

# CHARTER COMMISSION MEETING

**May 13, 2015 AT 6:00 PM**

**Richardson Civic Center/City Hall**

**Large Conference Room, Suite 202**

**411 W. Arapaho Road, Richardson, TX 75080**

The Charter Commission will conduct a meeting on Wednesday, May 13, 2015, at 6:00 p.m. in the Large Conference Room/City Manager's Office (Suite 202) of the Civic Center, 411 W. Arapaho Road, Richardson, Texas 75080.

As authorized by Section 551.071 (2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

## CALL TO ORDER

1. Consider approval of the April 8, 2015 Charter Review Commission Meeting Minutes.
2. Review Richardson City Charter, Articles 1 through 21 as proposed and consider any recommendations for amendments thereto.

ARTICLE 1	Incorporation and Territory
ARTICLE 2	Powers of the City of Richardson
ARTICLE 3	City Council
ARTICLE 4	Nomination and Election of City Council Members
ARTICLE 5	Recall of City Council Members
ARTICLE 6	City Manager
ARTICLE 7	City Attorney - Municipal Court
ARTICLE 8	Administrative Department
ARTICLE 9	Boards and Commissions
ARTICLE 10	Civil Service
ARTICLE 11	Budget and Financial Procedures
ARTICLE 12	Franchises
ARTICLE 13	Ordinances
ARTICLE 14	Initiative and Referendum
ARTICLE 15	Publications
ARTICLE 16	Collection of Taxes
ARTICLE 19	Issuance and Sale of Bonds
ARTICLE 20	Prohibitions
ARTICLE 21	General Provisions

3. Discuss global changes to words, phrases, and capitalization within the charter.
4. Discuss draft of transmittal letter to the City Council from the Charter Review Commission for the Final Report to the City Council.
5. Discuss presentation of the Charter Review Commission Final Report to the City Council.
6. Consider approval of the Charter Review Commission Final Report to the City Council.

## ADJOURN

*I hereby certify that this notice was posted on the Civic Center/City Hall Bulletin Board on Friday, May 8, 2015 by 5:00 p.m.*

CITY OF RICHARDSON

\_\_\_\_\_  
Aimee Nemer, City Secretary

## RICHARDSON CHARTER RECOMMENDATIONS

### ARTICLE 1. - INCORPORATION AND TERRITORY

#### Section 1.01. - Corporate name.

All inhabitants of the City of Richardson, Dallas and Collin counties, Texas, as the boundaries and limits of said city are herein established or may hereafter be established, shall be a body politic, incorporated under, and to be known by, the name and style of the "City of Richardson," with such powers, rights and duties as herein provided.

#### Section 1.02. - Boundaries.

The ~~bounds and limits~~ **boundaries** of the City of Richardson shall be those as established and described in ordinances duly passed by the city council of the City of Richardson in accordance with state law. The city secretary shall maintain an official map of the ~~city's~~ **City's** boundaries ~~at all times keep a correct and complete description as required by state law with recent annexations or disannexations.~~

#### Section 1.03. - Additional territory.

The city may from time to time alter its boundaries by annexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by state law. In addition ~~thereto~~, the city may annex additional territory lying adjacent to the city with or without the consent of the territory and the inhabitants of the territory annexed where the same is not inconsistent with ~~the~~ state law. Such annexations shall be accomplished by ordinance providing for the alteration and extension of the boundary limits, which ordinance shall describe the territory to be annexed. ~~and shall be published one (1) time in a local newspaper. Amendments reducing the area may be incorporated into the proposed ordinance without the necessity of publishing said amendments and without the necessity of republication of said ordinance as amended. The proposed ordinance shall not thereafter be finally acted upon until at least thirty (30) days have elapsed after the publication thereof; and upon the final passage of any such ordinance, the boundaries of the city shall thereafter be as fixed in such ordinance. The additional territory annexed shall be a part of the city and the property situated therein shall bear its pro rata part of the taxes levied by the city as provided by state law. The inhabitants thereof shall be entitled to all rights and privileges of all the citizens and shall be bound by the acts, ordinances and resolutions of the city.~~ **Any territory annexed shall become a part of the city, and said land and its residents and future residents shall be entitled to all the rights and privileges of other residents of the city subject to state and local laws and regulations.**

## ARTICLE 2. - POWERS OF THE CITY

### Section 2.01. - Specific powers.

The city shall have all powers that now are or hereafter may be granted to municipalities by the Constitution or laws of the State of Texas, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, and when not prescribed therein, in such manner as may be provided by ordinance or resolution of the city council of the City of Richardson.

### Section 2.02. - General powers adopted.

The enumeration of particular powers in the charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers which, under the Constitution and laws of the State of Texas, it would be competent for the charter specifically to enumerate. The City of Richardson shall have and exercise all powers conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas and the enabling Act relative thereto, and all other laws passed by the Legislature of the State of Texas relating thereto or which may hereafter be passed by said Legislature in relation to such matters.

### Section 2.03. – Eminent Domain ~~Power to acquire property for public purposes.~~

The city shall have the full power, authority and right to exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of the State of Texas when necessary or desirable to carry out any of the powers conferred upon by this charter or by the Constitution and laws of State of Texas. 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 eminent domain for any municipal or public purposes even though not specifically enumerated in this charter. ~~The City of Richardson shall have the power to acquire by condemnation either private or public property located inside or outside of the corporate limits for the extension, improvement and enlargement of its water system, including riparian rights, water supply reservoirs, standpipes, water sheds, dams, the laying, building, maintenance and construction of water mains and the laying, erection, establishment or maintenance of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water; for sewerage plants and systems; rights of way for water and sewer lines; parks, playgrounds and schools, hospitals, fire stations, police stations, burial grounds and cemeteries, incinerators or other garbage disposal plants, streets, boulevards and alleys or other public ways, city jails, city halls and other municipal buildings or any right of way needed in connection with any property used for any purpose hereinabove named; for the straightening or improving of the channel of any stream, branch or drain and for any other municipal purpose. The procedure to be followed in any condemnation proceeding hereunder and authorized herein shall be in accordance with the provisions of the state law with reference to eminent domain. The provisions of the Texas Property Code shall apply to such proceedings, or such proceedings may~~

~~be under any other state law now in existence or that hereafter may be passed governing and relating to the condemnation of land for public purposes by a city.~~

**Section 2.04. Streets and public improvements.**

**The city shall have the full power, authority and right to exercise in any manner authorized or permitted by the Constitution and laws of the State of Texas when necessary or desirable to construct, develop, improve, expand, widen and maintain or cause to be constructed, developed, improved, expanded, widened and maintained, within or outside the city limits any public streets, sidewalks, alleys, drainage facilities, sanitary sewer facilities, water and storm drainage facilities and other public improvements and to impose, levy and collect assessments or other charges for the costs of such development and improvements in any manner not prohibited by state law.**

**ARTICLE 3. - CITY COUNCIL**

**Section 3.01. - Number, election, terms.**

- (a) Except as otherwise provided by this ~~charter~~ ~~Charter of the City of Richardson~~, all powers conferred on the ~~City~~ ~~city~~ shall be exercised by a ~~City Council~~ **city council consisting of seven (7) members comprised of a mayor and six (6) council.** ~~to be composed of six (6) members and a Mayor, nominated and elected in the manner hereafter provided.~~ The members of the ~~city council~~ ~~City Council~~ ~~and the Mayor~~ shall **each** be elected by the qualified voters of the entire City **to numbered places in the manner provided in this charter, and they shall each be elected** for a term of two (2) years and until a successor is elected and qualified. **As used in this charter, unless the context clearly means otherwise, the word or phrase “city council”, “council”, “member(s) of the city council” and “member(s) of the council” means and includes the mayor and the six (6) council members. The word or phrase “councilmember(s)” or “council member(s)” means the six (6) members of the city council excluding the mayor, unless the context clearly indicates otherwise.**
- (b) No person elected or appointed to the city council at the May 2009 city officer election or thereafter, shall serve as a member of the city council in any place for more than six (6) consecutive terms until at least one full term shall have elapsed from the expiration of such person's last term of office.
- (c) For purposes of this section and in computing term limits:
- (i) A member of the council, who resigns or vacates office prior to the expiration of the term for which such person was elected or appointed, shall be deemed to have served a full term.

- (ii) A person appointed or elected to fill a vacancy on the council for an unexpired term shall be deemed to have served a full term if fifty percent (50%) or more of such term is remaining at the time of such appointment or election.

**Section 3.02. - Mayor.**

The ~~Mayor~~ mayor shall be the presiding officer. The mayor shall vote on all matters coming before the council, shall have no power of veto, shall represent the city on all ceremonial occasions and ~~[shall]~~ shall be known as the official head of the government. ~~The mayor serve for a period of two (2) years.~~

**Section 3.03. - Mayor pro tem.**

The city council shall elect one (1) of its members as mayor pro tem, who shall temporarily perform the duties of mayor in case of the absence or inability of the mayor to perform the duties of office, and who shall for such time be vested with all the powers belonging to the mayor. In such event, the mayor pro tem does not assume the office of the mayor and no vacancy is created in the office of the mayor or mayor pro tem. In case of the absence of both the mayor and the mayor pro tem, the remaining ~~councilmembers~~ council members shall select one (1) of their members to act in the place of the mayor. The mayor pro tem shall be selected after each ~~biennial~~ election and shall serve for a period of two (2) years, subject to removal as mayor pro tem at any time by a vote of two-thirds of the total membership of the council. ~~Upon a vacancy in the Mayor's position, the Mayor Pro Tem shall fill the unexpired term. The Mayor Pro Tem's council position then becomes vacant.~~

**Section 3.04. - Compensation.**

Each member of the city council shall receive as compensation the sum of ~~fifty~~ one hundred dollars ~~(\$50.00)~~ (\$100.00) per diem for each ~~regular~~ city council meeting attended by such member, said compensation in no event to exceed the sum of ~~two five thousand six~~ two hundred dollars ~~(\$2,600.00)~~ (\$5,200.00) per annum. In addition to the above, all necessary expenses incurred by members of the city council in the performance of their official duties shall be paid by the city.

**Section 3.05. - No council interference.**

Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or removal from, office or employment by the city manager or any of the manager's subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the city manager by this ~~C~~charter. Except for the purpose of inquiry, the council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager in said departments, either publicly or privately.

**Section 3.06. - Council misconduct.**

Willful violation of any provision of this ~~Charter~~ charter by any member of the council shall constitute official misconduct, and shall authorize the council, by a vote of two-thirds of the

total membership, to expel such offending member from the council, if found guilty after a public hearing, and thereby create a vacancy in the place held by such member.

**Section 3.07. - Councilmember vacancies.**

**(a) A vacancy in the office of the mayor shall be filled as follows:**

**(1) If on the date the vacancy occurs the remainder of the unexpired term equals or exceeds one (1) year, the remaining members of the city council shall call a special election to be held on the earliest date allowed by law for the purpose of allowing the qualified voters of the city to elect a person to serve the remainder of the unexpired term.**

**(2) If on the date the vacancy occurs the remainder of the unexpired term is less than one (1) year, the remaining members of the city council, by a majority vote of its membership, shall appoint a person who meets the qualifications of this charter to serve the remainder of the unexpired term.**

**(3) Until the vacancy is filled in accordance with paragraph (1) or (2), above, whichever is applicable, the mayor pro tem shall perform the duties, but not assume the office, of mayor.**

**(b) Vacancies in the city council other than in the office of mayor, where the same do not exceed two (2) at any one time, shall be filled by appointment by a majority vote of the remaining members of the council, and the persons selected to fill such vacancies shall serve only until the next general city council election. A vacancy filled[,] as in the case of an original election, shall be only for the unexpired period of the term of the councilmember member of the council whose office is to be filled. Where When more than two (2) vacancies on the city council (not including the office of mayor) shall develop occur at any one time, then a special election shall be called to elect their successors to fill their the unexpired terms; provided, that if such vacancies shall occur within sixty (60) days before a general city council election, then no special election to fill such vacancies shall be called;[,] but in that event,[,] the remaining members of the Council council shall, by a majority vote, fill such vacancies; and the persons so selected shall serve only until the next general city council election, when such vacancies shall be filled, as in the case of an original election.**

**Section 3.08. – Meetings Regular meetings.**

All meetings of the council shall be held in the City Hall or at such other locations as may be designated by the city council and at such times as may be prescribed by council ordinance or resolution; but not less than two (2) regular meetings shall be held each month, unless cancelled by the council postponed for valid reasons.

