

**ORDINANCE NO. 2025-20**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, ADOPTING THE AMENDMENTS TO THE HOME RULE CHARTER APPROVED BY THE QUALIFIED VOTERS OF THE CITY OF WYLIE, TEXAS, AT A SPECIAL ELECTION HELD ON MAY 3, 2025; CANVASSING THE ELECTION RETURNS; DECLARING THE ELECTION RESULTS; PROVIDING FOR RECORDATION AND CERTIFICATION OF THE CHARTER AMENDMENTS AS REQUIRED BY TEXAS LAW; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Wylie, Texas ("City Council"), on its own motion, duly authorized and ordered a special election to be held within the City of Wylie, Texas ("Wylie" or "City"), on May 3, 2025, for the purpose of submitting to the qualified voters of Wylie certain proposed amendments to the existing Home Rule Charter of Wylie ("City Charter"), pursuant to and in accordance with Section 9.004 of the Texas Local Government Code, Article XI, Section 26 of the City Charter and other applicable law; and

**WHEREAS**, the Collin County Elections Administrator administered the Election for Collin County voters, Dallas County Elections Administrator administered the Election for Dallas County voters, and Rockwall County Elections Administrator administered the Election for Rockwall County voters; and

**WHEREAS**, the Collin, Dallas, and Rockwall County Elections Administrators have made the return of the Election results and delivered them to the City Council in the time and manner required by law; and

**WHEREAS**, Election returns lawfully submitted to the City Council and filed with the City Secretary are set forth in Exhibit A and incorporated herein for all purposes; and

**WHEREAS**, the City Council finds that the Election was duly called; that notice of the Election was given in accordance with the law and City Charter; that the Election was held in accordance with the law and City Charter; that the Election returns were duly and legally made and delivered; and that there were cast at the Election valid and legal votes; and

**WHEREAS**, the City Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that the public notice of the time, place and purpose of the meeting was given as required by Chapter 551 of the Texas Government Code, as amended; and

**WHEREAS**, the City Council, having canvassed the combined early voting and Election Day accumulated totals, finds that the votes cast result in the following:

**Proposition A**

For – 975

Against – 1,303

**Proposition B**

For – 1,729

Against – 467

**Proposition C**

For – 1,918  
Against – 356

**Proposition D**

For – 1,985  
Against – 236

**Proposition E**

For – 1,140  
Against – 1,053

**Proposition F**

For – 1,485  
Against – 727

**Proposition G**

For – 805  
Against – 1,402

**Proposition H**

For – 646  
Against – 1,548

**Proposition I**

For – 1,316  
Against – 775

**Proposition J**

For – 1,871  
Against – 350

**Proposition K**

For – 1,172  
Against – 997

**Proposition L**

For – 1,916  
Against – 270

**Proposition M**

For – 1,145  
Against – 1,069

**Proposition N**

For – 836  
Against – 1,223

**Proposition O**

For – 1,421  
Against – 674

**Proposition P**

For – 1,448  
Against – 677

**Proposition Q**

For – 1,865  
Against – 285

**Proposition R**

For – 1,302  
Against – 849

**Proposition S**

For – 1,512  
Against – 563

**Proposition T**

For – 503  
Against – 1,630

**Proposition U**

For – 1,669  
Against – 455

**Proposition V**

For – 1,214  
Against – 977

**Proposition W**

For – 1,681  
Against – 506

**Proposition X**

For – 1,663  
Against – 491

**Proposition Y**

For – 1,587  
Against – 487

**Proposition Z**

For – 708  
Against – 1,442

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:**

**SECTION 1: Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2: Election Results; Adoption of Charter Amendments.** The Election returns as set

forth herein are declared to be official. The City Council hereby declares that Propositions B through F, I through M, O through S, and U through Y, setting forth amendments to the City Charter, were approved by the qualified voters of the City at the Election. A true and correct copy of the approved amendments to the City Charter is attached hereto as Exhibit B and incorporated herein for all purposes. Pursuant to Section 9.005(b) of the Texas Local Government Code, the City Council hereby declares that amendments to the City Charter as set forth in Exhibit B are adopted.

