

# CHARTER

of



Revised November 8, 2016

# COLLEYVILLE CITY CHARTER

## TABLE OF CONTENTS

<u>Article</u>	<u>Section</u>	<u>Title</u>	<u>Page</u>
<b>I</b>		<b><u>Form of Government and Boundaries</u></b>	
	1.01	Form of Government.....	1
	1.02	Boundaries of the City.....	1
	1.03	Boundary Adjustment .....	2
<b>II</b>		<b><u>Powers of the City</u></b>	
	2.01	General Powers Adopted .....	2
	2.02	Eminent Domain.....	3
	2.03	Establishment and Control of Public Property .....	3
	2.04	Street Development and Improvements .....	3
<b>III</b>		<b><u>The Governing Body</u></b>	
	3.01	Number, Selection, Term.....	4
	3.01A	Limitations on Terms .....	5
	3.02	Qualifications .....	5
	3.03	City Council to be the Judge of Election Qualification.....	6
	3.04	Compensation.....	6
	3.05	Vacancies .....	6
	3.06	Mayor and Mayor Pro Tem .....	6
	3.07	Powers of the City Council .....	7
	3.08	Forfeiture of Elected Office .....	7
	3.09	Meetings and Rules of Procedure .....	8
	3.10	Investigation by the City Council .....	9
	3.11	Ordinances in General.....	9
	3.12	Emergency Ordinances.....	10
	3.13	Resolutions.....	10

**IV**

**Elections**

4.01 Laws Governing City Elections.....10  
4.02 General Elections .....10  
4.03 Special Elections .....11  
4.04 Publishing City Elections.....11  
4.05 Runoff Election.....11  
4.06 Election by Majority .....11  
4.07 Public Disclosure .....11  
4.08 Oath of Office .....12

**V**

**Recall of Officers by the People**

5.01 Scope of Recall .....12  
5.02 Petitions for Recall.....12  
5.03 Form of Recall Petition .....13  
5.04 Various Papers Constituting Petition.....13  
5.05 Presentation of Petition to the City Council .....14  
5.06 Public Hearing to be Held .....14  
5.07 Election to be Called .....14  
5.08 Ballots in Recall Election.....14  
5.09 Result of Recall Election .....14  
5.10 Recall, Restrictions Thereon.....15  
5.11 Failure of City Council to Call an Election.....15

**VI**

**Legislation by the People, Initiative and Referendum**

6.01 General Power .....15  
6.02 Initiative .....15  
6.03 Referendum.....16  
6.04 Voluntary Submission of Legislation by the City Council. 16  
6.05 Form of Ballots.....17  
6.06 Publication of Proposed and Referred Ordinance or  
Resolution.....17

6.07	Adoption of Ordinances/Resolutions by Referendum/Initiative.....	17
6.08	Inconsistent Ordinances or Resolutions .....	17
6.09	Ordinances/Resolutions Passed by Popular Vote/Repeal/Amendment .....	17
6.10	Further Regulations by City Council .....	18
6.11	Franchise Ordinances .....	18
6.12	Compelling Submission .....	18

**VII**

**Administrative Organization**

7.01	City Manager .....	18
7.02	City Secretary .....	20
7.03	Department of Police .....	20
7.04	Fire Department .....	21
7.05	Department of Public Works.....	21
7.06	Department of Finance.....	21
7.07	Other Departments, Boards and Commissions.....	22

**VIII**

**Legal and Judicial Services**

8.01	Municipal Court .....	22
8.02	Judge of the Municipal Court .....	22
8.03	Clerk of the Municipal Court.....	22
8.04	City Attorney .....	23

**IX**

**Municipal Finance**

9.01	Fiscal Year .....	23
9.02	Annual Budget .....	23
9.03	Public Records .....	26
9.04	Amendments after Adoption .....	26
9.05	Lapse of Appropriations.....	27
9.06	Administration of Budget.....	27

9.07	Borrowing.....	28
9.08	Purchasing .....	29
9.09	Specified Reserve Fund .....	29

**X**

**Taxation**

10.01	Department of Taxation .....	29
10.02	Power to Tax .....	29
10.03	Limitation on Tax Rate .....	30
10.04	Taxes - When Due and Payable .....	30
10.05	Tax Liens.....	30

**XI**

**Planning and Zoning, Board of Adjustments**

11.01	The Planning and Zoning Commission .....	31
11.02	Powers and Duties.....	31
11.03	The Master Plan .....	32
11.04	Legal Effect of the Master Plan .....	32
11.05	Zoning Board of Adjustment .....	32
11.06	Separation of Planning and Zoning Commissions .....	32

**XII**

**Franchise, Public Utilities and Other Users of Public Property**

12.01	Powers of the City.....	33
12.02	Power to Grant Franchise.....	33
12.03	Grant Not to be Exclusive.....	33
12.04	Transfer of Franchise.....	33
12.05	Right of Regulation.....	34
12.06	Extensions.....	34
12.07	Regulation of Rates.....	35
12.08	Public Service Corporations to File Annual Reports.....	35

12.09	Accounts of Municipally Owned Utilities.....	36
12.10	Sales of Municipal Services.....	36
12.11	Franchise Records.....	36

**XIII**

**Transitional Provisions**

	Eliminated per the Charter Amendment Special Election held on November 8, 2016 .....	37
--	--	----

**XIV**

**General Provisions**

14.01	Publicity of Records .....	37
14.02	Personal Financial Interest.....	37
14.03	Nepotism.....	39
14.04	Official Bond for City Employees.....	39
14.05	Tort Liability .....	40
14.06	Severability Clause .....	40
14.07	Effect of Charter on Existing Laws .....	40
14.08	Applicability of General Laws.....	41
14.09	Property Not Exempt from Special Assessments .....	41
14.10	Amending the Charter.....	41
14.11	Judicial Notice .....	41
14.12	Gender of Wording .....	41
	Submission of Charter to Voters.....	42
	Charter Amendment Election – May 7, 2005 .....	43
	Charter Amendment Election – November 8, 2016.....	44

