

**HOME RULE CHARTER  
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**HOME RULE CHARTER  
FOR  
THE CITY OF ROWLETT, TEXAS**

**PREAMBLE**

We, the citizens of Rowlett, Texas, in order to establish a Home Rule municipal government, provide for the progress of our city, secure fully the benefits of local self-government, promote economic and cultural prosperity, provide for the common welfare, insure health and safety, support municipal cooperation, and encourage all citizens to participate in the process of self-governing, hereby adopt this Home Rule Charter, as an expression of our city's purpose and in accordance with the statutes of the State of Texas; and we declare the City of Rowlett, in Dallas and Rockwall Counties, to be a political subdivision of the State of Texas with all powers, rights, privileges, authorities, duties and immunities of local self-government as are provided and limited in this Charter.

**ARTICLE I**

**Form of Government and Boundaries**

**SECTION 1.01 Form of Government**

The municipal government provided by this Charter shall be known as the "Council-Manager Government". Pursuant to its provisions and subject only to the limitations imposed by the Constitution of the United States, the Texas Constitution, the statutes of the State of Texas, and this Charter, all powers of the City of Rowlett shall be vested in an elected City Council, hereinafter referred to as the "City Council", which shall enact local legislation, adopt budgets, determine policies, appoint the City Manager, and such other officers as expressly provided herein. The City Manager shall be responsible to the City Council for the execution of the laws and the administration of the government of the City of Rowlett. All powers of the City of Rowlett shall be exercised as prescribed by this Charter.

**SECTION 1.02 Boundaries**

The boundaries of the City of Rowlett shall be the same as have been heretofore established and now exist as recorded on the official City map as provided by this Charter. The citizens of the City of Rowlett 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 Rowlett", hereinafter referred to as the "City", in the State of Texas, hereinafter referred

to as the "State", with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided.

**SECTION 1.03      Extension and Alteration of Boundaries**

- (1) The City Council shall have power by ordinance to fix the boundary limits of the City; and to provide for the alteration and the extension of said boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of the territory annexed in accordance with State law<sup>1</sup>. When any additional territory has been so annexed, same shall be a part of the City and the property situated therein shall bear its pro rata part of the taxes levied by the City and thereafter the inhabitants shall be entitled to all the rights and privileges of all citizens, and shall be bound by the acts, ordinances, resolutions, and regulations of the City. The City shall thereafter, by ordinance, amend the official map of the boundaries to include such property so annexed.
- (2) The City Council may, in its exclusive discretion, by ordinance exclude from the City any territory within the corporate limits of the City, in accordance with State law<sup>2</sup>.
- (3) The City Council may, in its exclusive discretion, by ordinance exclude from the City any territory within the corporate limits of the City when and if at least sixty percent (60%) of the inhabitants thereof qualified to vote for members of the City Council shall present a verified petition requesting that such territory be discontinued as a part of the City and tender to the City Secretary with such petition a sum of money equivalent to that percentage of the then outstanding indebtedness of the City for bonds and warrants and a fair proportion of the then existing budget which the assessed value of all property within such territory on the tax rolls and next preceding the presentation of such petition bears to the total value of all property on said rolls. The City Council shall never, regardless of the facts and circumstances, be required to discontinue any territory as a part of the City except at its exclusive discretion expressed by ordinance.

**ARTICLE II**

**Powers of the City**

**SECTION 2.01      Powers of the City**

- (1) The City is made a body politic and corporate by the legal adoption of this Charter. The City shall have all the powers vested in home rule municipal corporations except as may be limited by the Constitution of the United States, the Texas Constitution, and the statutes of the State.
- (2) The enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to exercise of such powers, it is intended that the City shall have, and may exercise all powers except as limited by this Charter. All powers

of the City, whether expressed or implied, shall be exercised as prescribed by this Charter or, if not prescribed therein, then as provided by ordinance or resolution of the City Council.

**SECTION 2.02 Legislative Authority**

The City by and through its City Council shall have the power to enact and enforce all ordinances and resolutions necessary to protect health, life, and property; and to prevent and summarily abate and remove all nuisances; and preserve and enforce good government and order and security of the City and its inhabitants; and to enact and enforce all ordinances and resolutions on any and all subjects which shall be consistent with the provisions of this Charter.

**SECTION 2.03 Municipal Court**

- (1) Establishment - The City shall create and establish a municipal court to be known as the Municipal Court of the City of Rowlett, Texas. The Municipal Court shall have jurisdiction of all criminal cases arising under the ordinances of the City and concurrent jurisdiction with the Justice of the Peace of the precinct of which the City is or may be situated of all criminal cases arising under State law<sup>3</sup>, where such offenses are committed either within the territorial limits of the City or in an area lying outside the corporate limits of the City in which area the City is authorized to exercise its police powers as set forth but not necessarily limited to the areas provided by State law<sup>4</sup> and where the punishment is by fine only and the maximum of said fine does not exceed the maximum fine authorized to be imposed by municipal courts under the State law<sup>5</sup> or any amendments thereto.
- (2) Additional Courts - The City shall have the power to create and establish additional municipal courts, and to appoint one or more judges of each municipal court, whether one or more, each of whom shall be a magistrate and each judge of a municipal court, now existing or hereinafter created, shall be appointed by the City Council, for a term of 2 years; and the City shall have the power to create and establish additional courts as may from time to time be authorized by the legislature of the State.
- (3) Civil Jurisdiction - The Municipal Court shall have civil jurisdiction as provided by State law<sup>6</sup> or ordinance of the City Council.
- (4) Take-Line Jurisdiction - The Municipal Court shall also have jurisdiction, both separately and jointly, with any other governmental entity over any such offense committed within the area lying between the water line of Lake Ray Hubbard and the take-line<sup>7</sup> of the City of Dallas.
- (5) Rules - All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, bail and the taking of bonds, and punishment for contempt shall be governed by the laws of the State of Texas.
- (6) Appeals - Appeals from convictions in the Municipal Court shall be governed by the laws of the State of Texas.

- (7) Clerk - The Clerk of Municipal Court shall be appointed by the City Manager with input from the Chief Judge of the Municipal Court. Deputy Clerks shall be appointed by the City Manager, as appropriate. The Clerk and Deputy Clerks shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Municipal Court thereto, and generally do and perform any and all acts usual and necessary by clerks of courts in issuing processes of courts and conducting the business thereof.
- (8) Expense and Fines - All special expense and fines imposed by the Municipal Court(s) shall be paid into the City general fund for the use and benefit of the City, as may be consistent with present and future laws.

#### **SECTION 2.04 Enumerated Governmental Powers**

- (1) Real Estate - The City has full authority as a Home Rule municipal corporation and as such it has authority to acquire and own real estate in fee simple title, or held by lease, sufferance, easement or otherwise, all public buildings and improvements, and structure or whatever type and character, and any and all property, whether real or personal, of whatever kind, character or description now owned or controlled by the City shall vest in, inure to, remain and be the property of said City under this Charter. In the event that the City shall lease any real property in excess of twenty (20) years, the City Council shall hold a public hearing.
- (2) Public Rights-Of-Way - The City shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, construct, abandon, and improve streets, alleys, sidewalks, squares, parks, public places, bridges, and public thoroughfares or rights-of-way; and to otherwise regulate and control the use thereof for any and all public purposes all obstructions, telegraph, telephone or other poles, carrying electric wires or signs, and all showcases and encroachments of every nature and character upon any said street, right-of-way and sidewalk, and to vacate and close public ways; and the City shall have the power to make any improvements as provided by State law<sup>8</sup>.
- (3) Regulation of Vehicles - The City shall have the power by ordinance or otherwise to license, operate, and control the operation of any vehicle using public streets or rights-of-way.
- (4) Regulation of Railroads - The City shall have the power by ordinance or otherwise to direct and control, within the City limits, the speed of engines, locomotives, and motor cars operating on railroad tracks.
- (5) Regulation of Public Utilities - The City shall have the power to buy, own, sell, construct, lease, maintain, operate, and regulate public services and utilities; and to manufacture, distribute, and sell the output of such services and utility operations. The City shall have such regulatory and other powers as may or hereafter be granted under State law<sup>9</sup>; and, by ordinance, to determine, fix, and regulate the charges, fares or rates of compensation to be charged by any person, firm or corporation enjoying a franchise for utilities in the City.

