

DRAFT

Home Rule Charter for the City of Willow Park, Texas

DRAFT

Home Rule Charter Commission members:

Tandy Blackstock

Darrell Boughner

Carol Bracken

Michael Chandler

Mary Diedrich

Gwendolyn Galle

Charles Hodges

Roy Kurban

David Laurenzo

Gene Martin

Dixie Smith

Jonathan Stickland

This draft version represents the consensus of the Willow Park Home Rule Charter Commission discussions through and including December 17, 2025.

Table of Contents

INTRODUCTION 5
ARTICLE I FORM OF GOVERNMENT 6
§ 1.01 Incorporation..... 6
§ 1.02 Form of Government. 6
ARTICLE II POWERS OF CITY 6
§ 2.01 General Powers..... 6
§ 2.02 Specific Powers. 6
2.02.01 Annexation and Disannexation of Territory..... 6
2.02.02 Public Property..... 7
2.02.03 Streets 7
§ 2.03 Construction of the Provisions of the Charter. 8
ARTICLE III MAYOR AND CITY COUNCIL 8
§ 3.01 Council Composition. 8
§ 3.02 Eligibility, Terms, and Training. 8
§ 3.03 Prohibitions. 9
§ 3.04 Mayor Powers and Duties. 10
§ 3.05 Compensation; Expenses..... 10
§ 3.06 Relationship to City Manager 11
§ 3.07 Mayor Pro Tem. 11
§ 3.08 City Council..... 11
§ 3.09 Vacancies; Forfeiture of Office; Filling of Vacancies..... 11
§ 3.10 Judge of Qualifications. 12
§ 3.11 Investigations. 12
§ 3.12 Meetings of Council. 12
§ 3.13 Quorum and Voting..... 13
§ 3.14 Rules of Procedure..... 13

§ 3.15 Ordinances in General..... 13

§ 3.16 Emergency Ordinances. 14

Article IV Administration and Personnel 14

§ 4.01. General Provisions. 14

§ 4.02. Personnel System. 15

§ 4.03. City Manager..... 15

§ 4.04. Powers and Duties of the City Manager. 15

§ 4.05. City Attorney. 16

§ 4.06. City Secretary. 17

§ 4.07. Duties of the City Secretary..... 17

§ 4.08. Municipal Court 17

§ 4.09. Public Safety: Police / Fire..... 18

§ 4.10. Public Works Department / Utilities 18

Article V NOMINATIONS AND ELECTIONS 18

§ 5.01. City Elections. 18

§ 5.02. Run-Off Elections..... 19

§ 5.03. Candidates; Filing for Office..... 19

Article VI INITIATIVE, REFERENDUM, AND RECALL 20

§ 6.01 - GENERAL AUTHORITY..... 20

§ 6.02 - PETITIONERS COMMITTEE 20

§ 6.03 - PETITION CIRCULATION 20

§ 6.04 - FORM OF PETITION 20

§ 6.05 - PRESENTATION OF PETITIONS 21

§ 6.06 - SUSPENSION OF EFFECT OF ORDINANCE OR RESOLUTION FOR REFERENDUM
PETITIONS..... 21

§ 6.07 - CERTIFICATION OF PETITIONS AND PRESENTATION TO CITY COUNCIL..... 22

§ 6.08 - ACTION ON INITIATIVE AND REFERENDUM PETITIONS 22

§ 6.09 - CALLING OF RECALL ELECTION..... 23

§ 6.10 - WITHDRAWAL OF PETITIONS 23

§ 6.11 - FORM OF BALLOTS..... 23

§ 6.12 - RESULTS OF ELECTION 24

§ 6.13 - LIMITATIONS AND RESTRICTIONS 24

§ 6.14 - FAILURE OF CITY COUNCIL TO CALL AN ELECTION..... 25

Article VII FINANCE 25

§ 7.01. Fiscal Year. 25

§ 7.02. Submission of Budget and Financial Reports by the City Manager..... 25

§ 7.03. Budget Message..... 25

§ 7.04. Budget. 26

§ 7.05. City Council Action on Budget..... 27

§ 7.06. Amendments After Adoption..... 27

§ 7.07. Capital Improvement Plan. 27

§ 7.8. Independent Audit. 28

§ 7.9. Public Records. 28

§ 7.10. Sales and Purchasing. 28

§ 7.11. Issuance of Bonds and Other Obligations of the City..... 28

§ 7.12. Taxation. 29

Article VIII Charter Amendments 29

§ 8.01. Proposal of Amendment..... 29

§ 8.02. Election..... 30

§ 8.03. Adoption of Amendment. 30

Article IX General Provisions 31

§ 9.01. Conflicts of Interest. 31

§ 9.02. Prohibitions. 31

§ 9.03. Campaign Finance. 32

§ 9.04. Legal Provisions..... 32

§ 9.05 Continuity in Change..... 34

Article X Transitional Provisions..... 34

§ 10.01. General Transition Guidelines. 34

§ 10.02. Adoption of Charter. 34

§ 10.03. Methods of Electing Council Members. 34

§ 10.04. Effective Date. 35

§ 10.05. Continuity of Operations..... 35

§ 10.06. Personnel Transition..... 35

§ 10.07. Financial Provisions. 35

§ 10.08. Public Communication..... 35

ARTICLE 11 - CODE OF ETHICS 36

§ 11.01. Purpose and Policy. 36

§ 11.02. Applicability..... 36

§ 11.03. Adoption and Content of the Code of Ethics..... 36

§ 11.04. Relationship to State Law. 37

§ 11.05. Periodic Review..... 37

ARTICLE 12 - INDEPENDENT BOARD OF ETHICS 37

§ 12.01. Creation and Purpose..... 37

§ 12.02. Composition and Qualifications..... 37

§ 12.03. Independent Selection Commission..... 38

§ 12.04. Appointment, Terms, and Removal of Board Members. 38

§ 12.05. Jurisdiction and Limitations. 39

§ 12.06. Complaints and Preliminary Screening. 40

 (e) Frivolous or Bad-Faith Complaints..... 40

§ 12.07. Investigations, Hearings, and Due Process..... 40

§ 12.08. Sanctions and Remedies. 41

§ 12.09. Advisory Opinions. 45

§ 12.10. Training, Annual Report, and Transparency..... 45

§ 12.11. Rules and Implementation..... 45

INTRODUCTION

The City of Willow Park is located in Parker County, Texas, adjacent to Weatherford in the same County. The City of Willow Park was incorporated in 1963. The City of Willow Park has been operating as a Type A general law City. The City initially exceeded 5,000 in population in 2016.

PREAMBLE - We the people of the City of Willow Park, Texas, under the constitution and laws of the State of Texas, in order to secure the benefits of local self-government and to provide for an honest and accountable City-Manager government, do hereby adopt this Charter and confer upon the City the powers stated in this Charter, and prescribe by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, public engagement, diversity, inclusiveness, and regional cooperation. We also

affirm the conviction of our founding fathers that we are all created equal and are endowed by our Creator with certain God-given and unalienable rights, including the right to life, liberty, and the pursuit of happiness. Therefore, we affirm the value and inherent worth of every person, and we affirm every individual's freedom of thought, speech, and belief.

ARTICLE I FORM OF GOVERNMENT

§ 1.01 Incorporation. The citizens of the City of Willow Park, Parker County, Texas, hereby constitute the City of Willow Park, Texas, to be a municipal body incorporated in perpetuity under the name of the "City of Willow Park," hereinafter referred to as the "City" with such powers, privileges, rights, duties, and immunities as are herein provided.

§ 1.02 Form of Government. The City's municipal government provided by this Charter shall be a "Council-Manager Government." Pursuant to the provisions of and subject only to the limitations imposed by the State Constitution, the state laws, and this Charter, all powers of the City shall be vested in and exercised by an elective Council, hereinafter referred to as "the City Council" which shall enact legislation, adopt budgets, determine policies, and appoint the City Manager who shall execute the laws and administer the government of the City.

ARTICLE II POWERS OF CITY

§ 2.01 General Powers. The City shall have all the powers granted to cities by the Constitution and laws of the State of Texas together with all of the implied powers necessary to carry into execution such granted powers. The City may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas or any agency or any political subdivision thereof; or with the federal government or any agency thereof, to accomplish any lawful purpose. The City shall have the power to regulate a wide range of local activities in order to promote the health, welfare, morals, comfort, and safety of the City and its inhabitants.

§ 2.02 Specific Powers.

2.02.01 Annexation and Disannexation of Territory

- a) **Annexation.** The City Council may fix the boundary limits of the City upon the introduction and passage of an ordinance subject in compliance with all requirements of state law.
- b) **Annexed Territory.** The inhabitants of annexed territory are entitled to all the rights and privileges of City citizenship and are bound by all such duties of citizenship. The inhabitants

of any annexed territory are bound by all the acts, resolutions, ordinances, and regulations of the City.

- c) **Disannexation.** The City Council may detach and disannex any territory within the City limits upon the introduction and passage of an ordinance in compliance with all requirements of state law.

