



Benbrook

**City of Benbrook
HomeRule Charter**

Approved 1983
Approved 1990
Approved 1998

PREAMBLE

We, the people of the City of Benbrook, dedicated to the principle of government by the people and to the belief that justice and equality for all citizens will be attained through local self government, do hereby adopt this Charter. In this act, we do invoke the guidance of God in establishing a municipal government that will administer to the needs and wishes of the people and provide for the welfare of our City.

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ARTICLE I
FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 **Incorporation**

The Citizens of the City of Benbrook, Tarrant County, Texas, do hereby declare that the City of Benbrook is incorporated as a political subdivision of the State of Texas under the name of "City of Benbrook", hereinafter referred to as the "City", and with the duties, rights, and powers provided in this Charter.

Section 1.02 **Form of Government**

The City government shall be a "Council-Manager Government". Pursuant to the provisions of and subject only to the limitations imposed by this Charter and by the state constitution and statutes, the city council shall be vested with all the powers of the City. The city council shall enact legislation, adopt budgets, determine policies and appoint the city manager. The city manager shall execute the laws and administer the government of the City.

Section 1.03 **Boundaries**

The boundaries of the City shall be the ones that exist when this Charter is adopted and shall remain in effect until changed. The official City map will be located in the office of the city secretary.

Section 1.04 **Change of Boundaries**

The city council may, by ordinance, annex territory lying adjacent to the City. The city council may, by ordinance, disannex territory within the City, and/or exchange territory with other cities and towns. These actions are subject only to state law. In accordance with state law, the people who reside in annexed territory shall be entitled to all the rights and privileges of citizens of the City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

Section 1.05 **Petition for Annexation**

The city council may provide for annexation upon petition from a majority of the voters residing in the area to be annexed, or upon petition from a majority of the landowners, such area to be annexed to be adjacent and contiguous to the boundaries of the City.

ARTICLE II RIGHTS AND POWERS OF THE CITY

Section 2.01 General

The City shall have the rights and powers granted to municipalities and cities under the general laws, and the rights and powers of self-government that now exist or may hereafter be granted to Home Rule Cities by the Constitution and the general and special laws of the State of Texas, together with all the rights and powers so granted as fully and completely as though they were enumerated in this Charter. Such rights and powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by applicable State Law or by this Charter, and when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the city council.

Section 2.02 Construction and Severability

The rights and powers of the City under this Charter shall be construed liberally in favor of the City in the event of conflict between the City and other governmental agencies or bodies, corporations, or individuals, and the specific mention of particular rights or powers in this Charter shall not be construed as limiting in any way the general rights and powers stated in this Article. In addition, should any phrase, clause, sentence, or provision of this Charter be declared invalid by a court of competent jurisdiction, the validity and applicability of the remainder of this Charter shall not be affected.

Section 2.03 Intergovernmental Relations

The City may exercise any of its rights and powers or perform any of its functions, and may participate in the financing thereof, either jointly or in cooperation, by contract or otherwise, with any one or more of the States or any political subdivisions or agencies thereof, or with the United States or any agency thereof.

Section 2.04 Transfer of Rights, Powers, and Obligations

- (a) The City shall succeed to all rights, claims, actions, orders, contracts, and legal or administrative proceedings pending or in process at the effective date of this Charter, except as modified pursuant to the provisions herein; and each matter shall be maintained, carried on, or dealt with by the City authority as appropriate under this Charter.
- (b) All City ordinances, resolutions, orders and regulations in force on the date this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the operation of this Charter or of ordinances or resolutions adopted pursuant hereto. To the extent that the Constitution and laws of the State of Texas permit, all laws governing this City or its agencies, officers, or employees at the time this Charter becomes fully effective are superseded and void to the extent that they

are inconsistent or interfere with the operation of this Charter or of ordinances or resolutions adopted pursuant hereto.

ARTICLE III THE CITY COUNCIL

Section 3.01 City Government

- (a) City Council Members. The governing body of the City shall be known as the "City Council of the City of Benbrook", hereinafter referred to as the "City Council". The city council shall be composed of a Mayor and six (6) other council members.

- (b) Qualifications. Each member of the city council, including the Mayor, shall meet the following qualifications: (1) be a registered voter of the City; (2) shall have resided in the City for one (1) year before the date of the election; (3) continue their residency in the City during the term of office; (4) not hold another public elective office within the State; and, (5) not hold an appointed office of the City.

Section 3.02 Expense Reimbursement

Each member of the city council shall receive as reimbursement for necessary expenses, the sum of fifty (\$50) dollars for each regularly scheduled city council meeting duly attended. In addition to the above, the City shall, upon receiving receipts and other appropriate documentation for authorized expenditures, reimburse the members of the city council for other necessary expenses incurred by them in the performance of their official duties.

Section 3.03 Mayor and Mayor Pro Tem

The Mayor shall preside at city council meetings, and shall be recognized as head of the City government, but shall have no regular administrative duties other than signing such documents as the city council may require. The Mayor shall have all the rights, duties, and responsibilities of a council member including the right to vote, but shall have no veto power. The city council shall elect one of its members Mayor Pro Tem. The Mayor Pro Tem shall act as Mayor in the absence of the Mayor and shall have the same duties and power as the Mayor when so doing.

Section 3.04 General Duties and Powers

Except as otherwise provided by law or by this Charter, all powers of the City shall be vested in the city council. The city council shall exercise these powers to ensure the performance of all duties and obligations imposed on the City by law and by this Charter. Specifically, the city council is provided with, but not limited to, the following powers:

- (a) To enact municipal legislation.
- (b) To appoint or elect and to remove, after a hearing, all persons appointed by the city council.
- (c) To fix the compensation for all appointed City officers.
- (d) To create, change, or abolish all offices, departments, and agencies of the City government other than those offices and agencies created by this Charter; and to assign additional duties and powers consistent with this Charter to officers, departments, and agencies created by this Charter.
- (e) To establish operating policy.
- (f) To establish the boundaries of the City.

Section 3.05 **Prohibitions**

- (a) Holding other office. Except where authorized by law, no member of the city council shall hold any other City office or employment with the City during the term for which the Council member was elected to the city council. No former member of the city council shall hold any compensated appointed City office or employment with the City for a period of two years after the expiration of his term of office.
- (b) Appointments and Removals. Neither the city council nor any of its members shall, in any manner, 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. The city council may, however, express its views fully and freely, discussing with the city manager anything pertaining to the appointment and removal of such officers and employees.
- (c) Interference in Administrative Matters. Except for the purpose of inquiry or investigation, the city council shall deal with administrative departments and the personnel of these departments solely through the city manager. Neither the city council nor any of its members shall give an order, either publicly or privately, to any subordinate of the city manager.

