

City of Watauga
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HOME RULE CHARTER

HOME RULE CHARTER

for the

CITY OF WATAUGA, TEXAS^{i*}

PREAMBLE

We, the citizens of Watauga, Tarrant County, 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 the Statutes of the State of Texas and do hereby declare the residents of the City of Watauga in Tarrant County, Texas living within the legally established boundaries of said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the “City of Watauga” with such powers, rights 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 “Mayor-Council-Manager Government.” Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, the Statutes of this State, and by this Charter, all

powers of the City shall be vested in an elective 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, the State Constitution, or by the Statutes of the State of Texas.

State law reference—Form of government, V.T.C.A., Local Government Code, sec. 26.021.

Section 1.02 Boundaries of the City

The inhabitants of the City of Watauga, 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 Watauga” with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided.

The boundaries of the City of Watauga shall be those of the City of Watauga as of January 1, 1980 and adjusted for any subsequent areas annexed into or disannexed from the corporate limits of the City. Exhibit “A” to this Home Rule Charter shall recite the metes and bounds description of the City of Watauga as of the most recent amendment to the Charter.

(A new Exhibit “A,” consisting of a metes and bounds description of the City boundaries, will take into account recent annexations and disannexations.)

State law reference—Municipal boundaries and annexation, V.T.C.A., Local Government Code, ch. 41 et seq.

Section 1.03 Extension of Boundaries

The corporate limits of the City of Watauga 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.

ARTICLE II

POWERS OF THE CITY^{ii*}

Section 2.01 General Powers Adopted

The City of Watauga 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 Watauga. 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 to such powers, it is intended that the City of Watauga shall

have and may exercise all powers of local self government, and all powers enumerated in Article 1175 of the Revised Civil Statutes of the State of Texas, as well as those powers enumerated in Chapter 51, Chapter 306 and Chapter 401 of the Texas Local Government Code, 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.

Section 2.01a General Powers of the City Council

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the City Council under state law, and acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing, the specific powers accorded to the City Council are set forth in Section 3.07 of this Home Rule Charter. (Section 2.01a amended by charter amendment election held May 7, 2005)

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 laws of the State of Texas. The power of eminent domain hereby conferred shall include the right of the City to take the fee 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 Watauga. The procedure to be used in the acquisition of such property through eminent domain proceedings shall be that as set forth in Chapter 21 of the Texas Property Code, V.T.C.A., as now or hereafter amended. 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 system.

State law references—Eminent domain, V.T.C.A., Property Code, ch. 21; municipal right of eminent domain, V.T.C.A., Local Government Code, ch. 251.

Section 2.03 Establishment and Control of Public Property

The City of Watauga shall have the power to lay out, establish, open, alter, widen, lower, raise, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve 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.

State law reference—General municipal authority over public grounds, V.T.C.A., Local Government Code, sec. 282.001.

Section 2.04 Street Development and Improvement

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 therefor; 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 the improvement authorized hereinabove, or any combination or parts thereof.

State law references—Street improvements and assessments in cities having more than 1,000 inhabitants, V.T.C.A., Transportation Code, ch. 313; authority of municipality over and under public highways, streets and alleys, V.T.C.A., Transportation Code, sec. 311.001.

Section 2.05 Annexation and Disannexation of Territory and Property

Annexation and disannexation of territory and property undertaken by the City of Watauga shall be performed in accordance with Chapter 43 of the Texas Local Government Code, as now or hereafter amended.

State law references—Municipal boundaries and annexation, V.T.C.A., Local Government Code, ch. 41 et seq.; municipal annexation, V.T.C.A., Local Government Code, ch. 43.

Section 2.06 Disaster Clause

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving member or members of the City Council, or highest surviving City official, if no elected official remains, shall within twenty-four (24) hours of such disaster, request the County Judge of Tarrant County, Texas to appoint a commission to act during the emergency and call a City election within fifteen (15) days of such disaster for election of a required quorum, if sufficient cause exists to believe that a quorum of the present Council will never again meet.

The succession of authority in the event of disaster, multiple deaths, or injuries shall be as follows: Mayor, Mayor Pro tem, members with the longest continuous service on the City Council by place number, and most senior administrative official in City.

State law reference—Emergency interim public office succession, V.T.C.A., Government Code, ch. 616.

ARTICLE III

THE GOVERNING BODY^{iii*}

Section 3.01 Number, Selection, Term of the Governing Body

The legislative and Governing Body of the City shall consist of eight members including seven council members elected by place number and a Mayor. All members of the City Council are to be elected pursuant to plurality vote from the City at large, and shall be known as the "City Council of the City of Watauga." The members of the Council and the Mayor shall be elected under the general provisions of Article IV of this Charter for terms of office as set forth below, provided however, that if the dates specified for a general or special election in the Election Code of the State of Texas are altered or amended, such terms shall extend until the next date specified for conducting a general or special election following the expiration of the originally contemplated term.

Terms of office for members of the City Council shall be two (2) years in accordance with the following schedule. This provision does not apply to terms of office in effect at the time of this amendment and such terms of office shall continue to expiration. The term of office for the Mayor shall be for two (2) years commencing in 2005. The terms of office for Places 1 and 2 shall remain as three (3) year terms until 2008 and thereafter the terms of office will become two (2) year terms to expire in 2010 and every two (2) years thereafter. Terms of office for the Mayor and Places 3, 4, and 5 shall expire in 2007 and every two (2) years thereafter. Terms of office for Places 6 and 7 shall expire in 2006 and every two (2) years thereafter.

Each member of the City Council and the Mayor shall hold office until a successor is elected and duly sworn, unless removed under the provisions of this Charter. Regular terms of office shall commence immediately following the canvass of votes for the election as provided by this Charter.

(Section 3.01 amended by charter amendment elections held May 7, 2005 and November 6, 2007)

Section 3.02 Qualifications

Each member of the City Council shall be:

- (a) A resident of the City of Watauga and the State of Texas and shall have been a resident for a period of not less than twelve (12) months immediately preceding his election or a resident of any of the territory not formerly within the corporate limits of the City but which is annexed under the provisions of this Charter for twelve (12) months next preceding his election;
- (b) A qualified voter of the State of Texas and the City of Watauga;
- (c) Shall not be employed by the City;
- (d) Shall not hold another elective governmental office;
- (e) Shall be twenty-one (21) years of age or older at the time of filing for and/or assuming office;

- (f) Shall not have been determined to be mentally incompetent by a final judgment of a court; and
- (g) Shall have not been finally convicted of a felony offense or a misdemeanor offense involving moral turpitude from which the person had not been pardoned or otherwise released from the resulting disability. For purposes of this Home Rule Charter, a crime of moral turpitude shall mean a criminal offense involving fraud, deceit, dishonesty or a criminal offense that is inherently immoral.

The qualifications set forth in paragraphs (a) through (g) of this section shall be applicable to a person seeking the office of City Councilmember as well as during the term of office.

State law reference—Age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003.

Section 3.03 Determination of Election Qualifications and Election Canvass

(a) The City Secretary shall determine qualifications of candidates for election to the City Council.