2.02.02 Public Property.

The City may acquire property within or out of its corporate limits for any municipal purpose in fee simple, in or any lesser interest or estate, by purchase, gift, device, lease or condemnation, and, subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve, and control such property as may now or hereafter be owned by it; may pass ordinances and enact such regulations as may be expedient for the maintenance of good government, order, and peace of the City and the welfare, health, morals, comfort, safety, and convenience of its inhabitants.

2.02.03 Streets

The City shall have exclusive dominion, control, and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, and public ways (except those under County or State or Federal control) that are within the corporate limits of the City, and in, upon, over, and under all public property of the City. With respect to each and every public street, sidewalk, alley, highway, public square, public park, or other public way (except those under County or State or Federal Control) that are within the corporate limits of the City, the City shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate the use thereof including but not limited to the right to erect traffic signals, lights, and signs thereon; and to abate and remove in a summary manner any encroachment thereon.

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets or ways (except those under State control) within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same, by purchasing, condemning, and taking property therefor; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove, or any combination or parts thereof. The cost of such development and improvement may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof, and such assessments may be levied in any amounts and under any procedure not prohibited by state law; provided, that no assessment shall be made against

such land or owners in excess of the enhancement in value of such property occasioned by such improvement.

§ 2.03 Construction of the Provisions of the Charter.

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this article.

ARTICLE III MAYOR AND CITY COUNCIL

§ 3.01 Council Composition.

The Council shall be composed of the Mayor and six (6) Council members. The Mayor and Council members shall be elected ‘at-large,’ and each Council member shall occupy a position on the Council enumerated from one (1) to six (6), consecutively. The Mayor and Council shall be elected pursuant to [Article V. Elections](#) of this Charter.

§ 3.02 Eligibility, Terms, and Training.

a) **Eligibility.** A candidate must:

- 1) Be a United States citizen,
- 2) Be a registered voter of the City,
- 3) Be at least twenty-one (21) years of age to be eligible for Mayor,
- 4) Be at least eighteen years of age (18) years to be eligible for Council,
- 5) Have been a registered voter within the corporate limits of the City, including territory annexed prior to the filing deadline, for at least twelve (12) months as of the deadline for filing for the office;
- 6) Not have been convicted of a felony for which he or she has not been pardoned or otherwise released from the resulting disabilities.
- 7) Not have been found mentally incompetent by a final judgment of the Court.
- 8) Pay a filing fee of fifty (\$50.00) dollars or tender a petition signed by at least fifty (50) registered voters of the City.

b) **Eligibility for reelection:** The requirements for a candidate currently holding any elected position include the following:

- 1) Any candidate for a City elected position must meet all requirements in § 3.02 (a).
- 2) An incumbent seeking re-election must file for the same position number presently held and no candidate may file for more than one office or position number per election..

- 3) To be eligible to file for a City elected position, a candidate must resign from any elected position other than the City elected position currently held by that candidate.
- c) **Terms.** The Mayor shall hold office for a term of three (3) years. All Council members shall serve a three-year staggered term. Council Member Place 3 and Council Member Place 4 shall be elected in years evenly divisible by 3 [e.g., 2028]. Council Member Place 1 and Council Member Place 2, and the Mayor shall be elected in each year preceding a year evenly divisible by 3 [e.g., 2027]. Council Member Place 5 and Council Member Place 6 shall be elected in each year following a year evenly divisible by 3 [e.g., 2026 & 2029].
- d) **Training.** Council members shall receive training on: Open Government, including, Texas Open Meetings Act and Texas Public Information Act; City's Code of Ethics; social media guidelines; cyber security; governmental budget and finance; and parliamentary procedure. Training shall be conducted within ninety (90) days of appointment or election.

§ 3.03 Prohibitions.

- (a) **Holding Other Office.** Except where authorized by law, no Mayor or Council member shall hold any other elected public office during the term for which the member was elected to the Council. No Mayor or Council member shall hold any other City office or employment during the term for which the member was elected to the Council. No former Mayor or Council member shall hold any compensated appointive office or employment with the City until two years after the expiration of the term for which the member was elected to the Council, unless granted a waiver by the City Council. Nothing in this section shall be construed to prohibit the Council from selecting any current or former Council member to represent the City on the governing board of any regional or other intergovernmental agency.
- (b) **Appointments and Removals.** Neither the City Council nor any of its members shall in any manner dictate the appointment, promotion, demotion, discipline, or removal of any City administrative officer or employee other than the City Manager, City Secretary, or City Attorney, but any Council member may express its views and fully and freely discuss with the City Manager, City Secretary, or City Attorney anything pertaining to the appointment and removal of such officers and employees.
- (c) **Interference with Administration.** Except for the purpose of inquiries and investigations under [Section 3.11](#), the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager or City Attorney, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Attorney-Client Privilege. No Mayor or Council member shall disclose any attorney-client privileged communication. The City Council as the governing body of the City solely holds and

is entitled to the attorney-client privilege, and it may only be waived by an affirmative vote of two-thirds of the City Council.

§ 3.04 Mayor Powers and Duties.

The City hereby adopts an enumeration of specific powers that may be exercised by the Mayor:

- (a) The mayor shall serve as the ceremonial head of the city government, preside at all meetings of the council, and provide the leadership necessary to ensure good government.
- (b) He or she shall work closely with the Council to obtain legislation in the public interest and with the city manager to ensure that the same is enforced and participate in the discussion on all legislative and other matters coming before the Council.
- (c) The Mayor is the presiding officer of the City Council meetings. The Mayor has a vote, and is counted toward the quorum.
- (d) The Mayor has the express powers to declare a local state of disaster and, as the emergency management director for the City, has statutory powers and duties during an emergency.
- (e) The Mayor may administer oaths of office (i.e., swearing-in ceremonies).
- (f) The Mayor may sign ordinances, resolutions, orders, statements, contracts, deeds, conveyances, easements, bonds, plats, and other documents as directed or authorized by the City Council, except as delegated to the City Manager or designee.
- (g) The Mayor may make appointments to applicable boards and commissions of the City subject to confirmation by the City Council and in accordance with state law or other City ordinances.
- (h) The Mayor may call a special or an emergency Council meeting.
- (i) The Mayor shall be responsible for facilitating the orderly and practical management of the City..
- (j) The Mayor may exercise all duties conferred by the Texas Constitution, state law, City ordinance, City resolution, or other applicable law.

§ 3.05 Compensation; Expenses.

The City Council may determine the annual salary of the Mayor and Council members by ordinance, but no ordinance increasing such salary shall become effective, for any position, until the date of commencement of the terms of such position after the next regular election. The Mayor and Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

§ 3.06 Relationship to City Manager

The City Council hires the City Manager to serve as the Chief Executive of the City government and may terminate the appointment of the City Manager at any time. It is an ongoing responsibility of the City Council to ensure that the City Manager and staff are accountable for their actions. The City Council shall formally evaluate the City Manager's performance at least twice a year. The City Council shall also monitor the policy proposals submitted by the City Manager and the administrative actions taken by the City Manager and staff to ensure that the Council's expectations are being met and that acceptable standards are being maintained. The City Council shall document and post the evaluation criteria for the City Manager's expected performance.

§ 3.07 Mayor Pro Tem.

The Mayor Pro Tem shall act as Mayor during the temporary absence or disability of the Mayor, and shall have the power to perform every act the Mayor could perform if present; provided, however, that in all cases the Mayor Pro Tem shall be entitled to vote. At its first meeting following each regular election of Council members, the Council shall, by election, designate one of its members as Mayor Pro Tem, who shall serve in such capacity for one (1) year.

§ 3.08 City Council.

All powers of the City shall be vested in the City Council, except as otherwise provided for by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

§ 3.09 Vacancies; Forfeiture of Office; Filling of Vacancies.

- a) **Vacancies.** The office of a Council member, or the Mayor, shall become vacant upon their death, resignation, removal from office, or forfeiture of office in any manner authorized by law.
- b) **Forfeiture of Office.** A Council member, or the Mayor, shall forfeit that office if the Council member or Mayor:
 - 1) Fails to maintain the qualifications as required in [Section 3.02](#),
 - 2) Violates any express prohibition of this Charter,
 - 3) Is convicted of a crime involving moral turpitude, or
 - 4) Fails to attend three consecutive regular meetings of the Council without being excused by the Council.

The Council shall, at its next regular meeting, after validation of any of the above, declare the office to be vacant and shall fill such vacancy as set forth in Subsection (c) below.

- c) **Filling of Vacancies.** If there is a single vacancy on the Council, the Council by majority vote shall appoint a qualified citizen to fill that vacancy. The appointment shall expire on the date of the next available regular City election available for candidates to submit an application to be on the ballot. That regular City election shall determine the candidate to fill the unexpired term for the vacated elected position.
- d) **Multiple Vacancies Filled by Special Election:** The City Council may not fill any vacancy by appointment if two or more elected positions are vacant simultaneously. In cases of this nature, a Special Election will be held to fill the vacancies on the next uniform election date or within one hundred and twenty (120) days of the determination that the vacancies exist, whichever is less. This Special Election will be held in accordance with Article V of this Charter, and each elected officer shall serve the unexpired term of the vacant office positions.

§ 3.10 Judge of Qualifications.

The City Council shall be the judge of the election returns and qualifications of its members, and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation or any City managed social media and websites in the City at least one week in advance of the hearing.