# HOME RULE CHARTER

for the

## CITY OF COLLEYVILLE, TEXAS

### Preamble

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

### ARTICLE I

#### FORM OF GOVERNMENT AND BOUNDARIES

##### **Section 1.01 Form of Government:**

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

##### **Section 1.02 Boundaries of the City:**

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

**Section 1.03 Boundary Adjustment:**

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

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

**Section 2.01 General Powers Adopted:**

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

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

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



## **Section 2.02 Eminent Domain:**

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

## **Section 2.03 Establishment and Control of Public Property:**

The City of Colleyville shall have the power to lay out, establish, open, alter, widen, lower, raise, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate the use thereof; require the removal from streets, sidewalks, alleys, and other public property or places of all obstructions and encroachments of every nature or character upon any of said streets and sidewalks, and the power to regulate, control and/or prohibit the moving of any type of objects over, along, or upon, under or across streets, alleys, sidewalks, parks, squares, public places and bridges, of every kind and character in such places and at such time as public need shall dictate.

## **Section 2.04 Street Development and Improvements:**

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

The cost of such development and improvement may be paid partly by assessments levied as a lien against the property abutting thereon and against the owners thereof, subject, however, to the limitations imposed by State law. Such assessments may be levied in any amounts and under any procedures not prohibited by State law, but such assessments may not be levied in excess of thirty-three and one-third percent (33 1/3%) of the costs of such improvements for property abutting one side of said street or public way, or sixty-six and two-thirds percent (66 2/3%) of the cost of such improvements for property abutting both sides of said street or way.

In no case shall any property owner be assessed in excess of the cost of like improvements or repairs for a two (2) lane Collector Street as defined by City Ordinance. Provided, however, that whenever the City undertakes developing, improving and paving of public streets, sidewalks, alleys, highways, and other public ways within its corporate limits, the City shall not have the power and authority to assess property abutting the streets to be developed, improved, or paved, without the approval of sixty percent (60%) of the abutting property owners.

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

**Section 3.01      Number, Selection, Term:**

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

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

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

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

### **Section 3.01A. Limitations on Terms**

No person shall serve as Mayor for more than two (2) consecutive elected terms, and no person shall serve as a Council Member for more than two (2) consecutive elected terms. Under no circumstances may any person ever serve for more than twelve (12) consecutive years in combination as a Council Member and Mayor. For purposes of this Section 3.01A. and computing the limitations on terms:

- (1) a Mayor or Council Member, who vacates, for any reason, the office before the end of the term for which he was elected, shall be considered to have completed that term.
- (2) an appointment or election to fulfill an unexpired Council Member term, or unexpired Mayor term if applicable, shall be computed as follows:
  - i. if fifty percent (50%) or more of the term is remaining, it shall be included in the computation of term limits; or
  - ii. if less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.

Any Council Member or Mayor, who is ineligible to run for elected City office due to the limitations on terms as provided herein, shall remain ineligible to hold an elected City office for a period of one (1) full term following the expiration of the most recent term of City office for which he was elected with the exception of a Council Member seeking the office of Mayor or the Mayor seeking the office of a Council Member.

The term that each person as Mayor or as a Council Member is currently filling, and all terms consecutively served prior to that current term, shall be counted for purposes of determining whether two (2) consecutive terms have been served.

This amendment shall become effective immediately upon adoption at the next municipal election, shall apply to all persons currently occupying the Office of Mayor or Council Member, and shall apply to all municipal elections conducted after the date of adoption. (Amended November 8, 2016)

### **Section 3.02 Qualifications:**

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

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

- (B) A qualified voter of the State of Texas and the City of Colleyville;
- (C) Not financially delinquent to the City.

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

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

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

**Section 3.04 Compensation:**

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

**Section 3.05 Vacancies:**

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

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

**Section 3.06 Mayor and Mayor Pro Tem:**

The Mayor shall preside at all meetings of the City Council and shall vote on all issues. The Mayor, except as provided in 3.07, shall sign all contracts and conveyances made or entered into by the City, and all bonds issued under the provision of this Charter, and shall be the official representative of the City.

The Mayor shall be recognized as the official agent of the City by the Court for the purpose of serving civil process. (Amended May 7, 2005)

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

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

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

**Section 3.07 Powers of the City Council:**

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

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

**Section 3.08 Forfeiture of Elected Office:**

- (A) Except where authorized by State law, a Mayor or City Council Person shall:
  - (1) Resign their current office at the time of filing for any publicly elected position if their term extends past the beginning of the position sought; (Amended May 7, 2005)
  - (2) Not hold any compensated appointive City office or employment with the City during the term for which elected; and
  - (3) Not hold any compensated appointive City Office or employment with the City until one (1) year after the expiration of the term for which elected.

- (B) Appointments and/or removals of City employees. The members of the City Council shall in no way dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint, unless otherwise provided in this Charter. (Amended May 7, 2005)
- (C) Interference with Administration. Except for the purpose of inquiries and investigations by the direction of the City Council, unless provided otherwise in this Charter, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except in a state of declared emergency.
- (D) Admission of liability. Neither the City Council nor its members shall accept or admit liability or pay any claim for damages asserted against the City without first obtaining a written opinion from the City Attorney regarding the City's liability therein.

**Section 3.09 Meetings and Rules of Procedure:**

- (A) Meetings of City Council. City Council meetings shall be held at the City Hall or such place within the City of Colleyville that the City Council shall direct. The City Council shall meet regularly at least twice (2) in every month at such times as a City Council may prescribe by rule. In the event of a lack of a quorum at a regularly scheduled meeting, the meeting shall be opened and the roll call taken, recorded and adjourned until the regular or called special meeting. Special meetings may be held on the call of the Mayor or four (4) members of the City Council at the place within the City of Colleyville designated in the public notice. All meetings shall be held and public notice thereof given as required by State law. (Amended May 7, 2005)
- (B) Minutes and Rules. The City Council shall determine its own rules and order of business, and shall provide for keeping minutes of its proceedings and post copy on the City Bulletin Board until the next meeting. The minutes shall be a public record.
- (C) Quorum and Voting. Four (4) voting members of the City Council shall constitute a quorum. Voting, except on procedural motions, and nominations to City Boards, Committees, and Commissions shall be by roll call and the "ayes" and "nays" shall be recorded in the minutes. The Mayor and every City Council Person shall vote on all issues unless there is a declared and recorded statutory conflict of interest.