(b) The Council shall be the judge of the election of its members, subject to review by statutorily authorized election contests held in accordance with the Texas Election Code, as now or hereafter amended. The canvass of the election shall be held in accordance with the provisions of the Texas Election Code, as now or hereafter amended. No member of the City Council who was a candidate in the election shall participate in a vote on the canvass. Two members of the City Council may constitute a quorum for the purpose of canvassing an election.

(Section 3.03 amended by charter amendment election held May 7, 2005)

State law reference—Canvassing elections, V.T.C.A., Election Code, ch. 67.

Section 3.04 Compensation

The Mayor and Councilmen 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. All expenses shall be subject to prior approval of the Council.

Section 3.05 Vacancies; Forfeiture of Office

The office of a council member shall become vacant upon his death, written resignation submitted to the City Secretary, removal from office by recall, expulsion or forfeiture of his office.

A council member shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, (2) willfully violates any express prohibition of this Charter, (3) is convicted of a felony or crime involving moral turpitude, or (4) fails to attend any three (3) consecutive regularly scheduled meetings of the City Council without

being excused only for reasons of personal emergency, incapacitation, or personal vacation away from the City of Watauga. Notification of intent to be absent for reason of personal vacation shall be provided in writing to the City Secretary prior to the meeting at which the councilmember will not be in attendance. Additionally, a total of four (4) absences, excused or unexcused, in any six (6) regularly scheduled meetings, beginning on the date of the first absence from a regular meeting, shall constitute automatic forfeiture of said office. Excusal, recall, expulsion, or forfeiture proceedings shall be initiated at the next regularly scheduled meeting of the City Council following the absences, a recall election, or the act constituting the basis for expulsion or forfeiture, if established and proven beyond a reasonable doubt, and shall be approved by a majority vote of the remaining members of the City Council in open session, who shall then immediately begin proceedings, if necessary, for election of a successor.

For purposes of this section, determination of what shall constitute a sufficient “personal emergency” shall be in the discretion of the remaining members of the City Council by majority vote in open session.

Subject to and consistent with state statutory provisions and the Texas Constitution, all members of the City Council must be elected by majority vote of the qualified voters and any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters of the City within one hundred and twenty (120) days after such vacancy or vacancies occur at a general election or a special election called for such purpose.

Notwithstanding the requirements in Section 3.09 of this Charter specifying that a quorum of the Council consists of four (4) members, if at any time the membership of the Council is reduced to less than four (4) members, the remaining members shall call for a special election within one hundred twenty (120) days after the vacancy or vacancies occur in order that such vacancy or vacancies can be filled by majority vote of the qualified voters.

State law reference—Special election to fill vacancy generally, V.T.C.A., Election Code, sec. 201.051 et seq.

Section 3.06 Mayor and Mayor Pro Tem

(a) The Mayor shall be recognized as the chief executive of the City. 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 provisions of this Charter. The Mayor shall be recognized as the chief executive of the City by a court of competent jurisdiction for the purpose of serving civil process.

(b) The Mayor shall be designated by the Governor as the Disaster Management Director for the City by Executive Order WPC-87-6b as now or hereafter amended. The Mayor shall have the authority to declare a state of emergency when necessary.

(c) The Mayor shall have the power to recommend appointment or removal of the City Manager, the City Secretary and the City Attorney with the consent and approval of the City Council. Such approval must be in accordance with the voting procedure set forth in Section

3.09(c) of this Charter.

(d) Election of Mayor Pro tem: at its first regular meeting following the regular City Council election, the City Council shall elect from its members (in accordance with the voting procedure set forth in Section 3.09(c) of this Charter) a Mayor Pro tem who shall serve for a term of one (1) year. He shall perform all duties of the Mayor in the absence or disability of the Mayor or in instances where the Mayor is unable to preside on specific issues and items due to a declared conflict of interest. In the event of resignation or vacancy of the office of Mayor Pro tem, the office shall be filled for the remainder of the one (1) year term of office at the next regular meeting of the Council by election from its members.

(e) If the vacancy of the office of Mayor should occur, the Mayor Pro tem shall perform the duties of Mayor until the next regular or special election, at which election a Mayor shall be elected to fill the unexpired term.

Section 3.07 Specific Powers of the Council

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

- (a) Confirm recommended appointments made by Mayor or City Manager.
- (b) Establish, create, consolidate or abolish, administrative departments and distribute the work of divisions.
- (c) Adopt the budget, manage and control the finances.
- (d) Authorize the issuance and sale of bonds, by a Bond Ordinance.
- (e) Make investigations into the conduct of any office, department, officer or employee of the City.
- (f) Provide for such additional Boards and Commissions, not otherwise provided for in this Charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City Ordinance, or by law.
- (g) Adopt and modify the Zoning Plan; a Building Code, including Electrical and Plumbing Codes, of and for the City, and to require building permits.
- (h) Adopt and modify the Official Map of the City. The Official Map is, and shall be, maintained by the City Secretary in the City Hall of Watauga, Texas.

- (i) Adopt, modify, and carry out plans for the clearance of slum districts and rehabilitation of blighted areas.
- (j) Adopt, modify, and carry out plans for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole, or in part, by disaster.
- (k) Regulate, license, and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City.
- (l) Provide for the establishment and designation of fire limits, and prescribe the kind and character of building or structures and improvements to be erected therein; and provide for the erection of fireproof buildings within said limits.
- (m) Fix the salaries and compensation of the City officers and employees. Establish qualifications, rules and standards of and for all employees of the City, and allow the Council to review or screen all applicants for department head positions before their employment.
- (n) Provide for a sanitary sewer and water system, require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections.
- (o) Provide for sanitary garbage disposal, set fees and charges therefor, and provide penalties for failure to pay such fees and charges. To define nuisances; to prohibit same; and provide penalties for violations.
- (p) Provide for all necessary public utilities, set fees and charges therefor and provide penalties for misuses of same.
- (q) Exercise exclusive dominion, control and jurisdiction (including the right to close and abandon streets and alleys), in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City, and provide for the improvement of the same as set forth in the Texas Transportation Code, as now or hereafter amended.
- (r) Litigate, defend, compromise and settle any and all claims, demands, and lawsuits of every kind and character, in favor of, or against the City of Watauga.
- (s) To require bonds, both special and general, of all contractors and others constructing or building for the City, and set up standards, rules and regulations therefor.
- (t) To pass ordinances and provide penalties for violations.

- (u) To provide and/or arrange for any and all “Civil Defense Measures” and “Public Shelter Measures” for the City of Watauga, Texas, and for the citizens thereof, deemed necessary for the public welfare.
- (v) To exercise, or delegate to the Mayor, or Mayor Pro tem in the absence of the Mayor from the City, extraordinary and total executive powers (on a temporary basis) during the existence and duration of any major public disaster, for the public welfare.
- (w) The City Council shall have power to cause the ordinances of the City to be codified and printed in code form and such printed code, when adopted by the Council, shall be in full force and effect by publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts without further proof.
- (x) To approve or disapprove all appointments by the City Manager in connection with Department Head positions.