**SECTION 3: Approval of Elections Results.** The City Council hereby finds and determines, as a result of the canvass held on May 13, 2025, that a combined Election Day and early voting total of 2,526 votes were cast in the Election, with 1,589 early votes cast, as indicated by the poll list for the Election held on May 3, 2025. It is hereby declared that the City Council approves and accepts the amendments to the City Charter as set forth in Exhibit A attached hereto, as determined by the majority vote of the qualified voters of the City.

**SECTION 4: Recordation and Certification of Charter Amendments.** The City Secretary shall record in the Office of the City Secretary the City Charter amendments as set forth in Exhibit B. Pursuant to Section 9.007 of the Texas Local Government Code, the Mayor shall certify to the Secretary of State of the State of Texas, an authenticated copy of this Ordinance and said City Charter amendments under the seal of Wylie, showing the approval by the qualified voters of the City.

**SECTION 5: Severability.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional and/or invalid.

**SECTION 6: Savings/Repealing.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

**SECTION 7: Effective Date.** This Ordinance shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED,** by the City Council of the City of Wylie, Texas on this 13th day of May 2025.

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Matthew Porter, Mayor

**ATTEST:**

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Stephanie Storm, City Secretary

## **CERTIFICATION OF CITY CHARTER AMENDMENT**

Pursuant to Section 9.007(a) of the Texas Local Government Code, I, Matthew Porter, mayor of the City of Wylie, Texas, hereby certify and submit to the Secretary of State of the State of Texas the above and foregoing authenticated copy of City of Wylie Ordinance No. 2025-20, adopted by the City Council of the City of Wylie, Texas, on the 13th day of May 2025, and attached thereto as Exhibit B is a true and correct copy of the amendments to the City of Wylie Home Rule Charter approved by the voters of the City of Wylie, Texas, at an election held for that purpose on the 3rd day of May 2025.

This certificate of authentication executed this 13th day of May 2025.

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Matthew Porter, Mayor

ATTEST:

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Stephanie Storm, City Secretary

[Seal of the City of Wylie, Texas]

**Exhibit A**  
**Certified Election Returns**

[redacted] pages attached hereto]

**Exhibit B**  
**Approved City Charter Amendments**

Propositions B through F, I through M, O through S, and U through Y, were approved at the Special Election held on May 3, 2025; therefore, the Home Rule Charter of the City of Wylie, Texas, is hereby amended as follows<sup>1</sup>:

**CITY OF WYLIE PROPOSITION B**

In accordance with Proposition B, Article III, Section 5 of the City Charter is amended to read as follows:

...

**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 after each election of Council Members and/or Mayor, except that in the event a runoff election is required for any such office, the City Council shall not elect a Mayor Pro-Tem until the runoff election is completed and the duly elected candidate(s) have been officially seated on the City Council. 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. The Mayor Pro-Tem shall serve in such capacity until a majority of the City Council votes to elect a new Mayor Pro-Tem.

...

**CITY OF WYLIE PROPOSITION C**

In accordance with Proposition C, Article III, Section 6 of the City Charter is amended to read as follows:

...

**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

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<sup>1</sup> Words and punctuation to be added are underlined; words and punctuation to be deleted are marked with ~~striketrough~~.

- (4) Fails to attend three consecutive regular City Council meetings without an explanation acceptable to a majority of the remaining members of the City Council ~~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.
- ...

#### **CITY OF WYLIE PROPOSITION D**

In accordance with Proposition D, Article III, Section 11 of the City Charter is amended to read as follows:

- ...
- Section 11. – Conflict of Interest and Abstention.
- A. *Conflict of Interest.* Should any member of the Council have ~~feel he has~~ a conflict of interest with an agenda item then before the Council (as determined under Chapter 171 of the Texas Local Government Code), 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.
- ...