- (6) Operation of Public Services or Utilities by City - The City shall have the power to build, construct, purchase, own, lease, maintain, and operate, within or without the City limits, light and power systems, water systems, sewer systems or sanitary disposal, natural gas, parks drainage, and any other public service or utility; power to borrow and encumber such system or systems, as deemed in the public interest.
- (7) Purchase Utility Services - The City shall have the power to purchase electricity, gas, oil or any other article or service essential to protect the health, safety, and welfare of its inhabitants on such terms as the City Council may deem proper.
- (8) Transportation Facilities - The City may acquire, maintain, operate and regulate any, and all modes of transportation facilities or services; and, use public funds for such purposes, and issue such debt or funds as permitted by this Charter. The City must secure approval by voter referendum before establishing and/or participating in an air transportation facility of any kind.
- (9) Parks and Recreation - The City may acquire, maintain, operate, and regulate within its exclusive control all City parks and recreation facilities whether within or without the City limits.
- (10) Underground Utilities - The City may require the placing under the surface of the ground all wires or any above ground construction of any public utilities within any limits of the City under such regulation as may be prescribed by the City Council from time to time.
- (11) Fire Prevention - The City shall provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures of buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (12) Public Safety - The City shall have the power by ordinance to establish and maintain a police and fire department(s) by whatever name known and to prescribe the duties of the members of each such department(s) and regulate their conduct and their salary ranges. The head of the police department of the City shall be known and designated as "Chief of Police"; and the head of the fire department of the City shall be known and designated as "Fire Chief". The City Council shall provide by ordinance staff requirements for each such department.
- (13) Contracts - The City shall have the power to enter into contracts for goods and services. Such authority is subject to the limitation regarding competitive bidding as provided by State law<sup>10</sup> or as may otherwise be limited by this Charter. The City or anyone acting on its behalf shall not make any contract for goods, materials, services or supplies for the current use of any department of the municipality for more than one (1) year, except as provided by State law<sup>11</sup>. The City hereby adopts the requirements and exceptions concerning the provisions of State law<sup>12</sup> regarding goods and acquisition.



- (14) Land Use - The City shall have full power and authority to zone and regulate the subdivision of land in the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority given to cities and legislative bodies in accordance with State law<sup>13</sup>. The City will maintain an official city map describing the official city limits as required by State law<sup>14</sup>. The City Council shall update the official city map annually by ordinance.
- (15) Franchises - The City shall have full power and authority to franchise as provided by this Charter.

**SECTION 2.05 Health Regulations**

- (1) Regulations - The City shall have the power to provide for the health, safety, and welfare of its inhabitants by establishing all necessary rules and regulations protecting the health, safety, and welfare of the City.
  - (A) The City shall have the power by ordinance or otherwise to regulate, license and inspect persons, firms, corporations, common carriers, or associations operating, managing, or conducting any activities including, but not limited to, any of the following:
    - 1. place of public accommodation, hotel or any other public sleeping or eating place;
    - 2. place or vehicle where food or drink of any kind is manufactured, prepared, stored, packed, served, sold or otherwise handled within the City or limits of said City;
    - 3. any and all health conditions; and
    - 4. any sanitary sewer and to require property owners to connect their premises with such system; to provide for fixing penalties for failure to make sanitary sewer connections; and to provide for fixing a lien against any property owners' premises who fails or refuses to make sanitary sewer connections and to charge the cost against said owner and make it a personal liability; to fix charges and compensation to be charged by the City for sewer services, and to provide rules and regulations for the collection thereof.
  - (B) The City shall have the power to define all nuisances and prohibit the same within the City and outside the City limits for a distance in accordance with State law<sup>15</sup>; to have power to police in all parks or grounds, street right-of-way owned by the City or under lease to the City and lying both outside and inside said City; to prohibit the pollution of air or waterways, walkways of any kind, water deposit and reservoir, whether above or below the ground, which may constitute the source of storage of water supply, and to provide for policing the same, as well as to provide for the protection of any watersheds and the policing of the same.
- (2) Penalties or Fines - The City shall have the power to provide for the fixing of penalties for failure of any person, firm, corporation or association to comply with any such rules and regulations so prescribed by the City under the provisions of

this section; it being the intention to vest in the City not only the powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health of the City and its citizens.

- (3) The sale of liquor in all residential sections of the City is prohibited; however, the City Council may authorize the sale of liquor in residential sections appropriately zoned for mixed use.

## **ARTICLE III**

### **City Council**

#### **SECTION 3.01      Governing Body**

The governing body of the City shall be known as the "City Council" and shall consist of a Mayor and six (6) Councilmembers.

#### **SECTION 3.02      Elected Officers**

- (1) Members - The members of the City Council of the City, which include the Mayor and six (6) Councilmembers, shall be the only elected officers of the City, they shall be elected and hold office, and be compensated as provided herein.
- (2) Terms - The Mayor and Councilmembers shall be elected by the qualified voters of the entire City for a term of three (3) years, or until a successor has been duly elected and qualified, but each Councilmember shall be elected to and occupy a place on the City Council, such places being numbered 1, 2, 3, 4, 5, and 6, respectively. The places of the Councilmembers shall be developed on the official ballot as Councilmember Places 1, 2, 3, 4, 5, and 6.
- (3) Term Limits - An individual shall serve no more than two (2) consecutive three (3) year terms as Mayor. An individual shall serve no more than two (2) consecutive three (3) year terms as Councilmember. After an individual vacates an office, if fifty percent (50%) or less remains of the individual's term, the term shall be considered a full term for reasons of calculating term limits.
- (4) Pattern - In May of 2004, the Mayor and Councilmember Places 2, 4, and 6 shall be elected to three (3) year terms. In May of 2005, Councilmember Places 1, 3, and 5 shall be elected to three (3) year terms. In May of 2006, no City Council elections are anticipated except to possibly fill a vacancy. The "four-three-none" (4-3-0) pattern of elections shall continue into the future.
- (5) Residency - As a qualification of office, the Mayor and all members of the Council shall be residents of the City during their term of office.

#### **SECTION 3.03      Candidacy of the Mayor and Councilmembers**

- (1) Qualification - No person shall be a candidate for the office of Mayor or Councilmember unless such candidate is a qualified voter of the City and shall have resided in the City for not less than one (1) year preceding the day of the election

and should not be in arrears in the payment of any taxes to the City, unless such arrearage is subject to a lawful protest.

- (2) Declaration - Candidates of the office of Mayor or Councilmember may have their names printed upon the official ballot being nominated for such office by written petition signed by twenty-five (25) qualified voters.
- (3) Filing - A nominating petition stating a declaration of candidacy shall be filed with the City Secretary or a duly appointed designee, who shall affix the date and time stamp on the ballot application, during regular office hours not earlier than the 75th day before the day of the election. The candidate's ballot application must be filed within the times set by state law<sup>16</sup>. The City Hall shall not remain open after normal business hours to accept ballot applications.
- (4) Verification - The City Secretary shall as quickly as possible examine each such petition and check the qualifications of the signers thereto. If a petition is found insufficient, the City Secretary shall, upon discovering such insufficiency, immediately deliver to the person who filed it a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition may be filed for the same candidate. The petition of each candidate nominated to be a member of the City Council shall be preserved by the City Secretary until the expiration of the term of office for which such candidate has been nominated. Any person filing a petition at or near the deadline for filing assumes the risk that if such petition be found not valid said candidate will not have time to file a corrected petition.