(Section 3.07 amended by charter amendment election held May 7, 2005)

Section 3.08 Prohibitions

(a) Holding Other Office: Except where authorized by law no member of the Council, including the Mayor, shall hold any other city office or employment by the City during the term for which he was elected to the Council, and no former Mayor or councilmember shall hold any compensated appointive city office or employment until two (2) years after the expiration of the term for which he was elected.

(b) Appointments and/or Removals: The members of the council shall in no way dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any other subordinates are empowered to appoint, unless otherwise provided in this Charter. In regard to the appointment or removal of any City administrative officer or employee, the Council and its members shall deal solely through the City Manager. The Council, by voting in accordance with the procedure set forth in Section 3.09(c) of this Charter may require the City Manager to remove any employee for cause. A willful violation of the foregoing provision by a member of the Council shall constitute misconduct and shall authorize the Council [to expel such offending member of the Council if it is determined] by a majority vote of the remaining members beyond a reasonable doubt in a public hearing that such a willful violation has been committed. Such expulsion shall create a vacancy in the place held by such member. Councilmembers removed from office under this provision, shall not continue to perform the duties of their office until a successor is duly qualified pursuant to Article XVI, Section 17 of the Texas Constitution, as now or hereafter amended. (Section 3.08(b) amended by charter amendment election held November 6, 2007)

(c) Interference with Administration: Except for the purpose of inquiries and investigations by the direction of the Council, unless provided otherwise in this Charter, the 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. The Council and its members acting individually shall not give orders or instructions to any officer or employee except in the state of a declared emergency. Members of the Council, acting individually, shall not give orders or instructions to the City Manager, either publicly or privately, except in a state of a declared emergency. Such prohibition shall not apply to a request that an item be placed on a Council meeting agenda for consideration by the Council. A willful violation of the foregoing provision by a member of the Council shall constitute misconduct and shall authorize the Council by a unanimous vote of the City Council to expel such offending member of the Council if it is determined by the remaining members beyond a reasonable doubt in a public hearing that such a willful violation has been committed. The Councilmember the subject of the expulsion shall not be permitted to vote on the issue. Such expulsion shall create a vacancy in the place held by such member. (Section 3.08(c) amended by Ordinance 1233 adopted 5/16/05)

(d) Admission of Liability: Neither the 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 liability of the City.

(e) Resignation of Elected Official: Any elected official seeking election to any other elected position must resign his current office at the time of filing if his elected term extends past the beginning of the position sought.

(f) Resignation of City Councilmember: Any City Councilmember who shall announce their candidacy, or shall become a candidate, in any general, special or primary election, for any office of profit or trust under the laws of this State or the United States other than the office then held, when the unexpired term of the office then held shall exceed one (1) year from the statutory filing date, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies.

(g) Definitions: (1) For purpose of this Home Rule Charter, “reasonable doubt” is a doubt based on reason and common sense after a careful and impartial consideration of all the evidence. It is the kind of doubt that would make a reasonable person hesitate to act in the most important of his own affairs. Proof beyond a reasonable doubt must be proof of such a convincing character that a reasonable person would be willing to rely and act upon it without hesitation in the most important of their own affairs.

(h) For purposes of this Home Rule Charter, a person acts willfully with respect to the nature of his conduct when it is his conscious objective or desire to engage in the conduct knowing that such conduct is expressly prohibited.

Section 3.09 Meetings and Rules of Procedure:

(a) Meetings: Council meetings shall be held at a location in the City and the Council shall meet regularly not less than one (1) time each month and at such other times as the Council may prescribe. Special meetings may be held on the call of the Mayor or a majority of the members of the Council.

All meetings shall be held and public notice thereof given as required by statutory provisions, as now or hereafter amended. Closed meetings shall be conducted as authorized by the state statute.

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

(c) Voting: Voting, except on procedural motions, shall be accomplished by show of hands of members of the Council or by lighting device reflecting the ayes and nays. Tabulation of the voting by the Council vote shall be announced in open meetings by the Mayor or his or her duly appointed representative. All members of the Council may have one vote and only one vote on each item and issue. Four (4) members of the Council, excluding the Mayor, shall constitute a quorum. In the event that there are vacancies on the Council, the quorum shall be reduced by the number of vacancies existing. No action by the Council shall be valid unless adopted by the affirmative vote of at least three (3) of those members attending any meeting at which there is a quorum present. (Section 3.09(c) amended by charter amendment election held May 7, 2005)

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.

Section 3.10 Investigation by the Council

Deleted by Charter Amendment Election held September 14, 2002.

Section 3.11 Ordinance 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 Watauga.”

The City Attorney shall approve all ordinances as to form and legality. 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 shall be submitted at an open meeting of the City Council and may be finally passed and approved on the first submission subject to affirmative vote of the City Council in accordance with the voting procedure set forth in Section 3.09(c) of this Charter with a reading of the caption or preamble of the ordinance, unless said ordinance: (1) amends zoning within the City, (2) amends the electrical, plumbing or building codes, or (3) is specified or required by law or this Charter to be submitted in a different manner. All ordinances amending zoning in the City or amending the electrical, plumbing or building codes shall be subject to final passage and approval only on second submission and affirmative approval by the City Council with a reading of the caption or preamble of the ordinance.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of any ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by law or this Charter to be published, by causing the said ordinance, or its preamble and penalty, to be published at least one (1) time

within ten (10) days, after final passage thereof in the official City newspaper. The affidavit of such publication by the publisher of the newspaper taken before any officer authorized to administer oaths and filed with the City Secretary, shall be conclusive proof of the legal publication and promulgation of such ordinance. All ordinances shall be effective after approval by the City Council, approval by the Mayor and attestation of the City Secretary. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary.

Any ordinance or resolution, other than an emergency measure or the budget, which authorizes or requires the expenditure or diversion of any City funds for any purpose or proposes any new ad valorem property tax increase or decrease, shall have a separate statement submitted and signed by the City Manager outlining the fiscal impact and probable gain or loss in income or cost of the measure each year for the first five (5) years after its passage and a statement as to whether or not there will be costs involved thereafter. Such separate statement shall not become a part of the ordinance or resolution but shall remain with the ordinance or resolution throughout the entire legislative process, including submission to the Mayor.

An ordinance providing for an emergency measure is an ordinance addressing the immediate preservation of life, health, property or the public peace as set forth in Section 3.12. The City Council shall, within its discretion, declare what measures are emergency measures, and any ordinance carrying an emergency clause shall be construed to be an emergency measure, which emergency shall be set forth and defined in the preamble of such ordinance. An ordinance addressing an emergency measure shall be passed on the first reading of the caption or preamble.

State law reference—Publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013.

Section 3.12 Emergency Ordinances

The 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, 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 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 in which it is introduced. A vote by the Council in accordance with the procedure set forth in Section 3.09(c) of this Charter shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances, and shall not be in effect more than forty-five (45) days.