§ 3.11 Investigations.

The City Council shall have the power to adopt ordinances permitting the Council to inquire into the official conduct of any department, office, agency, or employee of the City and permitting the Council to subpoena witnesses, administer oaths, and compel the appearance of witnesses and the production of evidence to a specific inquiry. Such ordinances adopted by the Council shall include provisions for penalties for contempt in failing or refusing to obey orders issued by the Council as authorized by such ordinances, and such ordinances shall provide for punishment for any such contempt in a manner provided by such ordinances.

§ 3.12 Meetings of Council.

The Council shall hold at least two (2) regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City. The Council shall establish, by ordinance, the days, and times of the regular meetings. The Mayor or three (3) Council members may call a special meeting of the Council. The Mayor or two (2) Council members may call an emergency meeting of the Council. All regular, special, and emergency meetings of the Council shall comply with Chapter 551 of the Texas Government Code (the "Open Meetings Act") as amended hereafter.

§ 3.13 Quorum and Voting

Four (4) Council members, or the Mayor and three (3) Council Members shall constitute a quorum for the purpose of transacting City business. No action of the Council, except as provided in [Section 3.09](#), shall be valid or binding unless adopted by the affirmative vote of a majority of members present in quorum. Any Council member may request in advance that a roll call vote be taken on any motion. An affirmative vote by five (5) elected City officials shall be required to approve the annual budget and to adopt the annual property tax rate, if any. Failure to approve a specific property tax rate prior to October 1 of each year shall result in the City tax rate being adopted at the lower rate between the property tax rate from the current tax year or the calculated 'No-New-Revenue Rate'.

§ 3.14 Rules of Procedure.

The City Council shall determine, adopt, and amend its own rules, procedures, and order of business. The Rules of Procedure shall provide for minutes of all meetings to be taken and recorded, except those meetings held in executive session. Such minutes shall be a public record.

§ 3.15 Ordinances in General

- a) **Form.** Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be "The City of Willow Park, Texas hereby ordains . . ." Any ordinance that repeals or amends an existing ordinance or part of the City code shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics. All ordinances that levy a fine or penalty and those that deal with the budget, taxes, franchises, public utilities, or the setting of their rates shall be read in full or by caption at a regular meeting followed by publication in full or by caption in at least one (1) issue of the official newspaper of the City before the same shall become effective. In addition, all ordinances that levy a fine or penalty and those that deal with the budget, taxes, franchises, public utilities, or the setting of their rates shall be published in the City managed social media and website.
- b) **Procedure.** The City Council shall adopt rules for the introduction, reading, adoption, and codification of ordinances.
- c) The City Council shall adopt rules and mandate a process that will ensure publication of changes to the municipal code of ordinances in not more than sixty (60) days from the date of adopting the source ordinance.

§ 3.16 Emergency Ordinances.

To meet a public emergency affecting life, health, property, or the public peace, the City Council may adopt emergency ordinances, but such ordinances may not levy taxes; grant, renew, or extend a franchise; change zoning, regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided in Article VII. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated 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 may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of the majority of the Council members present shall be required for adoption. After its adoption, the ordinance shall be published as prescribed for other adopted ordinances. It shall become effective in the same manner. Every emergency ordinance except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Article IV Administration and Personnel

§ 4.01. General Provisions.

- a) **Creation of Departments.** The City Council may establish City departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies. No function assigned by this Charter to a particular department, office, or agency may be discontinued or assigned to any other unless this Charter specifically so provides.
- b) **Direction by City Manager.** All departments, offices, and agencies under the direction and supervision of the City Manager shall be administered by a director appointed by and subject to the direction and supervision of the City Manager. With the consent of Council, the City Manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two (2) or more of them.
- c) **Organization.** The work, duties, responsibilities, and organization of each department may be established by ordinance not inconsistent with this Charter; provided that no such ordinance shall be adopted until the City Manager has an opportunity to make recommendations with respect thereto. The City Manager may establish divisions or

sections in any department and not inconsistent with this Charter, establish or modify the duties and responsibilities of the departments.

§ 4.02. Personnel System.

- a) **Merit Principle.** All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- b) **Merit System.** Consistent with all applicable federal and state laws, the City Council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary to the effective administration of the employees of the City's departments, offices, and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.
- c) The City Council shall by ordinance establish (1) City Employment expectations, (2) Standards for Training for both new employees and continuing education, and (3) performance reviews and expectations.

§ 4.03. City Manager.

The City Council by a majority vote of its total membership shall appoint a City Manager. The City Manager shall be appointed solely based on qualifications and experience in the accepted competencies and practices of local government management. Selection criteria for this position shall be documented and all candidates will be scored against this criteria to facilitate a fair and objective selection process. The City Manager shall receive compensation as may be established by the City Council according to qualifications, experience, and training. Any residency requirements for the City Manager shall be as determined by the City Council. The position of Manager is hereby established as that of a municipal officer of the City. The City Council may suspend or remove the City Manager at its discretion.

§ 4.04. Powers and Duties of the City Manager.

The City Manager shall be the Chief Executive Officer of the City, responsible to the Council for the management of all City affairs placed in the Manager's charge by or under this Charter. The City Manager shall:

- a) Appoint, suspend, or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer or department head, subject to the Manager's direction and

supervision to exercise these powers in relation to employees in that officer's department, office, or agency;

- b) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
- c) Attend all City Council meetings, unless excused by Council. The City Manager shall have the right to take part in discussion but shall not vote;
- d) See that all laws, provisions of this Charter, ordinances, resolutions, and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the Manager's direction and supervision, are faithfully executed;
- e) Prepare and submit the annual budget and capital programs to the City Council, and implement the final budget approved by Council to achieve the goals of the City;
- f) Submit to the City Council and make available and accessible to the public a complete report on the finances and administrative activities of the City quarterly and provide information needed by the Council for its annual evaluation of performance;
- g) Make available and accessible such other reports as the City Council may require concerning operations;
- h) Keep the City Council fully advised as to the financial condition and future needs of the City;
- i) Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy;
- j) Provide staff support services for the Mayor and Council members;
- k) Assist the Council to develop long-term goals for the City and strategies to implement these goals;
- l) Encourage and provide staff support for partnerships with community organizations and for regional and intergovernmental cooperation;
- m) Promote partnerships among Council, staff, and community members in developing public policy and building a sense of community; and
- n) Be Responsible for documenting policies of access and usage at all City physical facilities.
- o) Any other duty or responsibility as assigned by City Council.

§ 4.05. City Attorney.

The City Council shall appoint a duly licensed attorney practicing municipal law with relevant experience in the State of Texas, to be evaluated by City Council, who shall be the City Attorney. The City Council may also appoint a law firm to act as City Attorney. When a law firm is hired as City Attorney, the firm must designate an attorney to act as the City Attorney for purposes of any requirement in law. The City Attorney shall be the chief legal officer of the City and shall represent the City in all legal matters. The City Attorney shall be the legal advisor and attorney for the Council, its directors, officers, and all of its Departments, Boards, and Commissions in

all matters involving City business. The City Attorney may employ consultants on legal matters as necessary and may employ outside legal counsel subject to ratification by the Council. The City Attorney shall serve until removed from office by the Council.

§ 4.06. City Secretary.

The City Council shall appoint a City Secretary. The position shall be appointed and removed at the discretion of the City Council. The City Secretary may appoint Deputy City Secretaries as may be needed and authorized by City Council.

§ 4.07. Duties of the City Secretary.

The City Secretary shall perform the following duties for the City Council:

- a) Attend each meeting of the City Council, unless excused by Council, and keep accurate minutes of the City Council's proceedings;
- b) Engross and enroll all laws, resolutions, and ordinances of the City;
- c) Keep and maintain the City's corporate seal;
- d) Take charge of, arrange, and maintain the records of the City Council;
- e) Prepare all notices required under any regulation or ordinance of the City;
- f) Notify the state judicial council of the name of each person who is elected or appointed as Mayor;
- g) Keep all contracts made by the City;
- h) Supervise all Deputy City Secretaries, Deputy City Clerks, and other office staff as determined by the City Council;
- i) Coordinate all elections;
- j) Provide support to all boards and commissions of the City as directed by the City Council; and
- k) Perform all other duties required by law, ordinance, resolution, or order of the Mayor or City Council.

§ 4.08. Municipal Court

- a) There is hereby created the “Municipal Court in the City of Willow Park, Texas” for the process and trial of misdemeanor offenses, with all such powers and duties as prescribed by the laws of the State of Texas. The Municipal Court shall be comprised of as many divisions as the City Council deems necessary. The City Council shall adopt ordinances for the procedures and regulations of the Court.
- b) The City Council shall appoint the Presiding Municipal Judge and any Associate Judges. The judges shall have a current license to practice law in good standing with the State Bar of Texas.

- c) There shall be a Court Clerk/Administrator of said court appointed by the City Manager.
- d) All costs, fees, special expenses, and fines imposed and collected by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City except as otherwise required by state law.