If because of a statutory conflict of interest a member steps down and remains in the Chamber to return after the item is resolved, then a quorum will be considered in attendance even though only three (3) City Council Persons are left to vote. However, no action shall be approved with less than four (4) affirmative votes. If during the course of a meeting a quorum ceases to exist, the meeting shall be deemed adjourned and no further business shall be conducted. The roll call may be conducted electronically. (Amended May 7, 2005) (Amended November 8, 2016)

### **Section 3.10 Investigation by the City Council:**

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

### **Section 3.11 Ordinances in General:**

The City Council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the City Council of the City of Colleyville." The City Attorney shall approve as to legality prior to final action by the City Council. Every ordinance enacted by the City Council shall be signed by the Mayor or Mayor Pro Tem in the Mayor's absence, and shall be filed with and recorded by the City Secretary. All ordinances exclusive of emergency ordinances as defined by Section 3.12, shall be read in open meeting of the City Council at two (2) consecutive regular City Council meetings. The caption only of each proposed ordinance shall be read at the first and second reading, provided, that upon the request of any three (3) members of the City Council, the ordinance shall be read in its entirety on either the first or second reading, and further provided, however, that neither metes and bounds descriptions nor national, state, industrial, or uniform codes or manuals shall be read. Tabled ordinances shall be read after being removed from the table. Each reading of a proposed or tabled ordinance shall be followed by a public hearing. No final vote of approval or disapproval shall be taken by the City Council until after the second reading and public hearing on each ordinance. The captions of all proposed ordinances shall be posted upon a bulletin board at City Hall established for the purpose of giving notice of City Council meetings not less than seventy-two (72) hours prior to the meeting at which such ordinances are read. (Amended November 7, 1995)

### **Section 3.12 Emergency Ordinances:**

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

### **Section 3.13 Resolutions:**

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

## ARTICLE IV ELECTIONS

### **Section 4.01 Laws Governing City Elections:**

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

### **Section 4.02 General Elections:**

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



**Section 4.03 Special Elections:**

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

**Section 4.04 Publishing City Elections:**

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

**Section 4.05 Run-Off Election:**

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

**Section 4.06 Election by Majority:**

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

**Section 4.07 Public Disclosure:**

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

- (A) The location, size, and current use of all property owned within the city or within any contiguous city, or held in trust by the candidate, their spouse, and any dependent minor children, or any business entity in which the candidate has a financial interest. (Amended May 7, 2005)
- (B) The name and address of any person or corporation which currently has or during the preceding twelve (12) months has had a contractual relationship with the City and from which the candidate, their spouse or dependent minor children have received a fee, salary, or gift of a value exceeding one hundred dollars (\$100.00)
- (C) The name and address of any corporation or business, which currently has or in the preceding twelve (12) months has had a contractual relationship with the City, of which the candidate, their spouse, or any dependent minor children own more than two percent (2%) of the outstanding equity interest or more than two percent (2%) of the assets. (Amended January 18, 1992)

**Section 4.08 Oath of Office:**

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

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

ARTICLE V  
RECALL OF OFFICERS BY THE PEOPLE

**Section 5.01 Scope of Recall:**

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

**Section 5.02 Petitions for Recall:**

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

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

**Section 5.03 Form of Recall Petition:**

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

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

STATE OF TEXAS  
COUNTY OF TARRANT

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

\_\_\_\_\_  
SWORN AND SUBSCRIBED TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

**Section 5.04 Various Papers Constituting Petition:**

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

**Section 5.05 Presentation of Petition to the City Council:**

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

**Section 5.06 Public Hearing to be Held:**

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

**Section 5.07 Election to be Called:**

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

**Section 5.08 Ballots in Recall Election:**

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

- (A) With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (name of office) by recall?"
- (B) Immediately below each such question there shall be printed the following words, one (1) above the other, in the order indicated:

\_\_\_\_\_FOR the recall of (name of person).  
\_\_\_\_\_AGAINST the recall of (name of person).

**Section 5.09 Result of Recall Election:**

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

**Section 5.10 Recall, Restrictions Thereon:**

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

**Section 5.11 Failure of City Council to Call an Election:**

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

ARTICLE VI  
LEGISLATION BY THE PEOPLE, INITIATIVE AND REFERENDUM

**Section 6.01 General Power:**

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

**Section 6.02 Initiative:**

The people of the City of Colleyville reserve the power of direct legislation by initiative, and in exercise of such power may initiate legislation by submitting a petition addressed to the City Council, which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to at least forty percent (40%) of the number of votes cast at the last regular municipal election of the City, but in no event less than five hundred (500) such petitioners. Each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed as provided in Section 5.02 of this Charter, and shall be verified by oath in the manner and form provided by recall petitions in Section 5.03 of this Charter. The petition may consist of one (1) or more copies as permitted for recall petitions in Section 5.04 of this Charter. Such petition shall be filed with the person performing the duties of the City Secretary and must be certified as required by Section 5.04 of this Charter. At the next regular City Council meeting after the filing of such a petition, the person performing the duties of City Secretary shall present said petition and proposed ordinance or resolution to the City Council.