**Section 3.09. - Special meetings.**

Special meetings of the city council shall be called by the city secretary or city manager upon the written request of the mayor, the city manager or three (3) council members ~~of the council~~. Any such notice shall state the subject to be considered at the special meeting ~~and no other subject shall be considered~~.

**Section 3.10. - Open meetings.**

All meetings of the city council ~~and all committees thereof~~ shall be open to the public except as otherwise permitted by state law, and the rules of the city council shall provide that with the exception of special called meetings, emergency meetings and authorized closed meetings of the city council, citizens of the city shall have a reasonable opportunity to be heard at ~~the any such~~ meetings of the city council, in regard to any matter there considered.

**Section 3.11. - Quorum.**

A quorum shall consist of five (5) members of the council, except where the number of members of the council ~~councilmembers~~, due to vacancies, is reduced to less than five (5), in which event a quorum shall consist of all of the remaining members of the council ~~councilmembers~~; ~~but a less number than a quorum may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance~~.

**Section 3.12. - Voting and rules of procedure.**

The yes and no votes shall be taken on the passage of all ordinances or resolutions and entered in the minutes of the proceedings of the council, and every ordinance or resolution shall require for final passage the affirmative vote of a majority of the members of the council present. No member of the council shall be excused from voting except on matters involving the consideration of ~~the~~such member's own official conduct, or where such member's financial interests are involved, unless otherwise required by law. The council shall determine its own rules of procedure, may punish ~~its~~ members of the council for misconduct, and may compel the attendance of absent members of the council.

**Section 3.13. - Summoning witnesses.**

The city council shall have power to summon and compel the attendance of witnesses and the production of books and papers before it whenever it may be necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it with the same fines and penalties as the county judge may punish for contempt before the county court. All processes shall be signed by the mayor, attested by the city secretary and shall be served by the chief of police or any police officer of the said city.

**Section 3.14. - Administering oaths.**

The mayor, city secretary, city judge, city attorney, or any member of the city council shall have authority to administer oaths in any matter pertaining to the municipal affairs.

**Section 3.15. - City secretary.**

The council shall appoint a city secretary and prescribe the duties and compensation of said officer. The city secretary shall hold office at the pleasure of the council.

**ARTICLE 4. - NOMINATION AND ELECTION OF CITY COUNCIL MEMBERS**

**Section 4.01. - Number and description of districts.**

The city is hereby divided into four (4) districts, known as Districts 1, 2, 3 and 4 established by ordinance of the city from time to time. ~~All boundaries described below are the centerlines of designated streets:~~

- ~~• District No. 1 lies east of US 75. The southern boundary is the southern city limit; the eastern boundary is the eastern city limit; the northern boundary starting at the eastern limit of the city is Belt Line Road, west to Plano Road, north on Plano Road to the extension of Lookout Drive, and west on the extension of Lookout Drive to US 75, and includes all of the city lying within the described boundaries.~~
- ~~• District No. 2 lies east of US 75. The southern boundary is the northern boundary of District No. 1, the eastern boundary is the eastern city limit, and the northern boundary is the northern city limit.~~
- ~~• District No. 3 lies west of US 75. The southern boundary is the southern city limit. The western boundary is the western city limit, and the northern boundary starting at US 75 is Arapaho Road, west to the west fork of Cottonwood Creek, north on Cottonwood Creek to Campbell Road, and west on Campbell Road to the western city limit.~~
- ~~• District No. 4 lies west of US 75. The southern boundary is the northern boundary of District No. 3, and the western boundary is the western city limit, and the northern boundary is the northern city limit.~~

**Section 4.02. - Designated places.**

The places of the several council members shall be designated as Places No. 1, 2, 3, 4, 5 and 6. ~~Councilmembers~~ Council members in Places 1, 2, 3 and 4, shall reside in their correspondingly numbered districts and remain in that district for the period of time that they serve in that place. The ~~mayor~~ Mayor (Place 7) and council members ~~Councilmembers~~ in Places 5 and 6, may reside in any district. The council place for the ~~Mayor~~ mayor shall be designated as Place 7. All six (6) council members and the ~~mayor~~ Mayor shall be elected by all of the qualified voters of the city.

**Section 4.03. - District revisions.**

The city council shall appoint a commission, starting in January 1992 and every ten (10) years thereafter, to review the district boundaries in order to maintain a substantial equality of

population in each district. They shall advise the city council, who shall within six (6) months of appointment fix the boundaries by ordinance, if necessary. The commission shall be made up of voters from all the districts of the city.

**Section 4.04. - Qualifications.**

Each member of the city council shall, in addition to the other qualifications prescribed by law, be ~~at~~ **on** the date of the ~~member's~~ election a **qualified registered** voter, a resident of the city for one (1) year ~~previous~~ **prior** to the date of election, **and at least** twenty-one (21) years of age, ~~and shall not be in arrears in the payment of any taxes or other liabilities due the city.~~

**Section 4.05. - Election date.**

The city council general election shall be held biennially in the City of Richardson in each odd-numbered year **on the uniform election date** in **May or other date as may be** ~~the second quarter on a date~~ prescribed by state law. There shall be elected at that election six (6) city ~~councilmembers~~ **council members** and the ~~mayor~~ **Mayor**.

**Section 4.06. - Nomination by petition.**

The method of determining the names of the candidates entitled to be placed upon the official ballot for ~~election to the position of Mayor and members of~~ the city council shall be by petition, separately circulated, on behalf of each proposed candidate **for the office and place on the city council for which they are a candidate.** ~~the position of councilmember, and The petition must comply in all respects with the requirements of this charter and state law. must be signed by the number of qualified voters as required by state law and filed with the city secretary not less than the number of days prescribed by state law prior to the election. Signers of such petitions shall write their residence address, county of registration, date signed, printed name and otherwise as prescribed by state law.~~ Each petition circulated on behalf of each proposed candidate shall designate the **office and** place to be filled by such candidate. In all elections the name of each candidate shall appear on the official ballot for the **office and** place number designated on the petition. No candidate's name shall be placed on the official ballot unless requested by a petition as set out above.

**Section 4.07. - Official ballot.**

**The names of candidates for mayor place 7 and council members places 1-6, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designation and in the order** ~~The city secretary shall make up the official ballot by place numbers from the names presented. The order in which the names of the candidates for each place shall appear on the ballot shall be~~ determined by lot, in a drawing held under the supervision of the city secretary **conducted in accordance with the election laws of the State of Texas.** The election shall be held in conformity with the election laws in the City of Richardson and the State of Texas, or with those that may be hereafter enacted. All members of the city council shall be elected by a vote of the qualified voters of the City of Richardson at

large. All qualified voters in the city shall be entitled to vote for candidates for each place number.

**Section 4.08. - Election by majority.**

The candidate for ~~mayor~~ ~~Mayor~~ and council\_member receiving a majority of all votes cast as provided in the ~~Charter~~ ~~charter~~ hereof for the position of ~~mayor place 7~~ ~~Mayor~~ and council member ~~places 1-6~~ under the place number which that person's name appears shall be declared the duly elected ~~mayor~~ ~~Mayor~~ and ~~councilmember~~ ~~council member~~ to hold such position. If no candidate for ~~mayor~~ ~~Mayor~~ or ~~a council member~~ ~~a place~~ shall receive a majority of all votes cast in an election for such office and place, a runoff election shall be called to be held on a date in accordance with the laws of the State of Texas for that office and place on the council. At this special election, only the names of the two (2) candidates receiving the highest number of votes at the regular election, for the office and place for which they are candidates, shall be printed on the ballot and submitted to the qualified voters for election. The candidate receiving the majority of votes in the special election for the office and place for which such person was a candidate shall be declared duly elected. Should one of such candidates for office and place withdraw, die, or become ineligible, the other candidate for such office and place shall be declared elected to such office and place without a second election. Any tie shall be decided by lot in accordance with the election laws of the State of Texas. All elections shall be governed by the charter, the Texas Election Code and the laws applicable to municipal elections.

**~~Section 4.09. -- Runoff election.~~**

- ~~a. -- Candidates. If no candidate for Mayor or a place on the city council receives a majority of votes cast for that place, the mayor of the city shall, according to state law, issue a call for a second election to be held on the day as authorized by state law. The two (2) candidates receiving the highest number of votes for a given place shall gain a place on the runoff election. Tie candidates in the general election shall be treated as specified by state law.~~
- ~~b. -- Ballot. The official ballot to be used at the runoff election shall be prepared by the city secretary. The order on the ballot shall be determined by a drawing.~~
- ~~c. -- Withdrawal. If either candidate in a runoff shall withdraw, that candidate shall make a request to the city secretary as specified by state law. If a runoff candidate withdraws, the remaining candidate is considered to be elected and the runoff election for that place is not held.~~

**~~Section 4.10. -- Tie election.~~**

~~In the event of a tie in the vote for the two (2) leading candidates for a place on the city council at the first election, a runoff election shall be held as provided for in the Charter. If a tie occurs between the two (2) candidates for a place on the city council in the runoff election, they shall cast lots to determine who shall be elected to office.~~

**ARTICLE 5. - RECALL OF MAYOR AND CITY COUNCIL MEMBERS**

**Section 5.01. - Recall of mayor and city ~~councilmembers~~ council members.**

The ~~M~~mayor and any ~~councilmember~~ **council member** of this city may be recalled and removed from office by the ~~electors~~ qualified **voters of the city** ~~to vote~~.

**Section 5.02. - Procedure.**

- a. **Before the question of recall of the mayor or a council member shall be submitted to the qualified voters of the city, a** ~~A~~ petition **addressed to the city council of the City of Richardson** demanding the recall of the ~~M~~mayor or a council member shall **first** be filed with the city secretary, ~~provided that such~~ **which** petition **shall name the m** ~~Mayor or council member whose removal is sought, and~~ contain a complete statement of the grounds for which the removal is sought. **A separate petition shall be required for the M** ~~mayor and each council member whose removal is sought.~~
- b. The petition shall be signed by qualified voters equal in number to at least ten (10) percent of the **total** ~~entire~~ number of **qualified voters on the date of the last regular municipal election of** ~~persons entitled to vote in~~ the city, ~~as appears on the county clerk's rolls.~~
- c. Notice shall be given in writing to the city secretary by five (5) registered voters on the first day that such petition is circulated, and the total signatures required must be secured and the petition filed within thirty (30) days thereafter.
- d. **The petition may consist of one (1) or more papers circulated separately and the signatures thereto may be upon the paper or papers containing the form of the petition, or upon other paper attached thereto.** ~~The signatures to the petition need not all be appended to one (1) paper.~~ For a petition signature to be valid, a petition must contain, in addition to the signature: the signer's printed name, residence address, county of residence, date of signing, **and either voter registration number or date of birth,** and **must** ~~must~~ comply with any other applicable requirements prescribed by state law. One (1) of the signers to each of such papers shall make oath before an **official** ~~officer~~ competent to administer oaths that each signature is that of the person whose name it purports to be and was signed by such person on the date indicated.
- e. Within ten (10) days ~~from~~ **after** the filing of such petition, the city secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters. The city secretary shall attach to said petition a certificate showing the result of such examination.
- f. If by the secretary's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The secretary shall, within ten (10) days after such amendment is filed, in the event one is filed, make like examination of the said amended petition, and if the certificate shall show the petition to be insufficient, it shall ~~be returned to the person filing the same, without prejudice to filing of a completely new petition based upon new and different grounds, but not upon the same grounds~~ **not be further amended.**
- g. If the petition is found to be sufficient, the city secretary shall **within five (5) days or at the next regular city council meeting, whichever is later,** ~~without delay~~ submit it and the certificate declaring the petition to be sufficient to the city council, **and notify the affected mayor or council member sought to be recalled.** The city council, in the event that the ~~M~~mayor or council member fails to resign, shall order and set an

election to be held on the next uniform election date or other date as allowed by state law ~~within forty five (45) to sixty (60) days from following the~~ submission of the certified petition to the city council. ~~If an election is to be held within the city for any other purpose within forty five (45) to sixty (60) days of submission to the city council, the election shall be held on the same day. If state law authorizes a fixed date which falls within the forty five (45) to sixty (60) days of submission to the city council, the election shall be held on that day.~~

- h. If the Mayor or councilmember in question resigns, no recall election shall be necessary and the vacancy shall be filled by the council as in other cases of vacancies.