Section 3.06 **Vacancies and Forfeiture of Office**

- (a) Vacancies. The office of a council member shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter. All vacancies shall be filled in accordance with Article IV of this Charter.

- (b) Forfeiture of Office. A council member shall forfeit office if the member:
- (1) Lacks at any time during the term of office any qualification for the office prescribed by law or by this Charter.
 - (2) Violates any express prohibition of this Charter.
 - (3) Fails to attend three consecutive regular meetings of the city council without review and approval of the city council.

Section 3.07 **Investigations**

The city council may investigate the affairs of the City and the official conduct of any City department, office, or agency. For this purpose, the city council may subpoena witnesses, administer oaths, take testimony, and compel the production of all pertinent evidence. Any person who fails or refuses to obey a lawful order issued by the city council shall be guilty of a misdemeanor, as provided by ordinance.

Section 3.08 **Meeting Procedure**

- (a) Meeting. The city council shall meet in regularly scheduled city council meetings at least twice each month at such time as the members may prescribe by rule; said meetings shall be at least one week apart. Special meetings may be called on the request of the Mayor or four (4) city council members. All city council meetings shall be held at City Hall or at such place in the City that will permit the attendance of the general public. All city council meetings and all sessions of the city council and committees of the city council shall be held in compliance with the Texas Open Meetings Act.
- (b) Rules and Journal. The city council shall determine its own rules and order of business, and shall provide for keeping a journal of all its proceedings. This journal shall be a public record.
- (c) Voting. Except on procedural motions, voting shall be by roll call. The ayes and nays shall be recorded in the journal. Four (4) members of the city council shall constitute a quorum.

Section 3.09 Ordinances

An ordinance must be adopted by majority vote of a quorum of the city council to accomplish any of the following acts:

- (a) Adopt or amend an administrative code or establish, alter, or abolish any City department, office, or agency.

- (b) Provide for a fine or other penalty, or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- (c) Levy taxes.
- (d) Grant, renew, or extend a franchise.
- (e) Regulate the rate charged for its services by a public utility.
- (f) Authorize the borrowing of money.
- (g) Convey, lease, or authorize the conveyance or lease of any lands of the City.
- (h) Adopt without amendment ordinances proposed under the initiative power.
- (i) Amend or repeal any ordinance previously adopted, except as otherwise provided in this Charter with respect to repeal of ordinances reconsidered under the referendum power.

Acts other than those referred to in (a) through (i) above may be accomplished either by ordinance or by resolution, unless law or specific provisions of this Charter requires that they be enacted by ordinance,

Section 3.10 **Procedure for Enactment of Legislation**

- (a) Each proposed ordinance or resolution shall be introduced in written or printed form, and the enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK", but such enacting clause may be omitted when the ordinances of the City are codified and published in book or pamphlet form by the City of Benbrook. No ordinance, unless it be declared an emergency measure, shall ever be passed at a called meeting, but may be passed at any regular meeting of the council unless otherwise provided. All resolutions or orders may be passed at any regular meeting or at any special or called meeting called for that purpose.
- (b) Proposed ordinances shall be published in the official medium as provided by State Law. All such ordinances may be admitted and received in all courts, subject to the rules of evidence and laws of jurisdictions where proof of such ordinances is tendered, without further proof. All meetings and ordinances shall be governed in strict accordance with State law.

Section 3.11 **Authentication and Recording, Codification, and Printing**

- (a) Authentication and Recording. The city secretary shall record in full, all ordinances and resolutions adopted by the city council. This record shall be authenticated by the signature of the city secretary.

- (b) Codification. Within three (3) years after adoption of this Charter and at least every year thereafter, the city council shall provide for preparation of a general codification of all City ordinances and resolutions having the force and effect of law. The general codification shall be adopted by council by ordinance, and shall be published promptly in bound or loose-leaf or electronic form with the Charter and any laws of the State of Texas and such codes or technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as the "City Code of Benbrook, Texas". Copies of the Code shall be furnished to City officers, placed in public places for free public reference, and made available for purchase by the public at a price determined by the city council to be sufficient to cover costs.

ARTICLE IV MUNICIPAL ELECTIONS

Section 4.01 City Council Places and Terms

- (a) The city council shall be divided into seven (7) places, known as "Places 1, 2, 3, 4, 5, 6, and 7". Place 1 is designated as that of Mayor. Places on the official ballot shall be designated "Member of the Council Place ___" or "Mayor, Place 1". Each place shall be filled by a qualified citizen from the City at large by a majority vote cast by qualified voters.
- (b) The Mayor and each member of the city council shall hold office for a two-year term. Places 1, 3, 5, and 7 shall be elected in odd numbered years, and Places 2, 4, and 6 shall be elected in even numbered years.

Section 4.02 Annual Elections

The regular election for city council members and Mayor, whose terms are expiring, shall be held on the first Saturday in May. Qualified voters shall be entitled to vote for one (1) candidate for each place. The Mayor shall give notice of the election.

Section 4.03 Regulation of Election

All elections shall be held in accordance with the laws of the State of Texas and this Charter. The city council shall appoint the Election Judges, and shall provide for all materials and pay all expenses in holding the elections. The Election Judges shall be authorized to prevent unlawful practices such as electioneering or loitering near voting places.

Section 4.04 **Political Activities of Salaried Officers, Employees, and Candidates**

- (a) No salaried officer or employee of the City may campaign for or against any issue while serving in their official capacity; nor influence the nomination, election, or defeat of any candidate for Mayor or council member; or campaign for or against the recall of the Mayor or council member. This provision shall not prohibit the ordinary exercise of the right to express opinions and to vote.

Section 4.05 **Qualifications for Candidacy**

To be eligible as a candidate for, or elected or appointed to, a place on the city council, a person must meet the qualifications as prescribed in the Texas Election Code. In addition to those qualifications, a candidate shall have resided to the City for one (1) year before the date of the election or appointment and shall be a registered voter of the City.