§ 4.09. Public Safety: Police / Fire

- a) **Department(s).** The City Council may establish and maintain one or more departments, for example, fire and/or police, to maintain law and order within the City and to protect the citizens from violence and threats of violence and to protect property from damage or loss.
- b) **Department Head(s).** The City Manager shall appoint, subject to approval by the Council, a department head for each department who shall be fully responsible to the City Manager for administration of their department. Such department head(s) shall be selected based upon training, knowledge, experience, certification, and demonstrated ability in providing for public safety, shall be appointed for an indefinite term, and shall establish and maintain written policies including, but not limited to departmental operations, disciplinary procedures, general order, job descriptions, and dress code.
- c) **Special Police.** No person, except as authorized by general law, by this Charter or by the ordinances passed pursuant hereto, shall act as special police or special detective.

§ 4.10. Public Works Department / Utilities

There shall be a Public Works Department to administer, supervise, and coordinate the construction and maintenance of the streets and thoroughfares, the water system, the sewer system, the wastewater system, the drainage system, and all public property and equipment not the responsibility of another department. The department shall have and be responsible for other duties, projects, and works as provided by ordinance or assigned by the City Manager. The Director of Public Works shall administer and manage the department.

Article V NOMINATIONS AND ELECTIONS

§ 5.01. City Elections.

- a) **Conduct of Elections.** The provisions of the general election laws of the state of Texas shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. For the conduct of City elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt ordinances consistent with law and this Charter, and the election authorities

may adopt further regulations consistent with law and this Charter and the ordinances of the Council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of City ordinances generally.

- b) **Elections.** The regular City elections shall be held on the May general election date established by the Texas Election Code unless another date is required by state law.
- c) **Special Elections.** The City Council, by ordinance or resolution, may call such special or run-off elections as are authorized by law or this Charter, shall fix the time and place of holding the same, and shall provide all means for holding such elections.
- d) **Beginning of term.** The term of an elected Council member or Mayor shall begin on the date of the first regular or special meeting of City Council held on or after the date that City Council canvasses the results of the election for such Council members.

§ 5.02. Run-Off Elections.

When an election for office with a term longer than two years does not result in one candidate receiving a majority vote, City Council shall call a run-off election. A run-off election shall be held between the two candidates receiving the most votes on the date provided by state law, and in accordance with state law.

§ 5.03. Candidates; Filing for Office.

Any qualified person as prescribed by Article III § 3.02 may submit an application to have their name placed on the official ballot for the position of Council member or Mayor. Such application shall be signed and sworn to by the applicant and shall otherwise meet the requirements of the Texas Election Code and other applicable state law. The City Secretary shall review the application, with the guidance of the City Attorney or other City staff, as needed, and notify the applicant candidate whether or not the application satisfies the form, content, and procedural requirements of this Charter and the Texas Election Code. If an application does not comply with applicable requirements, the City Secretary shall return it immediately to the applicant with a statement of such insufficiency. The applicant may file a new application within the regular time for filing applications. The City Secretary shall keep on file all applications found sufficient at least until the expiration of the term of office for which such candidates filed.

Article VI INITIATIVE, REFERENDUM, AND RECALL

§ 6.01 - GENERAL AUTHORITY

Initiative: The qualified voters of the city shall have power to propose ordinances to the City Council and if the City Council fails to adopt an ordinance so proposed without any change in substance, the voters shall adopt or reject it at a city election. Such power shall not extend to the budget or capital program or any ordinance not subject to initiative as provided by state law, relating to appropriation of money, issuing of bonds, and levy of taxes or salaries of city officers or employees.

Referendum: The qualified voters of the city shall have power to require reconsideration by the City Council of any adopted ordinance or passed resolution and, if the City Council fails to repeal an ordinance or resolution so reconsidered, the voters shall approve or reject it at a city election.

Recall: The qualified voters of the city shall have power to remove any official serving in an elective office.

§ 6.02 - PETITIONERS COMMITTEE

- a) Any ten (10) qualified voters may commence proceedings contemplated by this Article by filing with the City Secretary an affidavit stating that they will constitute the petitioners committee. They will be responsible for preparing, printing and circulating the petition. They will file it in proper form and specify the address to which all notices to the committee are to be sent. The affidavit shall set out in full the proposed initiative ordinance or cite the ordinance or resolution sought to be reconsidered, or in the case of recall, state the identity of the official whose recall is being sought.
- b) In case of recall, the City Secretary shall immediately notify in writing the officer(s) to be removed that the affidavit has been filed.

§ 6.03 - PETITION CIRCULATION

- a) All petition blanks used for circulation by the members of the petitioners committee or their designees shall be numbered, dated and bear the signature of the City Secretary.
- b) No petition may be circulated and no signatures obtained until after the affidavit is filed.

§ 6.04 - FORM OF PETITION

- a) All pages of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signer of a petition must be a qualified voter of the City of Willow Park and shall personally sign the person's own name thereto in ink or indelible pencil, and

shall write after the person's name the person's place of residence within the boundaries of the city, giving name of street and number, if any, and shall also write thereon the date, including the month, day, and year when the person signed the petition. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or of the ordinance or resolution sought to be reconsidered, or in the case of a recall petition, the identity of the official whose recall is being sought.

- b) Each page of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed, the ordinance or resolution sought to be reconsidered, or the identity of the official whose recall is being sought.
- c) Locations for ten (10) signatures shall be provided on each blank petition.

§ 6.05 - PRESENTATION OF PETITIONS

- a) A petition to the City Council for initiative or referendum, containing the signatures of qualified voters equal in number to the lesser of (1) thirty (30) percent of those who voted in the most recent general municipal election, or (2) ten (10) percent of Willow Park residents who are current registered voters, shall be filed with the City Secretary not later than sixty (60) days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.
- b) A petition to the City Council for recall, containing the signatures of qualified voters equal in number to the lesser of (1) thirty (30) percent of those who voted in the most recent general municipal election, or (2) ten (10) percent of Willow Park residents who are current registered voters, shall be filed with the City Secretary no later than sixty (60) days following the filing of the affidavit by the petitioners committee. Once the petition is filed, no signature may be withdrawn.

§ 6.06 - SUSPENSION OF EFFECT OF ORDINANCE OR RESOLUTION FOR REFERENDUM PETITIONS

When a referendum petition is filed with the City Secretary, the ordinance or resolution sought to be reconsidered shall be suspended from taking effect unless such suspension will create an immediate breach of public health and safety. Such suspension shall terminate when:

- a) There is a final determination of insufficiency of the petition; or
- b) The City Council repeals the ordinance or resolution; or

- c) Upon the certification of election results by the election officials.

§ 6.07 - CERTIFICATION OF PETITIONS AND PRESENTATION TO CITY COUNCIL

- a) Within ten (10) days after the petition is presented, the City Secretary shall complete a certificate of sufficiency or insufficiency. Sufficiency shall be determined by compliance with this Article.
- b) If the petition is certified sufficient, the City Secretary shall present the certificate to the City Council at the next regular City Council meeting. The City Council shall verify determination of the sufficiency of the petition.
- c) If a petition has been certified insufficient, the City Secretary shall send the committee a Certificate of Insufficiency by registered mail which shall include the particulars in which the petition is defective. The committee may, within five (5) working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next regular meeting following such a request and approve or disapprove it. Such determination shall then be final. If no City Council review is requested within five (5) working days, the City Secretary's certificate is final.

§ 6.08 - ACTION ON INITIATIVE AND REFERENDUM PETITIONS

- a) When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance or resolution by voting its repeal. If the City Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal a referred ordinance or resolution within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance or the referred resolution to the voters of the city not less than thirty (30) days nor more than sixty (60) days following the failure of the City Council to act as specified herein. Any election order so issued shall comply fully with the Texas Election Code.
- b) The called election may coincide with a regular city election should such city election fall within the specified period. No ordinance substantially the same as an initiated ordinance which has been defeated or one substantially the same as a referred ordinance which has been approved at any election may be initiated by the voters within two (2) years from the date of such election. Copies of the proposed or referred ordinance or the referred resolution shall be made available at the polls and shall be published at least once in the official newspaper of the city not more than fifteen (15) days immediately prior to the date of the election.

§ 6.09 - CALLING OF RECALL ELECTION

If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The City Council shall, not less than 25 days nor more than 35 days after the petition is presented to the City Council, call a recall election for a date authorized by state law. If, after the recall election date is established, the officer vacates the officer's position, the election shall be cancelled. Any election order so issued shall fully comply with the Texas Election Code.

§ 6.10 - WITHDRAWAL OF PETITIONS

An initiative, referendum or recall petition may be withdrawn at any time prior to determination of sufficiency by filing with the City Secretary a request for withdrawal signed by at least seven (7) members of the petitioners committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

§ 6.11 - FORM OF BALLOTS

- a) Initiative. Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two statements, one above the other, in the order indicated:
 - 1) "For adoption of the Ordinance" and
 - 2) "Against adoption of the Ordinance"
 - 3) Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast a vote by making a mark.
- b) Ordinances or resolutions being considered for repeal shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such ordinance or resolution and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance or resolution. Immediately below the ballot title shall be printed the following two statements:
 - 1) "For repeal of the Ordinance/Resolution" and
 - 2) "Against repeal of the Ordinance/Resolution"
 - 3) Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast a vote by making a mark.
- c) Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

- 1) “Shall (name of person) be removed from the office (name of office) by recall?”
- 2) Immediately below each question there shall be printed the two following statements, one above the other, in the order indicated.
 - i) “For the removal of..... by recall”
 - ii) “Against the removal of..... by recall”
 - iii) Immediately below or immediately adjacent to each statement shall appear a square in which the voter may cast a vote by making a mark.

