

PART I CHARTER¹

ARTICLE I. FORM OF GOVERNMENT AND BOUNDARIES

Section 1. Form of Government.

The municipal government provided in this Charter shall be known as the council-manager form of government. Under its provisions, the city council, consisting of the mayor and councilmen elected by and responsible to the people, shall appoint a city manager (who shall be responsible to the city council for the administration of the government of the city). All powers of the city shall be vested in the city council and shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance, the state constitution or the statutes of this state.

Section 2. Boundaries of the City.

The boundaries of the City of Wylie, Texas, are those heretofore established and now existing or those boundaries as may be changed by ordinances and proceedings of the city enacted in accordance with this Charter.

Section 3. Extension of Boundaries.

The boundaries of the City of Wylie, Texas, may be enlarged and extended by the annexation of additional territory by any of the methods provided by applicable state law.

Section 4. Contraction of Boundaries.

The city council may, when it deems appropriate or in the best interest of the city, de-annex territory which has previously been a part of the incorporated city limits of the City of Wylie. The city council is empowered to act in this regard in any manner which is provided by state law or by individual ordinances or resolutions of the City of Wylie.

ARTICLE II. POWERS OF THE CITY

¹Editor's note(s)—Printed herein is the Home Rule Charter, as approved by the voters of Wylie on January 19, 1985. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

The Home Rule Charter committee was established by Ordinance No. 84-42 adopted on September 11, 1984. Ordinance No. 85-1 adopted on January 9, 1985, declared that the city had more than 5,000 inhabitants. Following the Charter election on January 19, 1985, Ordinance No. 85-3 adopted on January 21, 1985, canvassed the election returns and declared the results. The Charter election results were 102 for adoption of the Charter and 70 against adoption.

Section 1. Powers of the City.

The city shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the constitution and laws of the State of Texas. These powers and rights, whether expressed or implied, shall be exercised, administered and enforced in the interest and welfare of individuals and corporations residing in or owning property within the boundaries of the city as prescribed by this Charter, or in such manner as may be provided by resolution or ordinance of the city council.

The powers hereby conferred upon the city shall include, but not be restricted to the powers expressly conferred and permitted by applicable law.

The city shall have the power:

- A. To fix its boundaries, to annex adjoining territory with ~~or without~~ the consent of the inhabitants or owners of the territory to be annexed, to acquire and own property within or outside of its corporate boundaries.
- B. To have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the constitution and laws of the State of Texas. The city may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the city to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.
- C. To cooperate with the government of the United States or any agency thereof, the government of Texas or any agency thereof, or with the government of any county, city or political subdivision for any lawful purpose for the advancement of the interests, safety, convenience and welfare of its inhabitants.
- D. To contract and be contracted with, to sue and be sued, to buy, sell, lease, mortgage, hold, manage, and control such property as its interests require.
- E. To lay out, open, close, establish, alter, widen, lower, extend, grade, supervise, maintain, and improve streets, alleyways, and parks and regulate the use thereof, and require removal of all obstructions or encroachments of every nature and character upon said public streets, sidewalks, or other public property.
- F. To enact, establish and enforce codes and ordinances providing for planning and zoning within the city and provide for ordinances and codes dealing with the construction of improvements within the city.

Section 2. Cost of Improvements.

The cost of development or improvement of streets or water and sewer lines and other improvements as appropriate, may be paid partly or in full by assessments levied as a lien against property abutting thereon and against the owners thereof, and such assessments may be levied in any amount and under the procedure established by ordinance not prohibited by state law.

ARTICLE III. THE CITY COUNCIL

Section 1. Number, Selection and Term.

The legislative and governing body of the city shall consist of a mayor and six councilmen and shall be known as the "city council of the City of Wylie."

- A. The mayor and councilmen shall be elected by the qualified voters ~~of the qualified voters~~ of the city at large, each of whom, unless sooner removed by the provisions of this Charter, shall serve for a term of three years. Each ~~councilman~~ councilmen shall occupy a position on the city council, such positions being numbered 1 through 6, consecutively.
- B. All members of the city council, other than the mayor, shall be elected under the place system.
- C. The method of election and transition to three year terms under the place system will be as follows:

Terms	2 yr.	3 yr.	2 yr.	3 yr.	3 yr.	2 yr.	2 yr.
Places	1	2	3	4	5	6	Mayor
1999	1		3		5		
2000		2		4		6	Mayor
2001	1		3				
2002					5	6	Mayor
2003		2		4			
2004	1		3				
2005					5	6	Mayor
2006		2		4			
2007	1		3				
2008					5	6	Mayor

Places 1, 3, and 5 will be up for re-election in 1999. Places 1 and 3 will have a two-year term, and Place 5 will have a three-year term.

Places 2, 4, 6 and the Mayor will be up for re-election in 2000. Place 6 and the Mayor will have a two-year term and Places 2 and 4 will have a three-year term.

Beginning in 2001, each Place, including the Mayor, will be re-elected with three-year terms.

Section 2. Qualification of Members.

In addition to any other qualifications prescribed by law, the mayor and each councilman shall meet the conditions of Article V, while in office, and shall reside within the city limits while in office. Any member of the city council ceasing to possess any of the qualifications specified in this section, or convicted of a felony while in office, shall immediately forfeit his office.

Section 3. Judge of Election Qualifications.

The city council shall be the final judge of all elections and of qualifications of its members.

Section 4. Compensation.

Members of the city council shall receive nominal compensation, the amount of which will be established by ordinance. Such ordinance may be adopted and amended by the city council; provided, however, that no council may pass an ordinance which increases the compensation of the council currently seated. Such increases may benefit the next seated council regardless of how many members are returned to previously held seats as a result of the election process. In addition, councilmembers shall be entitled to reimbursement of all necessary expenses incurred in the performance of their official city council duties ~~upon submittal to City Manager's Office approval of said expenses by the city council.~~

Section 5. Mayor and Mayor Pro-Tem.

The mayor shall be recognized as the official head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. He shall be the chairman and shall preside at all meetings of the city council. The mayor shall vote on all propositions before the city council, but shall have no power to veto. He shall, when authorized by the city council, sign all official documents, such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds.

The mayor pro tem shall be a councilman elected by the city council at the first ~~regular~~ city council meeting following each regular city election. The mayor pro tem shall act as mayor during the disability or absence of the mayor, and in this capacity shall have the rights conferred upon the mayor.

Section 6. Vacancies, Forfeiture, Filling of Vacancies.

- A. The office of a councilman or office of the mayor shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.
- B. A councilman or the mayor shall forfeit his office if he:
 - (1) Lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law;
 - (2) Violates any express prohibition of this article (see Section 8); or any other provision of this Charter;
 - (3) Is convicted of a crime involving moral turpitude, or
 - (4) Fails to attend three consecutive regular city council meetings without an explanation acceptable to a majority of the remaining councilmembers, his office shall be declared vacant at the next regular meeting of the city council by resolution. ~~being excused by the city council.~~
 - (5) The city council shall be the final judge in matters involving forfeiture of office.
- C. Filling of Vacancies. Any vacancy or vacancies occurring on the City Council shall be filled for the remainder of the unexpired term by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy or vacancies occur.

Section 7. Powers of the City Council.

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

Section 8. Prohibitions.

- A. *Holding Other Office.* Except where authorized by law, no mayor or councilman shall hold any other city office or city employment during his term as mayor or councilman, and no former mayor or councilman shall hold any compensated appointive city office or city employment until one year after the expiration of his term as mayor or councilman.
- B. *Appointments and Removals.* Neither the city council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of his subordinates are empowered to appoint, but the city council, at a meeting called for that purpose, may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.
- C. *Interference With Administration.* Except for the purpose of inquiries and investigations as provided by this Charter, the city council or its members shall deal with city officers and employees who are subject to the

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direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

Section 9. Meetings of City Council.

The city council shall hold at least one regular meeting each month and as many additional meetings as it deems necessary to transact the business of the city. The city council shall fix, by ordinance, the date and time of the regular meetings. Special meetings of the city council shall be held on the call of the mayor or a majority of the city councilmembers. All meetings shall be held ~~in~~ and notice given in accordance with applicable law. Except as otherwise authorized by law, all meetings shall be open to the public.

Section 10. Quorum.

Four members of the city council shall constitute a quorum for the purpose of transaction of business, and no action of the city council, except as specifically provided in Section 6 or in this Charter, shall be valid or binding unless adopted by the affirmative vote of four or more members of the city council unless otherwise provided for by law.

Section 11. Conflict of Interest and Abstention.