Section 3.13 Veto by Mayor

All ordinances and resolutions adopted by the Council shall, before they take effect, be placed in the office of the City Secretary. The Mayor shall sign those ordinances and resolutions which he approves. Such as he shall not sign, he shall return to the City Council with his written objections attached thereto. Upon the return of any ordinance or resolution by the Mayor, the vote by which the ordinance or resolution was passed shall be reconsidered at the next regular meeting of the City Council. If, after such reconsideration, the Council agrees to pass and adopt such ordinance or resolution by 2/3 majority vote of the voting members of the City Council, the same shall be

in full force and effect. 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.

ARTICLE IV

ELECTIONS^{iv*}

Section 4.01 Laws Governing City Elections

All City elections shall be governed by the laws of the State of Texas governing general and municipal elections, so far as the laws of the State may be applicable thereto. In the event there should be any failure of the laws of the State 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 [in] said election if the election is conducted fairly and in substantial compliance with the laws of the State, where applicable, and the Charter and ordinances of the City.

Section 4.02 General Elections

The City elections shall be held at a time to be set by resolution of the City Council on those days specified by the Election Code of the State of Texas at which time officers shall be elected to fill those offices as required by this Charter, announced in accordance with the Election Code of the State of Texas and with the ordinances adopted by the City Council for the conduct of the 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 of Texas or by this Charter, fix the date and place of holding same, and provide all means for holding such special elections.

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.

State law reference—Notice of elections, V.T.C.A., Election Code, ch. 4.

Section 4.05 Run Off Election

Deleted by Charter Amendment Election held May 7, 2005.

ARTICLE V

RECALL OF OFFICERS

Section 5.01 Scope of Recall

Any councilmember, 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 on grounds of incompetency, misconduct, or malfeasance in office.

For purposes of this section, the term “incompetency” shall mean lack of ability, legal qualification or fitness to discharge the required duty.

For purposes of this section, the term “misconduct” shall mean a transgression of some established and definite rule of law, charter provision or city ordinance. In order to constitute “misconduct,” such conduct must be of a forbidden nature, a dereliction from duty, unlawful behavior, and willful in nature.

For purposes of this section, “malfeasance” shall mean a wrongful act which the actor has no right to do and which affects, interrupts, or interferes with the performance of official duty of any officer, employee or member of the governing body of the City.

Section 5.02 Petitions for Recall

Before the question of recall of such council member shall be submitted to the qualified voters of the City, a petition demanding that such question be submitted, shall first be filed with the person performing the duties of the City Secretary. Said petition shall be signed by 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, or three hundred and fifty (350) such petitioners, whichever is greater. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, print his name, provide voter registration number, date of birth, name and number of street of residence and shall also write thereon the day, the month and year his signature was affixed. There shall also be required a heading on each signature page stating the basis of the recall. The City Secretary shall have authority to approve or disapprove as to whether such petitioners are qualified voters of the City. The City Secretary shall also have authority to disqualify signatures on the petition for any discernible and verifiable irregularity in the petition or noncompliance with the requirements set forth in this section.

Section 5.03 Form of Recall Petition

The recall petition mentioned above must be addressed to the Council of the City of Watauga, 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 ground, such for 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 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 the date it purports to have been made. Each person signing this petition has read the full text of the basis of the recall as set forth in the petition. 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

Section 5.04 Various Papers Constituting Petition

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereon may be upon the paper or papers containing the form of petition or upon other papers attached thereto. Verifications provided for in Section 5.03 of this Article may be made by one or more petitioners; and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of the City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day, and the City Secretary shall, by certified mail, immediately notify the officer so sought to be removed.

Section 5.05 Presentation of Petition to the Council

Within twenty (20) calendar days after the date of filing of papers constitution [constituting] the recall petition, the person performing the duties of the City Secretary, after approving or disapproving said signatures, shall present such petition to the Council of the City of Watauga at a special meeting called for this purpose or at a regular meeting of the City Council.

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 five (5) days nor more than fifteen (15) after receiving such request for a public hearing.

Section 5.07 Election To Be Called

If a council member whose removal is sought does not resign, the City Council shall order an

election and set a date for holding such recall election within seventy-five (75) days after the recall petition has been presented to the City Council. The date of the election shall be in compliance with the Texas Election Code, as now or hereafter amended. The council member whose removal is sought shall be determined to have a conflict of interest per se concerning a determination by the City Council of the election and date of election and shall not participate in the vote on such matters.

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 (name of office) by recall?”
- (b) Immediately below each such question there shall be printed the following words, one 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 on the ballot [sic], he shall continue in the 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 are 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, have no right to hold over the position pursuant to Article XVI, S 17 of the Texas Constitution, as now or hereafter amended, and the vacancy shall be filled as provided in Section 3.5 [3.05] of this Charter. (Section 5.09 amended by a charter amendment election held on November 6, 2007)

Section 5.10 Recall Restrictions Thereon

No recall petition shall be filed against any elected or appointed member of the City Council within six (6) months after his election or appointment, within six (6) months prior to the expiration of the term of an elected or appointed council member or within six (6) months after an election for such council member’s recall.

Section 5.11 Failure of Council to Call an Election

In case all of the requirements of this Charter shall have been met and the Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge other duties imposed upon said 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 Council.

ARTICLE VI

LEGISLATION BY THE PEOPLE, INITIATIVE AND REFERENDUM

Section 6.01 General Power

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

Section 6.02 Initiative

The people of the City of Watauga reserve the power of direct legislation by initiative, and in exercise of such power may propose any ordinance except: (1) ordinances appropriating money or levying taxes, and (2) ordinances repealing ordinances appropriating money or levying taxes, not in conflict with this Charter, the State Constitution or State Laws. Any initiated ordinance may, subject to the above, be submitted by the qualified voters of the City of Watauga, 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 thirty percent (30%) of the number of votes cast at the last regular municipal election of the City, or three hundred and fifty (350), whichever is greater, and 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 for 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 City Secretary. Within twenty (20) days after filing of such petition, the person performing the duties of City Secretary shall present said petition and proposed ordinance or resolution to the City Council. Upon presentation to it of the petition and the draft of the proposed ordinance or resolution, it shall become the duty of the City Council, within ten (10) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held as provided by law, at which the qualified voters of the City of Watauga 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.

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 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 the City Secretary. Immediately upon the filing of such petition, the person performing the duties of the City Secretary shall present said petition to the Council. Thereupon the Council shall immediately consider 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 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 Council

The Council, upon its own motion and by vote in accordance with the procedure set forth in Section 3.09(c) of this Charter, 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 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 of Watauga, 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

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 of the Council.

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 of votes shall prevail.

Section 6.09 Ordinance or Resolutions Passed by Popular Vote, Repeal or Amendment

No ordinance or resolution which may have been passed by the Council as a result of popular vote under the provisions of this Article shall be repealed or amended, except by the City Council, in response to a referendum vote or by submission as provided in Section 6.01 of this Charter.

Section 6.10 Further Regulations by City Council

The 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 may 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.