#### **SECTION 3.04 Election**

- (1) All candidates running for Mayor or Councilmember shall be elected by a majority vote of all votes cast in the regular municipal election for the office which the candidate seeks election.
- (2) In the event that a candidate does not receive a majority of votes, it shall be the duty of the City Council to order a runoff election for every place or Mayor to which no one was elected. Such runoff election shall be held no earlier than thirteen (13) days after the canvassing of the votes, and in accordance with state law.
- (3) Should any person who was a candidate at the regular municipal election and who is entitled to become a candidate at the runoff election die, refuse or otherwise be unable to appear on the runoff election ballot, the candidate for such office standing next highest in the computation of vote for that office shall succeed to the rights of such candidate who failed to appear on the ballot at said runoff election. This method for selecting alternate runoff candidates shall be employed until there are two (2) candidates for each office in each runoff election and should there be only one candidate for office after the conclusion of this progress, that candidate shall be declared the winner. However, if at the date of the election, there is no runoff candidate left from those who sought to be elected to that place or Mayor in the regular election, the City Council shall declare no one elected to such place or

Mayor; and shall call a Special Election on such date provided by State law<sup>17</sup> to elect a person to such place or Mayor; and said Special Election shall be conducted pursuant to State law<sup>18</sup> prescribing special elections to fill vacancies in municipal offices.

**SECTION 3.05 Judge of Election**

- (1) The City Council shall be the judge of the qualifications of its own members and of the Mayor, subject to review of the courts in case of an election contest. The City Council shall, in accordance with State law<sup>19</sup>, canvass the returns for any election and declare the results of such election.
- (2) In the event of a tie vote between candidates, the respective candidates so tied may agree to cast lots to determine who shall be the duly elected officer. In the event such tied candidates do not agree to determine the results of the election by casting lots, a run-off election shall be called and the respective candidates so tied shall cast lots to determine the order their names shall appear on the ballot for such run-off elections. The candidate receiving the highest number of votes of the entire City cast at said run-off election shall be elected to such office.

**SECTION 3.06 Date and Conduct of Election**

The regular municipal election of the City Council shall be held on a uniform election date, in accordance with this Charter and state law<sup>20</sup>, and the same shall be conducted and the results canvassed and announced in accordance with the laws of the State regulating all municipal elections and in accordance with the ordinances adopted by the City Council for the conduct of elections.

**SECTION 3.07 Qualifying of Officers**

The Mayor, Councilmembers, and other officers appointed under this Charter shall qualify by taking the oath prescribed by the Texas Constitution and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the City.

**SECTION 3.08 Candidates Holding Special Positions with the City**

- (1) In the event that the Mayor or any Councilmember shall announce their candidacy, or shall in fact become a candidate, for election to any public office other than the office then held, at any time when the unexpired term of the office then held shall exceed one year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur.
- (2) In the event any member of any body appointed by the City Council shall become a candidate for the office of Mayor or Councilmember, such position on such board shall be considered vacated upon election and qualification.

- (3) Any City employee who shall become a candidate for the office of Mayor or Councilmember shall immediately forfeit such position of employment and such ballot application shall be accompanied by said employee's written resignation, the acceptance of which shall require no further act.

**SECTION 3.09 City Council Vacancies and Attendance**

- (1) In the event of a vacancy existing in the office of Mayor or any Councilmember from any cause whatsoever, the vacancy or vacancies occurring shall be filled by the qualified voters at an election within one hundred twenty (120) days after such occurs, as prescribed by the State law<sup>21</sup>. If the term of office or offices is or are unexpired, the number of members elected at such election shall serve in such office or offices for the remainder of the unexpired term of such office or offices following the date of the election.
- (2) The office of a member of the City Council failing to attend three (3) consecutive regular meetings of the City Council, without being excused by the City Council shall be declared vacated by a majority vote of all the remaining members of the City Council. Any member of the City Council remaining absent for six (6) consecutive regular meetings of the City Council shall be deemed to have forfeited such office.
- (3) Any person elected to serve on the City Council, who, subsequent to taking office is convicted of a felony or theft shall automatically be deemed to have forfeited such office.
- (4) In case of disaster when a legal quorum of the City Council cannot be assembled due to multiple deaths or injuries, the surviving members of the City Council, or the highest surviving City official if no elected official remains, must, within twenty-four (24) hours of such disaster, or as soon as practicable, take such action as to ensure the basic health, safety and welfare of the citizens and undertake whatever action is necessary under the laws of the State to call for a special election. Until such election is held and the City Council qualified, the remaining members or highest ranking officer if no elected official remains, shall only undertake those actions necessary to protect the basic health, safety and welfare of the citizens which such action may be subsequently ratified by the full City Council.

**SECTION 3.10 Mayor Pro-Tem and Deputy Mayor Pro-Tem**

- (1) No later than July of each calendar year, the City Council shall annually select from among the Councilmembers a Mayor Pro-Tem and Deputy Mayor Pro-Tem to serve at the pleasure of the City Council.
- (2) The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.
- (3) The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

- (4) During the disability or absence of the Mayor, the Mayor Pro-Tem, and the Deputy Mayor Pro Tem, any Councilmember may be appointed by the remaining four (4) Councilmembers to act as Mayor and in this capacity shall have the rights conferred upon the Mayor.

**SECTION 3.11 Compensation for the Mayor and Councilmembers**

- (1) The Mayor shall receive a stipend in the sum of five hundred dollars (\$500.00) per month. The stipend in no event shall exceed the sum of six thousand dollars (\$6,000) per annum for the Mayor.
- (2) Each Councilmember shall receive a stipend in the sum of three hundred dollars (\$300.00) per month. The stipend in no event shall exceed the sum of three thousand six hundred dollars (\$3,600) per annum for Councilmembers.
- (3) In addition, the City Council shall establish by ordinance or resolution the standards and policies concerning reimbursement of reasonable expenses incurred by the Mayor and Councilmembers in their official capacity.

**SECTION 3.12 Duties of Mayor**

- (1) The Mayor shall preside at all meetings of the City Council and shall have full voting rights.
- (2) The Mayor shall perform such other duties consistent with the office as may be imposed by this Charter or the ordinances and resolutions of the City.
- (3) The Mayor may participate in the discussion of all matters coming before the City Council.
- (4) The Mayor shall sign all ordinances, resolutions, capital improvement contracts, conveyances made or entered into by the City, all bonds issued under the provisions of this Charter, and such other documents as authorized by the City Council.
- (5) The Mayor shall be recognized as the official head of the City for all ceremonial purposes.
- (6) The Mayor shall be recognized by the governor for the purpose of enforcing martial law. In time of danger or emergency, the Mayor may, in accordance with State law<sup>22</sup> and with the consent of the Councilmembers, take command of the police and govern the City by proclamation and maintain order and enforce all laws.
- (7) The Mayor shall annually deliver and provide an annual state of the City report.

**SECTION 3.13 Duties of City Council**

- (1) All powers of the City and the determination of all matters of policy shall be vested in the City Council, which shall have all powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all powers necessary to carry out the terms of this Charter; it being intended that the City Council shall have and exercise all powers enumerated in this Charter or implied

thereby and all powers that are or hereafter may be granted to municipalities by the Texas Constitution and laws of the State.