#### **CITY OF WYLIE PROPOSITION E**

In accordance with Proposition E, Article III, Section 11 of the City Charter is amended to read as follows:

- ...
- 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 negative ~~affirmative~~ vote in the official minutes of the City of Wylie.
- ...

#### **CITY OF WYLIE PROPOSITION F**

In accordance with Proposition F, Article III, Section 13; Article VI, Section 9; Article VII, Sections 3 and 13; Article X, Section 3; and Article XI, Section 2 of the City Charter is amended to read as follows:

- ...
- ARTICLE III. – THE CITY COUNCIL



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, or by such other means as may be allowed by state law.
- 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.

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ARTICLE VI. – INITIATIVE, REFERENDUM AND RECALL

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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 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, or by such other means as may be allowed by state law, not more than 15 days immediately preceding the date of the election.

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ARTICLE VII. – MUNICIPAL FINANCE

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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.
  - (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, or by such other means as may be allowed by state law, 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.*

- (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.

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#### 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 on the City website, or by such other means as may be allowed by state law ~~official newspaper of the City~~ and copies of the audit placed on file in the City Secretary's Office as public record.

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#### ARTICLE X. – PUBLIC UTILITIES, FRANCHISES AND LICENSES

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#### 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.

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#### ARTICLE XI. – GENERAL AND TRANSITIONAL PROVISIONS

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#### Section 2. – Official Medium of Communication ~~Newspaper~~.

The City Council shall declare annually one or more official media for the communication of all notices and other matters required by this Charter, City ordinance, or the Constitution and laws of the State of Texas to be published or made available by the City 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.~~

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### **CITY OF WYLIE PROPOSITION I**

In accordance with Proposition I, Article III, Section 17 of the City Charter is amended to read as follows:

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#### **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, appoint a commission with a membership equal to the number of persons necessary to make a quorum, composed of the surviving members of the City Council, if any, and the following, appointed on a rotating basis in the following order: (a) the highest-ranking member of the Wylie Independent School District Board of Trustees who is a resident of Wylie, (b) the highest-ranking member of the Wylie Economic Development Corporation Board of Directors who is a resident of Wylie, and (c) the highest-ranking member of the F.O. Birmingham Memorial Land Trust Board of Directors who is a resident of Wylie. ~~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~~ The commission shall to act as the City Council during the disaster emergency and call a City election within 15 days of such 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. The commission's authority to act shall cease once a quorum of City Council is elected and inducted into office.

### **CITY OF WYLIE PROPOSITION J**

In accordance with Proposition J, Article IV, Section 3 of the City Charter is amended to read as follows:

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#### **Section 3. – Municipal Court.**

- A. 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. The additional judges shall be competent, duly qualified, licensed attorneys 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.

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#### **CITY OF WYLIE PROPOSITION K**

In accordance with Proposition K, Article IV, Section 5 of the City Charter is amended to read as follows:

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##### Section 5. – Reserved 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.~~

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#### **CITY OF WYLIE PROPOSITION L**

In accordance with Proposition L, Article V, Section 1 of the City Charter is amended to read as follows:

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. The regular City election shall be held annually on the first Saturday in May or such other date as required by the Texas Election Code.
- 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.

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**CITY OF WYLIE PROPOSITION M**

In accordance with Proposition M, Article V, Section 2 and Article XI, Section 14 of the City Charter is amended to read as follows:

ARTICLE V. – NOMINATIONS AND ELECTIONS

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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 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:
  - 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.

...

#### ARTICLE XI. – GENERAL AND TRANSITIONAL PROVISIONS

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##### Section 14. – ~~Reserved. 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).~~

...

### **CITY OF WYLIE PROPOSITION O**

In accordance with Proposition O, Article VI, Section 6 of the City Charter is amended to read as follows:

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

Within 35 ~~ten~~ days after the petition is filed, the City Secretary shall verify whether the petition complies with applicable law as to form, content, and procedure and, only if the City Secretary so verifies the petition, 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 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 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.