§ 6.12 - RESULTS OF ELECTION

If a majority of qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results by the City Secretary and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail.

An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two (2) years by a majority vote, or after one (1) year by unanimous vote, of all City Council members.

If a majority of the qualified electors voting on a referred ordinance or resolution vote against the ordinance or resolution, it shall be considered repealed upon certification of the election results by the City Secretary. If a majority of the qualified electors voting on a referred ordinance or resolution vote for the ordinance or resolution, the ordinance or resolution shall be considered in effect.

An ordinance or resolution repealed by referendum may be reenacted at any time after the expiration of two (2) years by a majority vote, or after one (1) year by unanimous vote, of all City Council members.

If a majority of the votes cast on the question of recall at a recall election shall be against the removal of the elected official named on the ballot, such official shall continue in office for the remainder of such official’s unexpired term, subject to recall as before within the limitations of Section 6.13 below. If a majority of the votes cast on the question of recall at a recall election shall be for the removal of the elected official named on the ballot, such official shall, regardless of any technical defects in the recall petition, be deemed removed from office upon certification of the election results by the City Secretary and the vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies.

§ 6.13 - LIMITATIONS AND RESTRICTIONS

- a) No recall petition shall be filed against any officer of the city within six (6) months after such officer’s election, or within six (6) months of such a petition being filed and found

insufficient, or within one (1) year after an election for such officer's recall. No such limitations shall apply to appointed City Council members.

- b) Unless withdrawn, no petition shall again be filed on a proposed or referred ordinance or referred resolution of substantially the same content within a period of twenty-four (24) months of the failure of the petition at a city election.

§ 6.14 - FAILURE OF CITY COUNCIL TO CALL AN ELECTION

In case all of the requirements of this Charter have been met and the City Council shall fail or refuse to receive an initiative, referendum or recall petition, or order such initiative, referendum or recall election, or discharge other duties imposed upon said City Council by the provisions of this Charter with reference to initiative, referendum or recall, then the district judge may issue appropriate orders to compel performance of such duties herein provided to be discharged by the City Secretary or by the City Council. In addition, any qualified voter in the city may seek judicial relief to have any of the provisions of this Charter pertaining to initiative, referendum or recall carried out by the proper official.

Article VII FINANCE

§ 7.01. Fiscal Year.

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

§ 7.02. Submission of Budget and Financial Reports by the City Manager.

The City Manager shall prepare and submit the annual budget and capital programs to the City Council and implement the final budget each year in accordance with state law. The City Manager shall submit to the City Council and make available and accessible to the public a complete report on the finances of the City quarterly and provide information needed by City Council for its annual evaluation of performance. The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City.

§ 7.03. Budget Message.

The City Manager's complete report on the finances of the City shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to the City's Comprehensive Plan and community priorities. It shall outline the proposed financial policies of the City for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such

changes, summarize the City's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the City Manager deems desirable.

§ 7.04. Budget.

The budget shall provide a complete financial statement of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require by ordinance for effective management and an understanding of the relationship between the budget and the City's strategic goals. The budget shall begin with a clear general summary of its contents; shall show as definitively as possible each of the projects for which expenditures are set up in the budget and the estimated amount of money carried in the budget for each fund; shall show in detail all funds received from all sources during the preceding year and the estimated income required to cover the budget, indicating the proposed property tax rate, and all proposed expenditures, including debt service, for the ensuing fiscal year; shall show the outstanding obligations of the municipality; shall show the cash on hand to the credit of each fund and the funds available from all sources during the ensuing year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- a) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;
- b) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practical, the proposed method of financing each such capital expenditure, and methods to measure outcomes and performance related to the goals; and
- c) The proposed goals, anticipated income and expense, profit, and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the City, and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.
- d) Budget Reserves, maintained according to adopted financial policy, applicable state and federal laws, and best practices, including then current guidance from Government Finance Officers Association (GFOA).

§ 7.05. City Council Action on Budget.

- a) **Notice and Hearing.** The City Manager shall file a proposed budget with the City Secretary in accordance with state law. The City Council shall hold a public hearing on the proposed budget, and shall, before such public hearing publish a notice stating:
 - 1) The times and places where copies of the message and budget are available for inspection by the public,
 - 2) The time and place of such public hearing on the budget, and
 - 3) All other information required to be included under state law and this Charter.
- b) **Amendment Before Adoption.** After the public hearing, 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 an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.
- c) **Adoption.** The City Council shall adopt the budget on or before the deadline provided by state law. If it fails to adopt the budget by this date, the current budget shall remain in effect until a new budget is adopted.

§ 7.06. Amendments After Adoption.

City Council may only amend an adopted budget in accordance with state law. Add notification process.

§ 7.07. Capital Improvement Plan.

- a) **Submission to City Council.** The City Manager shall prepare and submit to the City Council a multi-year capital improvement plan no later than three (3) months before the final date for filing of the proposed budget with the City Secretary.
- b) **Contents.** The capital improvement plan shall include:
 - 1) A clear general summary of its contents;
 - 2) Identification of the goals as defined in the City's Comprehensive Plan;
 - 3) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
 - 4) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
 - 5) Method of financing upon which each capital expenditure is to be reliant;
 - 6) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;

- 7) A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
 - 8) Methods to measure outcomes and performance of the capital plan related to the longterm goals of the community.
- c) The City Council shall adopt the capital improvement plan by resolution.

§ 7.8. Independent Audit.

The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall conduct such audits. Such audits should be performed in accordance with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS). The City may consider an independent forensic audit based on a recommendation by the City Manager, the City Auditor, or the Mayor.

§ 7.9. Public Records.

Copies of the final drafts of the employee contracts, budget, Capital Improvement Plan, independent audits, and appropriation and revenue ordinances shall be public records.

§ 7.10. Sales and Purchasing.

All sales of City property, purchases made, and contracts executed by the City shall be made in accordance with the requirements of the Constitution and laws of the State of Texas. The City Council will adopt a Financial Policy, including a Purchasing and Contracting Policy, based on Governmental Accounting Standards Board (GASB) policy and current best practices.

§ 7.11. Issuance of Bonds and Other Obligations of the City.

The City shall have the right and power to borrow money on the credit of the City for permanent public improvements or for other public purposes as determined by the City Council, and the power to issue bonds, certificates of obligation, warrants, or other evidence of indebtedness of the City as authorized by the laws of the State of Texas. Notwithstanding any other provisions of this Charter to the contrary, ordinances authorizing the issuance of bonds, certificates of obligation, warrants or other evidence of indebtedness, or ordinances authorizing the levy of taxes or the pledge of revenues to secure payment of indebtedness shall require only one reading, shall become effective immediately, and shall not be subject to referendum. The City Council may only authorize the issuance of general obligation bonds by a bond ordinance passed by the City Council and approved by a majority of the qualified voters voting in an election called for the purpose of authorizing the issuance of such bonds.

Any proposal to issue any debt instrument that affects the Interest & Sinking Fund portion of the City property tax rate shall require a public hearing with a notice of at least thirty (30) days.

§ 7.12. Taxation.

- a) The City shall have the power, within the limits of the laws of the State of Texas, to levy and collect annual taxes on all property, real, personal, or mixed, that is located within the City on January 1st of each year.
- b) The City Council, as soon as practicable after receipt of appraisal rolls but not later than September 30 of each year, shall enact the annual tax levy ordinance levying the tax rate per one hundred dollars (\$100.00) of taxable value, as determined by the Parker County Appraisal District, after meeting all requirements and laws of the State of Texas. Failure of the Council to enact a tax levy ordinance for a particular year shall not invalidate the collection of taxes for that year.
- c) If a property owner to whom the City owes a debt is in arrears in payment of City taxes, the City Manager may reduce the debt by an amount equal to the unpaid taxes. This right of setoff and counterclaim for taxes and arrears shall apply to any debt, claim, demand, or account owned by the City. No assignment or transfer, after taxes are due to a debt or any other claim shall affect the right of the City to set off taxes against the debt or other claim.

Article VIII Charter Amendments

§ 8.01. Proposal of Amendment.

Amendments to this Charter may be framed and submitted to the qualified voters of the City in the manner provided by the Constitution and the laws of the State of Texas as presently enacted or hereafter amended. Amendments to this Charter may be framed and proposed:

- a) In the manner provided by law, or
- b) By ordinance of the Council containing the full text of the proposed amendment and effective upon adoption, or
- c) By report of a Charter Commission created by ordinance, or
- d) By the voters of the City.

Proposal of an amendment must be submitted to the City Secretary in advance of a petition and reviewed by the City Attorney for conformity with this Charter, legality, and for the City Attorney to provide a title to be used on the petition and ballot and a description of the effect of the proposed Charter amendment. Upon approval of sufficiency of the proposed amendment, the amendment will be submitted to the voters of the City.