### **Section 5.03. - Appeal.**

Should the city council fail or refuse to order an election as herein provided for the recall of the Mayor or a councilmember, when all the requirements for such election have been complied with by the petitioning citizens, in conformity with this article of the Charter, then it shall be the duty of any one of the district judges of Dallas County, Texas, upon proper application being made therefore, to order such election and to enforce the carrying into effect of the provisions of this article of the Charter.

### **Section 5.04. Recall limitations.**

No recall petition shall be filed against the mayor or any council member within six (6) months after such person's election or appointment to the city council and qualifying for office within three (3) months after an election for such person's recall, and in no case within three (3) months prior to the expiration of such person's current term of office.

## **ARTICLE 6. CITY MANAGER**

### **Section 6.01. Appointment.**

The council shall appoint a city manager, who shall be the chief administrative and executive officer of the city. The city manager shall be accountable to the council for the proper administration of the city. The city manager may be appointed without a definite fixed time, ~~or the city council may choose to enter into a contract with the city manager for a period not to exceed two (2) years. In any event, t~~The city manager shall be removable at the will and pleasure of the council by a vote of the majority of the entire council. The city manager shall receive such compensation as may be fixed by the council.

### **Section 6.02. Qualifications.**

The city manager shall be chosen by the council solely on the basis of executive and administrative training, experience and ability, and without regard to political consideration. The city manager need not, when appointed, be a resident of the City of Richardson or the State of Texas, but shall be a resident within six (6) months after appointment ~~during the tenure of~~

~~office shall reside in the City of Richardson.~~ No member of the council shall, during the time for which elected, and one (1) year thereafter, be chosen as city manager.

**Section 6.03. Absence or disability.**

In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office during such absence or disability.

**Section 6.04. Removal.**

If the city manager is removed by a vote of the majority of the entire council after serving three (3) months, unless otherwise set out in any contract, the city manager may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which the city manager's final removal shall take effect, but pending such hearing the council may suspend the city manager from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of this ~~C~~harter to vest all authority and fix all responsibility for such suspension or removal in the council.

**Section 6.05. Powers and duties.**

The powers and duties of the city manager shall be as follows:

- (a) To make certain that all laws and ordinances are enforced.
- (b) To appoint and remove all ~~heads~~ directors of departments and all subordinate officers and employees of the city except as otherwise provided in this ~~C~~harter; all appointments to be upon merit and qualifications alone, and in the classified civil service all appointments to be subject to the civil service provision of this ~~C~~harter. **All such directors of departments shall be immediately responsible to the city manager and may be removed by the city manager at any time.**
- (c) To exercise control over all departments and subdivisions thereof created by the ~~C~~harter, or that may hereafter be created by the council.
- (d) To make certain that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.
- (e) To attend all meetings of the council, with the right to take part in the discussion, but having no vote. The city manager shall be entitled to notice of all special meetings.
- (f) To recommend to the council for adoption such measures as the city manager may deem necessary or expedient.
- (g) To keep the council at all times fully advised as to the financial condition and needs of the city.
- (h) To prepare or cause to be prepared and submitted to the council the annual budget.
- (i) To make certain that the city operates within its budget.

- (j) To execute deeds and to make and execute all contracts on behalf of the city when authorized by ordinance, resolution or motion of the city council.
- (k) To perform such other duties as may be prescribed by this ~~C~~harter, or by ordinance or resolution of the city council.

**Section 6.06. Responsible to the council.**

~~The city manager shall be responsible to the council for the proper administration of all the city affairs placed in the manager's hands, and shall to that end appoint and employ all directors of departments and other employees not otherwise provided for in this Charter or by ordinance. Appointments made by the manager shall be on the basis of executive and administrative experience and ability and of training, qualifications and efficiency of such appointees in the work which they are to administer. All such directors of departments shall be immediately responsible to the city manager and may be removed by the manager at any time.~~

**Section 6.067. Bond of city manager.**

The city council shall require the city manager, before entering upon the duties of the office, to execute a good and sufficient bond with a surety company doing business in the State of Texas, and approved by the city council, as surety thereon, said bond to be in such amount as the council may demand, payable to the City of Richardson, and conditioned for the faithful performance of the duties of office; premium of such bond to be paid by the city.

**Section 6.078. Investigations.**

The council, the city manager or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the city, to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The council shall establish by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

**ARTICLE 7. CITY ATTORNEY—MUNICIPAL COURT**

**Section 7.01. City attorney.**

The city council shall appoint a competent attorney licensed and practicing law in the State of Texas who shall be the city attorney. The city attorney shall receive for services such compensation as may be fixed and approved by the city council, and shall hold office at the pleasure of the city council. The city attorney, or other duly licensed practicing attorneys in the United States selected by the city council, shall represent the city in all litigation and shall serve as the legal advisor of and attorney and counsel for the city. The city attorney may serve as the municipal court prosecutor or may provide a municipal court prosecutor and alternate municipal court prosecutor. The city council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm to serve as city attorney.

**Section 7.02. Municipal court.**

There shall be established and maintained a court designated as a municipal court, with all the powers and duties as are now or hereafter may be prescribed by the laws of the State of Texas and the city relating to municipal courts.

**Section 7.03. Municipal court judge.**

The judge of the municipal court, while in office, shall be a bona fide resident of the City of Richardson, a duly licensed, practicing attorney in the State of Texas, and shall be appointed by the city council for a term of two (2) years, subject to removal by the city council by a vote of two-thirds of the total membership of the city council.

**Section 7.04. Alternate municipal court judge.**

The city council may appoint an alternate judge or judges of the municipal court, who need not be a resident of the City of Richardson, but must be a duly licensed, practicing attorney in the State of Texas, who shall be appointed by the city council for a term of two (2) years, subject to removal by the city council by a vote of two-thirds of the total membership of the city council.

**~~Section 7.05. Municipal court prosecutor.~~**

~~The prosecutor of the municipal court, while in office, shall be a bona fide resident of the City of Richardson, a duly licensed, practicing attorney in the State of Texas, and shall be appointed by the city council, subject to removal by the city council by a vote of two-thirds of the total membership of the city council.~~

**~~Section 7.06. Alternate municipal court prosecutor.~~**

~~The city council may appoint an alternate prosecutor of the municipal court, who need not be a resident of the City of Richardson, but must be a duly licensed, practicing attorney in the State of Texas, subject to removal by the city council by a vote of two-thirds of the total membership of the city council.~~

**Section 7.057. Compensation.**

The judge, alternate judge, prosecutor and alternate prosecutor shall receive compensation as is approved by the city council.

**Section 7.068. Municipal court clerks.**

The city manager shall appoint the clerk of the municipal court and the deputy clerks, and said clerks shall each qualify as a notary public and shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and generally do and perform any and all acts usually necessary by the clerk of courts in issuing process of said courts and conducting the business thereof.

**Section 7.09. General laws—Act cumulative of.**

~~The foregoing sections are hereby declared to be cumulative of any laws that may now or hereafter be passed by the Legislature regulating or increasing the jurisdiction of municipal courts in cities of the grade and size of the City of Richardson.~~

**ARTICLE 8. ADMINISTRATIVE DEPARTMENTS**

**Section 8.01. Creation and control.**

The council shall have power by ordinance to establish departments and offices. The council may discontinue any department or office established by ordinance and may prescribe, combine, distribute or abolish the functions and duties of such departments and offices. No administrative department or office created by ordinance shall be established, discontinued or combined until the recommendation of the city manager thereon shall have first been heard by the council. Such departments and offices as may be hereby created shall be placed under the control of the city manager.

**Section 8.02. Administrative code.**

The city manager shall prepare and submit to the council for its approval and adoption an administrative code and such amendments, from time to time, as are necessary to maintain the administrative code current with regard to the organization, functional operation and such other definitions and delineations of the organization of the city as are required. The administrative code shall include and provide for departments and offices as required by this ~~C~~harter and other departments and offices created by ordinance. The administrative code shall provide for a director, or other designated officer for each department, the duties and responsibilities of such director or officer and such other matters as shall be necessary for the proper control and management of each department or office of the city. Each director or officer so designated shall be appointed by the city manager and shall serve until removed by the city manager. The administrative code shall define the organization structure and reporting responsibility of each department or office, ~~and~~ whether to the city manager, deputy or assistant city manager or other director or officer of the city as set out in said administrative code.

**Section 8.03. Responsibility of department directors.**

The directors of departments appointed by the city manager shall be immediately responsible to the city manager for the administration of their departments, and their advice in writing may be required by the ~~C~~ity ~~M~~anager on all matters affecting their departments. They shall prepare departmental estimates, which shall be open to public inspection, and they shall make all their reports and recommendations concerning their departments at stated intervals, or when requested by the city manager.

**ARTICLE 9. - BOARDS AND COMMISSIONS**

**Section 9.01. - Creation.**

There are hereby created and placed under the control and direction of the city council the following boards and commissions, and such other boards and commissions as may be hereafter created:

- (a) City plan commission.
- (b) Parks and recreation commission.
- (c) Library board.
- (d) Zoning board of adjustment.
- (e) Civil service board.
- (f) Civil service appeals board.

The council shall have power by ordinance to create, establish and abolish such other boards and commissions as the council shall determine are necessary and desirable. Such ordinance shall as a minimum include:

- (a) Title of the board or commission.
- (b) Purpose and duties.
- (c) Number of persons comprising membership.
- (d) Terms.
- (e) Appointment of chairperson and vice-chairperson.

No person shall be appointed to serve more than four (4) consecutive two (2) year terms **on any single board or commission**. This provision does not apply to alternate members of boards and commissions.

**Section 9.02. - Appointments.**

The council shall appoint members to all boards and commissions, who are qualified voters of the City of Richardson, who have been residents of the State of Texas for at least one (1) year and residents of the city for at least six (6) months **immediately prior to the date of such appointment**, and ~~{who}~~ hold no elected public office and are not in arrears in taxes or other liability due the city.

**Section 9.03. - Removal and vacancies.**

**Except as otherwise provided by state law or ordinance, the** ~~The~~ council may, upon the affirmative vote of the majority of the full membership of the council, remove members of any board or commission without notice. If an individual appointed to a board or commission shall cease to possess any **of the** qualifications for appointment, shall file or announce as a candidate for any public office, ~~{f}~~ or shall be convicted of a crime of moral turpitude, such individual shall immediately be considered removed and such appointment vacant. Vacancies in the appointive board or commission, whether by resignation, death, removal or other cause, shall be filled by council appointment for the unexpired term.