- A. *Conflict of Interest.* Should any member of the council feel he has a conflict of interest with an agenda item then before the council, he should openly declare same before discussion proceeds and he is thereby prohibited from discussing the item or voting on the question.
- B. *Abstention.* Should any member of the city council choose to abstain from voting on any question before the city council, where no declared conflict of interest exists, his vote shall be recorded as an affirmative vote in the official minutes of the City of Wylie.

Section 12. Rules of procedure.

The city council shall, ~~by ordinance,~~ determine its own rules and order of business, and the rules shall provide that each member of the public who desires to address the City Council regarding an item on an agenda for an open meeting of the City Council to address the City Council regarding the item at the meeting before or during the City Council's consideration of the item. The city council shall provide for written minutes to be taken of all meetings, except executive sessions authorized by law, and such minutes shall be public record and shall be kept and maintained by the city secretary. The vote of each council member on any matter shall be recorded in the minutes.

Section 13. Passage of Ordinances in General.

- A. *Form.* The city council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Wylie, Texas." Each proposed ordinance shall be introduced in the written or printed form required for adoption. An ordinance shall not be amended or repealed except by the adoption of another ordinance.
- B. *Procedure.* Any member of the city council may offer any ordinance in writing that has been placed on the agenda at a regular city council meeting. Copies of proposed ordinances, in the form required for adoption, may be furnished to members of the city council before the meeting at which it shall be considered. Copies of the proposed ordinance, in the form required for adoption, may be made available at the city offices and furnished to citizens, upon request.

- C. *Effective Date.* Every ordinance shall become effective upon adoption, or at any later time specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective after publication of its caption once in a newspaper having general circulation in the city.
- D. ~~Reading. The reading aloud of a title and caption of the ordinance shall suffice as a reading. If two councilmen request that the ordinance be read in its entirety, it must be so read.~~

Section 14. Authentication, Recording, Codification, Printing, and Distribution.

- A. *Authentication and Recording.* The city secretary shall record in a properly indexed book kept for that purpose, all ordinances and resolutions adopted by the city council, and it shall be kept open for public inspection. Ordinances shall be numbered consecutively in the order in which adopted. The city secretary shall attest the signature of the mayor or officer signing such ordinance.
- B. *Codification.* Within three years after adoption of this Charter, and at least every ~~fifteen~~ five years thereafter, the city council shall provide for the preparation of the codification of all general ordinances of the city. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purposes of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large. The codification shall be published promptly, together with this Charter and any amendments thereto, and with appropriate references to state statutes and constitution, and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as the Wylie City Code and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when they are published as a code.
- C. ~~Printing-Publishing of Ordinances and Resolutions.~~ The city council shall cause each ordinance and each amendment to this Charter to be ~~published~~ printed promptly following its adoption, and the ~~published~~ printed ordinances and Charter amendments shall be ~~available to the public, distributed free or sold to the public at reasonable prices to be fixed by the city council.~~ A copy of each ordinance and resolution may be placed in city offices.

Section 15. Investigations by the City Council.

The city council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, and compel the production of books, papers, and other evidence material to the inquiry. The city council shall provide, by ordinance, penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

Section 16. Bond.

The city council shall require bonds of all municipal officers and employees who receive and/or pay out any monies of the city. The amount of such bonds shall be determined by the city council and the cost thereof shall be borne by the city.

Section 17. Disaster Clause.

In case of disaster when a legal quorum of elected council members cannot otherwise be assembled due to multiple deaths or injuries, the surviving member or members of the elected council, or highest surviving city official, if no elected official remains, must within 24 hours of such disaster, request the highest surviving officers of the local chamber of commerce and the board of trustees of the local school district, and the county judge of Collin County to appoint a commission to act during the emergency and call a city election within 15 days of such

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disaster for election of a required quorum, if for good reasons it is known that a quorum of the present council will never again meet.

ARTICLE IV. CITY ADMINISTRATION

Section 1. City Manager.

- A. *Qualifications and Appointment Procedures.* The city council shall appoint a city manager who shall serve as chief administrative officer of the city, and shall be responsible to the city council for administration of all the affairs of the city, with only those exceptions that are named in this Charter. The city manager shall be appointed solely upon his executive and administrative qualifications. He need not be a resident of the city when appointed, but within a reasonable time after such appointment shall become a resident of the city and thereafter shall reside within the city during the tenure of his appointment. He shall be bonded, at city expense, in an amount deemed adequate by the city council.
- B. *Compensation.* The city council shall fix the compensation to be received by the city manager, and the compensation may be amended from time to time in accordance with the city manager's experience and qualifications.
- C. *Term and Removal.* The city manager shall serve at the pleasure of the city council and shall have no fixed term of office. The city council shall have the sole authority to remove the city manager from office.
- (1) If within five days after being notified of his termination and removal, the city manager files a written request to the city council requesting that his termination be reconsidered, the city council shall, as soon as practical, meet with the city manager in executive session to review its decision to terminate.
 - (2) After such review, after affording the city manager an opportunity to respond to such initial decision to terminate, a new vote shall be taken with regard to termination of the city manager.
 - (3) At the request of the city manager, the review meeting shall be held open to the public.
 - (4) The city manager shall continue to receive his salary pending this final decision of the council.
 - (5) This procedure for a review meeting with the city manager shall not alter the fact that the city manager serves at the pleasure of the city council and the city manager shall not have, nor should this procedure be construed to grant to the city manager a property interest or right to continued employment.
- D. *Acting City Manager.* The city manager shall, within 30 days of taking office, and at appropriate subsequent times, designate by letter, filed with the city secretary, an alternate to perform the duties of the city manager in the case of his absence or disability. The city council shall ratify the city manager's designated alternate. During the absence or disability of the city manager, the city council may revoke such designation and appoint another person to serve as acting city manager until the city manager shall return or his disability shall cease. The acting city manager shall be a qualified administrative officer of the city at the time of his designation. No member of the city council shall serve as acting city manager.
- E. *Duties.* The city manager shall be empowered to:
- (1) Appoint, and when he deems necessary for the welfare of the city, suspend or remove any or all city employees and appointive administrative personnel provided for by this Charter. He shall promulgate such rules and regulations as he may deem appropriate and necessary for the exercise of this authority. (See Section 7)
 - (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by law or this Charter.
 - (3) See that all state laws and city ordinances are effectively enforced.

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- (4) Attend all city council meetings and have the right to take part in discussions, but he shall not vote.
 - (5) Prepare and accept items for inclusion in the official agenda of all city council meetings and meetings of boards and commissions as established by this Charter.
 - (6) Prepare and submit to the city council the annual budget and capital program, and administer the budget as adopted by the city council.
 - (7) Keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations concerning the affairs of the city as he or the city council deems desirable or necessary, but not less than every three months.
 - (8) Make reports as he or the city council may require concerning the operations of the city departments, offices, or agencies subject to his direction or supervision.
 - (9) Perform such other duties as are specified in this Charter or may be required by the city council, and are not inconsistent with this Charter.

Section 2. City Secretary.

- A. *Appointment and Removal.* The city manager shall appoint a city secretary. The city manager shall have authority to remove the city secretary, should he find such action necessary for the welfare of the city.
- B. *Duties.* The city secretary shall be required to:
 - (1) Give notice of all official public meetings of the city council in a manner consistent with this Charter and state laws.
 - (2) Attend all official public meetings of the city council.
 - (3) Keep the minutes of the proceedings of all official public meetings and hearings of the city council. Be responsible for the electronic taping or recording of the entire proceedings of all the official public meetings and hearings of the city council. Be responsible for the care, maintenance and filing of such tapes or recordings for a period of not less than two (2) years following each meeting or hearing so taped or recorded.
 - (4) Act as custodian of all official records of the city council.
 - (5) Hold and maintain the seal of the City of Wylie, and affix this seal to all appropriate documents.
 - (6) Authenticate by signature and seal, and record, index and codify all ordinances, resolutions and proclamations of the city.
 - (7) Perform such other duties as may be required by the city manager, this Charter, the laws of the State of Texas and not inconsistent with provisions of this Charter.
 - (8) Be bonded, at city expense, in an amount deemed adequate by the city council.

Section 3. Municipal Court.

- A. *[Established; powers and duties.]* The city council shall establish and cause to be maintained a municipal court, for the trial of misdemeanor offenses. The court shall have all the powers and duties as are now, or may be prescribed by the laws of the State of Texas.
- B. *Municipal Court Judge.* The city council shall appoint a judge of the municipal court, who shall be a competent, duly qualified, licensed attorney in the State of Texas. The judge of the municipal court shall be appointed to a term of two years, and may be appointed to additional and consecutive terms, upon completion of his term of office. The appointment of the judge may be terminated by a majority vote of the

city council. The judge shall receive compensation as may be determined by the city council. This compensation shall be fixed, and commensurate with the duties performed by the judge.