ARTICLE VII

ADMINISTRATIVE ORGANIZATION^{v*}

Section 7.01 City Manager

A. Appointment and Qualifications. The Mayor shall recommend the appointment of a City Manager, subject to approval by the City Council by vote in accordance with the procedure set forth in Section 3.09(c) of this Charter, who shall be the chief administrative officer of the City and shall be responsible to the Council for the administration of all the affairs of the City. The City Manager shall be chosen by the Council solely on the basis of executive and administrative training, education, experience, ability and character. No member of the City Council shall during the time for which he is elected and for two (2) years thereafter be appointed City Manager.

B. Term and Salary. The City Manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the City Council by vote in accordance with the procedure

set forth in Section 3.09(c) of this Charter. The action of the Council, in suspending or removing the City Manager, shall be final. It is the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the Council. In case of absence or disability of the City Manager, the Council may designate some qualified person, other than an elected officer of the City, to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the Council and may include a termination benefit package which shall not alter the status of the City Manager as an employee at will.

C. Powers and Duties. The powers herein conferred upon the City Manager shall include but shall not be limited to the following:

1. To appoint and remove any employee of the City except those employees whose appointment or election is otherwise provided by law or this Charter.
2. Prepare and submit the annual budget and a five (5) year capital improvement program to the Council as prescribed in Article IX of this Charter.
3. Submit to the Council a report for each month on the finances and administrative activities of the City and a complete report as of the end of each fiscal year.
4. Provide each department head with a monthly financial report of his department.
5. Attend all meetings of the Council except when excused by the Council.
6. Make a written report to the City Council each month on all department expenditures.
7. To perform such other duties as may be prescribed by this Charter or required by the Mayor, as directed by the City Council, not inconsistent with provisions of this Charter.
8. The City Manager may appoint, by letter filed with the City Secretary, a qualified administrative officer of the City to perform his duties during his temporary absence. The appointment shall be made from a list of qualified individuals previously approved by the City Council. In the event of failure of the City Manager to make such appointment, or in the case of disability of the City Manager, the Council may, by resolution, appoint an officer of the City, other than an elected official, to perform the duties of the City Manager until he shall return or his disability shall cease.

Section 7.02 City Secretary

The City Manager shall recommend for appointment by the Mayor and approval by the City Council 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 at the will and pleasure of the Mayor subject to approval of the City Council by voting in accordance with the procedure set forth in Section 3.09(c) of this Charter. The City Secretary shall be required to:

1. Give notice of and attend all official public meetings of the Council.
2. Record the minutes and proceedings of all official public meetings of the Council; provided, however, that only the title and caption of duly enacted ordinances shall be recorded in the minutes.
3. Act as custodian of all official records of the Council.
4. Hold and maintain the Seal of the City and affix this seal to all appropriate documents.
5. Authenticate by signature and Seal, and record in a book kept and indexed for the purpose, all ordinances and resolutions of the City.
6. Perform such other duties as may be required by the City Manager, the City Council acting as the governing body of the City, this Charter and the laws of the State of Texas. The City Secretary shall be under the exclusive direction and supervision of the City Manager in connection with administrative duties and responsibilities.

(Section 7.02 amended by a charter amendment election held on November 6, 2007)

Section 7.03 City Departments and Services

The City Council shall establish and maintain departments in sufficient numbers and specialty to effectively provide services of the City to include administration, finance, tax, public works, parks, police, reserve police, fire, volunteer fire, emergency medical and any other necessary municipal services.

Section 7.04 [Deleted]

Deleted by Charter Amendment Election held September 14, 2002.

Section 7.05 [Deleted]

Deleted by Charter Amendment Election held September 14, 2002.

Section 7.06 Residency Requirements for City Manager, Department Heads and Employees

The City Manager need not be a resident of the City when appointed. However, he shall become a resident of the City within twelve (12) months after appointment and thereafter shall continue to reside within the City during his tenure in office. The City Council may impose a requirement of residency within the City for the City Manager and City Secretary. For all other employees and department heads, other than the City Manager and City Secretary, the City may not require residency in the City as a requirement of employment. The City may require residency within the

United States as a condition of employment. The City Council may determine and impose standards with respect to the time within which City employees who reside outside the City must respond to a civil emergency. Such standards may not be imposed retroactively on any person in the employ of the City at the time the standards are adopted.

State law reference—Residency requirements for municipal employees, V.T.C.A., Local Government Code, sec. 150.021.

Section 7.07 Other Departments, Boards and Commissions

The Council may abolish or consolidate any office or department. The Council may divide the administration of any such department as it may deem advisable and may create new departments.

The Council shall create, establish, or appoint, as may be required by law or circumstances, those boards, commissions, and committees which are deemed necessary to carry out the function 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. The Council shall prescribe the purpose, composition, function and duty of each board, committee, or commission where such are not prescribed by law.

Section 7.08 Employee and Citizen Grievances

The City of Watauga shall maintain at all times a current Personnel, Administrative and Financial Policies and Procedures Manual to be approved by resolution of the City Council. Employee grievances shall be addressed and strictly governed by the policies and procedures as set forth in the Personnel, Administrative and Financial Policies and Procedures Manual in effect at the time of the action which gives rise to such grievance. The City Council of the City of Watauga, Texas, as an elected governing body, shall be available to the citizens of Watauga in order to address concerns and grievances.

ARTICLE VIII

LEGAL AND JUDICIAL SERVICES^{vi*}

Section 8.01 Municipal Court

There shall be established and maintained a court designated as “Municipal Court in the City of Watauga,” for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by the laws of the State of Texas relative to municipal courts and municipal courts of record. 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 and serve in

accordance with Chapter 30 of the Government Code, as now or hereafter amended, for a term not to exceed two (2) years.

The municipal judge shall hold office for the duration of the term unless removed at the will and discretion of the City Council. If the judge is removed or vacates the office, the City Council shall immediately appoint a qualified person to fill the unexpired term.

The municipal judge must:

- a. be a resident of this state.
- b. be a citizen of the United States.
- c. be a licensed attorney in good standing in Texas.
- d. have been licensed by the Supreme Court of Texas to practice law in Texas for five (5) or more years.

The Judge of the Municipal Court shall receive such compensation as may be determined by the Council.

(Section 8.02 amended by Ordinance 1233 adopted 5/16/05)

State law reference—Judge, generally, V.T.C.A., Government Code, sec. 30.00006.

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 Mayor shall recommend the appointment of a competent and duly licensed attorney practicing law in the State of Texas who shall be the City Attorney. The City Attorney 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 approved by the City Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor of, and attorney and counselor for, the City, all offices and departments and for all officers and employees of the City in matters relating to their official powers and duties.

The City Attorney must:

- a. be a resident of this state.
- b. be a citizen of the United States.
- c. be a licensed attorney in good standing in Texas.
- d. have been licensed by the Supreme Court of Texas to practice law in Texas for five (5) or more years.

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 any time it determines such action to be necessary.

The City Attorney shall perform all services incident to the position as may be required by statute, by this Charter, by ordinance or as directed by the City Council.

(Section 8.04 amended by Ordinance 1233 adopted 5/16/05)

ARTICLE IX

MUNICIPAL FINANCE^{vii*}

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.