Section 4.06 **Canvassing of Elections and Declaration of Results**

Returns of each municipal election shall be delivered by the Election Judges to the city secretary and to the Mayor. The city council shall canvass the returns within the time prescribed by the Texas Election Code. The candidate receiving a majority of all the votes cast for each place shall be declared elected. If no candidate receives a majority of all the votes cast for an office, the Mayor shall, upon declaring the official results of the election, immediately order a run-off election for each office remaining to be filled. The run-off election shall be held not earlier than the 20th day or later than the 45th day after the date the final canvass of the main election is completed in accordance with the Texas Election Code. In the run-off election, the ballot shall list, as determined by lot, the names of the two candidates receiving at the first election the first and second highest number of votes for a given office. Any tie in the run-off election shall be decided by lot.

Section 4.07 Vacancies

- (a) If a vacancy occurs in the office of the Mayor it shall be filled by Mayor Pro Tem. Any other vacancy on the city council, including a position if vacated by the Mayor Pro Tem, shall be filled by appointment by a majority vote of all of the remaining city council members; however,
- (b) If more that 400 days remain in a city council term when a position is vacated, the vacancy shall be filled not by appointment but by election at the next regular city council election.
- (c) Should two (2) or more city council members vacate their office concurrently with more than sixteen (16) months of their terms remaining, those vacancies shall be filled through a special election.

- (d) Any vacancy in a council position with an unexpired term of less than three (3) months shall not be filled before the next regular election, unless occupancy of that office is necessary to constitute a quorum.

ARTICLE V MUNICIPAL ADMINISTRATION

Section 5.01 City Manager

The city council shall appoint a city manager by an affirmative vote of at least five (5) members of the council. The city council shall by majority vote determine and fix the city manager's compensation. The city manager shall be chosen solely upon the basis of executive and administrative training, experience, and abilities, without regard to political considerations. At the time of appointment, residence in the City shall not be required but residency in the City of Benbrook shall be required within ninety (90) days after acceptance of the appointment. Neither the Mayor nor any council member may be appointed city manager or acting city manager while holding office or for a period of two (2) years after their term has ended.

Section 5.02 Temporary Absence of the City Manager

The city manager may designate, by a letter filed with the city secretary, a qualified City administrative officer to be acting city manager during any absence of the city manager. Such designee shall be approved by the city council. If the city manager fails to make such designation, the council shall appoint an acting city manager to serve during such times. The acting city manager may be removed by an affirmative vote of at least five (5) members of the city council.

Section 5.03 Removal of the City Manager

The city council, acting in its sound discretion, may suspend or remove the city manager at any time by an affirmative vote of at least five (5) members of the council. The city council shall give the city manager written reason for proposed removal at least one (1) month prior thereto; and shall, upon written request of the city manager, provide a public hearing prior to removal to provide an opportunity for the city manager to present a defense against any accusations made. The city council's decision in such matters shall be final.

Section 5.04 Duties and Powers of the City Manager

The city manager shall be the chief administrative and executive officer of the City, and shall be responsible to the city council. Responsibilities of the city manager shall include the following:

- (a) Except as otherwise provided in this Charter, appoint, suspend, layoff, demote, or remove any directors or heads of administrative departments, or any other

administrative officers, or employees of the City.

- (b) Supervise and control directly or indirectly all administrative departments, agencies, officers, and employees.
- (c) Attend all city council meetings with the right to take part in discussions but have no vote. Scheduled absences shall be with prior approval of the Mayor.
- (d) Prepare and submit the annual budget, and be responsible for its administration after it is adopted.
- (e) Submit to the city council a report at the end of the fiscal year on the finances and administrative activities of the City for the preceding year.
- (f) Keep the city council advised of the financial condition and the future needs of the City, and make such recommendations to the city council on matters of policy and other matters as may seem desirable.
- (g) Combine, abolish, or create administrative departments subject to the approval of the city council.
- (h) Have such other powers and perform such other duties as prescribed by this Charter and the city council, in accordance with State law.

Section 5.05 Administrative Departments

There shall be such administrative departments as are established by this Charter or as may be established by ordinance. All administrative departments shall be under the control and direction of the city manager unless otherwise provided in this Charter.

The head or director of each department may serve as a chief of a division within that respective department. The city manager may appoint one person to serve as the head of two or more departments. With the consent of the city council, the city manager may serve as the head of one or more such departments.

Section 5.06 City Secretary

The city council shall appoint the city secretary by an affirmative vote of at least five (5) members of the city council. The city council shall by a majority vote determine and fix the city secretary's compensation. The city secretary shall be the clerical officer of the city council, and shall keep the minutes, agenda, ordinances, and other clerical records of the city council and the City. The city secretary shall be the custodian of the official seal of the City, and shall have such other duties and powers prescribed in this Charter and by the city council. In addition to the responsibilities stated in this Charter, the city manager will designate administrative duties to be performed by the city secretary.

Section 5.07 **Removal of City Secretary**

The city council, acting in its sound discretion, may suspend or remove the city secretary at any time by an affirmative vote of at least five (5) members of the council. The city council shall give the city secretary written reason for proposed removal at least one (1) month prior thereto; and shall, upon written request of the city secretary, provide a public hearing prior to removal to provide an opportunity for the city secretary to present a defense against any accusations made. The city council's decision in such matters shall be final.

Section 5.08 **City Attorney**

The city council shall appoint a city attorney who shall serve at the discretion of the council and whose compensation shall be fixed by the city council. The city attorney shall be licensed to practice law in the State of Texas. The city attorney shall be the legal advisor of the city council and offices and departments of the City. The city attorney shall represent the City in all legal proceedings, and shall perform any other duties prescribed by this Charter or by ordinance. The city attorney designated may be an individual, partnership or Professional Corporation composed of individuals licensed to practice law in the State of Texas.

Section 5.09 **Special Counsel**

The city council shall have the authority to retain special counsel for specific purposes.

ARTICLE VI
FINANCE

Section 6.01 **Fiscal Year**

The fiscal year shall begin on the first day of October and end on the last day of the following September.

Section 6.02 **Capital Program**

The city manager, in work session with city council, shall propose annually a five (5) year capital program for consideration by the city council on or before the thirty-first day of December.

- (a) Capital Program Contents. The capital program shall contain the following.
 - (1) A summary of its contents.
 - (2) A list of all capital improvements, with supporting information as to the reason for each improvement.

- (3) Cost estimates, methods of financing, and recommended time schedule for each improvement.
 - (4) Estimated annual cost of operation and maintenance for the proposed improvement.
 - (5) The source or basis of the estimate.
- (b) Public Hearing(s) on the Capital Program. The city council shall call a public hearing(s) on the proposed capital program and on annual revisions or extensions prior to final adoption. Public Notice of the hearing(s) shall be published in the official medium not less than ten (10) days prior to the hearing(s). The city secretary shall provide copies to the public at cost, upon request.

