twice; (2) two successive weeks; (3) on the same day of the week; and (4) with the first publication occurring before the 14th day of the election.⁹
- Each amendment may only contain one subject.¹⁰
- The ballot must be prepared so that a voter is able to approve or disapprove any one or more amendment without having to approve or disapprove all of the amendments.¹¹ It is recommended that all the changes that concern the same subject be voted on together, so that the City does not have inconsistent Charter sections. For example, if the number of Council members were to change, then every section that references the number of Council members would need to be changed, and all of those sections could be voted on together, since those sections all concern the same subject. However, if in addition to changing the number of council members, there were to be a change to another topic, such as eliminating the requirement to read aloud all resolutions that would need to be voted on separately. The ballot could not just say “Approve all amendments.”
- Charter amendments take effect when the Council enters an order that the amendment(s) are adopted.¹²
- After the order is entered, as soon as practical, the mayor or chief executive officer shall certify to the Secretary of State an authenticated copy of the charter or amendment(s) under the City’s seal showing approval of the amendment(s) by the voters.¹³
- The Secretary of State is to file and record the certification in that office.¹⁴
- Recorded charters and amendments are public acts and courts are to take judicial notice of them.¹⁵

If the City decides to proceed with a Charter Commission, I have found that it is very effective to provide the Commission with a notebook which includes the Constitutional provisions concerning home-rule charters, the statutes, and the City’s charter. Recommendations for items to consider can be included to provide a framework for discussion for the Commission.

⁹ Texas Local Government Code §9.004(c)(3)

¹⁰ Texas Local Government Code §9.004(d)

¹¹ Texas Local Government Code §9.004€

¹² Texas Local Government Code §9.005(b)

¹³ Texas Local Government Code §9.007

¹⁴ Texas Local Government Code §9.007

¹⁵ Texas Local Government Code §9.008