- (2) The compensation of all appointive officers and employees shall be fixed by the City Council, who may increase or diminish such compensation at will.
- (3) The City Council shall review, revise and adopt the budget for the City.
- (4) The City Council may collectively or individually inquire into the conduct of any office, department or agency of the City; and, the City Council may, collectively, make investigations into any municipal office, department or agency.
- (5) The City Council shall have the power to exercise and adopt all resolutions and ordinances and to implement the authority of the City in this Charter.
- (6) The City Council shall adopt a periodic fiscal reporting policy.

#### **SECTION 3.14 Meetings of City Council**

- (1) The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as the City Council deems necessary to transact the business of the City. The City Council shall fix by ordinance the regular meeting schedule.
- (2) Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Councilmembers upon provision of public notice in accordance with State law<sup>23</sup>.
- (3) All meetings of the City Council, except those authorized by law to be closed to the public, shall be open to the public.

#### **SECTION 3.15 City Council Rules of Procedure and Attendance of Meetings**

The City Council shall by resolution determine its own rules of procedure and procedures for compelling the attendance of its members.

#### **SECTION 3.16 Quorum of City Council and Minutes of City Council Meetings**

- (1) A majority of the City Council shall constitute a quorum to do business, and, unless otherwise provided by law, the affirmative vote of at least a majority of those attending any meeting shall be necessary to adopt any ordinance or resolution.
- (2) Minutes of all proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. The vote on all ordinances and resolutions shall be recorded and entered upon the minutes; and, every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer. The minutes of all meetings shall record the attendance of all members of the City Council present and those absent.
- (3) All recordings and broadcasts of City Council meetings shall be unedited except where required by law.

### **SECTION 3.17      Ordinances and Resolutions**

- (1) Enactment – Each proposed ordinance and resolution shall be introduced in written or printed form. Ordinances or resolutions may be passed at any regular or special meeting called in accordance with State law<sup>24</sup>.
- (2) Captions – Each ordinance and resolution shall contain a brief caption of the subject matter of the ordinance or resolution.
- (3) Publication – A descriptive title or caption stating in summary the purpose of the ordinance and the penalty for violation thereof, of each ordinance imposing a penalty, fine or forfeiture, shall after passage be published in one issue of the official newspaper of the City and proof of such publication shall be made by the printer or publisher of such paper making affidavit before some officer authorized to administer oaths. Such affidavit shall be filed with the City Secretary and shall be prima facie evidence of such publication and promulgation of such ordinance so published; said ordinances shall take effect and be in full force and effect from and after the date of publication, unless otherwise expressly provided. Ordinances not required to be published shall take effect and be in force from and after the date of passage thereof unless otherwise provided.
- (4) Savings – All ordinances and resolutions of the City now in existence and not inconsistent with provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the City Council.
- (5) Pleading – It shall be sufficient in all judicial proceedings to plead any ordinances of the City by caption without embodying the entire ordinance in the pleadings, and all pleaded ordinance(s) or codes shall be admitted as evidence in any suit and shall have the same force and effect as the original ordinances. Certified copies of the ordinances may also be used in evidence in lieu of original ordinances.
- (6) Codification – The Code of Ordinances of the City, adopted June 15, 1982, which became effective July 1, 1982, shall be revised at least annually and kept up-to-date by causing any amendments to be published in the form of supplemental pages. An official copy of the Code shall be maintained in the office of the City Secretary for public examination.

### **SECTION 3.18      Official Newspaper**

The City Council shall designate by resolution a newspaper of general circulation in the City as the official newspaper of the City as provided by State law<sup>25</sup>.

### **SECTION 3.19      Influence of Appointments**

Neither the City Council nor any of its members shall direct the appointment of any person to office by the City Manager or by such City Manager's subordinates. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services solely through the City Manager and neither the City Council nor any member thereof shall, publicly or privately, give orders to any subordinate of the City Manager.



**SECTION 3.20      Public Comment**

The opportunity for citizens of the City to provide public comment on any and all subjects regardless of the agenda shall be provided at each regular meeting. This opportunity shall be called "Citizens' Input" and shall begin prior to any vote at a regular meeting of the City Council. The City Council may provide reasonable regulations to implement this provision.

**SECTION 3.21      Code of Ethics**

The City Council by ordinance shall establish a Code of Ethics governing the City Council and all city employees which shall include at least the following: wrongful influence, wrongful interference, employees' political activities, penalties, conflict of interest, and acceptance of gifts.

**SECTION 3.22      Conflicts of Interest**

The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance, the terms of which shall include but not be limited to strictly prohibiting the Mayor or a Councilmember from: acting in an official capacity on matters in which the official has a special financial interest of any kind that is clearly separate from that of the general public; the acceptance of gifts or items of an annual aggregate value greater than \$250 from a single source; the use of confidential information for unofficial purposes; and appearance before other political subdivisions on behalf of private interests as a City official. Neither the Mayor nor any Councilmember may vote on, debate or discuss matters involving a business entity by whom they are employed or in which they have a substantial financial interest. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of related finances by officials with major decision making authority over monetary expenditures and contractual and regulatory matters in compliance with state law. The ordinance shall also provide for fines or other appropriate administrative action for violations.

**ARTICLE IV**

**City Manager**

**SECTION 4.01      Appointment**

The City Council by four (4) affirmative votes shall appoint a City Manager who shall be the administrative and chief executive officer of the City and shall be responsible to the City Council for the administration of the offices of the City, except as otherwise provided by this Charter. The City Manager shall be chosen by the City Council solely on the basis of executive and administrative training, experience and ability. The City Manager need not, when appointed, be a resident of the City, but the City Manager shall be a resident of the City within six (6) months of assuming the appointment to City Manager.

#### **SECTION 4.02 Compensation**

The City Manager shall receive a salary, benefits and compensation as set by the City Council.

#### **SECTION 4.03 Duties**

The duties of the City Manager shall include the following:

- (1) Provide that all laws and ordinances of the City are enforced.
- (2) Appoint all appointive officers, or employees of the City (such appointments to be made upon merit and fitness alone), except as provided in this Charter.
- (3) Suspend and remove, at will, any officers or employees except as provided in this Charter.
- (4) Provide for the efficient administration and operation of all departments, under the City Manager's control, including the maintenance of and public information request for all records thereof except as provided in this Charter.
- (5) Prepare and recommend to the City Council the annual budget and capital program, as provided by this Charter, and administer and execute the budget as adopted by the City Council.
- (6) Provide supervision and control over all departments and offices that are created by the City Council and employees appointed by the City Manager, except as provided in this Charter.
- (7) Attend all meetings of the City Council with the right to take part in the discussion.
- (8) Execute all contracts as authorized by resolution or ordinances adopted by City Council.
- (9) Make such recommendations in writing to the City Council of the measures, as the City Manager may deem necessary and expedient.
- (10) Provide written reports no less than quarterly of the current financial conditions and future needs of the City to be presented orally at an open meeting of the City Council, and make such recommendations concerning the affairs of the City, as the City Manager or the City Council deems desirable or necessary.
- (11) Perform such other duties as may be prescribed by the Charter or which may be required by ordinance or resolution of the City Council.

#### **SECTION 4.04 Removal**

The City Manager may be removed, with or without cause, by four (4) affirmative votes of the City Council.