...

#### **CITY OF WYLIE PROPOSITION P**

In accordance with Proposition P, Article VII, Section 2 of the City Charter is amended to read as follows:

...

##### **Section 2. – Submission of Budget.**

On or before August 15 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.

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#### **CITY OF WYLIE PROPOSITION Q**

In accordance with Proposition Q, Article VII, Section 9 of the City Charter is amended to read as follows:

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##### **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 awarded by the City Council in accordance with state law ~~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.

...

#### **CITY OF WYLIE PROPOSITION R**

In accordance with Proposition R, Article VII, Section 12 of the City Charter is amended to read as follows:

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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 estimated 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.

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**CITY OF WYLIE PROPOSITION S**

In accordance with Proposition S, Article VIII, Section 2 and Article IX, Section 2 of the City Charter is amended to read as follows:

ARTICLE VIII. – BOARDS AND COMMISSIONS

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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.

...

## ARTICLE IX. – PLANNING

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### 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.*

- (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 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 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.

## **CITY OF WYLIE PROPOSITION U**

In accordance with Proposition U, Article III, Section 1; Article IX, Section 2; Article X, Section 6; Article XI, Sections 27 and 29; and Article XII, Section 1 of the City Charter is amended to read as follows:

# 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 City at large, each of whom, unless sooner removed by the provisions of this Charter, shall serve for a term of three years. Each 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	<del>2-yr.</del>	<del>3-yr.</del>	<del>2-yr.</del>	<del>3-yr.</del>	<del>3-yr.</del>	<del>2-yr.</del>	<del>2-yr.</del>
Places	1	2	3	4	5	6	Mayor
<del>1999</del>	1		<del>3</del>		<del>5</del>		
2000		<del>2</del>		<del>4</del>		<del>6</del>	Mayor
<del>2001</del>	1		<del>3</del>				
2002					<del>5</del>	6	Mayor
2003		<del>2</del>		<del>4</del>			
2004	1		<del>3</del>				
2005					<del>5</del>	6	Mayor
2006		<del>2</del>		<del>4</del>			
2007	1		<del>3</del>				
2008					<del>5</del>	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.~~

...

## ARTICLE IX. – PLANNING

...

## 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.*

- (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 in July. The Commission shall meet 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 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

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## 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.
- 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 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.

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## ARTICLE XI. – GENERAL AND TRANSITIONAL PROVISIONS

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### Section 27. – Reserved ~~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.

...

Section 29. – Reserved 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.~~

ARTICLE XII. – ADOPTION OF CHARTER

Section 1. – Reserved 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.~~

### **CITY OF WYLIE PROPOSITION V**

In accordance with Proposition V, Article IX, Section 2 of the City Charter is amended to read as follows:

...

#### **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.***

- (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 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 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.

### **CITY OF WYLIE PROPOSITION W**

In accordance with Proposition W, Article XI, Section 8 of the City Charter is amended to read as follows:

...

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 18045 days of the date of injury or damage or, in the case of death, within 18045 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.

...

**CITY OF WYLIE PROPOSITION X**

In accordance with Proposition X, Article XI, Section 24 of the City Charter is amended to read as follows:

...

Section 24. – City Defined.

The use of the word "City" in this Charter shall mean the City of Wylie, Collin, Dallas, and Rockwall County Counties, Texas.

...

**CITY OF WYLIE PROPOSITION Y**

In accordance with Proposition Y, Article XI, Section 25 of the City Charter is amended to read as follows:

...

Section 25. – Gender of Wording.

The masculine-gender of the wording throughout this Charter shall always be interpreted to mean either sex. All singular words shall include the plural and all plural words shall include the singular. All references to laws, however expressed in this Charter, shall mean "as presently enacted or as may be amended or superseded." The use of the word "Charter" shall mean this Home Rule Charter.

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