A proposed amendment initiated by the voters shall be by petition containing the description of the amendment and title approved by the City Attorney and on forms issued by the City Secretary. The subject matter of a Charter amendment must not be legislative and must be directed at the form of government and governance of the City authorizing or limiting its powers and directing the manner of exercise of those powers. The petition must be signed by a number of registered voters of the City that exceeds five (5) percent of the total number of those registered to vote at the last regular City election. The petitioners' committee may withdraw the petition at any time before the City Secretary certifies the petition for sufficiency.

§ 8.02. Election.

Upon delivery to the City election authorities of the report of a Charter Commission or delivery by the City Secretary of an adopted ordinance or a petition finally determined sufficient, proposing an amendment pursuant to [Section 8.01](#), the election authorities shall submit the proposed amendment to the voters of the City at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment, published in a newspaper of general circulation in the City, and posted on the City's official website at least thirty (30) days prior to the date of the election. The election will be held on the next available uniform election date as allowed by law.

§ 8.03. Adoption of Amendment.

If a majority of those voting upon a proposed Charter amendment vote in favor of it, the City Council shall enter an order declaring adoption. The amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, upon entry of such order by City Council.

Article IX General Provisions

§ 9.01. Conflicts of Interest.

- a) **Conflicts of Interest.** The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by City officials before other City agencies on behalf of private interests. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under State law, shall provide for fines and imprisonment for violations.

§ 9.02. Prohibitions.

- a) **Activities Prohibited.**
- 1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, sex, familial status, disability, religion, country of origin, or political affiliation.
 - 2) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the provisions of this Charter.
 - 3) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription, or contribution for any political party or political purpose to be used in conjunction with any City election from any City officer or City employee.
 - 4) No City officer or City employee shall knowingly or willfully make, solicit, or receive any contribution to the campaign funds of any political party or committee to be used in a City election or to campaign funds to be used in support of or opposition to any candidate for election to City office. Further, no City employee, in their capacity as an employee, or representing, suggesting, or implying that they are representing the City, shall knowingly or willfully participate in any aspect of any political campaign on behalf of or in opposition to any candidate for City office. This section shall not be construed to limit any person's right to express opinions or to cast a vote nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.

- b) **Penalties.** Any person convicted of a violation of this section shall be ineligible for a period of five (5) years following such conviction to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his or her office or position. The City Council shall establish by ordinance such further penalties as it may deem appropriate.

§ 9.03. Campaign Finance.

- a) **Disclosure.** The City Council shall enact ordinances to protect the ability of City residents to be informed of the financing used in support of, or against, campaigns for locally elected office. The terms of such ordinances shall include, but not be limited to, requirements upon candidates and candidate committees to report in a timely manner to the appropriate City office: contributions received, including the name, address, employer, and occupation of each contributor who has contributed \$250.00 or more; expenditures made; and obligations entered into by such candidate or candidate committee. In so far as is permissible under State law, such regulations shall also provide for fines and imprisonment for violations. The ordinance shall provide for convenient public disclosure of such information by the most appropriate means available to the City.
- b) **Contribution and Spending Limitations.** In order to combat the potential for, and appearance of, corruption, and to preserve the ability of all qualified community members to run for public office, the City shall, in so far as is permitted by state and federal law, have the authority to enact ordinances designed to limit contributions and expenditures by, or on behalf of, candidates for locally elected office. Ordinances pursuant to this section may include but are not limited to: limitations on candidate and candidate committees that affect the amount, time, place, and source of financial and in-kind contributions; and, voluntary limitations on candidate and candidate committee expenditures tied to financial or non-financial incentives.

§ 9.04. Legal Provisions.

- a) **Judicial Notice.** This Charter shall be recorded in the City Secretary's office in a book kept for that purpose. As soon as practicable after its adoption, an authenticated copy of the Charter shall be certified to the Secretary of State of the State of Texas, at which time the Charter becomes a public act and may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places without further proof.
- b) **Application.** To the extent there is any conflict between the provisions of this Charter and the provisions of any Ordinance, regulation or rule enacted by the City, the terms of the Charter shall prevail.
- c) **Severability.** If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected. If the application of the Charter or any of its provisions to any

person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected.

- d) **City Not Required to Give Security or Execute Bond.** The City may institute and prosecute suits without giving security therefor, and appeal from judgments of the courts without giving supersedeas or cost bonds, other bonds, or security whatsoever.
- e) **Liens, Assignment, Execution and Garnishments.** The real and personal property belonging to the City shall not be liable for the sale or appropriation under any writ or execution or cost bill, and no lien of any kind shall ever exist against any such property owned by the City except that the lien be created or authorized by this Charter or by state law. The funds belonging to the City in the hands of any person, firm, or corporation shall not be liable to garnishment, attachment, or sequestration. The City shall not be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors except by court order or as otherwise required by state law.
- f) **Written Notice of Injury.** Before the City shall be liable for damages, for personal injury of any kind, or for damage to property, the person who is injured or whose property is damaged or someone on behalf of that person shall give the City Manager notice of the alleged claim in writing within six (6) months after the date of the alleged injury or damage. The notice shall state specifically when, where, and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible. The party also shall, whenever possible, give the names and addresses of all witnesses known to the claimant and upon whose testimony the claimant is relying to establish the injury or damage. In case of injury resulting in death, the person or persons claiming damage shall within six (6) months after the death of the injured person give notice as required above. Failure to notify the City of such a claim within six (6) months after the date of the claim shall exonerate, exempt, and excuse the City from any liability whatsoever. Nothing in this section shall be construed to mean the City waives any rights, privileges, defenses, or immunities in tort action, or otherwise, which are provided under common law and state law.
- g) **Oath of Office.** All officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed by state law. The oath shall be administered by the Mayor, Mayor Pro Tem, City Secretary, Municipal Judge, or other person authorized by law to administer oaths.

§ 9.05 Continuity in Change.

- a) **Continuity Generally.** All rights, claims, actions, orders, ordinances, contracts, and legal or administrative proceedings existing before the adoption of this Charter shall continue except as modified by this Charter and shall be maintained, carried on, or dealt with by the City department, office, or agency appropriate under this Charter.
- b) **Disaster Clause.** The City Council shall provide, by ordinance or emergency response plan, for succession of office authority and power in the event of an emergency resulting in the loss or absence of the Mayor, Mayor Pro Tem, City Manager, and other officers exercising critical authority.

Article X Transitional Provisions

§ 10.01. General Transition Guidelines.

This article provides for a smooth and orderly transition from general law to home rule governance, ensuring continuity and stability in municipal operations.

§ 10.02. Adoption of Charter.

This Charter shall be submitted to the qualified voters of the City of Willow Park, Texas, for adoption or rejection, at which election, if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the governing law of the City until amended or repealed. It being impracticable to submit this Charter so that each subject may be voted on separately, it is hereby prescribed that the election shall be “for” or “against” adoption of a charter, unless different ballot language is required by state law.

§ 10.03. Methods of Electing Council Members.

Upon a positive determination that this Charter is in effect following the canvas of the vote from the May 2026 election, the five (5) Council Members and the Mayor shall together appoint a Willow Park citizen to serve as Willow Park Council Member Place 6.

Thereafter, at the May 2027 election held under this Charter, Council members for Place 1, Place 2, and the Mayor shall be elected. At the May 2028 election held under this Charter, Council members for Place 3 and Place 4 shall be elected. At the May 2029 election held under this Charter, Council members for Place 5 and Place 6 shall be elected. Unless otherwise required by state law, elections for each position shall be held on the May uniform election date every third (3rd) year thereafter.

§ 10.04. Effective Date.

This Charter shall take effect immediately following adoption by the voters and entry of the official order by the City Council declaring the same adopted as soon as practicable. After adoption, the Mayor shall certify to the Secretary of State an authenticated copy of the Charter under the City's seal showing approval by the voters. The City Secretary shall record the Charter in a book kept for that purpose and keep and maintain the same as an official record of the City.

§ 10.05. Continuity of Operations.

- a) **Existing Ordinances.** All codes, ordinances, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended or repealed by the Council. The Council shall review and conform all such codes, ordinances, resolutions, rules and regulations so transferred within three (3) years from the effective date of this Charter.
- b) **Current Officials.** All elected and appointed officials holding office at the time of adoption shall continue to serve until their successors are duly elected or appointed and qualified under the new Charter.

§ 10.06. Personnel Transition.

- a) **Training.** City personnel shall receive training on the new Charter provisions to ensure a smooth transition and effective governance.
- b) **Reassignments.** Personnel affected by the establishment of new departments shall be reassigned as necessary to maintain continuity of operations and services.

§ 10.07. Financial Provisions.

- a) **Budget Adjustments.** The City Manager shall prepare budget adjustments to accommodate the new departmental structures and any additional costs associated with the transition.

§ 10.08. Public Communication.

- a) **Public Notices.** The City shall issue public notices to inform residents about the transition process, including key changes and developments.
- b) **Community Meetings.** The City Council shall hold community meetings to address questions and gather feedback during the transition period.

ARTICLE 11 - CODE OF ETHICS

§ 11.01. Purpose and Policy.