**Section 9.04. - Meetings.**

All meetings shall be open to the public ~~except as~~ ~~unless~~ otherwise permitted ~~provided~~ by law. Minutes of the meetings open to the public shall be kept and attendance, subject matter and voting shall be recorded.

**Section 9.05. - Quorum.**

Except as otherwise provided by state law or ordinance, a ~~A~~ majority of board or commission members shall constitute a quorum.

**Section 9.06. - Voting.**

No member of a board or commission shall be excused from voting ~~except on matters involving the consideration of the member's own official conduct or where such member's financial interests are involved,~~ unless otherwise required by law.

**Section 9.07. - City plan commission.**

(a) *Purpose.* The city plan commission shall exercise all powers granted and shall make recommendations to the city council, and exercise the powers granted thereto~~[,]~~ on ~~all~~ matters affecting the ~~physical development of the city, and including a~~ comprehensive plan or plans ~~and implementation,~~ zoning, zoning regulations ~~and modifications~~ and changes thereto. ~~on all matters of public improvements, civic improvements, city planning, opening, widening and changing of streets, routing of public utilities, controlling and regulating traffic upon the public streets and ways of the City of Richardson, and such other matters relating to city improvements as the city plan commission and the city council may deem beneficial to the City of Richardson.~~

(b) *Powers.* The city plan commission shall have any and all powers granted to planning and zoning commissions by the statutes of the State of Texas, this ~~C~~ charter and by ordinance and resolution of the city council of the City of Richardson. The city plan commission shall be responsible to, and advise the city council. The city plan commission shall:

(1) provide reports and recommend to city council, approval or disapproval of proposed changes to the comprehensive zoning ordinance and map as provided by state law and city ordinance;

(2) review and make recommendations to the city council regarding the adoption and amendments to the comprehensive plan;

(3) pursuant to city ordinances, exercise control over platting and subdivision of land within the corporate limits of the city, and the extra territorial jurisdiction of the city to the extent authorized by law; and

(4) perform such other additional duties and exercise such additional powers as may be prescribed by city ordinance.

~~(1) Planning. The city plan commission shall have the power to pass upon all plans which may be considered by the city council relating to public improvements, and it shall be the duty of the city council, as far as practicable, to submit plans governing public improvements involved under the terms of this Charter to the city plan commission to obtain its advice with reference thereto. The city council may thereafter adopt the~~

~~methods which may be deemed most advisable by the city council; provided, however, that any public improvement undertaken hereunder, or otherwise, by the city council shall never be deemed invalid because the city plan commission has not been consulted or because the city council has failed to submit its plans thereon for consideration by said city plan commission.~~

~~(2) Zoning. For the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, the city council of Richardson, acting through the city plan commission and the city council, or the city plan commission acting under its direction, shall have the power to divide the City of Richardson into zones or districts for the purpose of regulating and controlling the size, type, height, bulk and use of buildings within such zones or districts and may exercise any other powers necessary fully to effectuate and accomplish the purpose of the powers herein conferred. The further power is conferred upon the city council to establish building lines within such zones or districts or to establish building lines in residence districts or in other portions of the city, as may be deemed advisable by the said council, and to make different regulations for different districts, as may be deemed advisable.~~

(c) *Membership and Terms.* The city council shall appoint seven (7) members and two (2) alternate members, ~~each of whom shall be qualified voters of the City of Richardson, and shall have been a resident of the State of Texas for one (1) year and a resident of the City of Richardson for six (6) months;~~ to constitute the city plan commission.

The members of the city plan commission shall serve for two (2) years ~~and until their respective successors shall have been appointed and qualified.~~ The city council shall appoint four (4) members who represent Districts 1 ~~through~~ 4 of the city, ~~plus one (1) alternate member, in August of odd-numbered years,~~ and shall appoint three (3) members who represent the three (3) at-large districts, plus two (2) ~~one (1)~~ alternate members, ~~in August of even-numbered years.~~ An alternate member shall, at the request of the chairperson, sit for and in place of an absent regular member and shall, ~~for~~ for the duration of the absence, be as a regular member.

(d) *Procedures.* A chairperson and vice-chairperson shall be appointed by the city council. Said commissioners shall serve without pay and shall adopt such rules and regulations as shall best govern their proceedings, deliberations and actions.

#### **Section 9.08. - Parks and recreation.**

(a) *Purpose.* The city parks and recreation commission shall act in an advisory capacity to the city council in all matters pertaining to parks and recreation, and shall exercise such other duties and further powers as are delegated by ordinance.

(b) *Membership and terms.* The commission shall consist of nine (9) members who shall be appointed for two (2) year terms, ~~with five (5) members appointed to serve beginning December 1 in odd-numbered years, and four (4) members appointed to serve beginning December 1 in even-numbered years.~~ At least one (1) member shall live in each of Districts 1 ~~through~~ 4 of the city.

(c) *Procedures.* A chairperson and vice-chairperson shall be appointed by the city council. Meetings shall be held monthly or as required. Guidelines, regulations and responsibilities shall be prescribed by ordinance.

**Section 9.09. - Library board.**

- (a) *Purpose.* The city library board shall act in an advisory capacity to the city council in all matters pertaining to the public library, and shall exercise such other duties and have such powers as is delegated by ordinance.
- (b) *Membership and terms.* The board shall consist of seven (7) members who shall be appointed for two (2) year terms, ~~with four (4) members appointed to serve beginning January 1 in even numbered years, and three (3) members appointed to serve beginning January 1 in odd numbered years.~~ At least one (1) member shall live in each of Districts 1 ~~through~~ 4 of the city.
- (c) *Procedures.* A chairperson and vice-chairperson shall be appointed by the city council. Meetings shall be held monthly or as required. Guidelines, regulations and responsibilities shall be prescribed by ordinance.

**Section 9.10. - Zoning board of adjustment.**

- (a) *Purpose.* The zoning board of adjustment shall, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the **comprehensive zoning ordinance, or any successor thereto,** in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.
- (b) *Powers.* The zoning board of adjustment shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement ~~of this section or~~ of any **zoning ordinance** ~~adopted pursuant thereto.~~
  - (2) To hear and decide special exceptions to the terms of the **comprehensive zoning ordinance, or any successor thereto, when the comprehensive ordinance requires the** ~~upon which such board is required to~~ **do so pass** under such ordinance.
  - (3) To authorize upon appeal in specific cases such variance from the terms of a **zoning** ~~the~~ ordinance **if the variance is not** ~~as will not be~~ contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the **zoning** ordinance will result in unnecessary hardship, and so that the spirit of the **zoning** ordinance shall be observed and substantial justice done.

In exercising the above-mentioned powers~~,~~ such board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to the end shall have all the powers of the **administrative official** ~~officer~~ from whom the appeal is taken.

The concurring vote of **seventy-five percent (75%) of the** ~~four (4)~~ members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to the District Court ~~of Dallas County~~ a petition,~~,~~ duly verified, setting forth that such

decision is illegal, in whole or in part, specifying the grounds of the illegality, **as allowed by state law**. Such petition shall be presented to the district court within ten (10) days after the filing of the decision in the office of the board.

(c) *Membership and terms.* The board shall consist of **at least** five (5) regular members and two (2) alternate members, who shall be appointed for two (2) year terms, ~~with three (3) members plus one (1) alternate appointed to serve beginning April 1 in even-numbered years, and two (2) members plus one (1) alternate appointed to serve beginning April 1 in odd-numbered years.~~ At least one (1) member shall live in each of Districts 1 ~~through~~ 4 of the city. An alternate member shall at the request of the chairperson sit for and in place of an absent regular member and shall for the duration of the absence be as a regular member.

(d) *Procedures.* A chairperson and vice-chairperson shall be appointed by the city council. Meetings shall be held monthly or as required. All matters heard by the board of adjustment shall be heard by the minimum of **seventy-five percent (75%) of the** ~~four (4)~~ members of the board.

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this section. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. ~~All meetings of the board shall be open to the public.~~ The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative ~~official officer~~. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the administrative official ~~officer~~ from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The administrative official ~~officer~~ from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

**Except as otherwise provided by state law, an** ~~An~~ appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official ~~officer~~ from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed and that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. ~~In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by the District Court of Dallas County on application on notice to the officer from whom the appeal is taken and on due cause shown.~~

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

**Section 9.11. - Civil service board.**

(a) *Purpose.* The primary purpose of the civil service board is to oversee the civil service system of the City of Richardson.

(b) *Powers.* The civil service board, subject to the approval of the city council, shall adopt, amend, and enforce a code of rules and regulations providing for appointment and employment in all positions in the classified service which shall have the force and effect of law; also rules regulating reduction of forces of employees and in what order they shall be dismissed and reinstated; shall assure ~~make investigation concerning~~ the enforcement ~~and effect~~ of the civil service sections of this ~~C~~harter and of the rules adopted under the powers herein granted.

(c) *Membership and terms.* The ~~city council shall appoint a~~ civil service board shall ~~be, composed~~ consist of five (5) ~~citizens~~ members who shall be appointed ~~reside in the City of Richardson,~~ for two (2) year terms. ~~and until their successors have been appointed and qualified. Three (3) members shall be appointed in August of odd numbered years, and two (2) members shall be appointed in August of even numbered years. At least one (1) member shall live in each of Districts 1 [through] 4 of the city.~~

(d) *Procedures.* The city council shall appoint a chairperson and a vice-chairperson. The board may appoint such other officers ~~and subordinates~~ as it may deem necessary from time to time. In the absence of one or more of the permanent officers, temporary officers may be appointed by the board for the conduct of business. The board shall meet monthly, or as needed. ~~The civil service board shall make an annual report to the city council at the end of each fiscal year, giving a complete itemized statement of all expenditures paid or incurred by it, and containing such recommendations for improving the efficiency of the civil service as it may deem advisable. Reference is made to the following article for further discussion regarding civil service.~~

**Section 9.12. - Civil service appeals board.**

(a) *Purpose.* The civil service appeals board is hereby created for the purpose of hearing and determining any charges made against any ~~officer or~~ employee of the city in the classified service.

(b) *Powers.* The civil service appeals board shall have final jurisdiction to hear and decide all appeals made to it by any suspended, reduced, demoted or discharged employee in the classified service, and the judgment or decision of a majority of the members of the appeals board at a hearing shall be final. Any aggrieved employee who desires to appeal to the appeals board must do so promptly and within ten (10) days from the date that the aggrieved employee received notification of the suspension, demotion, reduction or dismissal action by giving written notice to the civil service board of the appeal. The civil service board shall set a hearing date within twenty (20) days after receipt of the notice of appeal, and an appeals board shall be convened to hear the appeal. The aggrieved employee may be represented by counsel

and shall have the right to an open hearing and to compel the attendance of witnesses to testify ~~on~~<sup>in</sup> behalf of the aggrieved employee. The appeal to the appeals board shall not suspend the execution of the order of suspension, reduction, demotion or discharge pending final decision of the appeals board. The appeals board may either sustain or reverse the action taken against the ~~officer or~~ employee, or may modify or amend the action as it may deem justified, appropriate and equitable in light of all the facts and circumstances of the particular case.

(c) *Membership.* The civil service appeals board shall **consist of at least three (3)** ~~be constituted by~~ **members of** the civil service board ~~or any three (3) of its members.~~

(d) *Minimum standard.* The civil service board shall fix a minimum standard of conduct and efficiency for each grade in the service, and whenever it shall appear from the reports of efficiency made to the said board that the conduct and efficiency of any employee has fallen below this minimum, that employee may be called before the board to show cause why such employee should not be removed, suspended or reduced in grade, as the board shall determine.