Section 6.03 **Budget**

- (a) Submission of the Budget. On or before the first day of September of each year, the city manager shall submit to the city council a balanced budget for the ensuing fiscal year and an accompanying message.
- (b) Budget Message. The budget message shall explain the budget both in fiscal terms and in terms of work programs for the ensuing fiscal year. It shall outline the proposed financial policies of the City and shall include such other material as the city manager deems necessary.
- (c) Budget Contents: The budget shall contain the following:
- (1) Comparative figures for the estimated income and expenditures for the ensuing fiscal year compared to the combination of: actual income and expenditures through, the latest complete accounting period that information is available for at the commencement of budget preparation, and the estimated income and expenditures for the incomplete portion of the current fiscal year.
 - (2) The proposed expenditures of each office, department, or function.
 - (3) A schedule showing the debt service requirement due on all outstanding indebtedness and on any proposed debt.
 - (4) The source or basis of the estimates.
 - (5) The total of the proposed expenditures shall not exceed the total estimated income and the balance of available funds.

- (6) The budget message shall include a forecast of a five-year estimate of revenues and expenditures and an explanation of its effect on taxation. The source or basis of the estimates shall be a part of the forecast.
- (d) Public Hearing on the Budget. The council shall hold one more public hearing on the proposed budget prior to the final adoption. Public Notice of the hearing shall be published in the official medium not less than ten (10) nor more than thirty (30) days prior to the hearings. The city secretary shall provide copies of the proposed budget to the public at cost, upon request.
- (e) Adoption of the Budget. The city council shall adopt the proposed budget, with or without amendment, after public hearings and before the first day of the ensuing fiscal year. Should the council take no final action before the first day of the ensuing fiscal year, the amounts appropriated for the current fiscal year shall be deemed adopted on a month to month basis. Final adoption shall constitute appropriation of the expenditures proposed from funds so indicated.
- (f) Adjustments after Adoption. During the fiscal year, the city council shall have the power to make budget adjustments. Expenditures that could not, by reasonable thought and attention, have been included in the original budget, may be authorized by the city council. All such authorizations by the city council shall be filed as amendments to the original budget, including the reasons for such amendments.
- (g) Defects in the Budget. Defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not invalidate any tax levy, nor shall it invalidate the tax roll.

Section 6.04 **Monthly Financial Reports**

The city manager shall present a monthly financial report. All income and expenses for the preceding month and for the year to date shall be shown, and shall be compared to the fiscal budget. This report shall be presented to the city council as a part of the agenda at a council meeting each month. The city secretary shall provide copies of the monthly financial reports to the public at cost, upon request.

Section 6.05 **Annual Audit**

The city council, by an affirmative vote of at least four (4) members of the Council, shall select and contract with a municipally oriented certified public accounting firm for the purpose of rendering an independent audit of all accounts and other financial records of the City government. The personnel of the firm conducting the audit shall not hold any public office in the City nor have any personal interest, direct or indirect, in the fiscal affairs of the City government or any of its offices. After completion of any audit by the City, the auditor shall prepare a report, and shall submit the report to the city council as a part of the

agenda, at a regular council meeting, within one hundred twenty (120) days after the end of the fiscal year. The city secretary shall provide copies to the public at cost, upon request.

Section 6.06 **Indebtedness**

The City shall have the right to issue and refund general obligation bonds, revenue bonds, and other evidence of indebtedness as is now permitted or as may be hereafter authorized to be issued by a Home Rule City in the State of Texas. All bonds of the City that have been issued, sold, and delivered to the purchaser shall be incontestable. All refunding bonds that have been exchanged shall be incontestable.

- (a) General Obligation Bonds. The City shall have the power to borrow money through general obligation bonds, which shall constitute direct and general obligations of the City, payable from ad valorem taxes levied against all taxable property located therein, within the limits prescribed by law or this Charter.

- (b) Revenue Bonds. The City shall have the power to borrow money for constructing, purchasing, improving, extending, or repairing public utilities, recreation facilities, or any other self-liquidating municipal function not prohibited by state law. Such borrowing shall be implemented through revenue bonds that are payable, both as to the principal and interest, solely from and secured by a first lien on and pledge of the net revenue derived from the properties, the interest pledged from the income, or both, after deduction of reasonable operating and maintenance expenses as required by law. The holders of the revenue bonds shall never have the right to demand payment thereof of monies raised or to be raised by taxation.

- (c) Short Term Borrowing. The City may borrow funds on the credit of the City for a term not to exceed one year. Such obligations must be retired by the end of the budget year in which they were issued.

- (d) Certificates of Obligation. The City shall have the power to issue Certificates of Obligation in accordance with the laws of the State of Texas.

ARTICLE VII
REVENUE AND TAXATION

Section 7.01 **City Tax Assessor-Collector**

The city council shall have the power to establish the office of City Tax Assessor-Collector. This official shall be appointed by] the city manager, and shall be responsible for the assessment and collection of taxes for any other body possessing the power of taxation and having a contract with the City for such services.

Section 7.02 **Power of Taxation**

The city council shall have the power to levy taxes for any municipal purpose not prohibited by State Law or restricted by this Charter.

Section 7.03 **Appraisal and Assessment of Real Property**

All real property situated within the corporate limits of the City on the first day of January of each year, not expressly exempted by law, shall be subject to yearly taxation by the City. As prescribed by State Law, the assessed value of such property shall be One-Hundred (100) percent of its appraised value on January 1 as determined by the Tarrant Appraisal District or its successor.

Section 7.04 **Tax Rate**

The tax rate shall be calculated, publicized and adopted in accordance with the State Property Tax Code.

Section 7.05 **Election to Repeal Tax Increase**

If the city council adopts a tax rate that exceeds the "Rollback Tax Rate" calculated in accordance with the Texas Property Tax Code, the qualified voters of the City, by petition, may require that an election be held to determine whether or not to reduce the tax rate adopted for the current year to a rate that does not exceed the "Rollback Tax Rate". Such petition is valid if it complies with State law.

Section 7.06 **Homestead Exemptions**

- (a) The city council may pass, by ordinance, general homestead exemptions or special homestead exemptions as provided by State Law.
- (b) The Tarrant Appraisal District shall prescribe the method and manner in which such exemptions may be secured by qualified property owner(s) according to State Law.