- C. *Acting Judge of the Municipal Court.* The city council shall, in the absence or disability of the appointed judge of the municipal court, appoint an acting judge to serve during such absence or disability. The acting judge may be compensated by the city council for his performance of required duties.
- D. *Appointment of Additional Judges.* Additional judges of the municipal court may be appointed by the city council consistent with state law- who shall be a competent, duly qualified, licensed attorney in the State of Texas.
- E. *Clerk of the Court.* The city manager shall appoint a clerk, and may appoint deputies of the municipal court. The clerk and deputies shall be bonded at city expense, in an amount deemed adequate by the city council, and shall receive compensation as may be determined by the city council.
- F. *Powers of the Clerk.* The clerk and deputies of the municipal court shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court, and perform all acts usual and necessary by the clerks of said courts, in conducting the business thereof, including but not limited to the keeping of records and accounts of the municipal court.
- G. *Costs, Fines and Penalties.* All costs, fines and penalties imposed by the municipal court shall be paid into the city treasury for the use and benefit of the city, as may be consistent with present and future state laws.

Section 4. City Attorney.

- A. *Appointment and Qualifications.* The city council, in consultation with the city manager, shall appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas who shall serve as the city attorney.
- B. *Removal.* The city attorney shall serve at the pleasure of the city council and as such shall have no property right to continued employment.
- C. *Duties.* The city attorney shall be required to:
 - (1) Serve as a legal advisor to the city council and city manager.
 - (2) Represent the city in litigation and legal proceedings as directed by the city council and city manager.
 - (3) Review and provide opinions as requested by the city council or city manager on contracts, legal instruments, and ordinances of the city.
- D. *Limitation.* The city council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.
- E. *Compensation.* The city attorney shall receive compensation as may be determined by the city council.
- F. *Additional Attorneys.* The city attorney, with approval of the city council, may select additional attorneys to act for him and the city in its representation and litigation.
- G. *Firm May Designate Individual to Serve as City Attorney.* The city council may contract with an attorney or with a firm of attorneys who may designate one member of said firm to serve as city attorney.

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~~Section 5. City Engineer.~~

- ~~A. *Appointment and Qualifications.* The city council, in consultation with the city manager, shall appoint a competent, duly qualified, registered and practicing professional engineer in the State of Texas who shall serve as city engineer.~~

- ~~B. *Removal.* The city engineer shall serve at the pleasure of the city council and shall not have a property right to continued employment and may be removed by a vote of the city council.~~
- ~~C. *Duties.* The city engineer shall be required to serve as engineering advisor to the city council and city manager, and perform such other duties as may be required by the city council or city manager.~~
- ~~D. *Limitation.* The city council shall have the right to retain special engineering service at any time that it may deem necessary and appropriate.~~
- ~~E. *Compensation.* The city engineer shall receive compensation as may be determined by the city council.~~
- ~~F. *Additional Engineers.* The city engineer, with approval of the city council, may select additional engineers to act for him and the city in serving its engineering needs.~~
- ~~G. *Term City Engineer.* The term "city engineer" may refer to an individual or firm.~~

Section 6. Administrative Departments, Offices and Agencies.

- A. *City Council May Create Offices.* The city council may, after hearing recommendations of the city manager, create or establish departments, offices, or agencies in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices and agencies.
- B. *City Manager May Designate, or Combine Departments.* The city manager may redesignate, or combine any of the departments, divisions or sections previously established or created when such action is deemed to be in the best interest of the city.
- C. *Direction and Supervision.* Except as provided elsewhere in this Charter, all departments, offices and agencies of the city shall be under the direction and supervision of the city manager, and shall be administered by officers appointed by and subject to supervision and direction of the city manager. The city manager may serve as the head of one or more city departments, offices or agencies, or appoint one person as the head of two or more of them.
- D. *City Assessor-Collector.* The city manager ~~may~~ shall appoint a city assessor-collector, whose duties and functions shall be those usual to the office and consistent with existing or future laws of the State of Texas as they may apply to city or county assessor-collectors. The city council may approve the use of contracted assessor-collectors, and the assessor-collector contract shall be subject to the approval of the city council. ~~Such contract shall have a term of no less than one year, nor more than two years, and may be renewed upon termination.~~

Section 7. Personnel System.

- A. Neither the city council nor any of its members shall request or direct the appointment of any person to, or his removal from office or employment, by the city manager or any of his subordinates. Except for the purposes of inquiry, the city council and its members shall deal with the city's administrative service solely through the city manager. And, neither the city council nor its members shall give orders to any subordinates of the city manager, either publicly or privately, except as may be provided in this Charter.
- B. Personnel rules shall be prepared by the city manager and presented to the city council for their information; provided, however, that any rule or regulation which involves the expenditure or commitment of public funds must have the approval of the city council. The adopted rules shall establish the city as an equal opportunity employer and shall govern the equitable administration of the personnel system of the city. Provided; however, [that] no such rule shall cause to be created for any employee of the city, a property right to continued employment and shall provide that all employees of the city, including police officers, firefighters, and emergency services personnel shall serve at the pleasure of the city manager.
- C. The adopted rules shall provide for the following requirements, among others:

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- (1) A pay and benefit plan for all city employment positions.
 - (2) A plan for working hours, attendance policy and regulation, and provision for sick and vacation leave.
 - (3) Procedures for the hearing and adjudication of grievances.
 - (4) Additional practices and procedures necessary to the beneficial and equitable administration of the city's personnel system.
 - (5) A plan for oral and written evaluation on an annual basis for all city employees by their immediate supervisor, including evaluation of the city manager by the city council.

ARTICLE V. NOMINATIONS AND ELECTIONS

Section 1. City Elections.

- A. *Election Schedule.* The regular city election will be held annually in accordance with the Texas Election Code. The City Council shall be responsible for specifications of places for holding of such elections.
- B. *Special Elections.* The city council may order a special election under conditions specified elsewhere in this Charter, or for ordinances, bond issues, Charter amendments, recall or other purposes deemed appropriate by the city council. The city council will fix the time and places for such special elections, and provide all means for holding same.
- C. *Voter Eligibility List.* A certified list of voter registrants within the city, as prepared by the proper agency, shall be held by the city secretary or the contracted election official. If, for a purpose relating only to a city election or to candidates or issues involved in such election, any organization, group or person requests a list of qualified voters of the city, permission to copy the current list shall be granted by the city secretary or the contracted election official.
- D. *Conduct and Regulation of Elections.* All city elections shall be governed by the Constitution of the State of Texas, general laws of the state, this Charter, and by ordinance of the city in the order named. Municipal elections shall be conducted by election officials appointed or approved by the city council.
- E. *Publicizing City Elections.* All municipal elections shall be publicized in a manner consistent with the requirements of the present, and all future amended editions of the Texas Election Code.

Section 2. Filing for Office; Eligibility to File.

- A. *Candidate Qualifications.* Each candidate for an elective office shall meet the following qualifications:
 - Shall be a qualified voter of the city.
 - Shall have resided for at least 12 months preceding the election within the corporate limits of the city, including territory annexed prior to the filing deadline.
 - ~~Shall not, after notice of any delinquency, be in arrears in the payment of any taxes or other liabilities due the city. "In arrears" is defined herein to mean that payment has not been received within 90 days from [the] due date.~~
 - An incumbent city councilman seeking reelection must file for the same place position number currently being served.
 - No candidate may file in a single election for more than one office or place position as provided by this Charter.
- B. *Petition Required.* Every person desiring to file for elective office with the city shall first present to the City Secretary a sufficient petition signed by a minimum of the greater of the following:

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- a) 25 persons; or
 - b) a number of persons equal to one-half of one percent of the total vote received by all candidates for Mayor in the most recent mayoral general election who are qualified voters in the City.

Section 3. Official Ballots.

- A. *Names on Ballot.* The name of each candidate seeking an elective office, except those who have withdrawn, died or became ineligible, shall be printed on the official ballot in the form designated by the candidate in accordance with the Texas Election Code.
- B. *Order of Listing.* The order on the ballot of the names of the candidates shall be determined by lot in a public drawing to be held under the supervision of the city secretary in accordance with the Texas Election Code.
- C. *Early Voting Ballots.* Procedures for voting by early voting ballots shall be consistent with the Texas Election Code.
- D. *Ballots for Ordinances, Bond Issues and Charter amendments.* Ballots for ordinances, bond issues and Charter amendments shall be consistent with the Texas Election Code.
- E. *Write-In Votes.* Procedures for write-in votes shall be consistent with the current edition of Texas election laws.

Section 4. Canvassing.