## ARTICLE V

### City Officers

#### SECTION 5.01 City Secretary

- (1) Appointment - The City Council shall appoint the City Secretary, upon by four (4) affirmative votes of the City Council. The City Council shall consider the City Manager's recommendations regarding the appointment of the City Secretary.
- (2) Duties - The City Secretary shall:
  - (A) Give notice of all official public meetings of the City Council as consistent with this Charter and State law<sup>26</sup>;
  - (B) Attend all public meetings and hearings of the City Council;
  - (C) Keep the minutes of the proceedings of all public meetings and hearings of the City Council as prescribed by the City Council consistent with applicable law;
  - (D) Act as custodian of all official records of the City Council;
  - (E) Hold and maintain the seal of the City and affix this seal to all appropriate documents;
  - (F) Authenticate and record all ordinances, resolutions and proclamations of the City by signature and seal;
  - (G) Perform and such other duties as may be required by the City Council consistent with this Charter and the laws of the State;
  - (H) Shall conduct all municipal elections;
  - (I) Act as agent for the purposes of serving civil process;
  - (J) Assist the City Manager with the maintenance and public information request of all records as directed by the City Council;
  - (K) Prepare and recommend to the City Council the annual budget for the office and staff of the City Secretary; and
  - (L) Hire, provide supervision and control over all employees of the office of the City Secretary.
- (3) Compensation - The City Council shall fix the compensation, salary and benefits of the City Secretary in accordance with the City Secretary's experience, qualifications and performance.
- (4) Removal - The City Secretary may be removed, with or without cause, by four (4) affirmative votes of the City Council.

#### SECTION 5.02 City Treasurer

The City Council may appoint a City Treasurer. The City Council by ordinance shall define the responsibilities, compensation, and authority of City Treasurer.

#### SECTION 5.03 City Auditor

The City Council may appoint a City Auditor. The City Council by ordinance shall define the responsibilities, compensation, and authority of the City Auditor.

#### **SECTION 5.04      Municipal Judge**

- (1) Appointment - The City Council shall appoint by four (4) affirmative votes of the City Council such Municipal Judges of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State. The Municipal Judge(s) shall be appointed for a term of two (2) years and may be appointed to additional consecutive terms. Reappointment of the Municipal Judge(s) shall occur in a manner consistent with the provisions of state law. The Municipal court shall be presided over by a judge to be known as the "Chief Judge of the Municipal Court" and such alternate and temporary judges that may be appointed by ordinance of the City Council.
- (2) Duties - The Municipal Judge shall be the Chief Judge of said Municipal Court shall have power to punish for contempt to the same extent and under the same circumstances as the Justice of the Peace may punish for contempt of criminal cases.
- (3) Compensation - The Municipal Judge(s) shall receive compensation as may be determined by the City Council.
- (4) Removal - The Removal or termination of any Municipal Judge shall be done in accordance with State law<sup>27</sup>.

#### **SECTION 5.05      City Attorney**

- (1) Appointment - The City Council shall appoint by four (4) affirmative votes of the City Council a competent, duly qualified licensed and practicing attorney in the State who shall serve as the City Attorney.
- (2) Duties - The City Attorney shall:
  - (A) Serve as the legal advisor to the City Council;
  - (B) Represent the City in litigation and legal proceedings as directed by the City Council;
  - (C) Review and provide opinions as requested by the City Council on contracts, legal instruments, and ordinances of the City and other City business; and
  - (D) Serve as the legal advisor to the officers and their departments, as directed by the City Council.
- (3) Special Counsel - The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate to collect delinquent and ad valorem taxes and liens or for such purposes the City Council deems appropriate.
- (4) Compensation - The City Attorney and Special Counsel shall receive compensation as may be determined by the City Council.
- (5) Additional Counsel - The City Attorney, with the approval of the City Council, may select additional attorneys to act for said City Attorney and the City in its representation and/or litigation.
- (6) Removal - The City Attorney may be removed, without cause, by four (4) affirmative votes of the City Council.

**SECTION 5.06 Official Bond of City Employees**

The directors of all administrative departments whose duties include the handling of monies, and all employees whose duties include the handling of monies, belonging to the City, shall before entering upon the duties of their office or employment, make bond in some responsible surety company, acceptable to the City Council for such amount as the City Council may prescribe, the premium of such bond shall be paid by the City; the City Council may also require any such surety bond to be further conditioned that the principal thereon will faithfully perform and/or discharge the duties of said person's office and if there are provisions of State law<sup>28</sup> bearing upon the functions of said person's office under which the execution of a surety bond is required, it shall be further conditioned to comply therewith.

**SECTION 5.07 City Prosecutor**

- (1) Appointment -- The City Council shall appoint by four (4) affirmative votes of the City Council a competent, duly qualified attorney licensed and practicing in the State who shall serve as the City Attorney for Municipal Court Prosecution also to be known as the City Prosecutor.
- (2) Duties -- The City Prosecutor shall:
  - (A) Represent the City and the State of Texas in proceedings and litigation in the Rowlett Municipal Court; and
  - (B) Provide training and legal updates to the Rowlett Police Department regarding duties related to the prosecution of municipal court cases; and
  - (C) All other duties required by law including the duty to see that justice is done.
- (3) Compensation -- The City Prosecutor shall receive compensation as may be determined by the City Council.
- (4) Additional Prosecutors -- The City Prosecutor may select additional attorneys to serve in his or her absence in an intermittent basis at his or her direction.
- (5) Removal -- The City Prosecutor may be removed, without cause, by four (4) affirmative votes of the City Council.

**ARTICLE VI**

**Financial**

**SECTION 6.01 Audit and Examination of City Books and Accounts**

At the close of each fiscal year, and at such other times as may be necessary, the City Council shall call for an independent audit of all accounts of the City by a certified public accountant. The city shall seek competitive qualifications for auditors at least once every

five (5) years. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. The written report of audit will be presented to and discussed by the City Council at a regular meeting. The auditor's recommendations will be read into the record of the meeting. Copies of the audit shall be placed on file as a public record with the City Secretary.

#### **SECTION 6.02 Budget**

The fiscal year of the City shall begin on the first day of October and end on the last day of September of each calendar year. Each year and in sufficient time to provide for all necessary hearings, the City Manager shall prepare and submit to the City Council a budget to cover all proposed expenditures of the City for the succeeding fiscal year. Such budgets shall be prepared and administered pursuant to the applicable general laws of this state. In the event that the budget is not enacted prior to October 1<sup>st</sup>, the preceding fiscal year budget shall be deemed adopted, which may be amended or supplemented, as the City Council deems appropriate.

#### **SECTION 6.03 Inventory of Property and Liens**

- (1) The definitions of property and terms as defined by the general laws of the State under the head of taxation shall apply to the taxation of property in this City.
- (2) The tax levied by the City shall be a lien, charge or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the City. All taxes upon real estate shall be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction.

#### **SECTION 6.04 Taxes and Taxation**

- (1) Powers -
  - (A) The City Council shall have the power to levy, for general purposes, an ad valorem tax on real, personal, and mixed property within the territory of the City, not exempt from taxation by the Texas Constitution and laws of the State, not to exceed a total of one dollar and twenty-five cents (\$1.25) per one hundred dollars (\$100.00) assessed valuation of said property in accordance with State law<sup>29</sup>, based upon its true value as provided by law to the extent of the constitutional limit permitted by the State to cities. In no event shall the City have the power to levy an ad valorem on non-business personal property.
  - (B) The City Council may levy taxes on all property, privileges and franchises of every kind and description within the City limits or having its situs therein on January first of each year, and from any other local source. The place, time, and manner of payment thereof, with penalties, shall be established by the City Council, as it deems best, not in violation of the laws of this State.