Section 7.07 **Tax Payments**

- (a) Method of Payment. All taxes due the City shall be payable as provided by the Property Tax Code. All taxes shall become due and payable upon receipt of the tax bill.
- (b) Delinquent Taxes. Taxes shall become delinquent if not paid before February 1 of the year following the year in which imposed. The interest and penalty on delinquent taxes shall be assessed as provided by State law.

Section 7.08 **Tax Liens and Liability**

- (a) Real and Personal Property. On January 1 of each year, a tax lien in favor of the City attaches to property to secure the payment of all taxes, penalties, and interest ultimately imposed for the year on that property, whether or not the taxes are imposed in the year the lien attaches. The lien shall have priority over all other claims except for claims for any survivor's allowance, funeral expenses, or expenses of the last illness of a decedent made against the estate of a decedent as provided by law.
- (b) Business and Non-Business Personal Property. Upon securing a tax warrant as provided by State Law, the city tax assessor-collector, accompanied by a peace officer, may seize, and take possession pending the sale of, as much of any business personal property, or certain non-business taxable personal property as may be reasonably necessary for the payment of all taxes, penalties, and interest owned, as well as all costs of seizure and sale.

ARTICLE VIII
BOARDS AND COMMISSIONS

Section 8.01 **Boards & Commissions - General**

In addition to the boards and commissions established by this Charter, the city council shall be empowered to create additional boards and commissions. Each appointed member of the Boards and Commissions of the City shall meet the following qualifications: (1) Be a registered voter of the City; (2) Shall have resided in the city for one year; (3) Continue their residency in the City during the term of office; (4) Not hold a public elective office within the State; (5) shall serve without compensation.

The city secretary shall provide application forms to all qualified citizens who express interest in serving on the boards and commissions, and shall publish notices of this procedure and of impending vacancies. All such applicants shall receive due consideration by the city council; however, the city council may select and appoint any qualified person.

The city council shall have the authority to remove, after a hearing, any appointee from any board or commission for disinterest, incompetency, malfeasance, or good cause, as determined by the council.

Section 8.02 **Planning & Zoning Commission**

A Planning and Zoning Commission shall be established to advise and formulate recommendations to the city council for the improvement, planned growth, health, safety and well being of the City. The Planning and Zoning Commission shall consist of nine (9) voting members, appointed by and responsible to the city council. Commission members shall serve two year terms. Places 1, 3, 5, 7 and 9 shall be appointed in odd numbered

years, and Places 2, 4, 6 and 8 shall be appointed in even numbered years. The qualifications specified in Section 8.01 shall apply to members of the Planning & Zoning Commission. In addition, appointees shall own real property within the City and shall not hold an elective office within the city or within the State of Texas. The Commission shall elect a chairperson from its members, and shall meet not less than once each month. A majority of all members shall constitute a quorum. The duties and powers of the Planning and Zoning Commission shall include:

- (a) To prepare and recommend for approval by the city council, a long range comprehensive City plan for the orderly physical development of the City, and to review and make recommendations for revisions to the City plan as necessary, but such review shall be made no less frequently than once every five years.
- (b) To review proposed changes in zoning districts and make recommendations to the city council, in accordance with procedures for such review as established by ordinance and State law.
- (c) To review and approve or deny proposed platting or subdivision of land within the City and its extraterritorial jurisdiction, in accordance with procedures established by ordinance and State Law.
- (d) Any other duties or powers assigned to the Commission by ordinance.

Section 8.03 **Board of Adjustment**

A Board of Adjustment shall be established to hear appeals from any person who is aggrieved by a decision of an administrative official in the enforcement of the zoning ordinance. The Board of Adjustment shall consist of five (5) voting members, appointed by and responsible to the city council. Board members shall serve two year terms, with Places 1, 3, and 5 appointed in odd numbered years and Places 2 and 4 appointed in even numbered years. In addition, the city council may appoint up to four (4) alternates, to serve in the absence of any Board member. The qualifications specified in Section 8.01 shall apply to members of the Board of Adjustment. The Board shall elect a chairperson and vice-chairperson from its members and meetings shall be held at the call of the chairperson.

The Board of Adjustment shall have all powers granted by, and controlled by the provisions of State Law. The Board is vested with the power and authority, and in appropriate cases and subject to appropriate conditions and safeguards, to make such variances, exemptions and exceptions to the terms of the zoning ordinance in harmony with their special rules therein contained for the purposes of rendering full justice and equity to the general public. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination, or to decide in favor of the application. The city council shall establish, by ordinance, Zoning Board of Adjustment

procedures for accepting, hearing and acting upon appeals.

Section 8.04 **Appeals Commission**

An Appeals Commission shall be established to hear appeals from any aggrieved applicant affected by any decision pertaining to issuance of building permits, flood plain, condemnation, building codes, and other appropriate considerations. The Appeals Commission shall consist of five (5) voting members, appointed by and responsible to the city council. Commission members shall serve two year terms, with Places 1, 3, and 5 appointed in odd numbered years and Places 2 and 4 appointed in even numbered years. In addition, the city council may appoint up to four (4) alternates, to serve in the absence of any Commission member. The qualifications specified in Section 8.01 shall apply to members of the Appeals Commission. The Commission shall elect a chairperson and a vice-chairperson from its members and meetings shall be held at the call of the chairperson.

The Appeals Commission shall have all powers granted by, and controlled by the provisions of State law. The Commission is vested with the power and authority, and in appropriate cases and subject to appropriate conditions and safeguards, to make such variances, exemptions and exceptions to the terms of appropriate ordinances in harmony with their special rules therein contained for the purpose of rendering full justice and equity to the general public. The concurring vote of four (4) members of the Appeals Commission shall be necessary to reverse any order, requirement, decision or determination, or to decide in favor of the applicant. The city council shall establish, by ordinance, Appeals Commission procedures for accepting, hearing and acting upon appeals.

Section 8.05 **Parks & Recreation Board**

The city council shall appoint a policy board to be known as the Parks and Recreation Board. The Board shall be composed of seven (7) members who shall be appointed for two years. The Board shall recommend the Parks and Recreation programs and policies to the City staff. The qualifications specified in Section 8.01 shall apply to members of the Parks and Recreation Board.

Section 8.06 **Vacancies**

Any vacancy on any Board shall be filled following the same procedure provided for making the original appointment. The replacement shall sit on the Board for the remainder of the original term.