The returns of every municipal election shall be delivered from the election judges to the city secretary or contracted election official at the designated location not later than 12 hours after the closing of the polls. One extra copy shall be delivered to the mayor at this time. The city council shall canvass the returns in sufficient time but not later than the time provided for in the current edition of the Texas election laws, to declare the official results of the election at the next city council meeting after the closing of the polls. The returns of every municipal election shall be recorded in the minutes of the city council, by totals for each candidate, or, for and against each issue submitted.

Section 5. Election by Majority.

A majority vote for an election office is that number of votes which is greater than one-half of the total number of valid ballots cast for the office concerned. The candidate for elective office who receives a majority vote shall be declared elected. If no candidate for any elective position receives a majority vote, a runoff election shall be called.

Section 6. Runoff Election.

In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election or if there is a tie for first place, a runoff election shall be held not earlier than the 20th day of canvass or later than the 30th day following the preceding regular or special election.

Section 7. Exception of Election Code.

In the event there is a conflict between any of the provisions of this article and the Texas Election Code or an omission of any elements or provisions necessary for conduction of an election, then those provisions of the Texas Election Code then existing shall prevail.

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

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Section 1. General Authority.

The qualified voters of the City of Wylie shall, by following the procedures set out in this Charter, have the power to propose ordinances to the city council, to require reconsideration by the city council of any adopted ordinances, and to revoke the office of any elected city official. Initiative power may be used to enact a new ordinance, or to repeal or to amend sections of an existing ordinance, except ordinances appropriating money or levying of taxes, or ordinances repealing appropriating money or levying of taxes, not in conflict with this Charter, the state constitution or the state laws.

Referendum power shall not extend to the budget or capital program or any ordinance or ordinances pertaining to appropriation of money or levying of taxes, or to bonds issued pursuant to the authority of an election or elections previously held.

Grounds for removal of any member of the city council, whether elected to office by the qualified voters or appointed by the city council to fill a vacancy, shall be incompetency, noncompliance with this Charter, misconduct or malfeasance in office.

Section 2. Petitioners' Committee.

Any group of qualified voters equal to ten percent of the number who voted in the last council municipal election 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] they will 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 citing the ordinance sought to be reconsidered, or in the case of recall, will provide a statement of the grounds for removal.

In the case of recall, the city secretary shall immediately notify in writing, the officer(s) sought to be removed, that the affidavit has been filed and shall inform the officer(s) of its statement of grounds.

Section 3. Petition circulation.

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. The city secretary shall enter in a record to be kept in his office the name of the qualified voters to whom the numbered petitions were assigned. Petition circulators must be qualified voters in the City of Wylie.

Section 4. Form of Petition.

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signer of a petition shall personally sign his own name thereto in ink or indelible pencil, and shall write after his name his place of residence within the boundaries of the City of Wylie, giving name of street and number, or place of residence, and shall also write thereon the day, the month and the year his signature was affixed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered, or in the case of a recall petition, a statement which distinctly and specifically state[s] each ground with such certainty as to give the officer(s) sought to be removed notice of such matters and things with which he is charged.

Each paper of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of 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 or sought to be reconsidered.

Locations for 20 and no more than 20 signatures shall be provided on each blank petition.

Section 5. Presentation of Petitions.

A petition to the city council for initiative, referendum, or recall, containing the signatures of qualified voters equal in number to no fewer than fifteen percent of the qualified voters shall be presented to the city secretary not later than 45 days following the filing of the affidavit by the petitioners' committee.

Section 6. Certification of Petitions and Presentation to City Council.

Within ~~35~~ days after the petition is filed, the city secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, wherein it is defective and shall immediately upon completion of certification, send a copy of the certificate to the petitioners' committee by registered mail.

If the petition is certified sufficient, the city secretary shall present the certificate to the city council by the next regular city council meeting which shall be a final determination of the sufficiency of the petition.

If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, the committee may, within five 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, and the city council's determination shall then be a final determination.~~

~~If a petition is certified insufficient for lack of required number of valid signatures, it may be amended once if the petitioners' committee files a notice of intention to amend it with the city secretary within five working days after having received the copy of the certificate. A supplementary petition with additional names must be filed within five days two weeks after receiving the copy of the certificate. Such supplementary petition shall comply with all the requirements of Sections 3 and 4 of this article.~~

Within five days after the amended petition is filed, the city secretary shall complete a certificate of sufficiency of the petition, as amended, and shall send a copy of such sufficiency to the petitioners' committee by registered mail as in the case of an original petition. The final determination as to the sufficiency of an amended petition shall be determined in the same manner as prescribed for original petitions in this section above, except that no petition, once amended, may be amended again.

A final determination as to the sufficiency of a petition shall be subject to review in a court of competent jurisdiction. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

[Section 7. Reserved.]

Section 8. Public Hearing on Recall of Officers.

An elected official whose removal is sought by recall may, within five days after such recall petition has been presented to the city council, request that a public hearing be held to permit him to present facts pertinent to the charges specified in the petition. Should such a request be made, the city council shall order that a public hearing be held not less than five days nor more than 15 days after receiving such request for a public hearing.

Section 9. Action on Initiative and Referendum Petitions.

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 by voting its repeal. If the city council fails to adopt a proposed initiative ordinance without any change in substance within 60 days, or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to

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the voters of the City of Wylie at the first date permitted by law for holding said election after 30 days following the failure of the city council to act as specified herein.

Said called election may coincide with a regular city election should such city election fall within the specified period. Special elections on initiated or referred ordinances shall not be held more frequently than once each six months, and 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 years from the date of such election. Copies of the proposed or referred ordinance shall be made available at the polls and shall be published at least once in the official newspaper of the City of Wylie not more than 15 days immediately preceding the date of the election.

Section 10. 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 date selected for the recall election shall be the first date permitted by law for holding said election after 25 days after the date the petition was presented to the city council, or from the date of the public hearing, if one was held. Any election order so issued shall comply fully with the existing Texas election laws.

Section 11. Withdrawal of Petition.

- A. *Withdrawal of Initiative and Referendum Petitions.* In order to respect the qualified voters already having affixed their signatures to petitions, no procedure for withdrawal of petitions is allowed once a petition has been finally determined sufficient. Prior to being determined sufficient, a petition may be withdrawn by filing with the city secretary a request for withdrawal, signed by at least 50 percent of the members of the petitioners' committee and provided that the total number of signatures on the circulated petitions is less than 50 percent of the required number of signatures as provided in Section 5 of this article. For the purposes of withdrawal procedures only, any registered petition not returned to the city secretary will be considered to contain the signatures of 20 qualified voters, but in no event shall the total number of signatures be determined to exceed 99 percent of the number of signatures required for determination of sufficiency.
- B. *Withdrawal of Recall Petitions.* In order to respect qualified voters already having affixed their signatures to petitions for recall, no withdrawal from recall proceedings shall be allowed except where:
- (1) Such withdrawal is agreed to by an affidavit by at least 50 percent of the members of the petitioners' committee;
 - (2) The total number of signatures on the circulated petition is less than 50 percent of the required number of signatures as provided in Section 5 of this article.

For the purposes of withdrawal procedures only, any registered petition not returned to the city secretary will be considered to contain the signatures of 20 qualified voters, but in no event shall the total number of signatures thus determined exceed 99 percent of the number of signatures required for determination of sufficiency. For purposes of consideration of limitations as specified in Section 14 of this article, recall procedures successfully withdrawn shall be considered as never having been initiated.

Section 12. Form of Ballots.

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:]

"For adoption of the ordinance," and

"Against adoption of the ordinance."

Immediately below or to the left of such statement shall appear a square in which the voter may cast his vote by making a mark. Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

"Shall (name of person) be removed from the office (name of office) by recall?"

Immediately below each such question there shall be printed the two following statements, one above the other, in the order indicated:

"For the removal of _____ by recall."

"Against the removal of _____ by recall."

Immediately below or to the left of such statement shall appear a square in which the voter may cast his vote by making a mark.

Section 13. Results of Election.

If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results 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 greatest number of affirmative votes shall prevail.

An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two years by a vote of not less than five members of the city council, or at any time after the expiration of five years by a simple majority vote of the city councilmembers.

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

An ordinance repealed by referendum may be reenacted at any time after the expiration of two years by a vote of not less than five members of the city council or at any time after the expiration of five years by a simple majority vote of the city councilmembers.

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, he shall continue in office for the remainder of his unexpired term, subject to recall as before within the limitations of Section 14 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, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies.

Section 14. Limitations and Restrictions.

No recall petition shall be filed against any officer of the City of Wylie within six months after his election or appointment, nor within six months of such a petition being filed and found insufficient nor within one year after an election for such officer's recall.