- (a) The purpose of this Article is to preserve public confidence in the integrity of City government by:
- (1) Prohibiting the use of public office or employment for private gain;
 - (2) Requiring transparency and accountability in the conduct of public business; and
 - (3) Establishing clear ethical standards that are fairly applied to all persons who serve the City.
- (b) This Article is intended to supplement, and not limit, any requirements or remedies provided by the constitutions and laws of the United States and the State of Texas. In the event of conflict, such higher law shall control.

§ 11.02. Applicability.

The Code of Ethics shall apply to:

- (1) The Mayor and members of the City Council;
- (2) Members of all City boards, commissions, and committees, whether advisory or decision-making;
- (3) The City Manager, City Secretary, City Attorney, and all other City officers and employees, including temporary and contract staff to the extent provided by ordinance; and
- (4) Such vendors, contractors, and consultants as the City Council may designate by ordinance.

§ 11.03. Adoption and Content of the Code of Ethics.

- (a) The City Council shall, by ordinance, adopt and maintain a comprehensive Code of Ethics consistent with this Charter.
- (b) The Code of Ethics shall, at a minimum:
- (1) Prohibit the use of public office or employment for private gain;
 - (2) Address conflicts of interest, including financial conflicts, personal relationships, and incompatible outside employment, and incorporate applicable state conflict-of-interest and financial-disclosure requirements;
 - (3) Establish standards regarding gifts, benefits, favors, and honoraria;
 - (4) Prohibit misuse of confidential information and City resources;
 - (5) Establish standards regarding political activity in City facilities and with City resources;
 - (6) Require cooperation with investigations and proceedings of the Board of Ethics created in Article 12; and

- (7) Align sanctions and procedures with the framework established in Article 12.
- (c) The Code of Ethics shall be written in clear, plain language and made readily available to the public.

§ 11.04. Relationship to State Law.

- (a) Nothing in the Code of Ethics shall be construed to permit any conduct that is prohibited by state or federal law.
- (b) The Code of Ethics shall incorporate by reference applicable provisions of Texas law relating to conflicts of interest, financial disclosure, nepotism, gifts, and misuse of public office.

§ 11.05. Periodic Review.

- (a) The Code of Ethics shall be reviewed at least once every three (3) years.
- (b) The Board of Ethics created by Article 12 shall recommend amendments as provided in [§12.11](#) of this Charter, and the City Council shall consider such recommendations at a public meeting.

ARTICLE 12 - INDEPENDENT BOARD OF ETHICS

§ 12.01. Creation and Purpose.

- (a) There is hereby created an independent Board of Ethics (“Board”), which shall administer and enforce this Article, the Code of Ethics, and the City’s ethics-related ordinances.
- (b) The Board shall operate as a quasi-judicial body, separate from and independent of the City Council and City staff, and shall not be subject to their direction or control in the performance of its duties.

§ 12.02. Composition and Qualifications.

- (a) The Board shall consist of seven (7) members and two (2) alternates.
- (b) Each member and alternate shall:
- (1) Be a resident and qualified voter of the City.
 - (2) Not be an officer or employee of the City.
 - (3) Not hold any office in a political party organization at the county, state, or national level;
and
 - (4) Not have served as a campaign treasurer, paid campaign consultant, or paid campaign staff for any City candidate within the three (3) years preceding appointment.
- (c) The Code of Ethics or an implementing ordinance may require that at least:
- (1) One member be a licensed attorney in good standing with experience in ethics, municipal, or administrative law;

- (2) One member have substantial experience in auditing, accounting, or compliance; and
- (3) One member have substantial experience in human resources, organizational behavior, or public administration.

§ 12.03. Independent Selection Commission.

- (a) To insulate the Board from political influence, there shall be an Independent Selection Commission (“Selection Commission”) whose sole duty shall be to appoint and, when necessary, remove members and alternates of the Board.
- (b) The Selection Commission shall consist of five (5) members who shall:
 - (1) Not be officers or employees of the City;
 - (2) Not hold any office in a political party organization at the county, state, or national level; and
 - (3) Meet any additional qualifications established by ordinance consistent with this Charter.
- (c) The Selection Commission shall be composed of:
 - (1) One retired judge residing in or within a reasonable distance of the City, or, if none is available, a licensed attorney of at least ten (10) years’ experience, selected by the presiding judge of the appropriate county court or district court;
 - (2) One member appointed by a recognized local or regional bar association;
 - (3) One member appointed by a recognized local or regional certified public accountants’ or internal auditors ‘association;
 - (4) One member appointed by a local institution of higher education with a program in law, public policy, public administration, or a related field; and
 - (5) One at-large member selected by the four other members of the Selection Commission from among
- (d) Members of the Selection Commission shall serve staggered four-year terms as provided by ordinance and may be removed only for cause by the district court upon petition showing substantial neglect of duty, misconduct, or inability to serve.
- (e) No City officer or employee shall participate in, or attempt to influence, the appointment, evaluation, or removal of any member of the Board.

§ 12.04. Appointment, Terms, and Removal of Board Members.

- (a) Appointment.
 - (1) The Selection Commission shall appoint all Board members and alternates following a publicly noticed application or nomination process established by ordinance.
 - (2) The City Council shall have no role in selecting, interviewing, ranking, or confirming Board members or alternates.
- (b) Terms.

- (1) Board members shall serve staggered three-year terms, as provided by ordinance, so that approximately one-third of the positions expire each year.
 - (2) No member shall serve more than two (2) consecutive full terms; partial terms filled due to a vacancy shall not count toward this limit.
- (c) Vacancies.
- (1) Vacancies shall be filled for the remainder of the unexpired term by the Selection Commission.
 - (2) Alternates may be elevated to full membership by the Selection Commission.
- (d) Removal.
- (1) A Board member or alternate may be removed only for cause, including substantial neglect of duty, gross misconduct, or inability to serve.
 - (2) Removal shall require an affirmative vote of at least four (4) members of the Selection Commission, after written notice of the alleged grounds and an opportunity for the member or alternate to be heard.

§ 12.05. Jurisdiction and Limitations.

- (a) The Board shall have jurisdiction to:
- (1) Receive, investigate, hear, and decide sworn complaints alleging violations of:
 - (A) This Article;
 - (B) The Code of Ethics; and
 - (C) Any other City ordinance expressly placed within the Board's jurisdiction by the City Council, consistent with this Charter; and
 - (2) Issue advisory opinions regarding the interpretation or application of such provisions.
- (b) The Board shall not exercise jurisdiction over:
- (1) Mere disagreements about policy, budget priorities, land-use decisions, or legislative judgment, in the absence of an alleged ethics violation;
 - (2) The content of a vote, speech, or other expression protected by the constitutions of the United States or the State of Texas, unless such conduct is alleged to violate a specific ethics provision;
 - (3) Personnel matters governed solely by the City's personnel policies, unless an ethics violation is specifically alleged; or
 - (4) Matters finally adjudicated by a court of competent jurisdiction, except to consider a distinct ethics violation not resolved in such proceeding.
- (c) A complaint must be filed within one (1) year after the complainant knew or reasonably should have known of the facts upon which the complaint is based, unless the Board finds good cause for delay and that consideration of the complaint is in the public interest.

§ 12.06. Complaints and Preliminary Screening.

- (a) Standing. A complaint may be filed by any:
 - (1) Resident or qualified voter of the City;
 - (2) City officer or employee; or
 - (3) Person or entity directly affected by the alleged conduct.
- (b) Sworn Complaint.
 - (1) Complaints shall be in writing, sworn under oath or affirmation, signed, and filed with the officer designated by ordinance (the “Ethics Officer”).
 - (2) The complaint shall identify the respondent, cite the specific provision(s) allegedly violated, state the facts with reasonable particularity, and list known witnesses and relevant documents, if any.
- (c) Notice. Within a reasonable time after filing, the Ethics Officer shall provide a copy of the complaint to the respondent and to the Chair of the Board, along with a summary of the process and the respondent’s rights.
- (d) Screening Panel.
 - (1) A screening panel of two (2) Board members, designated in rotation, shall determine whether the complaint:
 - (A) Falls within the Board’s jurisdiction;
 - (B) Meets the sworn-complaint requirements; and
 - (C) Alleges facts which, if true, would constitute a violation.
 - 2) The screening panel may, by unanimous vote, dismiss a complaint that is outside jurisdiction, facially deficient, untimely, or frivolous.
 - (3) The screening panel shall issue a brief written explanation of any dismissal, which shall be provided to the complainant and respondent.
- (e) Frivolous or Bad-Faith Complaints.
 - (1) A complaint is frivolous if it lacks any arguable basis in fact or law, is filed primarily to harass or gain political advantage, or is knowingly based on false statements.
 - (2) After notice and an opportunity to respond, the Board may:
 - (A) Issue a written warning to a complainant found to have filed a frivolous complaint;
 - (B) Refer suspected false statements under oath to the appropriate prosecuting authority; and
 - (C) Recommend to the City Council that reasonable limitations be placed on the complainant’s ability to file complaints for a defined period, consistent with law.

§ 12.07. Investigations, Hearings, and Due Process.

- (a) Initiation of Investigation.