State law references—General fiscal power to establish fiscal year, V.T.C.A., Local Government Code, sec. 101.022; city fiscal year, V.T.C.A., Tax Code, sec. 1.05.

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 law or this Charter, shall be in such form as the City Manager deems desirable or the 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, [and] indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the debt position of the City and include such other material as the City Manager deems advisable. The budget shall begin with a clear, general summary of its contents. It shall show in detail all estimated income and indicate the proposed property tax levy. All proposed expenditures shall

not exceed the total 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 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 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.

- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

B. Submission. On or before the first day of August of each year, the City Manager shall submit to the Council a proposed budget and an accompanying message. The Council shall review the proposed budget and revise as deemed appropriate prior to general circulation for public hearing.

C. Public Notice and Hearing. The Council shall post in the City Hall and publish in the official newspaper a notice stating (1) the times and places where copies of the message and budget are available for inspection by the public, and (2) the time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

D. Amendment Before Adoption. After the public hearing the 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 Council shall adopt the budget by ordinance as specified in Article III of this Charter before the 15th day of September. Adoption of the budget will require an affirmative vote of two thirds (2/3) of the voting members of the City Council. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

F. Failure to Adopt. The budget shall be finally adopted not later than the last regular Council meeting of the last month of the fiscal year. If Council fails to adopt the budget on or prior to such day, 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 prorated accordingly until such time as the 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 tax receipts, unless the ensuing fiscal year budget is approved as hereinabove provided.

State law reference—Municipal budget, V.T.C.A., Local Government Code, ch. 102.

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.

State law reference—Approved budget filed with municipal clerk, V.T.C.A., Local Government Code, sec. 102.008.

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 Council may carry the excess into the next fiscal year or by resolution may make supplemental appropriations to retire indebtedness; to fund emergency appropriations as described in Section 9.04B or apply the additional revenues towards the intended purpose or purposes for which the same were made or designated.

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 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 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 Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The 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 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 Council may by ordinance transfer part or all of any unencumbered appropriation balance from one 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 of transfer or appropriations authorized by this section may be made effective immediately upon adoption of the ordinance.

State law reference—Changes in budget for municipal purposes, V.T.C.A., Local Government Code, sec. 102.010.

Section 9.05 Lapse of Appropriations

Every appropriation, except an appropriation for 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 an 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 Council a report for each month reflecting the financial condition of the City by budget items, including budget estimates versus accrual for the preceding month and for the fiscal year to date. Such records are to be made public by the Council during open meeting. The financial records of the City will be maintained on an accrual basis [to] support this type of financial management.

C. Independent Audit. At the close of each fiscal year, and at such times as it may be deemed necessary, the 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.

State law reference—Audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.

Section 9.07 Borrowing

The Council upon a two-thirds majority vote of the council members, 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 the laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas.

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 laws of the State of Texas, 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 the laws of the State of Texas.

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 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 the vote of the citizens of Watauga 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 the laws of the State of Texas.

State law references—Public Security Procedures Act, V.T.C.A., Government Code, ch. 1201; municipal bonds, V.T.C.A., Government Code, ch. 1331.

Section 9.08 Purchasing

The City Council shall approve by resolution a written purchasing policy applicable to all contracts, purchases and expenditures for goods and services in the City.

The City Manager, all department heads and employees shall faithfully adhere to the requirements of the written purchasing policy. Failure to do so shall constitute sufficient basis for termination.

However, all contracts, purchases and expenditures exceeding the maximum amount permitted by state law in effect at the time of the expenditure, without requiring competitive bidding or proposals, must be expressly approved in advance by the City Council and be subject to competitive bidding or competitive sealed proposals and shall be let to the bidder who is most responsive to the needs of the City after consideration of all facts and circumstances surrounding the bid, including, but not limited to, the lowest price. The City Council shall retain the right to reject any and all bids.

The exceptions to bidding requirements as stated in Local Government Code, Section 252.022, as now or hereafter amended, shall constitute exceptions to this provision. Emergency contracts as authorized by law and as set forth in the Local Government Code, as now or hereafter amended, may be negotiated by the Council or the City Manager, if granted authority by the Council, without the necessity of competitive bidding. Such emergency shall be declared by the City Manager and approved by the City Council or may simply be declared by the City Council. All expenditures must be supported by documentation justifying such expenditures.

State law reference—Purchasing and contracting authority of municipality, V.T.C.A., Local Government Code, chs. 252, 271.

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^{viii.*}

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 Manager who shall serve with the approval of the City Council. In absence of the City Manager, the City Council may appoint another qualified individual to serve as Assessor-Collector. The Assessor-Collector shall give a surety bond made payable to the City and approved by the City Council. Such bond shall insure faithful performance of the Assessor-Collector's 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 \$10,000.00. The City may contract with other parties to perform the function of tax assessment and collection.

Section 10.02 Power to Tax

The City shall have the power to tax property in accordance with the statutory provisions of the Texas Property Tax Code, as now or hereafter amended by the state legislature.

State law reference—Authority of municipality to impose property taxes, V.T.C.A., Tax Code, sec. 302.001.

Section 10.03 Property Subject to Tax, Method of Assessment

Property subject to taxation and the method of assessment shall be determined in accordance with the statutory provisions of the Texas Property Tax Code, as now or hereafter amended by the state legislature.

Section 10.04 Limitation on Tax Rate

Any limitation on tax rate shall be determined in accordance with the statutory provisions of the Texas Property Tax Code, as now or hereafter amended by the state legislature.

Section 10.05 Board of Equalization, Appointment, Qualifications

All provisions concerning the structure, function, and duties formerly associated with the Board of Equalization shall be governed by the statutory provisions of the Texas Property Tax Code, as now or hereafter amended by the state legislature.

Section 10.06 Power of Board of Equalization

All provisions concerning the structure, function, and duties formerly associated with the Board of Equalization shall be governed by the statutory provisions of the Texas Property Tax Code, as now or hereafter amended by the state legislature.

Section 10.07 Duties of the Board of Equalization

All provisions concerning the structure, function, and duties formerly associated with the Board of Equalization shall be governed by the statutory provisions of the Texas Property Tax Code, as now or hereafter amended by the state legislature.

Section 10.08 Approval of the Assessment Roll

All provisions concerning the structure, function, and duties formerly associated with the Board of Equalization shall be governed by the statutory provisions of the Texas Property Tax Code, as now or hereafter amended by the state legislature.

Section 10.09 Taxes - When Due and Payable

All taxes due the City of Watauga shall be payable at the office of the City Tax Assessor-Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall not be later than October 1. Taxes shall be paid on or before January 31 and 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 Council may provide by Ordinance. The Council may provide further by Ordinance that all taxes either current or delinquent, due the City of Watauga 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 and extending time for payment of taxes.

State law reference—Delinquency date for payment of taxes, V.T.C.A., Tax Code, sec. 31.02.

Section 10.10 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 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 this 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 nonresidents. 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.

In addition to the liens herein provided, on the 1st 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.