- (C) The City Council shall determine and provide when taxes shall be due and payable. It shall have the right to fix the time and terms of payments of taxes, prescribe penalties for the non-payment thereof upon the expiration of the time fixed by the said City Council.
- (D) The City will, by ordinance, adopt homestead and other exemption(s) as it deems appropriate in accordance with State law<sup>30</sup>.
- (2) Collection - The City Council shall have full power, by ordinance to provide for the prompt collection of all taxes levied, assessed and due or becoming due to the City.
- (3) Payment - All ad valorem taxes due or to become due upon real, business personal or mixed property or upon franchises granted by the City to individuals or corporations and all license taxes, occupation taxes, permit fees, fines, forfeitures, penalties and other amounts of taxes accruing to the City shall be collectable and payable only in current money of the United States.
- (4) Delinquency -
  - (A) All ad valorem taxes due or to become due to the City that are not paid within the time specified by law shall be delinquent and shall be subject to penalties and charges prescribed by law<sup>31</sup>.
  - (B) All suits for delinquent taxes to the City shall be brought in accordance with general laws of the State relative to the collection of delinquent state and county ad valorem taxes.
- (5) Appraisal - Appraisal of property for ad valorem purposes shall be conducted in accordance with the provisions of the State law<sup>32</sup>, as the same is from time to time amended.

**SECTION 6.05 Designation of Depository for City Funds**

The City Council shall select a depository for City funds in accordance with State law<sup>33</sup>, and to follow all the terms and provisions State law<sup>34</sup>.

**ARTICLE VII**

**Bonds, Warrants and Other Evidence of Indebtedness**

**SECTION 7.01 Authority to Issue**

The City shall have the right and power to borrow money for public purposes by whatever method it may deem to be in the public interest. The City shall have the right and power to issue tax bonds, revenue bonds, and any other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by law or this Charter and to issue refunding bonds to refund outstanding evidences of indebtedness previously issued. All such bonds or other evidences of indebtedness shall be issued in conformity with the laws of the State applicable at the time of issuance of such obligations. Notwithstanding, an affirmative vote of at least 80% of Councilmembers in attendance at a regular meeting shall be required to authorize

issuance of all bonds and other evidence of indebtedness, with the exception of refunding bonds.

**SECTION 7.02 Manner of Issuance**

Bonds and warrants of the City shall be issued as provided by the General Laws of Texas applicable to cities and towns.

**ARTICLE VIII**

**Recall**

**SECTION 8.01 Procedure**

The Mayor or any Councilmember may be removed from office in the following manner:

- (1) Any qualified voter of the City may make and file with the City Secretary a written verified statement containing the name of any member of the City Council whose removal is sought, which statement shall state the specific grounds of incompetency, misconduct or malfeasance in office upon which removal is predicated. The City Secretary shall deliver a copy of the statement to the officer so charged and also to the other members of the City Council. The City Secretary shall deliver to the person making such charges petition blanks for demanding such removal. Such blanks shall be issued by the City Secretary with the City Secretary's signature thereto attached, shall be dated and addressed to the City Council, and shall state the grounds, as is required in the initial written statement, so as to give the officer sought to be removed and those signing the petition notice of the matters and things with which such officer is charged. A copy of the petition shall be recorded in a record book for that purpose to be kept in the office of the City Secretary.
  
- (2) To be effective, a recall petition must be returned and filed with the City Secretary within thirty (30) days after its issuance. Such petition must bear the signatures of qualified voters of the City equal in number to at least twenty percent (20%) of the average number of voters casting votes for such office at the last two general elections or the signatures of five hundred (500) qualified voters of the City, whichever is the greatest. Each page of a recall petition shall have attached an affidavit of the circulator thereof, stating that each signature thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. Each signature must be in the signer's own handwriting, and the petition shall contain the printed name of each signer and the signer's residence address, the date of signing, and the signer's voter registration number and county of registration or date of birth. Recall petition papers provided by the City Secretary shall be in form that substantially complies with the form in Appendix "A".



- (3) All papers and affidavits comprising a recall petition shall be assembled and filed with the City Secretary as one instrument, with a statement attached thereto giving the name and address of at least one qualified voter, who, as the petitioner, shall be officially regarded as filing the petition. Any evidence in support of the recall petition should be provided to the City Secretary along with the petition. Not later than the fifth regular business day after the date of its receipt, the City Secretary shall notify the petitioner as to the sufficiency of the petition and shall attach thereto a certificate showing the result of the examination<sup>35</sup>. If the City Secretary shall certify the petition as insufficient, the City Secretary shall set forth in the certificate the particulars in which it is defective and shall at once notify the petitioner of such finding.<sup>36</sup>
- (4) A recall petition may not be supplemented, modified, or amended on or after the date it is received by the City Secretary; provided, however, that the petitioner may file one supplementary petition (within 30 days of the issuance of the petition blanks by the City Secretary) if the original petition contains a number of signatures that exceeds the required minimum number by 10 percent or more and is received by the City Secretary not later than the 10th day before the date of the deadline.<sup>37</sup>
- (5) If a recall petition shall be certified by the City Secretary to be sufficient, the City Secretary shall at once submit it to the City Council with a certificate to that effect and shall notify the member whose removal is sought of such action. The City Council shall hold a public hearing to be held not less than five (5) nor more than fifteen (15) days after receiving the recall petition. City Council shall (without the vote of the officer or officers whose removal is sought), upon presentation of credible evidence of grounds stated in petition, thereupon order and fix the date for holding a recall election which shall be held at the next date authorized for City elections by State law<sup>38</sup>. In the event of a multiple member recall and the resulting failure to establish a quorum, the petition will automatically result in an election.<sup>39</sup>
- (6) The question of recalling any number of members of the City Council may be submitted at the same election, but as to each member whose removal is sought a separate written statement and a separate petition shall be filed and there shall be an entirely separate ballot. Candidates to succeed any members of the City Council whose removal is sought shall be placed in nomination in compliance with this Charter.
- (7) The ballot to be used in a recall election shall submit the proposition in substantial compliance with the form in Appendix "B". Except as provided in this section, ballots used in recall elections shall comply with the provisions of this Charter regarding ballots for regular municipal elections.

- (8) If a majority of votes be for recall of the officer, such officer shall be deemed removed from office. The candidate to succeed such officer who receives the highest vote shall be declared elected to fill the unexpired term. If an officer sought to be recalled shall resign, the vacancy shall be filled as prescribed by law and this Charter.
- (9) No recall shall be filed against the Mayor or a Councilmember within three (3) months after such Mayor or Councilmember takes office. In the case of an insufficient petition, a Council determination of insufficient grounds for recall, or an unsuccessful recall election, no recall petition shall be filed against said officer until at least six (6) months has expired from the date on which the petition was certified insufficient, the date of the Council's determination, or the date of the canvassing of the votes of the recall election.

## **ARTICLE IX**

### **Legislation by Initiative and Referendum**

#### **SECTION 9.01 Initiative**

- (1) Qualified voters of the City may initiate any ordinance (except one appropriating money, levying a tax or issuing bonds) by submitting a petition to the City Council which, after approval as to legal form by the City Attorney, requests that the ordinance be passed by the City Council, or, if not passed, it be submitted 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 twenty percent (20%) of the number of votes cast at the last regular municipal election, or 250, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed ordinance.
  - (A) The petition must state the residence of each signer and bear the oath of one of the signers that each signature thereon is the genuine signature of each person whose name it purports to be subscribed thereon.
  - (B) The petition shall be filed with the City Secretary and within twenty (20) days after such filing the City Secretary shall check the signatures on the petition against the county voter registration lists and attach thereto the City Secretary certificate showing the results of such examination.
- (2) Any person who has filed an insufficient petition shall be notified immediately upon discovery of such insufficiency and may present additional signatures within ten (10) days after such notice or may file a new petition at any time.
- (3) Within twenty (20) days after the City Secretary finds such a petition to be sufficient, the City Council shall either pass the ordinance as submitted or order an election to submit the proposed ordinance to a vote of the qualified voters of the City who shall vote on the question: "For the Ordinance" or "Against the Ordinance." If a majority of the qualified voters at such election vote for the ordinance, it shall thereupon be an ordinance of the City.