ARTICLE IX
MUNICIPAL COURT

Section 9.01 **Establishment of the Municipal Court**

A municipal court, known as the "Municipal Court in Benbrook, Texas" is hereby established. The Municipal Court shall have the jurisdiction, powers, and duties given and prescribed by the laws of the State of Texas. The city council shall have the power to create and establish by ordinance additional Municipal Courts.

Section 9.02 **Fines, Fees, and Costs**

All fines, fees, or costs collected by the Municipal Court shall be deposited in the City treasure. No fee or costs shall be charged except those authorized by State law. Neither the compensation of the Judge of the Municipal Court, nor of any full or part-time employee of the City, shall be based upon a percentage of the fines imposed by the Municipal Court.

Section 9.03 **Judge of the Municipal Court**

The city council shall appoint a Judge who shall be known as the "Judge of the Municipal Court". The Judge shall be appointed for a two (2) year term. In order to be appointed the Judge must be a resident of the State of Texas. The city council shall have the authority to remove the Municipal Judge for good cause as determined by the city council. A hearing must be held, and removal shall require an affirmative vote of at least four (4) members of the city council. If for any reason the Judge is unable to act, the city council shall either declare the office vacant, or appoint a temporary Judge to serve until the Judge is able to act. If the office of the Judge is declared vacant, it shall be filled by appointment by the city council in accordance with this Section. Following appointment the Judge must meet all educational or other qualifications as prescribed by State law.

Section 9.04 **Clerk of the Municipal Court**

The city manager shall appoint a "Clerk of the Municipal Court". The clerk of the Municipal Court shall keep the records and the proceedings of the Court, issue all processes, and generally perform all the duties prescribed by law for clerks of such courts, insofar as those duties are applicable.

Section 9.05 **City Prosecutor**

The city council shall appoint a City Prosecutor who is licensed to practice law in the State of Texas. The city council shall fix the compensation for the city prosecutor and determine the length of time for the appointment. The city council shall have the authority to remove the city prosecutor for cause. The Prosecuting Attorney designated may be an individual, partnership or professional corporation composed of individuals licensed to practice law in the State of Texas.

**ARTICLE X
FRANCHISES AND PUBLIC UTILITIES**

Section 10.01 **Franchise Power of the City**

The City shall have full power, to the extent that is conferred by the State of Texas and the United States of America, to own, operate, prohibit, regulate, and control any telegraph, telephone, electric power, railway, or gas company; any cable television system, waterworks or wastewater systems, and municipal drainage utility; or any type of public utility operating within the limits of the City. The relationship of the City and the Benbrook Water and Sewer Authority, which is a separate governmental body, shall be governed by the provisions of State law.

The City shall also have power to establish the compensation and rental to be paid to the City by any public utility for the use of City streets, highways, public grounds, and alleys. In addition to the City's power to buy, construct, lease, maintain, operate, and regulate public utilities and to manufacture, distribute, and sell the output from the operations of such utilities, the City shall have additional powers as may now or hereafter be granted by law.

Section 10.02 **Power to Grant Franchises**

The city council shall have the power by ordinance to grant, renew, and extend all franchises of public utilities operating within the City and, with the consent of the franchise holder, to amend such franchises. All ordinances granting, amending, renewing or extending franchises for public utilities shall be approved at two separate regular meetings of the council and shall not be finally passed until twenty-eight (28) days after the first consideration; and no such ordinance shall take effect until thirty (30) days after its final passage. Subsequent to the first consideration of such ordinance but prior to the second consideration and public hearing, the full text of such ordinance shall be posted on the City bulletin board. Prior to the second consideration and public hearing, the full text, or its caption if permitted by city council, shall be published in the official newspaper of the City. The expense of all such publications shall be borne by the proponent of the franchise. An affirmative vote of a majority of the entire city council shall be required for final passage of the proposed ordinance.

Section 10.3 **Exclusiveness of Franchises**

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

Section 10.04 **Value of Franchise**

Franchises granted by the City shall have no value in the consideration of the rates or charges, or both, for utilities or services within the City, and shall have no value in the

compensation to be paid to the City for public service property that the City may acquire by condemnation or otherwise.

Section 10.05 **Length of Franchises**

Public utility franchise shall be granted for a term of not more than twenty (20) years.

Section 10.06 **Transfer of Franchises**

Public utility franchises shall not be transferable except by the approval of the city council as expressed by ordinance. The term "transferable", as used herein, shall not be construed to prevent the franchise holder from pledging franchise assets as security for a valid debt or mortgage.

Section 10.07 **Extensions of Public Utilities**

All extensions of public utilities within the City limits shall become a part of the public utility property, and shall be subject to all obligations and reserved rights contained in this Charter and in any original grant.

Section 10.08 **Right of Regulation**

All grants, removals, extensions, or amendments of public utility franchises and municipally owned public utilities, whether it be provided in the ordinances or not, shall be subject to the right of regulation by the city council.

Section 10.09 **Repeal of Franchises**

The city council may repeal any franchise ordinance at any time upon failure of the franchise holder to comply with any provision of the ordinance, the franchise, this Charter, or any applicable law or regulation.

Section 10.10 **Quality of Service**

The city council shall require every franchise holder and municipally owned public utility to provide proper and adequate extension of plant and service and to maintain and operate the plant and fixtures to the highest reasonable standard of efficiency, service, and quality.

Section 10.11 **Records and Accounts**

The city council shall periodically examine and may, if deemed appropriate, request and audit the records of all franchise holders and municipally owned public utilities. The city council shall also demand that all franchise holders and municipally owned public utilities keep a standard system of accounting and furnish reports on the local operations of the utility. Such reports shall be prepared in such form and contain such information as the city

council shall prescribe.

Section 10.12 **Regulations and Restrictions**

The city council shall impose upon all franchise holders and municipally owned public utilities such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the Public.

Section 10.13 **Indemnification**

The city council shall require all franchise holders to repair, at their expense, public or private properties, or both, and streets and ways that are destroyed or damaged in the process of construction or maintaining their facilities. If any person is injured or any property damaged because of construction, operation, repair, or maintenance by any utility company, the utility company shall indemnify and keep the City harmless from any and all liability connected therewith.

Section 10.14 **Maps of Facilities**

All franchise holders must furnish, within a reasonable time and without cost to the City, a general map, with updates, that outlines the location, character, size, length, and terminals of all facilities in , over, and under the ground of properties within the City; and must provide other detailed information upon the request of the city council.