In no instance shall an officer removed from office by recall election succeed himself, nor shall his name appear on a ballot for elective office of the City of Wylie within a period of five years following the date of the election at which he was removed from office.

Unless successfully withdrawn, no petition shall again be filed on a proposed or referred ordinance of substantially the same content within a period of six months of such a petition being filed and found insufficient or within a period of two years of the failure of the petition at a city election.

Section 15. 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 county judge of Collin County, Texas, shall discharge any such duties herein provided to be discharged by the city secretary or by the city council. In addition, any qualified voter in the City of Wylie may seek judicial relief in the district court of Collin County, Texas, to have any of the provisions of this Charter pertaining to initiative, referendum, or recall carried out by the proper official.

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ARTICLE VII. MUNICIPAL FINANCE

Section 1. Fiscal Year.

The fiscal year of the city shall begin on October 1 and end on September 30 of the succeeding year. All funds collected by the city during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year, and, except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the city, may be applied to the payment of expenses incurred during such fiscal year, except as provided in this Charter. Any revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year.

Section 2. Submission of Budget.

On or before August 15th of each year, unless the city council has granted an extension, the city manager shall file with the city secretary and submit to the city council a proposed budget for the ensuing fiscal year and the budget message. The city council shall hold the required public hearings on and review the proposed budget and make any appropriate changes prior to publishing the final budget.

Section 3. Budget.

A. *Content.* The budget shall provide a complete financial plan of all city funds and activities and, except as required by law or this Charter, shall be in such form as the city manager deems desirable or the city council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the city's debt position and include such other material as the city manager deems desirable. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated income. The budget message 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, compared to the estimate for the budgeted year. The budget shall include in separate sections:

- (1) A clear, general summary of contents.
- (2) A consolidated statement of receipts and expenditures of all funds, listed and itemized individually.
- (3) An analysis and itemization of all estimated income of the city from surplus, miscellaneous income and taxes with miscellaneous income subclassified by source.
- (4) Tax levies, rates, and collections for the preceding three years.

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- (5) A proposed multi-year capital program for pending and proposed new capital projects, including but not limited to the amounts to be appropriated from the budget, the amounts to be raised by the issuance of bonds, and the amount required for the operation and maintenance of the new projects. The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.
 - (6) The amount required for interest on the city's debts, for sinking funds and for maturing serial bonds.
 - (7) The total amount of the city's outstanding debts, with a schedule of maturity on bond issues in an attachment.
 - (8) An itemized estimate of the expenses of operating each department, division and office or agency.
 - (9) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be included in the budget.
 - (10) Such other information as is required by city council or deemed desirable by the city manager.
 - (11) The total amount of each reserve/contingency fund must be not less than five percent of the proposed expenditures for the major operating funds.
- B. *Public Notice and Hearing.* The city council shall provide for a public hearing on the proposed budget and publish in the official newspaper a general summary of the proposed budget and a notice stating:
- (1) The times and places where copies of the budget are available for inspection by the public.
 - (2) The time and place, for a public hearing on the budget, as required by law.
- C. *City Council Action.* [Action by the city council shall be as follows:]
- (1) The city council shall hold a public hearing on the budget as submitted at the time and place so advertised or at another time and place with proper notification. All interested persons shall be given an opportunity to be heard, either for or against any item on the proposed budget.
 - (2) At a regular or special meeting, the city council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.
 - (3) The city council shall adopt the budget by ordinance. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.
- D. *Failure to Adopt.* If the city council fails to adopt the budget by September 27, the amounts appropriated for operation during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved as part of the budget adoption will be set such that the tax rate for the budgeted year shall equal the tax rate of the current fiscal year.

Section 4. Amendments After Adoption.

- A. *Supplemental Appropriations.* If, during the fiscal year, the city manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the city council may make supplemental appropriations to fund other appropriations as desired.
- B. *Emergency Appropriations.* At any time in any fiscal year, the city council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than regular or recurring requirements, affecting life, health, property, or the public peace.

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- C. *Reduction of Appropriations.* If, at any time during the fiscal year, it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the city council indicating the estimated amount of deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The city council shall then take such further action that it deems necessary to prevent or minimize any deficit.
 - D. *Transfer of Appropriations.* At any time during the fiscal year, the city manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. Upon written request by the city manager, the city council may, by budget amendments, transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
 - E. *Limitations.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance.
 - F. *Effective Date.* The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section shall be made effective immediately upon adoption of the appropriate ordinance or budget amendment.

Section 5. Capital Program.

The city manager shall submit a five year, capital program as an attachment to the annual budget. The capital program shall include the proposed program by the planning board and comments by the city manager. The program, as submitted, shall include:

A clear, general summary of its contents;

A list of all capital improvements which are proposed for the five fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements;

Cost estimates, method of financing and recommended time schedules for each such improvement; and

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

The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

Section 6. Public Records.

Copies of the budget and the capital program, as adopted, shall be public records and shall be made available to the public upon request.

Section 7. Lapse of Appropriations.

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

Section 8. Borrowing.

- A. *The Right to Borrow.* The City shall have the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.

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- B. *General Obligation Bonds.* The City shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other purpose not prohibited by law and this Charter, and to issue refunding bonds to refund outstanding bonds previously issued. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for purposes for which they were issued.
- C. *Revenue Bonds.* The city shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such shall be a charge upon and payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.
- D. *Certificates of Obligation.* The city shall have the power to issue certificates of obligation in conformity with V.T.C.A., Local Government Code ch. 271, as the same now exists or is hereafter amended. Provided, however, that the published notice of intention to issue certificates, as provided for in V.T.C.A., Local Government Code ch. 271 shall, in addition to language required by V.T.C.A., Local Government Code § 271.49, also contain the following statement:

The proposed certificates of obligation will be issued without further notice and without approval of the voters of the city unless a sufficient petition, signed by at least [five percent] of the qualified voters of the city, protesting the issuance of the certificates of obligation is filed with the city secretary, within 30 days from the first publication of this notice, prior to consideration of this matter by the Wylie City Council at the above time and date. In the event of the timely filing of a sufficient petition the city council may not authorize issuance of the certificates of obligations unless the issuance is first approved at an election.

- E. *Election Required.* Any general obligation bond, revenue bond, and in the event sufficient petition is received, certificates of obligation, shall not be issued without an election. The city council shall prescribe, in accordance with [laws of the State of Texas Vernon's Ann. Civ. St. art. 701](#) and other applicable State Law, the city procedure for calling and holding such elections. Therefore, the city shall prescribe the procedure for calling and holding such elections, shall define the voting precincts and shall provide for the return and canvass of the ballots cast at such elections. If, at such election, a majority of the vote shall be in favor of creating such a debt or refunding outstanding valid bonds of the city, it shall be lawful for the city council to issue bonds as proposed in the ordinance submitting same but if a majority of the vote polled shall be against the creation of such debt or refunding such bonds, the city council shall be without authority to issue the bonds. In all cases when the city council shall order an election for the issuance of bonds of the city, it shall, at the same time, submit the question whether or not a tax shall be levied upon the property in the city for the purpose of paying the interest on the bonds and to create a sinking fund for their redemption.

Section 9. Purchasing.

The city council may, by ordinance, confer upon the city manager general authority to contract for expenditures without further approval of the city council for all budgeted items not exceeding limits set by the city council. All contracts for expenditures involving more than the set limits must be expressly approved in advance by the council. All contracts or purchases involving more than the limits set by the city council shall be let to the lowest bidder whose submittal is among those most responsive to the needs of the city after there has been opportunity for competitive bidding as provided by law or ordinance; provided that the city council, or city manager in such cases as he is authorized to contract for the city, shall have the right to reject any and all bids.

Emergency contracts as authorized by law and this Charter, may be negotiated by the city council, or city manager, if given authority by the city council, without competitive bidding. Such emergency shall be declared by the city manager and approved by the city council or may be declared by the city council.

Section 10. Administration of Budget.

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

Section 11. Depository.

All monies received by any person, department or agency of the city for, or in connection with, the affairs of the city shall be deposited promptly in the city depository or depositories, which shall be designated by the city council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance and law. Procedures for the withdrawal of money or the disbursement of funds from the city depositories shall be prescribed by ordinance.

Section 12. Financial Report.

The city manager shall submit to the city council ~~at its first formal meeting~~ each month the financial condition of the city by budget item, budget estimate d versus month to date accruals for the preceding month and for the fiscal year to date. The financial records of the city will be maintained on the modified accrual basis or the accrual basis by fund type as established by the Governmental Accounting Standards Board.

Section 13. Independent Audit.