- (1) If a complaint is not dismissed at screening, the Board shall determine whether there is reasonable cause to believe a violation may have occurred.
 - (2) The Board may authorize an investigation, including voluntary interviews and requests for documents.
 - (3) To the extent permitted by state law, the Board may seek subpoenas for witnesses or documents through a court of competent jurisdiction or other lawful mechanism.
- (b) Rights of Respondent. The respondent shall have the right to:
- (1) Receive timely written notice of the allegations and the specific provisions at issue;
 - (2) Be represented by counsel at the respondent's expense;
 - (3) Submit a written response and supporting materials;
 - (4) Present witnesses and evidence; and
 - (5) Question adverse witnesses, subject to reasonable procedural rules.
- (c) Hearings.
- (1) If the Board determines that a hearing is warranted, it shall schedule a hearing and provide reasonable advance notice to the complainant and respondent.
 - (2) Hearings shall be conducted in accordance with procedures adopted by the Board, consistent with this Charter, City ordinances, and state law.
 - (3) Hearings on the merits shall be open to the public, except to the extent closure is authorized by state law, including for executive-session deliberations.
- (d) Standard of Proof.
- (1) For the imposition of minor sanctions under § 12.08(b), the Board must find a violation by a preponderance of the evidence.
 - (2) For the imposition or recommendation of more serious sanctions under § 12.08(c)–(d), the Board must find a violation by clear and convincing evidence.
- (e) Voting Requirement. - No finding of violation may be made except upon the affirmative vote of at least five (5) members of the Board. Failure to obtain the required vote shall result in dismissal of the complaint with no finding of violation.
- (f) Written Decision. - The Board shall issue a written decision setting forth findings of fact, conclusions of law, and any sanctions or recommendations, and shall provide it to the complainant, the respondent, and the City Council. The decision shall be made available to the public, except as limited by law.

§ 12.08. Sanctions and Remedies.

- (a) Classification of Violations.
- (1) The Code of Ethics shall assign each prohibited act or requirement to one of the following categories:
Class I – Technical or Minor Violation.

Negligent or inadvertent conduct that does not result in substantial personal benefit or public harm, and is promptly corrected when discovered.

Class II –Significant Violation.

Knowing or reckless conduct, or conduct that results in substantial personal benefit, material financial impact, or material harm to the public interest, but does not involve corruption, fraud, or a pattern of repeated violations.

Class III –Egregious Violation.

Intentional and corrupt conduct, including fraud, concealment, substantial personal financial gain, significant harm to the public, or a pattern of repeated violations after prior sanction.

- (2) The Board shall apply the classification assigned in the Code of Ethics. If the facts demonstrate that a different classification is more appropriate, the Board may reclassify the violation in its written findings and shall state its reasons.
- (3) The Board shall not impose sanctions outside the ranges prescribed for each class in this section.

(b) General Principles.

- (1) Sanctions shall be proportionate to the class of violation and the specific facts, within the ranges defined below.
- (2) In determining the appropriate sanction within a class, the Board shall consider:
 - Intent or state of mind (negligent, reckless, knowing, intentional);
 - Prior history of similar violations;
 - Self-reporting and cooperation;
 - Reliance on a written advisory opinion or advice of counsel; and
 - The extent of personal benefit and public harm.
- (3) The Board shall state in writing how these factors were considered in selecting the sanction.

(c) Board-Imposed Sanctions by Class (Direct Authority). - The Board has direct authority to impose the sanctions listed in this subsection without City Council approval, subject to the standards of proof and voting thresholds in subsection (f).

(1) Class I –Technical or Minor Violations.

- For a Class I violation, the Board shall impose at least one of the following sanctions, and may impose more than one, but may not exceed the Class I range:
- Written advice or guidance regarding future conduct;
- Mandatory completion of specified ethics training within a defined time;
- Confidential written warning, where permitted by law;
- Public written reprimand for repeated or uncorrected Class I conduct.

- The Board shall not impose censure or civil fines based solely on a single Class I violation.
- (2) Class II –Significant Violations.
- For a Class II violation, the Board shall impose at least one public sanction and may impose multiple sanctions within the following range:
 - Public written reprimand;
 - Mandatory ethics training and/or additional reporting or monitoring conditions;
 - Civil fine in an amount not to exceed the maximum authorized by state law and City ordinance for Class II violations;
 - Formal written censure adopted by the Board and made public.
 - The Board shall issue at least a formal written censure if the Class II violation:
 - Involved a knowing or reckless conflict of interest in a vote or official action; or
 - Resulted in substantial personal financial benefit.
- (3) Class III –Egregious Violations.
- For a Class III violation, the Board shall impose the maximum available public sanctions within its authority, including:
 - Public written reprimand; and
 - Formal written censure; and
 - Civil fine in an amount within the maximum authorized by state law and City ordinance for Class III violations.
 - In every Class III case, the Board shall also issue the recommendations and referrals described in subsection (d), in addition to its direct sanctions.
- (d) Recommendations and Referrals (Higher Rungs). - In addition to the direct sanctions in subsection (c), the Board may, and for Class III violations shall, issue written recommendations and referrals as follows:
- (1) Recommendations to City Council.
- For elected or appointed officials, the Board may recommend that the City Council:
 - Consider censure by Council resolution;
 - Consider removal from a City board or commission where permitted by this Charter and law; or
 - Place the matter on the agenda for any removal or recall proceedings authorized by this Charter or state law.
- (2) Recommendations to City Manager.
- For City employees, the Board may recommend that the City Manager consider appropriate disciplinary action, consistent with personnel policies, civil-service rules, and employment contracts.
- (3) Referrals to External Authorities.

- If the Board has reason to believe that the facts may constitute a violation of criminal law or state ethics law, it shall promptly refer the matter, together with its findings, to the appropriate prosecuting authority or state agency.
- (4) Structural and Policy Remedies.
- The Board may recommend that the City adopt or modify policies, procedures, or controls (including training, reporting, and disclosure mechanisms) to prevent similar violations in the future.
- (5) Council's Role on Recommendations.
- The City Council may accept, reject, or take alternative lawful action on the Board's recommendations, but may not alter or negate the Board's underlying findings of fact or the Board-imposed sanctions in subsection (c).
 - If the City Council takes action, it shall do so by recorded vote at a public meeting within forty-five (45) days after receiving the Board's written decision.
 - Failure to act within forty-five (45) days shall not affect the validity of the Board-imposed sanctions; the recommendations shall be deemed considered and not adopted.
- (e) Effect of Board Censure.
- (1) A formal written censure issued by the Board is an official act of the Board, separate from any censure the City Council may issue.
- (2) Censure shall consist of a written statement, adopted by the required vote, that:
- Identifies the specific provisions violated;
 - Summarizes the material facts; and
 - Formally condemns the conduct as inconsistent with the City's ethical standards.
- (3) The censure shall be delivered to the respondent, provided to the City Council, and made available to the public.
- (f) Standards of Proof and Voting Thresholds.
- (1) For Class I violations, the Board may impose sanctions under subsection (c)(1) upon a finding, by the affirmative vote of at least five (5) Board members, that a violation has been proven by a preponderance of the evidence.
- (2) For Class II and Class III violations, including any censure, fines, recommendations, or referrals under subsections (c)(2)–(3) and (d), the Board may act only upon a finding, by the affirmative vote of at least five (5) Board members, that a violation has been proven by clear and convincing evidence.
- (3) Failure to obtain the required vote shall result in dismissal of the complaint with no finding of violation.
- (g) Protection Against Political or Frivolous Use.

- (1) No sanction may be imposed for conduct outside the Board's jurisdiction as defined in this Charter, or based solely on disagreement with the content of a lawful vote, policy position, or political viewpoint.
- (2) The Board shall not consider or sanction based on complaints that:
 - Fail to meet the sworn-complaint standard;
 - Have been dismissed as frivolous at screening; or
 - Fall outside the applicable time limits, except as permitted for good cause under this Charter.
- (3) The repeated filing of frivolous or bad-faith complaints may itself be subject to warning or referral to prosecuting authorities, as provided in [§ 12.06\(e\)](#).

§ 12.09. Advisory Opinions.

- (a) Any person subject to the Code of Ethics may request a written advisory opinion from the Board regarding prospective conduct.
- (b) Reliance in good faith on a written advisory opinion issued to the requester shall be a mitigating factor in any subsequent proceeding involving the same or substantially similar facts.

§ 12.10. Training, Annual Report, and Transparency.

- (a) Training.
 - (1) The City Council shall provide for periodic ethics training for all persons covered by the Code of Ethics, including orientation for newly elected and appointed officials and newly hired employees.
 - (2) The Board may recommend training content and providers and may participate in such training.
- (b) Annual Report.
 - (1) The Board shall prepare an annual public report summarizing its activities, including the number of complaints received, dismissed, investigated, and resolved; the general categories of allegations; the sanctions imposed or recommended; and any recommendations for improvement.
 - (2) The report shall be presented to the City Council at a public meeting and made available to the public.

§ 12.11. Rules and Implementation.

- (a) The Board may adopt rules of procedure consistent with this Charter and City ordinances to govern its operations and hearings.

- (b) Within twelve (12) months after the effective date of this Article, the City Council shall adopt or amend such ordinances as are necessary to fully implement this Article and Article 11, including the Code of Ethics and any necessary enforcement provisions.
- (c) If any provision of this Article is held invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect to the greatest extent permitted by law.