Upon presentation of the petition and draft of proposed ordinance or resolution, the City Council shall pass and adopt such ordinance or resolution as provided in Article III of this Charter, without alteration as to meaning or effect in the opinion of the person filing the petition, or call a special election, as provided by law, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election. (Amended April 7, 1984)

**Section 6.03 Referendum:**

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

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

**Section 6.04 Voluntary Submission of Legislation by the City Council:**

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

**Section 6.05 Form of Ballots:**

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

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

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

**Section 6.06 Publication of Proposed and Referred Ordinance or Resolution:**

The person performing the duties of City Secretary shall publish at least once in the official newspaper of the City, the notice of special referendum election and the preamble of proposed or referred ordinance or resolution, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

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

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

**Section 6.08 Inconsistent Ordinances or Resolutions:**

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

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

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

**Section 6.10 Further Regulations by City Council:**

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

**Section 6.11 Franchise Ordinances:**

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

**Section 6.12 Compelling Submission:**

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

ARTICLE VII  
ADMINISTRATIVE ORGANIZATION

**Section 7.01 City Manager:**

- (A) Appointment and Qualifications. The City Council by a vote of not less than four (4) members shall appoint the City Manager for an indefinite term and fix the Manager's compensation. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The City Manager need not be a resident of the City or State at the time of appointment. The City Manager may not reside outside the City while in office without the approval of the City Council. (Amended January 18, 1992)
- (B) Removal. The City Manager may be removed from office by a vote of not less than four (4) members of the City Council. The Mayor shall be entitled to vote on the removal of the City Manager. (Amended January 18, 1992)
- (C) Acting City Manager. By a letter filed with the City Secretary, the City Manager may designate a City officer or employee to exercise the powers and perform the duties of the City Manager during the City Manager's temporary absence or disability. The City Council may revoke the City Manager's designation and may appoint an officer or employee of the City to serve during the City Manager's absence or disability. (Amended January 18, 1992)



- (D) Powers and Duties of the City Manager. The City Manager shall be the chief administrative officer of the City, responsible to the City Council for the administration of all City affairs placed in the City Manager's charge by or under this Charter. The City Manager shall:
- (1) Appoint, suspend or remove all City employees and appointed administrative officers in accordance with the provisions of State law, this Charter and the ordinances of the City. The City Manager may delegate to an administrative officer, subject to the City Manager's direction and supervision, the authority to exercise the power to appoint, suspend or remove employees working under the administrative officer;
  - (2) Direct and supervise the administration of all departments, as otherwise provided by this Charter;
  - (3) Attend all City Council meetings, and participate in the discussion to the extent required by the City Council;
  - (4) Provide for the faithful execution and enforcement of all laws, this Charter, and acts of the City Council;
  - (5) Prepare and submit the annual budget and capital program to the City Council;
  - (6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
  - (7) Make such other reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;
  - (8) Keep the City Council fully advised as to the financial condition and future needs of the City;
  - (9) Make recommendations to the City Council concerning the affairs of the City;
  - (10) Provide staff support services for the Mayor, City Council members, and appointed commissions, boards, and committees; and
  - (11) Perform such other duties as are specified in this Charter or as may be required by the City Council. (Amended January 18, 1992)

## **Section 7.02 City Secretary:**

The City Manager, with the approval of City Council, shall appoint a qualified individual to fill the position of City Secretary, for an indefinite term. The City Secretary shall not be appointed for a definite term, but may be removed from office by the City Manager. The City Secretary shall: (Amended May 7, 2005) (Amended November 8, 2016)

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

## **Section 7.03 Department of Police:**

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

- (A) Chief of Police. The Chief of Police shall be the chief administrative officer of the Department of Police. He shall appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Manager. The Chief of Police shall be appointed by the City Manager, with the approval of City Council, for an indefinite term. The Chief of Police shall be fully responsible to the City Manager for the administration of his Department, and for the carrying out and enforcement of the resolutions and ordinances of the City Council. He may be removed from office by said City Manager. (Amended May 7, 2005) (Amended November 8, 2016)
- (B) Special Police and Reserve Police. No person, except as authorized by general law, by this Charter, or by the ordinances passed pursuant hereto, shall act as a special police officer or reserve police officer. No person holding an elective office may act as a reserve police officer. (Amended April 7, 1984)

#### **Section 7.04 Fire Department:**

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

- (A) Fire Chief. The Fire Chief shall be the chief administrative officer of the Fire Department. He shall appoint and remove the employees of said department and shall perform such duties as may be required by the City Manager. The Fire Chief shall be appointed by the City Manager, with the approval of City Council, for an indefinite term. The Fire Chief shall be fully responsible to the City Manager for the administration of his department, and for the carrying out and enforcement of the resolutions and ordinances of the City Council. He may be removed from office by said City Manager. (Amended May 7, 2005) (Amended November 8, 2016)
- (B) Volunteer Fire Department. Authority is hereby granted to maintain a Volunteer Fire Department. No person holding an elective office may serve as a volunteer fireman. (Amended April 7, 1984)

#### **Section 7.05 Department of Public Works:**

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

The Director of Public Works shall be the chief administrative officer of the Department of Public Works. He shall appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Manager. The Director of Public Works shall be appointed by the City Manager, with the approval of City Council, for an indefinite term. The Director of Public Works shall be fully responsible to the City Manager for the administration of his Department, and for the carrying out and enforcement of the resolutions and ordinances of the City Council. He may be removed from Office by said City Manager. (Amended May 7, 2005) (Amended November 8, 2016)

#### **Section 7.06 Department of Finance:**

There shall be a Department of Finance headed by the City Manager or his appointee, with the approval of City Council, for an indefinite term. The City Manager may appoint a deputy director of finance who may be the City Collector of Taxes. (Amended May 7, 2005) (Amended November 8, 2016)

**Section 7.07 Other Departments, Boards and Commissions:**

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

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

ARTICLE VIII  
LEGAL AND JUDICIAL SERVICES

**Section 8.01 Municipal Court:**

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

**Section 8.02 Judge of the Municipal Court:**

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

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

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

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

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

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

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

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

ARTICLE IX  
MUNICIPAL FINANCE

**Section 9.01 Fiscal Year:**

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

**Section 9.02 Annual Budget:**

- (A) Content. The budget shall provide a complete financial plan of all City funds and activities and, except as required by State law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, with reason for such changes. It shall also summarize the City's debt position and include such other material as the City Manager deems advisable.