At the close of each fiscal year, and at such other times as it may be deemed necessary, the city council shall cause an independent audit to be made of all accounts of the city by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. Upon completion of the audit, the summary thereof shall be published immediately in the official newspaper of the city and copies of the audit placed on file in the city secretary's office as public record.

ARTICLE VIII. BOARDS AND COMMISSIONS

Section 1. Authority.

- A. *General.* The City Council shall create, establish or appoint as may be required by the laws of the State of Texas or this Charter, such boards, commissions and committees as it deems necessary to carry out the functions, and obligations of the city. The city council shall, by ordinance, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee, where such are not prescribed by law or this Charter. The city council may, by ordinance, consolidate the functions of the various boards, commissions or committees enumerated in this article.

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- B. *Limitation on Service.* No person shall be appointed to or serve on more than two permanent boards, commissions, or committees at any given time.

Section 2. Boards and Commissions Enumerated.

- A. *Planning and Zoning Commission.* There is hereby established a planning and zoning commission, whose purpose, composition, function, duties and tenure shall be as set out in Article IX of this Charter.
- B. *Parks and Recreation Board.* The city council shall appoint a parks and recreation board of seven members who shall be qualified voters to work in an advisory capacity to the city council in the planning and development of parks and recreation facilities and regulations governing their use. Members of the board shall be appointed for two year terms with three members' terms expiring in even-numbered years and four members' terms expiring in odd-numbered years. Members of the board shall elect a chairman, at the first regular meeting after annual appointments each July, from their membership and shall meet at the call of the chairman or at the request of the city council. The city manager shall appoint a staff representative to the board.
- C. *Library Board.* The city council shall appoint a library board consisting of seven members who shall be qualified voters who shall serve for a term of two years with three members' terms expiring in even-numbered years and four members' terms expiring in odd-numbered years. Members of the board shall elect a chairman, at the first regular meeting after annual appointments each July, from their membership and shall meet at the call of the chairman or at the request of the city council. The city manager shall appoint a staff representative to the board.
- D. *Board of Adjustment ~~and Appeals~~.* The city council shall appoint a board of adjustment ~~and appeals~~ of five members and two alternate members who shall serve in accordance with applicable law. Members of the board shall be qualified voters of the city and shall be appointed for two year terms with three members' terms expiring in even-numbered years and two members' terms expiring in odd-numbered years. Members of the board shall elect a chairman at the first regular meeting after annual appointments each July from their membership and shall meet at the call of the chairman within 30 days of receipt of written notice from anyone aggrieved as a result of the refusal of a building permit or administrative decision by the city building official. Rules and regulations shall be prescribed for the functioning of the board consistent with the laws of the State of Texas and the building codes of the City of Wylie.
- E. *Other Boards and Commissions.* The city council shall have the power and is hereby authorized to create, abolish, establish and appoint such other boards, commissions and committees as it deems necessary to carry out the functions and obligations of the city. The city council shall, by ordinance, prescribe the purpose, composition, functions, duties, accountability and tenure of each such board, commission and committee.

Section 3. General.

- A. *Open Meetings.* All meetings of any board, commission, or committee created, established or appointed by this Charter or the city council shall be open to the public, unless otherwise permitted by law and shall be subject to both current and future laws of the State of Texas concerning public meetings.
- B. *Appeals to City Council.* Subject to the provisions of any law of the State of Texas and to the county, an appeal may be taken to the city council from any decision of any board, commission, committee or other body except from decisions of the ~~board of equalization, or~~ board of adjustment. Such appeals shall be perfected by filing a sworn notice of appeal with the city secretary within 30 days from the rendition of the decision of the board, committee or other body. Prior to the institution of any appeal in a court of law by an aggrieved person from a decision of such board, commission, committee or other body, appeal must be first perfected to the city council.

Commented [SS14]: Duplicate wording of Section 1, Subsection A....could one be removed? Or do both need to remain?

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- C. *Compensation.* Subject to the provisions of any law of the State of Texas or this Charter to the contrary, all members of any board, commission, committee or other body will serve without compensation but may be reimbursed for any necessary expenses as a result of their work.
 - D. *Minutes.* All boards, commissions or committees of the city shall keep and maintain minutes of any proceedings held, ~~and shall submit a written report of such proceedings to the city council at least once each month.~~
 - E. *Exclusion of City Officers and Employees.* No officer of the city nor any person who holds a compensated appointive position with the city shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity.
 - F. *Rules and Regulations.* All boards, commissions and committees established or created by this Charter shall set out their own rules and regulations for operation thereof unless specifically prescribed by the laws of the State of Texas, this Charter, or by ordinance. Ordinances creating any board, commission or committee shall provide that if any member is absent from three consecutive meetings, his position shall be declared vacant and the vacancy shall be filled for the remainder of the unexpired term by the city council within 30 days after the vacancy occurs.
 - G. *Existing Boards and Commissions.* All existing boards, commissions and committees heretofore established shall be continued in accordance with the ordinance or other acts under which they have been created, or until the city council shall, by ordinance, abolish, modify or alter the ordinances or acts under which they exist.

ARTICLE IX. PLANNING

Section 1. Powers of the City.

The city shall have the power to adopt and enforce:

- A. A master plan to be used as a guide in considering passage of ordinances for the orderly growth and development of the city.
- B. Ordinances for the regulation of platting and subdivisions within the city and its extraterritorial jurisdiction.
- C. Ordinances to establish development performance standards and land use regulations in general within the city, and any valid additions thereto, or within any part thereof, in any manner that does not conflict with the constitution or present or future laws of the State of Texas.
- D. Ordinances to promote safe and reasonable building standards and to establish emergency administrative measures to be applied in the time of natural disaster.
- E. Ordinances to regulate the ~~collection and disposal of solid and other wastes in a manner so as to protect the~~ general health, safety and welfare of the citizens, and to protect the environmental quality in accordance with present laws of the State of Texas and the United States.
- F. Ordinances to provide for the acquisition of lands within the city limits and extraterritorial jurisdiction for public purposes not in conflict with the laws of the State of Texas.
- G. Ordinances to provide for capital improvements of the city, with or without the required financial participation or approval of property owners adjacent to the improvements.
- H. Establish such commissions, boards or panels as may be needed in carrying out its planning and regulatory duties as provided by this Charter and State law.

Section 2. Planning and Zoning Commission.

The city council shall establish a planning and zoning commission in the manner provided by this Charter, whose primary duty shall be to advise the city council in carrying out its various duties and functions regarding planning and environmental quality as provided by this Charter.

- A. *Organization and qualification.* ~~The organization of the planning and zoning commission and the qualifications of its members shall be as follows:~~
- (1) There shall be established a planning ~~and zoning~~ commission which shall consist of seven citizens of the City of Wylie. The members of said board shall be qualified voters of the city ~~and shall be appointed by the city council within 60 days of the adoption of this Charter, for a term of two years. The members of said board at their first meeting shall draw lots to determine those who will serve one year and two year terms beginning on the date of initial appointment of the board. On the expiration of the term of each of the members who have drawn lots, his place shall be filled by a member appointed for a two year term.~~ The board shall elect a chairman from among its membership each year at the first regular meeting ~~after annual appointments in July.~~ The commission shall meet ~~as needed, not less than once each month.~~ Vacancies in an unexpired term shall be filled by the city council within 30 days from the date of the vacancy for the remainder of the term. ~~For purposes of this section, the appointment year of respective commission members shall be deemed to begin on July 1st.~~
 - (2) Members of the planning and zoning commission shall be residents of the City of Wylie for at least 12 months preceding the date of appointment; be knowledgeable in the affairs of the city and be knowledgeable in the functions and activities provided for in this article.
- B. *Duties and Powers of the Planning and Zoning Commission.* The planning and zoning commission shall:
- (1) Make and recommend to the city council a master plan to be used as a guide in considering ordinances for the orderly development of the city. The commission shall, not less than every five years, review, ~~and if needed, and~~ recommend to the city council amendments to the master plan of the city.
 - (2) Recommend to the city council proposed ordinances and amendments to ordinances regarding planning, zoning and environmental quality and review ordinances and amendments proposed by the city council relative to the city council's planning and zoning function. Such review and recommendation by the planning and zoning commission must be received by the city council prior to action on the proposed ordinance or amendment.
 - (3) Receive and review all platting and subdivision proposals ~~and make recommendations to the city council for appropriate action.~~

ARTICLE X. PUBLIC UTILITIES, FRANCHISES AND LICENSES

Section 1. Powers of the City.

The city has the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such service and utility operations. The city shall have such regulatory and other power as may now or hereafter be granted under the constitution and laws of the State of Texas.

Section 2. Power to Grant Franchise.