Section 10.15 **Compensation**

The city council shall require all franchise holders to provide to the City such compensation and rental as may be permitted by State law.

Section 10.16 **Sale of Municipal Services**

The city council shall have the power and authority by ordinance to sell and provide such public services, including public utilities, as may be beneficial to the City.

Section 10.17 **Ownership and Control of Streets, Etc.**

The sole right of control and use of the public street, sidewalks, highways, bridges, alleys, public places, and other real property of the City is hereby declared to be inalienable. The city council may prohibit the use of any property or right of way within the City limits to any public utility, whether the use be under, over, or on such property.

Section 10.18 **Adjustment in Rates**

Every franchise holder who requests an adjustment in rates, charges, or fares shall establish by clear, competent, and convincing evidence, in a hearing before the city council,

the value of its investment property allowable to service in the City and the amount and character of its expenses and revenues connected with the rendering of such service. If the city council is dissatisfied with the sufficiency of the evidence furnished, the city council shall by resolution suspend the operation of the proposed rate schedule. Notice in writing of the suspension of such proposed rate schedule shall be delivered to the franchise holder within the time limits prescribed by State law, pending hearing and discussion.

Section 10.19 **Discrimination**

The city council shall prevent unjust discrimination in service or rates by all franchise holders.

Section 10.20 **Records**

The city secretary shall compile and maintain a public record of franchises and municipal owned utilities.

Section 10.21 **Franchises Granted Before Ratification of This Charter**

All franchises granted before ratification of the Charter are recognized as contracts between the City and the grantee, and the contractual rights contained in any such franchise shall not be impaired by the provisions of the Charter.

**ARTICLE XI
INITIATIVE, REFERENDUM, AND RECALL**

Section 11.01 **Initiative**

The voters shall have the power to propose any ordinance, except an ordinance related to the appropriation of money or the authorization of the levy of taxes or one repealing such an ordinance, and to adopt or reject the same ordinance at the polls such power being known as "initiative". Any initiated ordinance may be submitted to the city council by a petition signed by qualified voters equal in number to at least five (5) percent of the votes cast in the last regular municipal election, but not less than five hundred (500) signatures. Such initiated ordinance may be passed by the city council without charge, or may be submitted to the voters at an election called for that purpose.

Section 11.02 **Referendum**

The voters shall have power to require reconsideration by the city council of any adopted ordinance, excepting those ordinances relating to the appropriation of money or levy of taxes, such power being known as "referendum". In the submission of a petition for referendum, the number and qualifications of signers shall be the same as required in this Charter for an initiative petition, except that referendum petitions must be filed with the city secretary within sixty(60) days after the final passage of the ordinance that is the subject of the referendum, or else the petition shall be barred by the lapse of time. When such petition has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or if it has gone into effect, further enforcement or action thereunder shall be suspended unless and until such ordinance is approved by the voters as provided herein.

Section 11.03 **Recall**

The voters shall have the power to recall any elected official of the City and may exercise that power by filing with the city secretary a petition containing the same number of signatures and qualifications as required for an initiative petition under this Charter. If the petition is certified by the city secretary to be sufficient, the city council shall call an election to determine whether the official named in the petition shall be recalled. The election shall be held no earlier than twenty five (25) days nor no later than sixty (60) days after the city council receives the petition.

Section 11.04 **Results of Recall Election**

If the majority of the votes cast in a recall election are for the recall of the officer named on the ballot, the city council shall immediately declare that office vacant, and the vacancy shall be filled in accordance with the provisions of this Charter.

Section 11.05 **Limitation of Recall**

No recall election shall be called against an elected official within six (6) months after taking office, and no official shall be subjected to more than one recall election during a term of office.

Section 11.06 **Form of Petitions**

All papers for any particular petition circulated for the purpose of an initiative, referendum, or recall shall be uniform in size and style. Initiative petitions shall contain the full text of the proposed ordinance, and referendum papers shall contain a description sufficient to identify positively the ordinance sought to be repealed. The signatures to initiative, referendum, or recall petitions need not be appended to one paper, but all pages that compose a single petition shall be assembled and given to the City Secretary as one instrument with an attached affidavit. The affidavit attached to the petition shall be prepared by the person who files it, and shall bear the stated number of signatures and a statement to the effect that all signatures appended to the petition are, in his belief, the genuine signatures of the persons whose names they purport to be. Names and addresses of the signers of such petitions shall be printed adjacent to their signatures.

Section 11.07 **Filing, Examination, and Certification of Petitions**

Petitions for initiative, referendum, or recall shall be filed with the city secretary. Within twenty (20) days after a petition is filed, the city secretary shall determine whether the petition has been signed by a sufficient number of qualified voters and whether it has a proper, attached affidavit of the person who filed the petition. After completing an examination of the petition, the city secretary shall certify the results to the city council at its next regular meeting. If the petition is insufficient, the city secretary shall certify the results to the city council at its next regular meeting. If the petition is insufficient, the city secretary shall set forth in a certificate the reasons for its defectiveness, and shall at once notify the person who filed it of the findings.

Section 11.08 **Amendment of Petitions**

An initiative, referendum, or recall petition may be amended at any time within ten (10) days after the notice of insufficiency has been sent by the city secretary. Amendment in the form of a supplementary petition must be signed and filed as provided for in the original petition. The same procedures established for an original petition shall then be followed by the city secretary and city council. The findings of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 11.09 **Consideration by the City Council**

Whenever the city council receives a certified initiative or referendum petition from the city secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance

shall be read in each of two (2) public hearings held by the city council. The city council shall take final action on the initiative ordinance at the second public hearing and not later than thirty (30) days after the date on which it was submitted to the city council by the city secretary. A referred ordinance shall be reconsidered by the city council twice, and its final vote after the considerations shall be taken on the question: "Shall the ordinance specified in the referendum petition be repealed?"

Section 11.10 **Submission to Voters**

If the city council fails to pass an ordinance proposed by initiative petition in the exact form proposed, or it fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the voters not less than thirty (30) days from the date the city council takes its final vote, nor no later than the next uniform election date as allowed in the Texas Election Code.

Section 11.11 **Results of Election**

When a majority of the voters cast on a proposed ordinance are favorable, it shall become an ordinance of the City, upon certification of the election results. A referred ordinance shall be approved by a majority of the voters. If conflicting ordinances are approved by the voters at the same election, the one receiving the greatest number or affirmative votes shall prevail to the extent of such conflict.