The budget shall begin with a clear, general summary of its contents, shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated income. The budget shall be so arranged as to show comparative figures for actual an estimated income and expenditures of the preceding fiscal year, compared to the estimate for the budgeted year. It shall include in separate sections:

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

- b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
  - c. Cost estimates, method of financing and recommended time schedules for each such improvement; and
  - d. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
  - e. A statement indicating the relationship to, and whether each such improvement is considered with the Master Plan. (Amended November 7, 1995)
- (B) Submission: The City Manager shall submit to the City Council a proposed budget and accompanying message. The City Council shall review the proposed budget and revise as deemed appropriate prior to general circulation for public hearings. (Amended April 7, 1979)
- (C) Public Notice and Hearing: The City Council shall post in the City Hall and publish in the official newspaper not more than fourteen (14) days prior to each public hearing on the budget a notice stating the time and place where copies of the message and budget are available for inspection by the public, and the time and place of each public hearing on the budget. The City Council may consider, holding public hearings and adopt the budget at regular meetings called by the City Council for that purpose, notwithstanding the provisions of Section 3.11 of this Charter requiring action at two (2) consecutive regular City Council meetings. (Amended April 7, 1979)
- (D) Amendment before Adoption: After the public hearings, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.
- (E) Adoption: The City Council shall adopt the budget by ordinance not later than the second regular City Council meeting in September of the current fiscal year. Adoption of the budget will require an affirmative vote of at least a majority of all of the members of the City Council. Adoption of the budget shall constitute appropriations of the amount specified therein as expenditures from the fund indicated, and shall constitute a levy of the property tax therein proposed. (Amended May 7, 2005)

- (F) Failure: If the City Council fails to adopt the budget by the second regular City Council meeting in September of the current fiscal year, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis with all items in it pro-rated accordingly until such time as the City Council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved as a part of the budget adoption will be set to equal the total current fiscal year receipts, unless the ensuing fiscal year budget is approved by the second regular City Council meeting in September of the current fiscal year. (Amended May 7, 2005)

**Section 9.03 Public Records:**

Copies of the approved budget, capital improvement program, and supporting papers shall be filed with the City Secretary and shall be public records available to the public upon request.

**Section 9.04 Amendments after Adoption:**

- (A) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council may, by Ordinance, make supplemental appropriations to retire indebtedness or to fund emergency appropriations as described in Section 9.04 in this Charter. (Amended May 7, 2005)
- (B) Emergency Appropriations. To meet a public emergency created by a natural disaster or man-made calamity affecting life, health, property, or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the City Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time.
- (C) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial actions taken by him and his recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one (1) or more appropriations.



- (D) Transfer of Appropriations. At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, division, or office and, upon written request by the City Manager, the City Council may by ordinance transfer part or all of any unencumbered appropriation balance from one (1) department, office or agency to another.
- (E) Limitations. No appropriation for debt service may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.
- (F) Effective Date. The supplemental and emergency appropriations and reduction or transfer or appropriations authorized by this section may be made effective immediately upon adoption of the ordinance.

**Section 9.05 Lapse of Appropriations:**

Every appropriation, (except an appropriation for a capital expenditure), shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

**Section 9.06 Administration of Budget:**

- (A) Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriations and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and he shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

- (B) Financial Reports. The City Manager shall submit to the City Council at its second formal meeting each month the financial condition of the City by budget items, budget estimates versus accruals for the preceding month and for the fiscal year to date. Such records are to be made public by the City Council during open meeting. The financial records of the City will be maintained in accordance with accepted principles recommended by the American Institute of Certified Public Accountants and by the National Committee on Governmental Accounting. (Amended April 7, 1979)
- (C) Independent Audit. At the close of each fiscal year, and at such times as it may be deemed necessary, the City Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. Upon completion of the audit, the results thereof in a summary form shall be placed on file in the City Secretary's office as a public record.

**Section 9.07      Borrowing:**

The City Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

- (A) General Obligation Bonds. The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the Constitution and State law, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds shall be issued in conformity with the State law.
- (B) Revenue Bonds. The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the Constitution and State law, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with State law.
- (C) Bonds Incontestable. All bonds of the City having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.

- (D) Borrowing in Anticipation of Property Tax. In any Budget year, the City Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the property tax for the same year whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.
- (E) Use of Bond Funds. Any and all bond funds approved by a vote of the citizens of Colleyville will be expended only for the purposes stated in the bond issue.
- (F) Certificates of Obligation. All certificates of obligation issued by the City shall be approved by ordinance and issued in accordance with State law.

**Section 9.08 Purchasing:**

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

**Section 9.09 Specified Reserve Fund:**

Specified reserve funds may be created for specific purposes, and may be used only for such purposes.

ARTICLE X  
TAXATION

**Section 10.01 Department of Taxation:**

At the discretion of the City Council, there shall be established a Department of Taxation to assess and collect taxes, the head of which shall be the City Collector which office shall be filled by appointment by the City Manager for an indefinite term. The Collector shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the State law bearing upon the functions of his office, in a sum which shall be fixed by the City Council at not less than one hundred thousand dollars (\$100,000). (Amended May 7, 2005)

**Section 10.02 Power to Tax:**

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

### **Section 10.03 Limitation on Tax Rate:**

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

(For the purpose of the preceding limitation, any additional ad valorem tax revenue generated or attributable to construction within a preceding budget year shall not be considered in determining whether the tax revenue increase is more than seven percent (7%) of the preceding budget year). (Amended April 7, 1984)

### **Section 10.04 Taxes - When Due and Payable:**

All taxes due the City of Colleyville shall be payable at the office of the City Tax Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October 1st. Taxes shall be paid on or before January 31st, and all such taxes not paid on or prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as authorized by State law. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipt for the years in question. (Amended May 7, 2005)

### **Section 10.05 Tax Liens:**

The tax levied by the City is hereby declared to be a lien, charge, or encumbrance upon the property as of January 1st of any year, upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property is such as to give the State Courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this State or person whose residence is unknown, but as against non-residents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, and such lien may be foreclosed in any court having jurisdiction. Such lien shall be entitled to that priority as allowed by State law. In addition to the lien herein provided, on the first day of January of any year the owner of real and personal property subject to taxation by the City shall be personally liable for the taxes due thereon for such year. The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City Assessment Rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property intended to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or personal judgment against the owner for such taxes. (Amended May 7, 2005)