~~(e) — Payroll certified by the board. The city shall not make payment of any salary or compensation for service to any persons holding a position in the classified service unless the payroll or account of such salary or compensation shall show that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of the Charter and of the rules established thereunder.~~

(~~f~~<sup>e</sup>) *Appeals proceedings.* In any appeals proceeding conducted by the board, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the proceeding and to administer oaths to such witnesses.

(~~g~~<sup>f</sup>) *No discrimination.* No discrimination shall be exercised, threatened, or promised against or in favor of any applicant, competitor, candidate, eligible or employee because of race, color, sex, **age, disabilities,** religion, national origin or political opinions.

## ARTICLE 10. - CIVIL SERVICE

### Section 10.01. - Organization of civil service board.

The civil service board shall be established as provided in ~~Article 9~~ **Article 9** of this ~~C~~charter.

### Section 10.02. - Unclassified and classified service.

The civil service of this city is hereby divided into the unclassified and classified service, to-wit:

(a) The unclassified service shall include:

(1) The city manager and persons assigned to the office of the city manager.

(2) The directors and heads of departments, assistant directors and assistant heads of departments, and the city secretary.

(3) The labor class, which shall include all ordinary, unskilled labor.

(b) The classified service shall comprise all positions not specifically included in the unclassified service. There shall be in the classified service two (2) classes to be known as the competitive class and the noncompetitive class, to-wit:

(1) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of the applicants by competitive examination.

(2) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the rules of the board.

**(c) Payroll certified by the board. The city shall not make payment of any salary or compensation for service to any persons holding a position in the classified service unless the payroll or account of such salary or compensation shall show that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of the charter and of the rules established thereunder.**

#### **Section 10.03. - List of eligibles.**

The board shall provide for examination in accordance with the regulations of the board, and maintain lists of eligibles to each class of the service of those meeting the requirements of said regulations. Positions in the classified service shall be filled from such eligible lists upon requisition of the city manager, **or designee**. ~~As positions are filled, the board shall certify the fact to the city manager.~~

#### **Section 10.04. - Promotions in the classified.**

The board shall provide for promotion to all positions in the classified service competitive class.

#### **Section 10.05. - Probation period.**

Appointment or promotion in the classified service shall not be deemed complete until a probationary period has been completed. A probationary period not to exceed six (6) months shall **apply to each employee classification in the classified service** ~~be determined by the civil service board for each employee classification.~~

#### **Section 10.06. - Discharge of employee after probation period.**

Any employee in the classified service may be removed, suspended, laid off or reduced in grade by the city manager, or the head of the department in which employed, after the probation period has expired. If demanded by such employee, it shall be the duty of the ~~officer~~ city manager or department head, as the case may be, discharging such employee to furnish a written statement of the reasons therefor. The discharged, suspended or reduced employee shall have the right to demand a public hearing upon said charges within a reasonable time thereafter before the civil service appeals board as hereinafter defined.

#### **Section 10.07. - Appeals board.**

The civil service appeals board shall be established as provided in the preceding article of this ~~c~~Charter for the purpose of hearing and determining any charges made against any ~~officer or~~ employee of the city in the classified service.

### **ARTICLE 11. - BUDGET AND FINANCIAL PROCEDURE**

#### **Section 11.01. - Fiscal year.**

The fiscal year of the City of Richardson shall begin on October 1 of each calendar year and will end on September 30 of the following calendar year. The fiscal year will also be established as the accounting and budget year.

#### **Section 11.02. - Preparation and submission of budget.**

The ~~city manager~~ City Manager, on or before August 15 of each year, shall prepare and submit ~~to the council a~~ the budget for the ensuing fiscal year; ~~covering the next fiscal year, to the Council.~~ In preparing this budget, each employee, officer, board and department shall assist the ~~city manager~~ City Manager by furnishing all necessary information. The budget shall comply with and contain such information and itemization, as may be required by state law.

~~The City Manager's budget message shall include:~~

- ~~(a) An outline of the proposed financial policies for the next fiscal year with explanations of any changes from previous years in expenditures and any major changes of policy and a complete statement regarding the financial condition of the city;~~
- ~~(b) An estimate of all revenue from taxes and other sources, including the present tax structure rates and property evaluations for the ensuing year;~~
- ~~(c) A carefully itemized list of proposed expenditures by fund, service type, and object of expenditure for the budget year, as compared to actual expenditures of the last ended fiscal year, and an estimate of final expenditures for the current fiscal year;~~
- ~~(d) A description of all outstanding bond indebtedness, showing amount, date of issue, rate of interest and maturity date, as well as any other indebtedness referred to in Article 19 which the city has incurred and which has not been paid;~~

- ~~(e) A statement proposing any capital expenditures deemed necessary for undertaking during the next budget year and recommended provision for financing; and~~
- ~~(f) A projection of revenues and expenditures together with a list of capital projects which should be considered within the five (5) next succeeding years.~~

**Section 11.03. – Proposed ~~B~~ budget a public record.**

The proposed budget and all supporting schedules shall be filed with the ~~City Secretary~~ city secretary when submitted to the ~~Council~~ council and shall be open to public inspection.

**Section 11.04. - Public hearing.**

At the council ~~Council~~ meeting when the budget is submitted, the council ~~Council~~ shall name the date and place of a public hearing. The hearing shall be no less than fifteen (15) days after the budget is filed. Public notice of the hour, date and place of such hearing shall be published in a newspaper of the city not less than ten (10) nor more than thirty (30) days before the hearing. At this hearing, ~~citizens of the~~ public ~~city~~ may be present and express their opinions concerning items of expenditures and revenue.

**Section 11.05. - Proceeding on adoption.**

After the public hearing, the council ~~Council~~ shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, by ordinance, adopt the budget by a majority vote of all members of the council ~~Council~~.

**Section 11.06. - Budget appropriation; tax levy.**

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the council ~~Council~~ shall constitute the official appropriations for the current year and shall constitute the basis of the official levy of the property tax as the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures for operating purposes will in no case exceed proposed revenue, plus unallocated ~~reserved~~ fund balance, and other financing sources. Unused appropriations may be transferred to any item required for the same general purpose.

**Section 11.07. - Transfer of appropriations.**

The council ~~Council~~ may at any time transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose but no such transfer shall be made of revenues or earnings of any nontax supported public utility for any other purpose. **This prohibition does not apply to the transfer of budgeted funds of any nontax supported public utility or other enterprise fund for the purposes of reimbursing the general fund for providing administrative services.**

**Section 11.08. - Unallocated ~~reserve~~ fund balance.**

When recommended by the city manager ~~City Manager~~ and at the discretion of the council ~~Council~~, the budget may contain a reasonable sum set aside as an unallocated ~~unreserved~~ fund balance to meet unexpected and unforeseen contingencies in current operating costs of ~~any~~ each fund ~~budget service type or project~~.

**Section 11.09. - Amending the budget.**

~~In case of grave public necessity, emergency~~ Expenditures to meet unusual and unforeseen conditions, which ~~could~~ were not, ~~by reasonable diligent thought and attention, have been~~ included in the original budget, may from time to time be authorized ~~by the council~~ as amendments to the original budget. Any amendment providing for additional expenditure shall also provide for reductions in other expenditures or supplemental revenues to fund such amendments, or an amount from ~~unreserved~~ the unallocated fund balance as a supplement. These amendments shall be ratified by ordinance at the end of the fiscal year, ~~and shall become an attachment to the original budget.~~

**Section 11.10. - ~~Certification; copies~~ Adopted budget made available.**

A copy of the budget, as finally adopted, shall be filed with the ~~City Secretary~~ city secretary, and the Richardson Public Library, and such other places as may be required by state law. The final adopted budget shall be printed, ~~mimeographed~~ or otherwise reproduced and sufficient copies shall be made available for the use of all offices, agencies and for the use of interested persons and civic organizations.

**Section 11.11. - Independent audit.**

At the close of each fiscal year, and at such other times as it may deem necessary, ~~The Council~~ the council shall cause ~~provide for~~ an independent annual audit to be made of ~~all City~~ accounts of the city in accordance with applicable auditing standards ~~and other evidences of the financial transactions of the City. The Council may provide for more frequent audits as it deems necessary. Such audits shall be made~~ by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the ~~fiscal~~ financial affairs of the city or of any of its officers. The ~~Council~~ council may, without requiring competitive bids, designate such certified public accountant or firm annually or for a period not to exceed five (5) years. The annual audit, including all reports and management letters, shall be submitted and reported to the council. A copy of the annual audit, after acceptance by the ~~Council~~ council, will be filed with the ~~City Secretary~~ city secretary and shall be available for public inspection.

**Section 11.12. - Defect shall not invalidate tax levy.**

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

## ARTICLE 12. - FRANCHISES

### Section 12.01. - Ownership, control and use of real and public property by the city.

The ownership, right of control and use of the streets, highways, alleys, parks, public places and all other real property of the City of Richardson is hereby declared to be inalienable to said city, except by ordinances passed by vote of the majority of the city council of the city, as hereinafter provided. No franchise or easement involving the right to use same, either along, across, over or under the same, shall ever be valid unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the city, its city council, officers or agents shall be construed to confer or extend by estoppel or indirection any right, franchise or easement not expressly granted by ordinance.

### Section 12.02. - Exclusive franchises prohibited.

No ~~exclusive~~ franchise to construct, maintain or operate a public or private utility, or a renewal or extension thereof, shall be exclusive, or privilege shall ever be granted, nor a franchise, nor a privilege to commence at any time after six (6) months subsequent to the taking effect of the ordinance granting the same. No franchise shall be directly or indirectly extended beyond the term originally fixed by the ordinance granting the same, unless by specific ordinance granting an extension for the purpose of renegotiating such franchise.

### Section 12.03. - Power to grant F-franchise by ordinance.

Except as otherwise provided by state or federal law, the ~~The~~ City of Richardson shall have the full power as now or hereafter granted under the Constitution and laws of the State of Texas by ordinance to grant, renew, amend and extend a franchise for public or private utilities of every character and consents and agreements as to all other users of public property, including, but not limited to users of the public rights-of-way, streets and utility easements, operating within the city ~~any franchise or right mentioned in the preceding sections hereof, which ordinance shall not be passed finally until its third and final reading, which reading shall be at three (3) separate regular meetings of the city council of the City of Richardson, the last of which shall take place not less than thirty (30) days from the first.~~

### Section 12.04. - Ordinances granting.

Ordinances granting franchises shall be subject to the terms hereof, and shall contain such terms and conditions as the city council shall see fit to impose. All franchises shall be exercised in accordance with the terms of the ordinance granting the same and of the ~~C~~harter. If such franchises shall not be exercised in substantial accordance with the terms hereof, and of the ordinance granting the same, then[,] after notice and reasonable hearing to the holders thereof, such franchise may be cancelled or annulled and the city council shall, by ordinance, adopt reasonable rules and regulations for such notice and hearing.

### Section 12.05. - Term of franchises.

No determinate or fixed term franchise shall ever be granted for a longer term than twenty (20) years; nor shall any right, privilege or franchise now in existence be extended beyond the period now fixed for its termination, directly or indirectly, unless by specific ordinance granting an extension for the purpose of renegotiating such franchise. No holder of a franchise heretofore or hereafter granted shall have a right (unless such right is granted in the franchise) to transfer or assign its properties and franchise to any other person, firm or corporation without the consent of the city, and such consent when given shall not operate as the granting of a franchise or as a new franchise.