ARTICLE XII
GENERAL PROVISIONS

Section 12.01 **Public Meetings**

Meetings of all elected commissions and all boards or commissions appointed by the city council shall be open to the public in accordance with the laws of the State of Texas. Meetings of the city council shall be held in accordance with provisions of Article III, Section 3.08 of the Charter. Minutes, transcriptions and recordings of all public meetings shall be archived according to State Law and be public records.

Section 12.02 **Public Record**

Municipal records shall be available for public inspection during normal business hours, in accordance with state law. The cost, to any person requesting noncertified reproduction of public records, shall be established by the city council.

Section 12.03 **Effective Date of This Charter**

This Charter shall become effective on and after the date and time of the first meeting of the City council following the election at which a majority of votes cast by qualified voters of

the City affirms adoption of the Charter. The city council shall, immediately after canvassing said election, declare by resolution that this Charter is adopted. The city council shall then order that this resolution be recorded upon the records of the City of Benbrook, Texas, and the records of the Secretary of State of Texas, as prescribed by the laws of the State of Texas.

Section 12.04 **Amendments to this Charter**

Amendments to this Charter may be formulated and submitted to the voters as provided by State Law.

Section 12.05 **Governmental Transition**

At the first city council meeting after the adoption of this Charter, the city secretary shall renumber the city council places in accordance with Section 4.01. The vacancy of city council member, Place 7, shall be filled through compliance with Section 4.07 of this Charter.

Section 12.06 **Conflict of Interest**

Officers or employees of the City having a direct or indirect interest in any proposed or existing contract, purchase, work, sale, or service to, for, or by the City shall not vote or render a decision, or use that position, authority, or influence in any manner that would result in personal betterment, financially or otherwise, to any degree. Every elected officer shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters. Any officer or employee who willfully conceals such interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position, and shall forfeit the office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render such contract or sale voidable by the city manager or city council.

Section 12.07 **Nepotism**

Relatives of the city council, city manager and department heads of the City shall not be employed by or appointed to committees, boards or commissions of the City if such kinship is closer than the second degree by marriage or the third degree by consanguinity.

Section 12.08 **Surety Bonds for City Employees**

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

Section 12.09 **Guarantee of Funds**

The city council shall require that the depository or depositories holding all public funds shall pledge eligible securities or surety bonds against said funds to the extent of the total of such funds held by each and every depository in accordance with the laws of the State of Texas.

Section 12.10 **Notice of Injury or Damage**

Before the City of Benbrook shall be liable for damages for the death or personal injuries of any person or for damage to or destruction of property of any kind that does not constitute a taking or damaging of property under the Constitution of Texas, the person injured, or if deceased, his or her representative(s) shall give the city council or city manager notice in writing of such death, injury, damage, or destruction, duly verified by affidavit, within thirty (30) days after same has been sustained. Such written notice shall state specifically when, where, and how such death, injury, damage, or destruction occurred; the apparent extent of any such injury; the amount of damages sustained; the street and number of the actual residence of the claimant at the date the claim is presented; the actual residence of the claimant six months immediately preceding the occurrence of such death, injury, damage, or destruction and the names and addresses or all witnesses upon whom it is relied to establish the claim for damages. The failure to so notify the city council or city manager within the time and manner specified herein shall exonerate, excuse, and exempt the City from any liability whatsoever. No act of any officer or employee of the City shall waive compliance or stop the City from requiring compliance, but the provision may be waived by resolution of the City Council, made and passed after the expiration of the thirty (30) day period herein provided and evidenced by minutes of the city council.

Section 12.11 **Official Medium**

The city council shall, by resolution, designate a local legal newspaper(s) of general circulation in the City as the official newspaper(s) for publication of official business. All ordinances, notices, and other matters that are required to be published officially by this Charter, ordinances of the City, or the laws of the State of Texas shall be published in said medium.

Section 12.12 **Gender of Wording**

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

Section 12.13 **Elected or Appointed Officers and City Employees**

No person who is delinquent in the payment of taxes to the City shall be elected or appointed to City office or employed by or employed by or employable by the City.

Section 12.14 **Qualified Voter**

The word "voter", as referred to in the Charter, shall be defined as an individual who meets the requirements of 30 days residency in the City of Benbrook, Texas, and is a registered voter in the State of Texas.

Section 12.15 **Official Oath of Office**

Before taking the oath or affirmation of office prescribed by this Section and entering upon the duties of office, all elected officials of the City shall subscribe to the following statement:

'I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value or promised any public office or employment, for the giving or withholding of a vote at the election at which I was elected, so help me God.'

Before taking the oath or affirmation of office prescribed by this Section and entering upon the duties of office, all appointed officials of the City shall subscribe to the following statement:

'I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment, as a reward to secure my appointment or confirmation thereof, so help me God.'

Before entering upon the duties of their offices, all elected and appointed officials of the City shall take the following oath or affirmation:

'I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the City of Benbrook and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of the State of Texas, and this Charter and ordinances of this City, so help me God.'

Section 12.16 **City Exempt for Appeal Bonds**

It shall not be necessary in any action, suit, or proceeding in which the City of Benbrook is a part of any bond, undertaking, or security to be executed in behalf of said City. All such actions, suits, appeal, or proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given; and the City shall be liable as if such obligation had been given and executed.

Section 12.17 **Funds not Subject to Garnishment**

No funds of the City or within custody of the City or any of its officials in any official capacity shall be subject to garnishment, and the City shall not be required to answer in any garnishment proceedings, except as required by State law.

Section 12.18 **Certification and Submission to Voters**

Pursuant to the obligations imposed on this Charter Commission by law, said Commission has determined and hereby certifies:

- (a) That this Charter is a true and correct copy of the Charter prepared by this Charter Commission.
- (b) That, in the submission of this charter to voters, it would be impracticable to segregate each subject for a separate vote thereon, for the reason that the Charter is so constructed that, in order to enable it to work and function, it is necessary that it be adopted in its entirety; therefore it is submitted so as to be voted upon as a whole.
- (c) That the election for this purpose shall be held in the City of Benbrook on the 2nd day of April, 1983.
- (d) That the Charter Commission completed its work on the 10th day of January, 1983.
- (e) That the Review Commission completed its work on the 27th day of February, 1990.
- (f) That the election to elect amendments to the Charter was held in the City of Benbrook on the 5th day of May, 1990.
- (g) That the election to elect amendments to the Charter was held in the City of Benbrook on the 17th day of January, 1998.