The city council has the power to grant, renew and extend all franchises of a public service operating within the city and, with the consent of the franchise, to amend the same. No franchise shall be granted for a term of more than 20 years from the date of the grant, renewal or extension.

Section 3. Ordinance Granting Franchise.

Any ordinance granting, renewing, extending or amending a public service franchise shall not take effect until 30 days after the final adoption. ~~Within 15 days following the first reading of the ordinance, a summary of the ordinance shall be published one time in a newspaper of general circulation in the city with the expense of such publication borne by the prospective franchisee.~~ No franchise shall be exclusive.

Section 4. Transfer of Franchise.

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

Section 5. Franchise Value Not to be Allowed.

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

Section 6. Right of Regulation.

In granting, amending, renewing and extending public service and utility franchises, the city has the following rights:

- A. To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed or for failure to comply with terms of the franchise. This may be executed only after due notice and hearing.
- B. To require all extensions of services within the city limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. This extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant.
- C. To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency.
- D. To require reasonable standards of service and quality of product and prevent unjust rate discrimination.
- E. To impose reasonable regulations and restrictions to insure the safety and welfare of the public.
- F. To prescribe the form of accounts kept by each utility. Accounts must be kept according to the accounting system prescribed by the appropriate state or federal regulatory agency.
- G. To examine and audit accounts and records and to require annual reports on local operations of the utility.
- H. To require that procedural rules and regulations dealing with public utilities conform to the requirements of the appropriate state or other regulatory agency.
- I. To require franchisee to restore, at franchisee's expense, all public or private property to a condition as good or better than before disturbed by the franchisee for construction, repair or removal.

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- J. To require every franchisee to furnish, within a reasonable time to the city, at the franchisee's expense, a general map outlining current location, character, size, length and terminal of all facilities, over[ground] and underground of city property and additional information on request.
 - K. To require every franchise and public service utilities operator within the city to file certified copies of all franchises owned or claimed or under which such utility is operated in the city. ~~This shall be done within six months after the Charter takes effect.~~ The city shall maintain a public record of public service franchises.
 - L. To require such compensation and rental as may be permitted by the laws of the State of Texas.
 - M. To require city council approval of all rates, rate schedules and amendments thereto of utilities franchised in the City of Wylie.

Section 7. City-Owned Public Services.

The city council shall have the following rights:

- A. To set rates of city-owned public services.
- B. To require all city-owned public services to keep accounts to show complete financial operations. Accounts must show actual cost of each service to the city, including costs of extensions and improvements and sources of funds expended for these purposes. Costs of services furnished to other cities or government agencies must also be included.

Section 8. Regulations of Rates.

- A. The city council has the power, by ordinance, to fix and regulate the rates and charges of all public utilities and fix the fares of all public transportation of every kind operating within the corporate limits of Wylie.
- B. Upon receiving a request from a public service requesting a change in rates, the city council shall call a meeting for consideration of the change.
- C. The public service must show the necessity for the change by any evidence required by the city council, including:
 - (1) Cost of its investment for service in the city.
 - (2) Amount and character of expenses and revenues connected with rendering the service.
 - (3) Copies of any reports or returns filed with any state or federal regulatory agency within the last three years.
 - (4) Demonstration that the return on investment is within state and federal limitations.
- D. If not satisfied with the sufficiency of evidence, the city council shall hire rate consultants, auditors and attorneys to investigate and if necessary, litigate requests for rate changes. The public service will reimburse the city for reasonable and necessary expenses thus incurred.
- E. If not satisfied with the outcome, the public service may make a motion for a rehearing within 30 days after the order is entered. The motion is considered overruled if the city council does not act upon it within 60 days.
- F. No public service may institute legal action contesting rates fixed by the city council until the public service has exhausted the remedies described in this Charter.

Section 9. Existing Franchises: Other Conditions.

All franchises heretofore granted are recognized as contracts between the city and the franchisee and the contractual rights as contained in such franchises shall not be impaired by the provisions of this Charter except for the following:

- A. To license, regulate, control or prohibit the erection of signs or billboards or other devices designed to attract the attention of members of the public.
- B. To license any lawful business, occupation or calling subject to control pursuant to the police powers of the State of Texas.
- C. To license, regulate and fix charges made for vehicles carrying passengers or freight for hire on streets within the city.
- D. To license, regulate, control and prohibit vendors and/or solicitors operating within the city.

ARTICLE XI. GENERAL AND TRANSITIONAL PROVISIONS

Section 1. Publicity.

All records of the city shall be open to inspection ~~in accordance with state law except for those that are closed to the public by law. The records may be examined and copied in the city office during normal office hours. The council may set reasonable rates and fees for copying.~~

Section 2. Official Newspaper.

The city council shall declare an official newspaper of general circulation in the city. All ordinances, captions of ordinances, notices and other matters required to be published by this Charter, by city ordinances, or by the constitution and laws of the State of Texas, shall be published in this official newspaper.

Section 3. Nepotism.

No person related within the second degree by affinity or within the third degree by consanguinity to the mayor or any city councilmember or the city manager shall be employed or appointed to any position of the city. This does not apply to any person continuously employed for two years prior to the election or appointment of the person related in the above degrees.

Section 4. Oath.

All elected and appointed officers of the city shall take and sign the oath of office based on ones prescribed for state elective and appointive offices, respectively, in the constitution of the State of Texas.

Section 5. Personal Financial Interest.

No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, nor shall be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or service, except on behalf of the city as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall be subject to removal from his office or position. Any violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with the city council shall render the contract involved void.

Section 6. Assignment, Execution and Garnishment.

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ or execution of cost bill. The funds belonging to the city, in the hands of any person, firm, or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the city 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 of 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.

Section 7. Security and Bond.

It is not necessary in any action, suit or proceeding in which the city is a party for any bond, undertaking, or security to be demanded or executed by or on behalf of said city in any of the state courts. All such actions shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

Section 8. Damage Suits.

Before the city shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or his authorized representative shall notify the city ~~secretary~~. The notification shall be in writing and shall state specifically how, when and where the death, injury or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The notification shall be filed within ~~45~~180 days of the date of injury or damage or, in the case of death, within ~~45~~180 days of the date of death. The failure to so notify the city within the time and manner specified shall exonerate, excuse and exempt the city from any liability whatsoever. No action at law shall be brought against the city until at least 60 days have elapsed since the date of notification.

Section 9. Power to Settle Claims.

The city council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the city, including suits by the city to recover delinquent taxes.

Section 10. Service of Process.

All legal process against the city shall be served upon either the city secretary or the city manager ~~mayer, or mayor pro tem.~~

Section 11. Pleading Ordinances.

It shall be sufficient in all judicial proceedings to plead any ordinance of the city by caption, without embodying the entire ordinance in the pleading, and all printed ordinances or codes of ordinances shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. Certified copies of ordinances may also be used in evidence.

Section 12. Construction of Charter.

This Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and not as a limitation of power on the government of the City of Wylie in the same manner as the Constitution of Texas is construed as a limitation on the powers of the legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Wylie to expressly grant to the city shall be construed to be granted to the city by this Charter.

Section 13. Judicial Notice.

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

~~Section 14. Persons Indebted to the City Shall Not Hold Office.~~

~~No person shall be qualified to hold a municipal office who is, or becomes while in service, in arrears in the payment of taxes or other liabilities due the city, provided they have received notice of the same (in arrears in this section shall have the same meaning as defined in Article V, Section 2 of this Charter).~~

Section 15. Library.

The city council has the authority to establish and maintain a free public library and to cooperate with other governmental entities for the establishment of such library.

Section 16. Parks and Recreational Facilities.

The city has the authority, alone or with any governmental agency, or any nonprofit organization incorporated under the laws of the State of Texas, to acquire, establish and own all property that may be useful and necessary for the purpose of establishing and maintaining parks and recreational facilities as authorized by law.

Section 17. Airport.

The city has the power to own and operate an airport and the necessary facilities in connection with it, including the right to cooperate with governmental agencies in ownership, operation and zoning provided by law or regulations.

Commented [SS15]: Should this remain? I know there was talk about an airport when the Charter was passed.

Section 18. Cemetery.

The city has the authority to acquire, establish and own all property within or ~~outside of~~without the city limits that may be useful or necessary for establishing, maintaining and operating one or more cemeteries, including the authority to cooperate with other governmental agencies. Such facilities may be operated as authorized by law.

Section 19. Hospital.

The city has the authority to acquire, establish and own property necessary for establishing, maintaining and operating a city hospital, including the authority to cooperate with other governmental agencies.

Section 20. Housing Authority; Standards; Urban Renewal.