ARTICLE XI  
PLANNING AND ZONING, BOARD OF ADJUSTMENTS

**Section 11.01 The Planning and Zoning Commission:**

There shall be established a Planning and Zoning Commission, which shall consist of seven (7) citizens of the City of Colleyville. Members of said Commission shall be appointed by the City Council for a term of two (2) years and will serve at the will and pleasure of the City Council. Three (3) members of the Planning and Zoning Commission shall be appointed each odd numbered year and four (4) members shall be appointed each even numbered year. The Commission shall elect a chairman from its membership and shall meet in the City Hall not less than once each month. The chairman of the Commission shall be a voting member. Vacancies created by resignation, removal by vote of a majority of the City Council, or by any other reason shall be filled by the City Council for the remainder of the term. A majority of the members shall constitute a quorum; however, no action shall be approved with less than four (4) affirmative votes. Attendance requirements for members shall be the same as for members of the City Council. The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation. (Amended May 7, 2005)

**Section 11.02 Powers and Duties:**

The Planning and Zoning Commission shall:

- (A) Recommend a City Plan for the physical development of the City.
- (B) Recommend to the City Council, approval or disapproval of proposed changes in the Zoning Plan.
- (C) Exercise control over the platting or subdividing of land within the corporate limits of the City and outside same corporate limits to the extent authorized by State law; provided, however, this grant of authority shall not limit the City Council's right to provide that the City Council shall have final approval of plats, as provided by State law (Amended April 4, 1981)

The Commission shall be responsible to and act as an advisory body to the City Council, and shall have and perform such additional duties as may be prescribed by ordinance.

### **Section 11.03 The Master Plan:**

The Master Plan for the physical development of the City of Colleyville shall contain the Commission's recommendations for growth, development and beautification of the City. A copy of the Master Plan, or any part thereof, shall be forwarded to the City Council, which may adopt this plan in whole or in parts, and may adopt any amendment thereto after at least one (1) public hearing on the proposed action. The Commission shall act on such plan, or part thereof, and again forward it to the City Council for consideration.

All amendments to the Master Plan recommended by the Commission shall be submitted in the same manner as outlined above to the City Council for approval, and all other recommendations affecting the Master Plan shall be accompanied by a recommendation from Planning and Zoning Commission.

### **Section 11.04 Legal Effect of the Master Plan:**

Upon adoption of the Master Plan by the City Council, no subdivision, street, park, or any public way, ground or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the Master Plan shall be constructed or authorized by the City until and unless the location and extent thereof shall have been submitted to the Commission and approved by the City Council. In case of Commission disapproval, they shall communicate their reasons to the City Council, which shall have the power to overrule such disapproval. The widening, narrowing, relocating, vacating, or change in the use of any street, alley, or public way, or ground, or sale of any public building or real property, shall be subject to similar submission and approval of the Planning and Zoning Commission and failure to approve may be similarly overruled by the City Council. (Amended May 7, 2005)

### **Section 11.05 Zoning Board of Adjustment:**

There shall be a Zoning Board of Adjustment as specified by State law. Vacancies which are created by resignation, or for any other reason shall be filled by the City Council for the remainder of the term. (Amended May 7, 2005)

### **Section 11.06 Separation of Planning and Zoning Commissions:**

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

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

**Section 12.01 Powers of the City:**

In addition to the City's power to buy, construct, lease, maintain, operate, and regulate public utilities and other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, within or without the City Limits, and to manufacture, distribute and sell the commodities or products of such utility operations required and used by the public, the City shall have such further powers as may now or hereafter be granted under the Constitution and State law. Such powers to regulate the use of public property includes, but is not limited to, the right to require relocation of facilities in the public rights-of-way, streets and utility easements, within or without the City Limits, at the facility owners cost for any City public works project to the fullest extent allowed the City now and as may hereafter be permitted by the Constitution and State law. (Amended May 7, 2005)

**Section 12.02 Power to Grant Franchise:**

The City Council shall have the power by ordinance to grant, renew, and extend all franchises for all public utilities of every character and consents and agreements as to all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, operating within the City and, with consent of the franchise holder, to amend the same, provided, however, that no franchise shall be granted for an indeterminate term, and that no franchise shall be granted for a term of more than twenty years from the date of the grant, renewal or extension. City Council action on all ordinances granting, renewing, extending or amending a public utility franchise shall comply with the applicable provisions set forth in Section 3.11 of this Charter. (Amended May 7, 2005)

**Section 12.03 Grant Not to be Exclusive:**

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

**Section 12.04 Transfer of Franchise:**

No public utility franchise shall be transferable except with the approval of the City Council as expressed by ordinance. The term "transferable", as used herein, shall not be construed in such manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage. (Amended May 7, 2005)

## **Section 12.05 Right of Regulation:**

All grants, renewals, extensions, or amendments of public utility franchises and consents and agreements as to all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, whether it be so provided in the ordinance or not, shall be subject to the right of the City: (Amended May 7, 2005)

- (A) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.
- (B) To require an adequate extension of plant and service as is necessary to provide adequate service to the public, and maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (C) To impose regulations to insure safe, efficient and continuous service to the public.
- (D) To require at any time such compensation and rental as may be permitted by State law.
- (E) To require the franchisee to restore at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair or removal. The franchise holder in opening and refilling of all earth openings shall re-lay the pavement and do all other work necessary to complete restoration of streets, sidewalks or grounds to a condition equally as good or better as when disturbed.
- (F) To require every franchisee to furnish within a reasonable time to the City, without cost to the City, a general map, with updates outlining the location, character, size, length, and terminals of all facilities of such franchisee in, over, and under ground of property in the City and to provide detailed information on request.