**Section 12.06. - Indeterminate franchises.**

In addition to the powers conferred to grant privileges and franchises for a fixed term not to exceed twenty (20) years, the City of Richardson shall have power to grant indeterminate franchises. The term "indeterminate franchise," as used in this ~~C~~harter, shall mean and embrace every privilege, franchise or easement granted directly or indirectly by the City of Richardson which shall have no fixed or determinate duration. An indeterminate franchise shall continue in force only until such time as the city shall exercise an option, to be provided for in the ordinance granting any such franchise. Such ordinance shall give the city in express terms the right to purchase the property of the franchise holder or cause a purchaser to buy such property. Such ordinance shall also fix the time or times when such right may be exercised or terminated.

**Section 12.07. - Compensation for franchises.**

All persons, firms or corporations to whom franchises may hereafter be granted, or their assigns and successors, shall as compensation for the right or privilege enjoyed pay to the city a sum not less than two (2) percent of the gross receipts of the business pursued by the holder of the franchise earned for service rendered in the City of Richardson, **or such other sums as may be allowed by applicable law.**

All sums required to be paid by the holder of any franchise under the terms of this section shall be due and payable quarterly as shall be set out in the franchise agreement or ordinance, and shall be exclusive of and in addition to all ad valorem taxes upon the value of the franchise and other property of the holder thereof and all lawful occupation taxes imposed upon the occupation or calling of the holder thereof; and the amount of such compensation may be changed from time to time as in the opinion of the city council may be just and reasonable, to the extent and upon such terms and conditions as may be fixed in the ordinance granting such franchise.

**Section 12.08. - Right to fix rates.**

The right is hereby delegated where applicable to the City of Richardson, acting through its city council, to determine, fix and regulate the charges, fares or rates of any holder of a franchise or other public privilege in Richardson, and to prescribe the kind of service to be furnished and the manner in which it shall be rendered, **as allowed by state and federal law.** The city has the right to alter or change such rules, regulations, and compensation, from time to time.

**Section 12.09. - Changes and extensions.**

The ~~C~~city ~~C~~council shall have the power, by ordinance or resolution and without reference to the other franchise provisions of this ~~C~~charter, to grant the right and to require utility companies and all other companies or individuals enjoying a franchise from the city now or hereafter to make and furnish necessary changes in or reasonable extensions of facilities and service in or to any portion of the city as in the judgment of the city council may be necessary. Said changes or extensions are under and subject to the terms and conditions of the franchise then enjoyed by such franchise holder in connection with which the change or extension is to be made, and under such further terms and conditions as the city council may deem proper. The city council shall have the power to prevent the making of unnecessary or unprofitable extensions.

**Section 12.10. - Discrimination forbidden.**

Every public service corporation shall furnish and provide equal and uniform service alike to all persons, firms and corporations in the City of Richardson. It shall be unlawful and a sufficient ground for the forfeiture of any franchise for any such corporation to grant free service or furnish better service or to furnish service for a lower price or rate, conditions or quantity of service considered to any person, firm or corporation than to any other person, firm or corporation or to otherwise discriminate in the matter of rates or service. Any such public service corporation may, however, from time to time, with the consent and approval of the city council, adopt schedules governing rates, conditions or quantities of service considered, and allow applicants to choose between alternative schedules. But no such schedule shall be operative nor shall service be furnished in accordance therewith until filed and approved by the city council of the City of Richardson.

**Section 12.11. - Authorization of railway companies and transit systems.**

The city council shall have power to authorize railway companies and transit systems operating within the City of Richardson and operating their lines from the City of Richardson to other towns and cities beyond its limits to lay their tracks and establish their switches on and over the streets and other property of the City of Richardson or such parts thereof as the city council may see fit, subject to the terms of the ~~C~~charter and to such other conditions as may be imposed by the city council.

**Section 12.12. - Railway and transit operations.**

Except as otherwise provided by state or federal law, the ~~The~~ City of Richardson shall have the following powers by ordinance or otherwise:

- (a) To regulate the speed of trains, subways, monorails, or any other engines and locomotives within the limits of Richardson;
- (b) To require railway companies and transit systems to keep the streets over which they run properly drained and to pay all or any part of the paving, grading,

- draining, and repair thereof along the streets so used by such railway companies or transit systems;
- (c) To require railway companies and transit systems to light streets over which they run wherever deemed necessary or advisable by the city council;
  - (d) To require railway companies and transit systems to construct and keep in repair from curb to curb, bridges and crossings over all the ditches made or crossed by them, and to construct and maintain drains and culverts where crossed by any line of said railway companies or transit systems, on all streets over which they run;
  - (e) To direct and control the laying and construction of railway companies and transit system tracks, turnouts and switches and to regulate the grade of same, and to require them to conform to the grade of the streets of Richardson as they may hereafter be or are now established;
  - (f) To require that said tracks and turnouts and switches be so constructed and laid out as to interfere as little as possible with the ordinary travel in the use of the streets;
  - (g) To require any or all railway companies and transit systems operating any track(s) upon or across any public streets of the City of Richardson to reduce such track(s) below or elevate such track(s) above the level of the streets intersected or occupied by such track(s) and to require the company or companies owning or operating such track or tracks to provide necessary and proper crossing for the public travel at intersecting streets; all such work to be done in the manner required by the City of Richardson.

The portion of the street occupied by a railway company and transit system shall be deemed to be the space between the tracks and twenty-four (24) inches on the outside of each of the rails, and all the space between the double tracks, turnouts and switches. Should any railway company and transit system propose to lay a track on any street or portion of a street which shall have been improved under the provisions of this ~~c~~Charter, it shall become liable for such portion of the cost of such improvement as the city council may direct, or as is fixed by this ~~c~~Charter.

**Section 12.13. - Abutting property.**

The city council shall have the power, by ordinance, or resolution, to grant to any owner of property abutting upon the streets or other property of the city the use thereof or to go over or under the same in any manner which may be necessary or proper to the enjoyment of said abutting property by the owner; provided, that such use be not inconsistent with or does not unreasonably impair the public use to which said street or other public property may be dedicated. The city council shall fix the terms and conditions of any such grant and the time for which the same shall exist. The right is expressly reserved to the city, acting through said city council~~[,]~~ to terminate such grant when deemed inconsistent with the public use of the property of the city or when the same may become a nuisance.

**Section 12.14. - ~~Compensation for grant.~~**

~~For the rights granted under the preceding section[,] the city shall receive annual compensation to be fixed by the city council, not less than five dollars (\$5.00) per annum. Such~~

~~compensation shall be paid each year in advance on the second day of January. The failure to pay same when due shall operate as an absolute forfeiture of the rights granted.~~

**~~Section 12.15.~~ - Shared use.**

Except as otherwise provided by state or federal law, the ~~The~~ city council shall have the power to require any corporation or transit system holding a franchise from the city to allow the use of its tracks, poles and wire by any other corporation to which the city shall grant a franchise, upon payment of a reasonable rental therefore to be fixed by the city council.

**Section 12.~~15~~16. - Revocable permits.**

Permits or licenses unconditionally revocable at the will of the city council for minor or temporary privileges in the streets, public ways and public places of the city may be granted and revoked by ordinance or resolution, from time to time, and such permits shall not be deemed franchises as the term is used in this ~~c~~Charter.

**Section 12.~~16~~17. - Public services; condemnation.**

The City of Richardson shall have power to buy or construct, own, maintain and operate a system or systems of waterworks, gas or electric lighting plants, telephones, transit systems and sewers, or any other public service or enterprise that may be approved by a majority of the qualified voters of the City of Richardson voting therefore at any regular election for city officers in accordance with the provisions of this ~~C~~charter; and may demand and receive compensation for such services furnished for private purposes, and shall have power to condemn the property of any person, firm or corporation for the purpose of operating and maintaining any such utility, and for distributing such service throughout the city or any portion thereof, but in such condemnation proceedings no allowance shall be made for the value of any franchise and only the actual physical assets shall be purchased by the City of Richardson.

**ARTICLE 13. - ORDINANCES**

**Section 13.01. - Rules and regulations validated.**

All ordinances, resolutions, rules and regulations of the City of Richardson heretofore ordained, passed or enacted that are in force at the time this ~~C~~charter or any amendment thereto becomes effective, and which are not in conflict with such ~~C~~charter, shall remain in full force and effect until altered, amended or repealed by the city council after such ~~C~~charter or any amendment thereto takes effect.

**Section 13.02. - ~~Action requiring an ordinance.~~**

~~In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city council shall be by ordinance which:~~

- ~~(a) — Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;~~

- ~~(b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;~~
- ~~(c) Levy taxes, except as otherwise provided in Article 11 with respect to the property tax levied by adoption of the budget;~~
- ~~(d) Grant, renew or extend a franchise;~~
- ~~(e) Authorize the borrowing of money;~~
- ~~(f) Convey or lease or authorize the conveyance or lease of any lands of the city.~~

**Section ~~13.03~~ - Ordinance authentication, recordation and publication **Publication.****

**All measures of the city council shall be authenticated and recorded as established by this charter or by such means as may otherwise be allowed by state law, or as the city council may provide by ordinance from time to time.** Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after passage thereof, be published **by publishing the caption thereof** at least once in a local newspaper **or by such other means as may be allowed by state law.** ~~in lieu of publishing the full text of the ordinance, a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof may be published. All ordinances, except as herein otherwise provided, shall be published once by publishing the caption or title of the ordinance in a newspaper of the city, if the city council so directs in passing said ordinance.~~

**Section ~~13.04~~13.03 - Style.**

The style of ordinances shall be "Be It Ordained by the City Council of the City of Richardson," but such caption may be omitted when said ordinances are published in book form or are revised and digested under the order of the **city** council.

**Section ~~13.05~~13.04 - Codification.**

The city council shall have power to cause the ordinances of the city to be printed in code form, and shall have the same arranged and digested as often as the **city** council may deem advisable.

**Section ~~13.06~~13.05 - Valid and effective.**

The final passage of an ordinance by the city council and the publication of the same when so required shall be all that is necessary to make such ordinances valid and effective. The signature of the mayor and city secretary shall be affixed to each ordinance.

**Section ~~13.07~~13.06 - Enrollment.**

Each ordinance passed by the city council shall be enrolled by the city secretary within five (5) days after its passage, or as soon thereafter as is practicable. ~~The enrolled ordinance shall be carefully compared with the original ordinance and all amendments, if any, by the city secretary. If errors exist therein, they shall be corrected. If found correct, or after the correction~~

~~of errors, if any exist, the city secretary shall endorse on the margin thereof the words "Correctly Enrolled" and give the date thereof and subscribe the city secretary's name thereto.~~

## ARTICLE 14. - INITIATIVE AND REFERENDUM

### Section 14.01. – Power of Initiative ~~Petition~~.

The people of the City of Richardson reserve the power of direct legislation by initiative, and in the exercise of such power may propose that any ~~Any proposed~~ ordinance, except those not legally authorized to be considered by initiative by the state constitution or state law, or referendum, may be submitted to the qualified voters of the city ~~council~~ by submitting a petition to the city secretary which shall contain the full text of the proposed ordinance, signed by qualified voters of the city equal in number to ten (10) percent of the total number of qualified voters on the date of the last regular municipal election ~~the percentages hereinafter required~~. The signatures to the petition need not all be appended to one (1) paper, but all signers shall in addition ~~add~~ to their signature provide their ~~place of~~ residence address, ~~giving the street and number,~~ county of residence, printed name, date of signing ~~and their precinct number~~ and comply with any other applicable requirements prescribed otherwise as required by state law. One (1) of the signers to each of such papers shall make oath before an officer of the State of Texas competent to administer oaths that each signature is that of the person whose name it purports to be and was signed by such person on the date indicated. All petition papers comprising an initiative petition shall be assembled and filed with the city secretary as one instrument on the same day.