State law reference—Tax liens, V.T.C.A., Tax Code, ch. 32.

ARTICLE XI

PLANNING AND ZONING, BOARD OF ADJUSTMENT^{ix*}

Section 11.01 The Planning and Zoning Commission

There shall be established by the City Council a Planning and Zoning Commission which shall consist of seven (7) persons who are residents in the City of Watauga and who own real property within the City.

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

Section 11.02 Powers and Duties

- (a) Recommend a City Plan for the physical development of the City.
- (b) Recommend to the Council, approval or disapproval of proposed changes in the Zoning Plan.
- (c) Exercise control over platting or subdividing land within the corporate limits of the City and outside said corporate limits to extent authorized by law.

The Commission shall be responsible to and act as an advisory body to the 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 Watauga 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 part, and may adopt any amendments thereto after at least one public hearing on the proposed action. The Council shall act on such plan, or part thereof, within sixty (60) days following its submission. If such plan, or part thereof, shall be rejected by the City Council, the Commission may modify 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 Council for approval, and all other recommendations affecting the Master Plan shall be accompanied by a recommendation from the Planning and Zoning Commission.

Section 11.04 Legal Effect of the Master Plan

Upon the adoption of a 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 the event of Commission disapproval, the reasons therefor shall be directed in writing to the Council. The City Council shall have the power to overrule such disapproval of the Planning and Zoning Commission and therewith exercise its discretionary power for appropriate action in the matter which presents a conflict with the Master Plan. The widening, narrowing, relocating, vacating, or change in the use of any street, alley, or public way or ground, or the 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 for appropriate action at the discretion of the City Council.

Section 11.05 Board of Adjustment

There shall be a Board of Adjustment as specified in Local Government Code Section 211.008, as now or hereafter amended.

State law reference—Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

ARTICLE XII

FRANCHISES AND PUBLIC UTILITIES^{x*}

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 to manufacture, distribute and sell the output of such utility operations, the City shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

Section 12.02 Franchise: Power of the Council

The City Council shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities operating within the City. All ordinances granting, amending,

renewing or extending franchises for public utilities shall be read at two (2) separate regular meetings of the Council, and shall not be finally passed until thirty (30) days after the first reading. No such ordinance shall take effect until thirty (30) days after its final passage, and pending such time, the full text of such ordinance shall be published once each week for four (4) consecutive weeks in the official newspaper of the City, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be granted for a term of more than twenty (20) years nor be transferable except with the approval of the City Council expressed by ordinance. Every public utility and every owner of a public utility franchise shall file with the City Secretary certified copies of all franchises owned or claimed, under which such utility is operated in the City.

Section 12.03 Franchise Value Not To Be Allowed

No value shall be assigned to any franchise granted by the City under this Charter in fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise.

Section 12.04 Right of Regulation

All grants, removals, extensions or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City Council to:

- (a) Repeal the same ordinance at any time upon the failure of the grantee to comply with any provision of the ordinance, the franchise, this Charter or any applicable statute of the State of Texas or rule of any applicable governmental body;
- (b) Require proper and adequate extension of plant and service and require the maintenance of the plant and fixtures at the highest reasonable standard of efficiency;
- (c) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) At any time examine and audit the accounts and other records of any such utility and require annual and other reports, including reports on operations within the City;
- (e) Impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public;
- (f) Require such compensation and rental as may be permitted by the laws of the State of Texas.

Section 12.05 No Exclusive

No grant or franchise to construct, maintain or operate a public utility, and no renewal or extension of such grant shall be exclusive.

Section 12.06 Consent of Property Owners

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his property as now or hereafter provided by law.

Section 12.07 Extensions

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any 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 12.04. 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 12.08 Other Conditions

All franchises heretofore granted are recognized as contracts between the City and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this Charter, except that the power of the City to exercise the right of Eminent Domain in the acquisition of utility property is in all things reserved, and except for the general power of the City heretofore existing and herein provided for, to regulate the rates and services of a grantee which shall include the right to require proper and adequate extension of the plant and service and the maintenance of the system at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the City Council or voters of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant.

Section 12.09 Accounts of Municipally-Owned Utilities

Accounts shall be kept for each public utility owned or operated by the City in such a manner as to show the true and complete financial results of such City ownership and operation. The accounts shall show the actual capital costs of each public utility owned, the cost of all extensions, additions and improvements, and the source of 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 City government unit. The City Council shall cause an annual report to be made by a certified public accountant in connection with the annual audit, and shall publish such report showing the financial results of such city ownership or operation, giving the information specified in this section and such data as the City Council shall require.

Section 12.10 Sales of Utility Services

(a) The City Council shall have the power and authority to sell and distribute water and any other utilities to any person, firm or corporation inside or outside the limits of the City, and to permit them to connect with said system under contract with the City, under such terms and conditions as may appear to be in the best interests of the City, provided the charges fixed for such services shall be reasonable when considered in the light of all circumstances, to be determined by the City Council.

(b) Materials and Inspection. The City Council shall have the power and authority to prescribe the kind of materials used within or beyond the limits of the City where it furnishes service, and to inspect the same and require them to be kept in good order and condition at all times, and to make such rules and regulations as shall be necessary and proper, and prescribe penalties for noncompliance with same.

Section 12.11 Regulation of Rates and Service

The City Council shall have the power, after due notice and hearing, to regulate by ordinance the rates and services of every public utility operating in the City, and shall have power to employ at the expense of the grantee, expert assistance and advice in determining reasonable rate and equitable profit to the grantee.

ARTICLE XIII

TRANSITIONAL PROVISIONS

Section 13.01 Charter Adoption

This Charter shall be submitted to the qualified voters of the City of Watauga for adoption or rejection at an election to be called for such purpose, at which election, if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the Charter and governing law of the City of Watauga until amended or repealed. It being impractical to submit this Charter by sections, it is hereby prescribed that the form of ballot to be used in such election shall be as follows to wit:

_____ FOR THE ADOPTION OF THE CHARTER

_____ AGAINST THE ADOPTION OF THE CHARTER

Section 13.02 Officers and Employees

A. Rights and Privileges Preserved. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are City officers or employees.

B. The participation of employees in the City in political campaigns or political activity shall

be regulated by provisions contained in the Personnel, Administrative and Financial Policies and Procedures Manual as approved by resolution of the City Council. The City shall maintain at all times a current Personnel, Administrative and Financial Policies and Procedures Manual approved by resolution of the City Council. Such Personnel, Administrative and Financial Policies and Procedures Manual shall contain provisions for the regulation of City employee participation in political campaigns and political activities.

C. Employees of the City of Watauga are not required to contribute to any political fund or render any political service to any person or party. Further, no City employee shall be removed, reduced in classification and/or salary, or otherwise prejudiced by refusing to contribute to any political fund or render a political service.

Section 13.03 Preservation of Contract Rights

All contracts entered into by the City of Watauga, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. All rights, immunities, powers, privileges and franchises now possessed by said City shall also continue in full force and effect.

Section 13.04 Franchises

The provisions of Section 13.04 have been included in Section 12.02 pursuant to Charter amendment approved August 11, 1990.