## **Section 12.06 Extensions:**

All extensions of service of public utilities and of all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, within the City limits shall become a part of the aggregate property of the public utility, shall operate as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 12.05 of this Charter. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant. (Amended May 7, 2005)



## **Section 12.07 Regulation of Rates:**

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

## **Section 12.08 Public Service Corporations to File Annual Reports:**

The City Council shall require all public service Corporations operating within the corporate limits of the City to file a sworn annual report of the receipts from the operation of the said business for the current year, how expended, how much thereof for betterments or improvements, the rate of tolls or charges for services rendered to the public, and any other facts or information that the City Council may deem pertinent for its use including reports on operations within the City in intelligently passing upon any questions that may arise between the City and said public service corporations; said reports to be filed with the City Secretary, and preserved for the use of the City Council. Such reports shall be reviewed annually by the City Council to determine the propriety of the rates being charged.

Any public service corporation, partnership, or proprietorship who shall for a thirty (30) day period willfully refuse or fail to report in the manner provided by this Charter shall forfeit and pay to the City the sum of one hundred dollars (\$100.00), per day for each and every day during which it shall continue in default; or, if any such enterprise shall file any report, knowing that the same does not truly report the facts about the matters mentioned therein, it shall forfeit and pay to the City the sum of one thousand dollars (\$1,000.00) for each such willfully false report and

shall be liable for submittal of a corrected report within two (2) weeks from notification by the City of any errors under the same penalty provisions as the original report.

**Section 12.09 Accounts of Municipally Owned Utilities:**

Accounts shall be kept for each public utility owned or operated by the City, in such manner as to show the true and complete financial results of such City ownership and operation, including all assets, appropriately subdivided into different classes, all liabilities subdivided by classes, depreciation reserve, and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show the actual capital cost to the City of each public utility owned, also the cost of all extensions, additions and improvements and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The City Council shall annually cause to be made by a certified public accountant and shall publish a report showing the financial results of such City ownership and operation, giving the information specified in this Section and such other data as the City Council shall deem expedient.

**Section 12.10 Sales of Municipal Services:**

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

- (A) In or outside the limits of the City, to sell and distribute water; sell and provide sewer service; sell and provide garbage and trash collection disposition; and to sell and provide other municipal services, including but not limited to cable television services, telecommunications services, information services and other electronically transmitted services, whether transmitted by radio waves, light wave or impulses, by digital transmissions or otherwise, unless expressly prohibited by the State or Federal law. (Amended May 7, 2005)
  
- (B) To establish specifications for materials and construction used within or beyond the limits of the City for such municipal services; inspect same and require such materials to be kept in good order and condition at all times; make such rules and regulations as shall be necessary and proper; and prescribe penalties for noncompliance with same.

**Section 12.11 Franchise Records:**

The City shall compile and maintain a public record of public utility franchises.

ARTICLE XIII  
TRANSITIONAL PROVISIONS  
**(Eliminated per the Charter Amendment Special Election held on  
November 8, 2016)**

ARTICLE XIV  
GENERAL PROVISIONS

**Section 14.01 Publicity of Records:**

All record and accounts of every office, department, or agency of the City shall be open to inspection by any individual subject to public inspection as provided by State law. (Amended May 7, 2005)

**Section 14.02 Personal Financial Interest: (Amended May 7, 2005)**

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

- (A) Misuse of Office. No person shall use his office, position or employment in an unlawful manner or in a manner calculated to obtain a financial benefit or a commercial benefit that would not be available to someone not holding such office or position.
- (B) Contracts. A person, who is subject to this section and has a direct interest in any proposed or existing contract, purchase, work, sale or service to or by the City, shall not participate in discussions thereon, render a decision thereon, or vote thereon.
- (C) Discretionary Authority. No person shall make a decision or exercise their discretionary authority with regard to an entity in which he or she has a financial interest as prohibited by State law.
- (D) No person shall grant, accept or solicit in the discharge of his official duties any favor or personal benefit, service or thing of value to any person or entity in violation of State law.
- (E) Notice. Any person who shall have a conflict of interest under paragraph B above shall file a sworn statement describing in reasonable detail such conflict with the City Secretary no later than either the beginning of the meeting at which the matter will first be discussed or acted upon, or the time at which the potential conflict first becomes known to the person, whichever occurs first.

- (F) Citizen Complaints. Any citizen of the City may file with the City Secretary a statement of suspected conflict of interest. Such statement of suspected conflict of interest shall be filed within fifteen (15) days of the decision, vote, or if another event giving rise to an asserted violation of paragraph C above, within fifteen (15) days of when the citizen knew or reasonably should have known of the asserted violation, and shall describe the complained conflict in reasonable detail. The City Council, or its designee, shall respond in writing to a timely filed statement of suspected conflict of interest, and the statement of suspected conflict of interest and response of the City Council shall be maintained in the public records of the City. (Amended November 8, 2016)
- (G) Oath. Upon the election, appointment, or employment of any person by the City, they shall sign a statement acknowledging that they have read and are familiar with the provisions of this Section of the Charter, and all other sections of State law pertaining to the conflict of interest, and these statements shall be maintained as public record of the City.
- (H) Removal from Office. Failure to comply with any of the provisions of this Section shall constitute malfeasance in office and upon a finding by a Court of competent jurisdiction of said violation, the person shall immediately forfeit their position or office and such position or office shall be deemed vacant.
- (I) Contracts Voidable. Any violation of part C of this Section in the approval process of any contract shall make said contract voidable by the City.
- (J) The City Council may adopt by ordinance, a code of ethics and conduct that is consistent with the provisions of this Charter.
- (K) Financial Disclosure and Business Conflict of Interest Forms shall be provided by candidates for Mayor and City Council and by applicants seeking appointments to the Planning and Zoning Commission or the Zoning Board of Adjustment, and shall file such forms within two (2) business days following the end of the candidate filing period, or if for appointment, within (2) business day following the end of the application period stated in the official City advertisement for application for the position. The city manager and the city manager's senior staff members (including any staff member who is appointed with City Council approval) shall also file the same within thirty (30) days of hiring. All person(s), as outlined above, shall have a duty to file supplemental disclosures annually and within five (5) business days of an occurrence of any change in the information reflected in the forms previously filed by the individual. These forms shall include the following information:

- i. The location, size, and current use of all property owned within the portion of Dallas, Denton and Tarrant County north of Interstate 30 and east of Interstate 35W, and that portion of Denton County south of State Highway 114 and east of Interstate 35W, or held in trust by the person(s), as outlined above, their spouse, and any dependent minor children, or any business entity in which the person has a financial interest.
- ii. The name and address of any person or corporation which currently has or during the preceding twelve (12) months has had a contractual relationship with the City and from which the person(s), as outlined above, their spouse or dependent minor children have received a fee, salary, or gift of a value exceeding one hundred dollars (\$100.00).
- iii. The name and address of any corporation or business, which currently has or in the preceding twelve (12) months has had a contractual relationship with the City, of which the person(s), as outlined above, their spouse, or any dependent minor children own more than two percent (2%) of the outstanding equity interest or more than two percent (2%) of the assets.