**SECTION 9.02      Referendum**

- (1) The qualified voters of the City shall have the power to approve or reject at the polls any ordinance passed by the City Council (except ordinances appropriating money, levying a tax or issuing bonds by submitting a petition to the City Council requesting that the ordinance be repealed, or, if not repealed, that it be submitted to a vote of the qualified voters of the City.
- (2) The petition shall be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of votes cast at the last regular municipal election or 250, whichever is greater and each copy of the petition shall have attached to it a copy of the ordinance.
- (3) The petition shall be filed with the City Secretary and shall be signed and checked for sufficiency in the same manner as initiative petitions are herein required to be signed, verified and checked.

**SECTION 9.03      City Council to Repeal or Submit Referendum Ordinance to Election**

- (1) When a referendum petition has been certified as sufficient, the ordinance specified in the petition shall not go into effect or further action thereunder shall be suspended if it shall have gone into effect, unless approved by the electors. When filed, the City Council shall immediately reconsider such ordinance and if the City Council does not entirely repeal the same, it shall order an election to submit the ordinance to a vote of the qualified voters, who shall vote on the question: "For the Ordinance" or "Against the Ordinance".
- (2) If a majority of the qualified voters at such election do not vote for the ordinance, the same shall be deemed repealed and it shall be without further force and effect.

**SECTION 9.04      Publication of Ordinances**

Prior to the date early voting shall begin in any election on an initiative or referendum, the City Secretary shall cause the particular ordinance to be published verbatim in at least one issue of the official newspaper of the City or a printed copy thereof mailed to each qualified voter of the City as appears on the tax roll of the City for the year ending the 31st day of January next preceding and the City Secretary shall do such other things relative to such election as are required in general municipal elections or by the order calling said election.

**ARTICLE X**

**Franchises**

**SECTION 10.01      Ordinance Granting Franchise**

No grant to use the public right-of-way or property under ownership of the city shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of such franchise unless approved by citizens in accordance with this article.

The City Council may, by four (4) affirmative votes, seek approval from the voters by submitting all applications exceeding twenty (20) years to an election in accordance with State law<sup>40</sup>. The prospective franchisee, not the City, shall fund the cost of said election.

### **SECTION 10.02 Right of Regulation**

In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- (1) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;
- (2) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant;
- (3) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;
- (4) To require reasonable standards of service and quality of product and prevent rate discrimination;
- (5) To impose reasonable regulations and restrictions to insure the safety and welfare of the public;
- (6) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility;
- (7) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal;
- (8) To require the franchisee to furnish to the City, from time to time within a reasonable time following request of the City, at franchisee's expense a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction; and
- (9) To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State.

### **SECTION 10.03 Regulation of Rates**

- (1) The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with State law<sup>41</sup>.
- (2) Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.

- (3) The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including but not limited to, the following:
  - (A) Cost of its investment for service to the City;
  - (B) Amount and character of expenses and revenues connected with rendering the service;
  - (C) Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or
  - (D) Demonstration that the return on investment, if any, is within the state and federal limitations.
- (4) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

#### **SECTION 10.04 Transfer of Franchise**

No public service or utility franchise is transferable, except with the approval of the City Council. However, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

#### **SECTION 10.05 Franchise Value Not to be Allowed**

Franchises granted by the City are of no value in fixing rates and charges for public services or utilities within the City and in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

## **ARTICLE XI**

### **Legal Provisions**

#### **SECTION 11.01 Notice of Claim**

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within ninety (90) days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which the same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

#### **SECTION 11.02 Service of Process Against the City**

All legal process against the City shall be served upon the City Secretary.

**SECTION 11.03 Nepotism**

No person within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager shall be employed by or contracted with the City. This shall not apply to the following:

- (1) Any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment; or
- (2) Any person who is a seasonal employee or intern of the City.

**SECTION 11.04 Construction of Terms**

The construction of the provisions of this Charter shall comply with the State law<sup>42</sup> as amended.

**SECTION 11.05 Charter Deemed Public Act**

This Charter must be deemed a public act and judicial notice shall be taken thereof in all courts.

**SECTION 11.06 Severability of Portions of Charter**

If any provision of this Charter violates the Constitution of the United States, the Texas Constitution or any statutes of the State, or if any court holds such provisions for naught for any reason, the remaining provisions shall not be affected thereby and shall continue in effect.

**ARTICLE XII**

**Adoption Of Charter**

**SECTION 12.01 Procedure**

- (1) This Charter shall be submitted to the qualified voters of the City for adoption or rejection on January 19, 1980, 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 governing law of the City until amended or repealed.
- (2) 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

- (3) The present City Council of the City shall call an election in accordance with the provisions of the general laws of the state governing such elections, and the same shall be conducted and the returns made and results declared as provided by the laws of the State governing municipal elections, and in case a majority of the votes cast at such election shall be in favor of the adoption of such Charter, then an official order shall be entered upon the records of said City by the City Council of Rowlett

declaring the same adopted, and the City Secretary shall record at length upon the records of the City, in a separate book to be kept in the City Secretary office for such purpose, such Charter as adopted, and such City Secretary shall furnish to the Mayor a copy of the Charter which copy of the Charter shall be forwarded by the Mayor as soon as practicable, to the Secretary of State under the seal of the City together with a certificate showing the approval of the qualified voters of such Charter.

**SECTION 12.02      Amendment of Charter**

Amendments to this Charter may be framed and submitted to the qualified voters of the City as provided by the Texas Constitution and the laws of the State as presently enacted or hereafter amended; but no more often than once every two (2) years, as provided by the laws of the State.

**SECTION 12.03      Charter Review Commission**

- (1) Appointment - The City Council shall appoint a Charter Review Commission at least once every five (5) years. The Charter Review Commission shall consist of seven (7) citizens of the City.
- (2) Scope - The City Council shall determine the scope of the review by the Commission. The Commission shall determine whether the Charter requires revision or amendment. The Commission may request factual information concerning the operation of the City and such information may be provided in writing or orally. The Commission may hold public hearings regarding the Charter. The Commission shall make recommendations for changes to the Charter without any consideration of the impact upon staff or cost to the City. The Commission shall report its findings and present its recommendations regarding the Charter to the City Council at a regular or special meeting.
- (3) Term - The term of office of the Commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the City Council and all records of proceedings of the Commission shall be filed with the City Secretary and become a public record.

**SECTION 12.04      Administrative Amendment**

The City Council may provide by ordinance, after conducting two public hearings, to amend, alter or reformat any provisions and to amend statutory or State law references and/or endnotes of this Charter, but may not in any circumstance substantively change any portion of the same without compliance with State law and this Article. However, the City Council may amend by ordinance, after public hearing, any provision of this Charter to comply with an amendment to state law that renders a charter provision invalid, provided that the Charter amendment shall track as near as possible the language of the amendment to state law.

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## Appendix "A" RECALL PETITION

We, the undersigned qualified voters of the City of Rowlett, Texas, hereby demand that the question of removing \_\_\_\_\_ from the City Council be submitted to a vote of the qualified voters of the City of Rowlett based upon the following grounds:

---

PRINTED NAME	VOTER REGISTRATION NUMBER*	ADDRESS	COUNTY	DATE OF BIRTH*	SIGNATURE

\* Either the Voter Registration Number or the Date of Birth must be included.

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_ who, after being duly sworn, deposes and says that he/she is the circulator of the foregoing petition paper and that the signatures appended thereto were made in his/her presence and are genuine signatures of the persons whose names they purport to be.