Section 13.05 Charter Review Commission

There shall be established a Charter Review Commission which shall perform the function of (1) inquiring into the operation of the City government under the provisions of the Home Rule Charter and determining whether revision is required of any such provisions, (2) proposing recommendations, (3) insuring compliance with the provisions of the Home Rule Charter, (4) proposing amendments to the Home Rule Charter to improve the effective application and administrative efficiency of the operation of the City under the Home Rule Charter and (5) reporting its findings and presenting such proposed amendments to the City Council. The Charter Review Commission shall consist of seven (7) members to be appointed by the Mayor, subject to the approval and consent of the City Council. Each member of the Charter Review Commission shall be a resident of the City at the time of appointment and shall remain a resident of the City so long as they continue to serve on the Charter Review Commission. Places on the Charter Review Commission shall be numbered one (1) through (7) with the odd-numbered places on the board to be appointed for a two-year term to expire on the 30th day of June each odd-numbered year. All members appointed to even-numbered places on the commission shall be appointed for a two-year term to expire on the 30th day of June on even-numbered years. All members of the commission shall serve without compensation. All vacancies occurring in the membership of the commission shall be filled by appointment of the Mayor, with approval of the City Council, for the length of the unexpired term.

The members of the Charter Review Commission shall elect a chairman to report to the Mayor and City Council. The chairman shall also be responsible for scheduling and presiding over

meetings of the commission.

ARTICLE XIV

GENERAL PROVISIONS

Section 14.01 Public Records

All records of the City shall be maintained and available for public inspection in accordance with Chapter 552 of the Government Code (Texas Public Information Act), as now or hereafter amended. (Section 14.01 amended by charter amendment election held May 7, 2005)

State law reference—Public information, V.T.C.A., Government Code, ch. 552.

Section 14.02 Personal Financial Interest

No officer or employee of the City shall have a financial interest, directly or indirectly, in any contract with the City, nor shall he be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, material, supplies or service. Any violation of this section with the knowledge, express or implied, of the persons or corporations contracting with the City shall render the contract voidable by the City Manager or the City Council.

Nothing in this Article shall prohibit the City from obtaining land through purchase, gift or agreement from any City official or employee when required for easement, right-of-way, parks or municipal buildings provided, however, no Council member shall participate in Council action during the acquisition of such land when that Council member has any financial interest, directly or indirectly, in said land and further provided that purchase agreements must not exceed fair market value as determined by a disinterested independent appraiser.

State law reference—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171.

Section 14.03 Nepotism

No persons related within the second degree of 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 of the City, save and except any such who have been continuously employed by the City for a period of two (2) years prior to the election of the Mayor, Councilman, or appointment of the City Manager. The provisions of this section of the Charter shall not apply to volunteer services to the City.

State law reference—Nepotism, V.T.C.A., Government Code, ch. 573.

Section 14.04 Official Bond for City Employees

The 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 Council and the cost

thereof shall be paid by the City.

State law reference—Official bonds, V.T.C.A., Government Code, ch. 604.

Section 14.05 Tort Liability

City liability for damages resulting from property damage, death or personal injuries of any kind shall be subject to Article 1, Section 17 of the Texas Constitution and Chapter 101 of the Texas Practice and Remedies Code, as now or hereafter amended.

State law references—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101; notice procedures, V.T.C.A., Civil Practice and Remedies Code, sec. 101.101.

Section 14.06 Separability 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 the law in force at the time of the beginning of such proceedings or under the 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, the statutes of said State 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 Watauga, but the City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any kind of City, Town or Village, not contrary to the provisions of the said “home rule” Statutes, Charter and Ordinances; but the exercise of any such powers by the City of Watauga shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages, unless and until, by Ordinance it adopts the 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 nonprofit organization or corporation, or by “foundation” or otherwise, (except property of the City of Watauga, 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 formulated and submitted to the voters of the City of Watauga in the manner provided by Chapter 9 of the Texas Local Government Code, V.T.C.A., as now or hereafter amended.

State constitution reference—Adoption or amendment of charter, Texas Constitution, art. 11, sec. 5.

State law reference—Adoption or amendment of charter, V.T.C.A., Local Government Code, sec. 9.001 et seq.

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.

Section 14.13 Appeals

All procedures, structure and authority regarding termination and dismissal of employees shall be regulated by the Personnel, Administrative and Financial Policies and Procedures Manual for the City of Watauga, as now or hereafter amended.

Section 14.14 Conflict of Interest

Any person serving on the City Council, appointed board, commission or employee of the City, who shall have a conflict of interest while conducting City business, shall immediately declare such conflict of interest by affidavit filed with the City Secretary and shall disqualify himself from participation in the matter for which the conflict exists. Conflict of interest includes the following:

- A. Related (by blood or marriage) to the person or persons doing or requesting business with the City.
- B. Having business or monetary connections with the persons or person doing business with or requesting to do business with the City.
- C. Persons serving on boards, commissions or other official agencies doing business

with or in conjunction with the City.

- D. Having a substantial interest in real property wherein it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property distinguishable from its effect on the public.
- E. It does not constitute a conflict of interest for members of the City Council, boards or commissions to vote on issues involving their election or selection to a post, office or other position to which members are generally eligible, or from voting when other members are included in the issues.

Any person serving as an elected official of any political subdivision other than the City of Watauga shall be prohibited from serving on any appointive board or commission of the City.

Any person having a conflict of interest as outlined above and who shall willfully fail to make known such conflict of interest and shall fail to disqualify himself as required, shall constitute grounds for disciplinary action by the City Council if proven beyond a reasonable doubt. Such disciplinary action may include reprimand or removal from office to the extent allowed by law. An action constituting a reprimand requires a majority vote of the voting members of the City Council. Any action for removal from office requires a unanimous vote of the voting members of the City Council. The Council member the subject of the removal issue shall not be permitted to vote.

State law references—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; public disclosure, V.T.C.A., Government Code, ch. 553.

Section 14.15 Amending Provision

Any article, section, provision or reference contained in this Charter either adopting or referring to any state statute, state constitutional provision or other state law shall, upon amendment, revision, repeal or abolishment, of such state statute, state constitutional provision or state law, be subject to the new interpretation or reading which supersedes the prior provision.

Section 14.16 Enumeration of Powers Herein Not Exclusive of Other Powers

The enumeration of particular powers of this Home Rule Charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the City of Watauga shall have and may exercise all other powers which are now or may hereafter be, possessed or enjoyed by cities of over five thousand (5,000) population of the Constitution and general laws of the State of Texas, and all the powers of the City, whether expressed or implied, shall be exercised and embraced in the manner prescribed by this Home Rule Charter, and when not so prescribed, then in such manner as may be provided by ordinance or resolution of the City Council.

Section 14.17 Charter To Become Effective Notwithstanding Some Section or Portion Thereof Being Valid

If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section of this Charter is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid; it being here declared that the citizens voting for this Charter would have voted for the same with such objectionable or invalid section or part of a section omitted therefrom.