(L) The disclosure reporting obligations required by Section 14.02(K) apply to all of the relationships listed in this Section 14.02.

(Sections K and L -Added per the amendments made on November 8, 2016)

### **Section 14.03 Nepotism:**

No person related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to any office, position or clerkship or other service to the City. This prohibition shall not apply; however, to any person who shall have been continuously employed by the City for a period of two (2) years prior to the election of the Mayor, City Council Person or appointment of the City Manager so related to him. This provision shall not apply to volunteer services to the City.

### **Section 14.04 Official Bond for City Employees:**

The City Council shall require bonds of all municipal officers and employees who receive or disburse any funds of the City. The amount of such bonds shall be determined by the City Council and the cost thereof shall be paid by the City.

#### **Section 14.05 Tort Liability:**

Before the City shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, which does not constitute a taking or damaging of property under the Constitution of the State of Texas, the person injured, if living, or his representatives, if deceased, or the owner, his agent or attorney of the property damaged or destroyed shall give the City Manager or City Secretary notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within one hundred twenty (120) days after same has been sustained, stating specifically in such written notice when, where, and how the death, injury, damage or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six (6) months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. No action at law for damages shall be brought against the City for such death, injury, damage or destruction prior to the expiration of sixty (60) days after the notice hereinbefore described has been filed with the City Manager or the City Secretary. (Amended November 7, 1995)

#### **Section 14.06 Severability Clause:**

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

#### **Section 14.07 Effect of Charter on Existing Laws:**

All codes, ordinances, resolutions, rules and regulations in force on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed by the City Council. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under State law in force at the time of the beginning of such proceedings or under State law after the adoption of this Charter. All rights of the City under existing franchises and contacts and all existing authority for the issuance of bonds, granted prior to adoption of this Charter, shall be preserved in full force and effect.

**Section 14.08 Applicability of General Laws:**

The Constitution of the State of Texas, State law applicable to Home-Rule Municipal Corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall in the order mentioned, be applicable to the City of Colleyville, but the City shall also have the power to exercise any and all powers conferred by State law upon any kind of city, town, or village, not contrary to the provisions of said home-rule status, Charter and ordinances, but the exercise of any such powers by the City of Colleyville shall be optional with it, and it shall not be required to conform to State law governing any other cities, town or villages unless and until by ordinance it adopts same.

**Section 14.09 Property Not Exempt from Special Assessments:**

No property of any kind, by whomsoever owned or held or by whatsoever Institution, Agency, political subdivision or organization, owned or held, whether in trust or by non-profit organization, or corporation, or by "foundation", or otherwise, (except property of the City of Colleyville, Texas, independent school districts, and other tax supported institutions), shall be exempt in any way from any of the Special Taxes, Charges, Levies and Assessments, authorized or permitted by this Charter, for Local Improvements for the public welfare.

**Section 14.10 Amending the Charter:**

Amendments to this Charter may be framed and submitted to the voters in the manner provided by State law, but in no event more frequently than once every two years. (Amended April 7, 1979)

**Section 14.11 Judicial Notice:**

This Charter shall be deemed a Public Act and shall have the force and effect of a General Law, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all Courts and places.

**Section 14.12 Gender of Wording:**

The masculine gender of the wording used throughout this Charter shall always be interpreted to mean either sex.

## SUBMISSION OF CHARTER TO VOTERS

The Charter Commission in preparing this Charter, finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Colleyville at an election to be held for that purpose on the 15th day of January, 1977. Not less than thirty (30) days prior to such an election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Colleyville as appears on the latest voters' registration list.

The present City Council of the City of Colleyville shall call such election in accordance with the provisions of the general laws of the State governing such elections, and the same shall be conducted and the returns made and results declared as provided by the laws of the State of Texas governing municipal elections. If a majority of the votes cast at such election shall be in favor of the adoption of such Charter, then an official order shall be entered upon the records of said City by the City Council of Colleyville declaring the same adopted, and the City Secretary shall record at length upon the records of the City, in a separate book to be kept in his office for such purpose, such Charter as adopted, and such Secretary shall furnish to the Mayor a copy of the Charter, which copy of the Charter shall be forwarded by the Mayor as soon as practical, to the Secretary of State under the seal of the City, together with a certificate showing the approval of the qualified voters of such Charter.

We, the undersigned members of the Charter Commission heretofore duly elected to prepare a Charter for the City of Colleyville, Texas, do hereby certify that this publication constitutes a true copy of the proposed Charter for the City of Colleyville, Texas, as unanimously adopted by the members thereof, and the undersigned do hereby recommend its submission to the qualified voters of said City as provided by law.

COMPLETED AND SUBSCRIBED TO on this the 11th day of November, 1976, at Colleyville, Texas.

BARBARA ANDREWS  
TOMMY ELLISON  
OPAL ETHRIDGE  
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JAMES MOORE  
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FRANK RAWLS  
D.B. SCROGGINS  
MAX SUMMERS  
LINDA THOMPSON  
FRANK WHITMIRE

CHARTER COMMISSION, CITY OF COLLEYVILLE, TEXAS.



HOME RULE CHARTER

for the

CITY OF COLLEYVILLE, TEXAS

**CHARTER AMENDMENT ELECTION MAY 7, 2005**

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HOME RULE CHARTER

for the

CITY OF COLLEYVILLE, TEXAS

**CHARTER AMENDMENT ELECTION NOVEMBER 8, 2016**

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