SUBSCRIBED AND SWORN TO BEFORE ME, this the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for  
\_\_\_\_\_ County, Texas

**Appendix "B" BALLOT**

PROPOSITION

(Place an "X" in the square beside the statement indicating the way you wish to vote.)

- FOR RECALL                      Shall \_\_\_\_\_ be removed  
by recall from his/her office as (Mayor or  
Councilmember) of the City of Rowlett, Texas?
  
- AGAINST RECALL

CANDIDATES  
(Vote for One)

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## **Appendix "C" ORIGINAL CHARTER SIGNATURES**

(The page will have the original signatures from the First Home Rule Charter Commission)

**Appendix "D" PAST COMMISSION AND COMMITTEES**

**FIRST HOME RULE CHARTER COMMISSION FOR  
THE CITY OF ROWLETT, TEXAS**

**December 6, 1979**

**John Wells,  
Chairman of the Charter Commission  
Harold Chenault,  
Secretary of the Charter Commission**

**Bill Bean  
J. T. Cook  
Bill Coyle  
Armond Gentry  
Earl Hammond  
W. R. "Shorty" Johnson**

**Orvil Jones, Sr.  
Malvern Kennemer  
Dorothy Kiesler  
Ray Kneegs, Sr.  
Jim McNair  
Vernon Schrade**

**FIRST CHARTER REVISION COMMITTEE**

**April 2, 1983**

**John Crable  
Jimmy Turman  
Dave Hawkins  
Mike McCallum**

**Robert Powell  
Wayne Carnes  
Jim McNair**

**SECOND CHARTER REVISION COMMITTEE**

**May 7, 1988**

**Billy Armstrong  
Wayne Carnes  
Tom Hilliard  
Janis Richardson**

**M. E. (Bill) Bean  
Jay Durkin  
Leonard Prince**

**THIRD CHARTER REVISION COMMITTEE**

**May 4, 1991**

**John Schroy,  
Chairman of the Charter Committee**

**Jade Browning  
David Johnson  
K. C. Wiles**

**Dr. Brad Daniels  
Diane Ross-Rahm  
Al Wilkinson**

FOURTH CHARTER REVISION COMMITTEE

May 3, 2003

**Councilmember Stanton Foerster,  
Chairman of the Charter Committee**

**Hector Collazo, Jr.  
Richard S. Huff  
Jeffrey C. Mateer**

**Suzan Fulton  
Ann Kilpatrick  
Jeffrey Sheldon**

FIFTH CHARTER REVISION COMMITTEE

November 4, 2008

**Jeffrey Sheldon,  
Chairman of the Charter Committee  
Cindy Rushing - Council Liaison**

**Scott Airitam  
William Barber  
Donna Davis**

**Brent Hutson  
Roger Tomberlin  
Bobby Wright**

SIXTH CHARTER REVISION COMMITTEE

May 11, 2013

**Dr. Michael Lucas,  
Chairman of the Charter Committee  
Donna Davis - Council Liaison**

**Tammy Dana-Bashian  
Mick Donnelly  
Whitney Laning  
Pamela Liston  
Jeffrey Sheldon**

**Brownie Sherrill  
David Jenkins  
Kevin Lawson  
Susie Quinn**

SEVENTH CHARTER REVISION COMMITTEE

May 7, 2016

**Whitney Laning,  
Chairman of the Charter Committee  
Debby Bobbitt - Council Liaison**

**Deb Shinder  
Martha Brown  
Leisa Oleson Peebles  
Pamela Liston**

**Ray Kneggs  
Bruce Mahnken  
Dan Pence  
Thomas Finney**



## Appendix "E" ENDNOTES

- 
- <sup>1</sup> Chapter 54, § 54.001 TEXAS LOCAL GOVERNMENT CODE
  - <sup>2</sup> § 54.00, TEXAS LOCAL GOVERNMENT CODE
  - <sup>3</sup> § 45.001, TEXAS CODE OF CRIMINAL PROCEDURE
  - <sup>4</sup> § 273.00 *et seq.*, TEXAS LOCAL GOVERNMENT CODE
  - <sup>5</sup> § 45.00, TEXAS LOCAL GOVERNMENT CODE
  - <sup>6</sup> § 4.14, TEXAS CODE OF CRIMINAL PROCEDURE
  - <sup>7</sup> The take-line is the area applicable to a property owner whose property is adjacent to the Lake Ray Hubbard Reservoir and the City of Dallas area at elevation 435.5 feet above mean sea level. Such property is under the ownership of the City of Dallas and has been leased to the City of Rowlett.
  - <sup>8</sup> TEXAS TRANSPORTATION CODE
  - <sup>9</sup> TEXAS UTILITY CODE
  - <sup>10</sup> § 252; § 273, TEXAS LOCAL GOVERNMENT CODE
  - <sup>11</sup> art. III, § 5, TEXAS CONSTITUTION
  - <sup>12</sup> Chapter 252, TEXAS LOCAL GOVERNMENT CODE, as amended, which is applicable to cities and towns, are hereby adopted by the City.
  - <sup>13</sup> Chapters 211, 212 and 213, TEXAS LOCAL GOVERNMENT CODE, as amended
  - <sup>14</sup> § 41.001, TEXAS LOCAL GOVERNMENT CODE
  - <sup>15</sup> CHAPTER 54, TEXAS LOCAL GOVERNMENT CODE
  - <sup>16</sup> Ch. 143, TEXAS ELECTION CODE
  - <sup>17</sup> TEXAS ELECTION CODE
  - <sup>18</sup> TEXAS ELECTION CODE
  - <sup>19</sup> TEXAS ELECTION CODE
  - <sup>20</sup> Ch. 41, TEXAS ELECTION CODE
  - <sup>21</sup> art. 11, § 5, TEXAS CONSTITUTION
  - <sup>22</sup> TEXAS HEALTH & SAFETY CODE
  - <sup>23</sup> § 551.001 *et seq.*, TEXAS GOVERNMENT CODE
  - <sup>24</sup> § 551.001 *et seq.*, TEXAS GOVERNMENT CODE
  - <sup>25</sup> § 551.001 *et seq.*, TEXAS GOVERNMENT CODE
  - <sup>26</sup> § 551.001 *et seq.*, TEXAS GOVERNMENT CODE
  - <sup>27</sup> § 551.001 *et seq.*, TEXAS GOVERNMENT CODE
  - <sup>28</sup> § 25.001 *et seq.*, TEXAS GOVERNMENT CODE
  - <sup>29</sup> § 25.25, TEXAS TAX CODE
  - <sup>30</sup> § 25.25, TEXAS TAX CODE
  - <sup>31</sup> TEXAS TAX CODE
  - <sup>32</sup> TEXAS TAX CODE
  - <sup>33</sup> Chapter 105, TEXAS LOCAL GOVERNMENT CODE
  - <sup>34</sup> Chapter 105, TEXAS LOCAL GOVERNMENT CODE
  - <sup>35</sup> Ch. 277, TEXAS ELECTION CODE
  - <sup>36</sup> Ch. 277, TEXAS ELECTION CODE
  - <sup>37</sup> Ch. 277, TEXAS ELECTION CODE
  - <sup>38</sup> Ch. 41, TEXAS ELECTION CODE
  - <sup>39</sup> Ch. 41, TEXAS ELECTION CODE
  - <sup>40</sup> TEXAS ELECTION CODE
  - <sup>41</sup> TEXAS UTILITY CODE
  - <sup>42</sup> *Texas Code Construction Act*, Chapter 311.001, *et seq.*, TEXAS LOCAL GOVERNMENT CODE
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