The city council has the authority to create a housing authority under the laws of the State of Texas; to establish, by ordinance, regulations providing minimum standards for all buildings which are used or intended for use as places of human habitation to ensure such places are constructed, repaired and maintained so as to protect the safety, health and general welfare of the community, its citizens and the residents of such dwellings; to undertake and engage in programs and projects for urban renewal and development as authorized by laws of the State of Texas and the federal government.

Section 21. Emergency Powers of the Mayor.

Whenever it shall come to the knowledge of the mayor or his designee that any malignant, infectious or contagious disease or epidemic is prevalent in the city or probably will become so, or in case of public calamity

arising by reason of flood, hurricane, tornado, fire, or other disaster, he shall have the power to take all steps and use all measures necessary to avoid, suppress or mitigate such disease and relieve distress caused by flood or resulting from tornado, hurricane, fire or other disaster.

Section 22. Severability.

If any section or part of this Charter is held invalid by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of a section of this Charter.

Section 23. Effect on Existing Laws.

All ordinances, portions thereof, resolutions, contracts, bonds, obligations, rules, and regulations now in force under the city government of Wylie, and not in conflict with the provisions of this Charter, shall remain in force under this Charter until altered, amended, or repealed by the city council after the Charter takes effect.

Section 24. City Defined.

The use of the word "city" in this Charter shall mean the City of Wylie, Collin County, Texas.

Section 25. Gender of Wording.

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

Section 26. Amendment of Charter.

Amendments to this Charter may be framed and submitted to the qualified voters of the city in the manner provided by applicable law.

Section 27. Submission of Charter to Voters.

This Charter is so constructed that in order to enable it to work and function, it is necessary that it be adopted in its entirety. Thus, the Charter commission directs that it be voted upon as a whole and be submitted to the voters of Wylie at an election to be held for that purpose on January 19, 1985. Not less than 30 days prior to such election, the city council shall cause the city secretary to mail a copy of this Charter to each qualified voter of Wylie as appears on the latest list of registered voters. If a majority of the qualified voters voting in such election vote in favor of the adoption of this Charter, it shall become the Charter of the City of Wylie. A copy of said Charter, authenticated by the signature of the mayor and the seal of the city, shall be forwarded to the Secretary of the State of Texas and shall show the approval of this Charter by majority vote of the qualified voters voting at such election.

Commented [SS16]: Should this section remain?

Section 28. ~~Nonsubstantive revisions~~ Rearranging and Renumbering.

The city council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of this Charter or any amendments thereto, and correct errors in spelling, grammar, cross-references and punctuation as it shall deem appropriate, and upon the passage of any such ordinance, a copy thereof, certified by the city secretary, shall be forwarded to the Secretary of State for filing.

Section 29. Schedule of Transition.

- A. This Charter shall take effect immediately following adoption by the voters and entry of an official order by the city council declaring the same adopted.
- B. Upon the adoption of this Charter, the present members of the city council filling elective offices will continue to fill those offices for the terms to which they were elected. If this Charter is adopted, the city

council shall, by majority vote, at its first regular meeting after the adoption of this Charter, appoint one additional councilman to serve for a term to coincide with the term of the councilmen who are elected in even-numbered years, or until his successor is elected and qualified. Thereafter, the city council shall be elected as provided in this Charter. Persons, who, on the date this Charter is adopted, are filling appointive positions with the City of Wylie which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the city council or by other means provided for in this Charter.

- C. In compliance with the terms of Section 29, paragraph B, the following offices, places, names and next election years are given in order to clarify the intent of that paragraph and provide an orderly transition. To wit: the mayor is John W. Akin and his term will expire in April 1986. Councilman, place 1 is Don Hughes, whose term of office will expire in April, 1985; Councilman, place 2 is Percy Simmons whose term will expire in April, 1986; Councilman, place 3 is Cleo Adams whose term will expire in April, 1985; Councilman, place 4 is William Martin whose term will expire in April, 1986; Councilman, place 5 is Joe Fulgham whose term will expire in April, 1985; Councilman, place 6 is open and will be subject to appointment by the city council following the adoption of this Charter and will serve until that term expires for place 6 in April, 1986. Thereafter, the procedure for filling of council seats shall follow the provisions of this city Charter.

Commented [SS17]: Is this an old transition clause and if so is it still needed?

ARTICLE XII. ADOPTION OF CHARTER

Section 1. Procedure.

- A. This Charter shall be submitted to the qualified voters of the City of Wylie for adoption or rejection on January 19, 1985, 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 of Wylie, Texas, until amended or repealed.
- B. It being impractical to submit this Charter by sections, it is hereby prescribed that the form of ballot to be used in such election shall be as follows, to wit:

For the adoption of the Charter

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

Commented [SS18]: Does this verbiage need to remain?

Potential New Additions.

Public Safety – The City shall have the power by ordinance to establish and maintain a police and fire department(s) by whatever name known and to prescribe the duties of the members of each such department(s) and regulate their conduct and their salary ranges. The head of the police department of the City shall be known and designated as "Chief of Police"; and the head of the fire department of the City shall be known and designated as "Fire Chief". The City Council shall provide by ordinance staff requirements for each such department.

Fire Department – The Fire Department shall be under the direction of a Chief, who shall serve as the Director of the Department. The Fire Department shall consist of a Chief, and such other officers, firefighters, emergency medical services personnel, and employees as may be authorized by ordinance of the City Council, with sufficient staffing to maintain an adequate Fire Department for the City of Wylie.

The Fire Chief shall have immediate supervision and control of the Fire Department, subject to rules, regulations, and directives prescribed by the City Manager, provided such directives are not inconsistent with the ordinances of the City. The Fire Chief shall promulgate all necessary orders, rules, and regulations governing the conduct and administration of the Department. These orders, once approved by the City Manager, shall supplement existing laws and Charter provisions and shall constitute the administrative rules governing the Department.

The Fire Department shall have the authority to take all necessary measures to protect the lives, property, and environment of the City of Wylie. The Fire Department shall have the authority to conduct investigations related to fire incidents, including the examination and control of fire scenes, as provided by applicable codes and ordinances. The City shall establish and designate fire limits and prescribe the type and character of buildings, structures, or improvements permitted within those limits. The City shall empower the Fire Department with the authority and resources to remedy conditions that pose an increased risk to public safety. This includes the authority to condemn dangerous or dilapidated buildings or any structures that present a fire hazard, and to establish procedures for their removal or destruction.

The Fire Department shall remain operational at all times. In the event of the Chief's inability to perform their duties due to sickness or other incapacity, the Assistant Chief, or the next officer in command, shall assume the responsibilities of the Chief.

Police Department – The Director of the Police Department shall be the Chief of Police. The Police Department shall be composed of a Chief and such other officers, police officers, and employees as the City Council may provide by ordinance and such number of police officers as necessary to maintain an adequate Police Department for the City of Wylie. The Police Chief shall have immediate direction and control of the Police Department, subject to such rules, regulations and orders as the City Manager may prescribe not inconsistent with the ordinances of the City, and shall promulgate all orders, rules and regulations governing conduct of the Department which, when approved by the City Manager, shall be in addition to applicable laws and Charter provisions, and shall constitute the rules of the administration and conduct of the Department. The Police Department shall have the further power to conduct investigations regarding police incidents, including the investigation and control of police scenes, as such are described in the adopted codes and ordinances. The Police Department shall be kept open at all times. In case of disability of the Chief, by reason of sickness or other cause, wherein the Chief is unable to perform their duties, the Assistant Chief or next in command shall perform the duties of the Chief.

Authority of Police

The officers constituting the Police Department of the City of Wylie shall be and they are hereby vested with all the powers and authority given to them as Peace Officers under the laws of the State of Texas in taking cognizance of, and enforcing the criminal laws of the State and the ordinances and regulations of the City within the limits of the City, and it shall be the duty of each such officer to use their best endeavors to prevent the commission within the City of offenses against the laws of said State and against the ordinances and regulations of said City; to observe

and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of the City and to secure the inhabitants thereof from violence, and the property therein from injury. Such Police shall execute any criminal warrant for arrest, or any writ, subpoenas or other process that may be placed in their hands by the duly constituted authorities of the City. No Police Officer shall receive any fee or other compensation for any service rendered in the performance of their duty other than the salary paid him by the City, nor shall they receive a fee as a witness in any case arising under the criminal laws of this State or under the ordinances or regulations of the City and prosecuted in the Municipal Court of the City, any Criminal Court in Collin, Dallas, or Rockwall County, or any United States Federal Court. Police Officers are sworn to uphold and protect the Constitution of the United States and the Constitution of the State of Texas.

The Police Department shall remain operational at all times. In the event of the Chief's inability to perform their duties due to sickness or other incapacity, the Assistant Chief, or the next officer in command, shall assume the responsibilities of the Chief.