### Section 14.02. - Examination of Initiative petition.

Within ten (10) days from the date of filing ~~such~~ an initiative petition, the city secretary shall examine the same and ascertain from the list of qualified voters whether or not said petition is signed by the requisite number of qualified ~~voters electors~~, and shall attach to said petition a certificate showing the result of such examination. If by the secretary's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from date of said certificate. The secretary shall within ten (10) days after receipt of such amendment make like examinations of the amended petition. If the secretary's certificate shall show the same to be insufficient, the petition may not be further amended ~~it shall be returned to the person filing the same, without prejudice,~~ however, ~~to the filing of~~ a new petition may be filed to the same effect. The city attorney shall review the petition to determine that it is a proper subject and in proper form. If the petition shall be found to be sufficient, the city secretary shall submit the same to the city council without delay.

### Section 14.03. - City council action.

When the city council receives an initiative petition certified by the city secretary to be sufficient, ~~If the petition accompanying the proposed ordinance be signed by electors equal in number to ten (10) percent of the qualified voters of the City of Richardson, and contains a~~

~~request that said ordinance be submitted forthwith to a vote of the people at a special election,~~  
the city council shall either:

- (a) Pass said **proposed** ordinance without alteration within twenty (20) days after the attachment of the city secretary's certificate of sufficiency to the accompanying petition ~~(subject to referendary vote under the provisions of the Charter);~~ or
- (b) ~~Forthwith the secretary shall attach to the petition accompanying such ordinance the city secretary's certificate of sufficiency[;]~~ the city council shall ~~proceed to~~ call a special election **to be held on the next allowable election date as authorized** ~~provided for~~ by state law at which said ordinance, without alteration, shall be submitted to a vote of the people.

**Section 14.04. - Ballots—Proposed initiative ordinance.**

The ballots used when voting upon an ~~said~~ ordinance **proposed by initiative petition** shall state the nature of the proposed ordinance and shall contain the words "For the Ordinance," and "Against the Ordinance." Any number of proposed ordinances may be voted at the same election, in accordance with the provisions of this section of the ~~C~~harter.

**Section 14.05. - Valid and effective date of initiated ordinance.**

If a majority of the qualified ~~voters~~ ~~electors~~ voting ~~upon an~~ ~~on said proposed~~ ordinance **proposed by initiative petition** shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance **adopted by city council** proposed by **initiative** petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

**Section 14.06. - Repeal or amendment of initiated ordinance ~~provision~~.**

The city council may submit a proposition for the repeal of **any ordinance adopted by the city council proposed by initiative petition or** such ordinance **adopted by a vote of the people**, or for amendments thereto, to be voted upon at any succeeding ~~general~~ city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

**Section 14.07. - Publication of ordinance proposed by petition initiative.**

Whenever any ordinance **proposed by initiative petition** ~~or proposition~~ is required by the ~~C~~harter to be submitted to the **qualified** voters of the city at any election, the city secretary shall cause the ~~proposed~~ ordinance ~~or proposition~~ to be **printed-published** at least **thirty (30)** ~~forty-five (45)~~ days before ~~any such~~ election in a local newspaper ~~and any~~ ~~or~~ other official publication of the city, **or by such other means as may be allowed by state law**.

**Section 14.08. - When initiative ordinance is effective.**

No ordinance proposed by initiative petition passed by the city council or such ordinance adopted by a vote of the people shall go into effect until thirty (30) days after its final passage, except when otherwise required by the general laws of the state, ~~or by the provisions of the Charter regarding street improvements. An exception may be made for an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the city council. No grant of any franchise shall be construed to be an emergency measure, but all franchises shall be subject to the referendary vote herein provided.~~

#### Section 14.09. – Power of Referendum.

The qualified voters of the city may require that any ordinance enacted by the city council be submitted to the qualified voters of the city for approval or disapproval by filing a petition with the city secretary within ~~If during said thirty~~ forty-five (45) (30) days after passage of said ordinance or within forty-five (45) days after its publication, whichever is later. Said a petition shall be signed by qualified voters ~~electors~~ of the city equal in number to at least ten (10) percent of the total number of qualified voters on the date of the last regular municipal election. Within ten (10) days after the filing of the petition the city secretary shall examine the same and from the list of qualified voters ascertain whether the petition is signed by the requisite number of qualified voters. If by the city secretary's certificate the petition is shown to be sufficient, the petition ~~of the City of Richardson~~ shall be presented to the city council, the ordinance ~~same~~ shall thereupon be suspended from taking effect ~~going into operation~~, and it shall be the duty of the city council to reconsider such ordinance, and if the same is not entirely repealed, ~~the~~ the city council shall submit the ordinance ~~as is provided in this Charter~~ to the vote of the qualified voters ~~electors~~ of the city, ~~either~~ at the next uniform general election date or other date allowed by state law, ~~at a special municipal election to be called for that purpose, and~~ Such ordinance shall be suspended from taking effect and shall not later take go into effect or become operative unless a majority of the qualified voters ~~electors~~ voting on the same shall vote in favor of the ordinance thereof. ~~Said petition shall be in all respects in accordance with the provisions of the Charter, except as to the percentage of signers, and be examined and certified by the secretary, and in all respects as therein provided. The power of referendum shall not apply to ordinances levying taxes, appropriating money, authorizing the issuance of bonds, zoning and any ordinance not the proper subject of referendum by the state constitution or state law.~~

### **ARTICLE 15 – PUBLICATIONS**

~~All measures of the council shall be authenticated, recorded, and published or not published as established by this Charter or as the council may from time to time by ordinance provide.~~

### **ARTICLE 15~~6~~. - COLLECTION OF TAXES**

#### **Section 15~~6~~.01. - Property taxes.**

All property, real, personal or mixed, lying and being within the corporate limits of the City of Richardson on the first day of January of each year, excepting such property as may be exempt from taxation under the Constitution and laws of the State of Texas, shall be subject to taxation.

**Section 156.02. - Power to levy and collect taxes.**

The ~~City Council~~ **council** shall have such power and authority as is granted by this **charter** ~~Charter~~ and the Constitution and laws of the State of Texas to provide by ordinance such rules, regulations and procedures as are necessary for the assessment, levy and prompt collection of all taxes assessed and imposed pursuant to and consistent with this **charter** ~~Charter~~ and the Constitution and laws of the State of Texas.

**Section 156.03. – Tax ~~payments~~ ~~es~~ ~~Method of payment~~ ~~Penalties~~.**

~~Except as otherwise provided by state law, The taxes herein and hereby authorized to be levied shall become~~ **are** due **on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed.** ~~and payable October 1 of the year assessed, and shall be payable at such locations in cash as designated by the city council. The City Council may by ordinance provide for split payment of taxes, and may authorize the payment of taxes in two (2) or more equal installments. Taxes shall be deemed and become delinquent if not paid prior to February 1 the year following assessment, unless the city council shall by ordinance provide for split payments, in such event such taxes shall become due and payable as provided in said ordinance.~~ The ~~City Council~~ **council** may by ordinance provide for penalty and interest to be assessed on all delinquent taxes in such amounts as may be authorized by law.

**Section 156.04. - Tax lien.**

A lien is hereby created on all property, personal and real, in favor of the City of Richardson, to secure the payment of all taxes, ad valorem or otherwise. Said lien shall exist from January first in each year until such taxes are fully paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ shall defeat such lien. The City of Richardson may pursue, or cause to be pursued, such property, and whenever found, may seize and sell enough thereof to satisfy such taxes as are owed to the City of Richardson.

**~~Section 16.05. – Power and authority by state law.~~**

~~In addition to the powers herein conferred with reference to the assessment and collection of taxes, the City of Richardson shall have and may exercise all powers and authority now conferred or that may hereafter be conferred upon cities having a population of more than five thousand (5,000) inhabitants by the general laws of the State of Texas.~~

**~~ARTICLE 17. – STREET AND SIDEWALK IMPROVEMENTS~~**

**~~Section 17.01. – Adoption of Texas Civil Statutes.~~**

~~All the terms, powers and provisions of Articles 1056 to 1096, both inclusive, and Articles 1104, 1105, and 1105b of the Revised Civil Statutes of the State of Texas, Revision of 1925, relating to street improvements and assessments therefor, and other matters, together with all amendments to said articles, are hereby adopted as a part of this article as an alternative and cumulative method of improving streets, alleys, and public places and levying assessments therefor.~~

**~~Section 17.02. -- Improvement ordered by resolution.~~**

~~The city council shall have power, by resolution, to order the making of the public improvements mentioned in this article, or any of them, by majority vote, and the passage of such resolution shall be conclusive of the public necessity and benefits thereof, and no notice of such action by the city council shall be requisite to its validity. Such resolution shall, in general terms, set forth the nature and extent of the improvements or improvement to be made, the section or sections of any highway, street or other property to be improved, the material or materials with which the improvements are to be constructed and the method or methods under which the cost of such improvements are to be paid. It shall be the duty of the city secretary immediately upon the passage of such resolution to furnish a copy of the same to the officer of the city designated therein who shall indicate upon any tax statement thereafter issued covering property abutting upon that part of the highway, street or other property to be improved that said proceeding is pending. Any failure upon the part of the city secretary to furnish a copy of such resolution to the officer of the city designated in the resolution, or any failure upon the part of the designated officer of the city to indicate the pendency of such proceeding upon tax statements issued shall, however, not affect the validity of the proceeding hereunder, nor of any assessment thereafter levied in pursuance to the provisions of this article. The city council by resolution may specify that said improvement may be constructed from different materials, and may specify different or alternative methods of making such improvements, and provide for the payment of the cost thereof.~~

**~~Section 17.03. -- Lien liability.~~**

~~The lien of such assessments shall revert back and take effect as of the date of the original resolution ordering the improvement, and the passage of such resolution shall operate as notice of such lien to all persons. Any error or mistake in such ordinance in the name of the owner of property assessed shall not invalidate the lien or personal liability thereby created, but the same shall nevertheless exist against the real and true owner of such property as if correctly described.~~

**~~Section 17.04. -- Property exemptions.~~**

~~When the city council shall have reason to believe that the owner or owners of any property may successfully claim the same as exempted from special assessment, the city council may order that the improvement shall not be made in front of or abutting on said property unless the owner or owners shall first make satisfactory provision for or satisfactorily secure the payment of the amount of the costs which would be assessed against said property except for such exemption. In any case where the cost, or any part thereof, is to be paid by such property owners or assessed against their property and the contractor to whom their work is let is required to look primarily or wholly to such property or owners thereof for payment of the proportion of the cost for such improvement assessed against them, and the city is relieved from the payment~~

~~of such proportion of the cost, such contractor shall not be obliged to make such improvement in front of any property which is exempt from the enforcement of a lien for such improvement, but may omit the construction thereof.~~

**~~Section 17.05. -- City liability.~~**

~~The City of Richardson shall never be liable to any contractor or other person, firm or corporation doing work in connection with any street paving, or the opening and widening of streets, or the building of any drains or storm sewers, or the laying of sanitary sewers or any other character of public improvement, whereby a part or the whole of the cost thereof is to be paid for by special assessment, on account of the failure of any officer of the government or the members of the council to pass suitable ordinances or resolutions to take necessary steps to fix liens, or to make said assessments, or to issue certificates therefor, or to provide for reassessments on account of the invalidity of any lien attempted to be fixed, or any failure or omission with respect thereto.~~

**~~ARTICLE 18. -- CONDEMNATION AND SPECIAL ASSESSMENTS~~**

**~~Section 18.01. -- Purpose.~~**

~~The City of Richardson shall have the power, whenever deemed necessary by the city council for public purposes, to appropriate private property, including rights-of-way of railways and transit systems, in order to open, widen, narrow, straighten, change or extend any public street, avenue or alley within the city limits.~~

**~~Section 18.02. -- Proceedings by ordinance or resolution.~~**

~~When the city council shall determine to proceed hereunder, it shall so declare by resolution or ordinance, in which it shall state the nature and the extent of the improvement to be made and the limits thereof and describe the parcel or parcels of land proposed to be taken or condemned by any description substantially identifying the same or by lot and block number or number of front feet, or by the name of the owner, or, if owned by an estate[,] the name thereof. No mistake or omission of said resolution or ordinance shall invalidate it, and its passage shall be conclusive of the public use and necessity of the proposed improvement.~~

**~~Section 18.03. -- State law on assessments.~~**

~~The provisions of Chapter 17 of Title 28 of the Revised Civil Statutes of 1925 relative to condemnation for highways and the levying of special assessments to defray the cost thereof are hereby adopted, and the method therein prescribed may be followed by the city in any proceeding.~~

**~~Section 18.04. -- Building lines.~~**

~~The city shall have the power, for the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, acting through its city council, under the police power, to provide by suitable ordinances building lines on any street or any block of any street, and to require their observance by suitable penalties.~~

**~~Section 18.05. -- Improvement districts.~~**

~~All of powers conferred by Section 372.041 of the Local Government Code of the State of Texas and by any other general law of the state relating to improvement districts are hereby adopted and made a part of this Charter, and the power is conferred upon the city in connection therewith to issue assignable certificates and to appoint special commissioners for the making or levying of special assessments and the city council may make such rules and regulations concerning the same as may be deemed advisable. Power is further conferred upon the city for the condemnation of lands to effectuate the law hereby adopted, which condemnation proceedings, as well as the assessment proceedings, shall be held as nearly as is practicable in accordance with the foregoing provisions of this article governing the opening, widening, narrowing, straightening, changing or extending of public streets, avenues or alleys and the issuance of certificates therefor, or in accordance with any other law applicable thereto.~~

**Section 18.06. -- Assessment period.**

~~In all proceedings providing for assessments against property and the owners thereof for special benefits received under the provisions of this article, the city council is hereby authorized to provide, wherever the same is practicable, or wherever the same may be done under the law, for the payment of said assessments in annual installments extending over a period not to exceed fifteen (15) years.~~

**Section 18.07. -- Alternate method.**

~~As an alternate method of paving and improving streets, alleys and sidewalks, the City of Richardson shall have the power and authority to adopt plans and specifications for such improvements in accordance with the procedure prescribed in Chapter 106, Acts of the Fortieth Legislature, First Called Session and also known as Article 1105b, Vernon's Texas Civil Statutes, and shall have the power to pay to the contractor, the successful bidder, that part of the cost that may be assessed against the owners and their property abutting on such improvements in cash and the city may reimburse itself for the amount by levying an assessment against the abutting owners and their property, after a hearing and notice, as provided in the above statutes, up to the amount of the enhancement in value represented by the benefits and permitted by said statutes, and issue assignable certificates in favor of the City of Richardson for the assessment. The certificates shall be enforceable in the same manner as provided by the above mentioned statutes. The city shall likewise have the power to do the improvement by its own forces if, in the opinion of the city council, the work can be done more expeditiously or economically.~~

**ARTICLE 169. - ISSUANCE AND SALE OF BONDS**

**Section 169.01. - ~~Bond limit.~~ Authority to Borrow.**

The city ~~City of Richardson~~ shall have the **right and** power to borrow money on the credit of the city, in accordance with the Constitution and ~~laws~~Statutes of the State of Texas, for permanent public improvements or for any other **legitimate municipal purpose, as may be determined by the city council and to issue bonds of the city therefor, to bear interest, payable semi-annually at such places as may be designated; provided that the total indebtedness of the city, payable from the ad valorem taxes, shall never exceed the sum equal to fifteen (15) percent of the assessed value of taxable property according to the tax**

~~roll of the city, and to be determined by the assessed value of such taxable property as shown by the tax rolls as of January first for the preceding year.~~ public purpose not now or hereafter prohibited by the Constitution and laws of the State of Texas, including the funding of economic development programs permitted by the Constitution and laws of the State of Texas. The city shall have the power to issue general obligation bonds, revenue bonds, funding and refunding bonds, time warrants, certificates of obligation, notes and other evidences of indebtedness permitted by the Constitution and laws of the State of Texas as are now authorized or as may hereafter be authorized to be issued by the Constitution and laws of the State of Texas applicable to the city.

~~The City of Richardson shall have authority to issue bonds, payable from the ad valorem taxes, when authorized by the qualified voters of the city, for any purpose for which a city may issue bonds under the Constitution and the laws of this state.~~

~~No bonds shall be issued to fund any overdraft or indebtedness incurred for current expenditures of the city government or any subdivision thereof.~~

~~The~~ In accordance with the Constitution and laws of the State of Texas, the city shall have the right to refund any outstanding bonds or obligations by the issuance of refunding bonds, ~~in lieu thereof,~~ at the same, higher or a lower rate of interest, and may apply thereto the sinking fund belonging to any series of bonds or obligations so refunded and may pay and retire any bond or obligation by using the sinking fund therefor.

#### Section 169.02. - Bond election.

Any proposition to issue ~~new or additional~~ general obligation bonds, payable from the ad valorem taxes as authorized herein, shall be first submitted to a vote of the qualified voters of the city ~~City of Richardson~~ at an election to be held for that purpose. ~~The time, place and manner of such election and the making of returns and declaring the results thereof shall be prescribed by ordinance or resolution as nearly in accord with the laws regulating city elections as may be practical, and unless a majority of the qualified voters voting thereon in such election vote in favor of the issuance of such bonds, the same shall not be issued; provided that the purpose of the issuance of bonds as submitted at such an election may include more than one (1) object.~~

~~After an issue of bonds has been ordered, the city council shall have power to issue serial bonds or otherwise as in its opinion may seem best. All bonds shall specify on their face for what purpose they are issued, and shall not be valid if sold for less than their par value. When any bonds are issued by the city a fund shall be provided to pay the interest and create any required sinking fund.~~

Any ~~required sinking fund~~ such election shall be ~~invested~~ held and conducted in accordance with the Constitution and laws ~~statutes~~ of the State of Texas, as the same may be amended from time to time; ~~provided that[,] in the event it shall be deemed expedient to issue serial bonds payable in installments[,] it shall be sufficient to provide for the payment of interest thereon and payment of installments as required.~~

#### Section 169.03. - Authorized bonds.

All bonds, the issuance of which have been authorized at any election heretofore held, are hereby validated.

~~Section 19.04. Ordinance authorizing bonds.~~

~~The ordinance authorizing the issuance of bonds shall fix the maximum amount of bonds to be issued or, if applicable, the maximum principal amount which may be outstanding at any time, the maximum term bonds issued and delivered pursuant to such authorization shall be outstanding, the maximum interest rate to be borne by the bonds, the manner of sale (which may be by either public or private sale), price, form, terms, conditions and the covenants thereof. The ordinance authorizing the issuance of bonds may provide for the designation of a paying agent and registrar for the bonds and may authorize one (1) or more designated officers of the city to act on behalf of the city from time to time in the selling and delivering of bonds authorized and fixing the dates, price, interest rates, interest payment periods and other procedures as may be specified in the ordinance. Bonds may be issued in such form or such denomination, payable at such time or times, in such amount or amounts or installments, at such place or places, in such form, under such terms, conditions and details, in such manner, redeemable prior to maturity at any time or times, bearing no interest or bearing interest at any rate or rates (either fixed, variable, floating, adjustable or otherwise, all as determined in accordance with the ordinance providing for the issuance of the bonds, which ordinance may provide a formula, index, contract or any other arrangement for the periodic determination of interest rates), not to exceed the maximum net effective interest rate allowed by law and may be signed or otherwise executed in such manner, with manual or facsimile signatures, and with or without a seal, all as shall be specified by the city council in the ordinance authorizing the issuance of the bonds. The proceeds received from the sale of bonds may be used for the establishment and maintenance of a reserve fund for the payment and security of such bonds, and such other funds as may be deemed necessary with respect to the issuance and sale of such bonds, or for maintenance and operation of one (1) or more projects, and pending the expenditure thereof for authorized purposes, such proceeds or other revenues of a project or projects may be invested in any manner and in such bonds as may be specified in the ordinance, or other proceedings authorizing the bonds.~~

~~The city council may enter into credit agreements in conjunction with the issuance, payment, sale, resale or exchange of bonds to enhance the security for or provide for the payment, redemption or remarketing of the bonds or interest on the bonds or to reduce the interest payable with respect to the bonds. A credit agreement is an agreement for professional services and shall contain the terms and conditions and be for the period that the city council approves. The cost to the city of the credit agreement may be paid from the proceeds of the sale of the bonds to which the credit agreement relates or from any other source, including revenues of one (1) or more projects of the city that are available for the purpose of paying the bonds and the interest on the bonds or that may otherwise be legally available to make those payments. Furthermore, the obligations of the city arising under or by reason of the city entering into such credit agreements may be secured by and payable from the same source or sources securing the payment of the bonds to which such credit agreements relate. The bonds authorized pursuant to the ordinance may be executed and delivered, exchanged or refunded from time to time in accordance with such authorizing proceedings.~~

~~Section 19.05.~~ **Section 169.04. - Misapplication of public funds.**

Any officer of the City of Richardson who shall willfully or knowingly divert or use any funds arising from the issuance of any bonds or any sinking fund for any other purpose except that for which the fund is created or are herein otherwise authorized shall be deemed guilty of a misapplication of public funds and subject to prosecution as provided under the laws of the state for the diversion and conversion of funds belonging to any of the municipalities of the state.

**ARTICLE 17~~20~~. - PROHIBITIONS**

**Section 17~~20~~.01. - Church and school property assessments.**

No property of any kind, church, school or otherwise, in the City of Richardson shall be exempt from any of the special taxes and assessments authorized by this ~~C~~harter **or state law; except as provided by state law** ~~for local improvements.~~

**Section 17~~20~~.02. - Notice of damage or injury.**

The City of Richardson shall never be liable for any personal injury, whether resulting in death or not, **or for damage to real or personal property** unless the person **who is injured or whose property is damaged** or someone in such person's behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death injury, shall file a notice in writing with the city manager or city secretary within six (6) months after the **day that the incident giving rise to the claim for damage or injury occurred** ~~the same has been received~~, stating specifically in such notice when, where and how the exact injury, **death or property damage** occurred and the full extent thereof, together with the amount of damages claimed or asserted. ~~The City of Richardson shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in such person's behalf, shall file a claim in writing with the city manager or the city secretary within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the full extent thereof, and the amount of damage sustained. The City of Richardson shall never be liable for any claim for damage or injury to real property caused by the negligent act or omission of its officers, servants, agents, or employees, unless the person whose real property has been injured or damaged, or someone in such person's behalf, shall file a claim in writing with the city manager or city secretary within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred, and the amount of damage claimed. The City of Richardson shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds or public work of the City of Richardson unless the specific defect causing the damage or injury shall have been actually known to the city manager, or to the designated officer of the city at least twenty four (24) hours prior to the occurrence of the injury or damage, or unless the attention of the city manager or the designated officer of the city shall have been called thereto by a notice thereof in writing at least twenty four (24) hours prior to the~~

~~occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to the city manager or designated officer of the city of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the city itself, through its agents, servants or employees, or acts of third parties.~~  
**Provided, however, nothing herein contained shall be construed to mean that the city waives any rights, privileges, defenses or immunities which are provided under the common law, the Constitution and laws of the State of Texas.**

**Section ~~17~~20.03. - Execution, garnishment and assignment.**

**Except as provided by state or federal law,** The property, real and personal, belonging to ~~said the~~ city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to ~~said the~~ city, in the hands of any person, be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever, nor shall ~~the said~~ city be liable to the assignee of any wages of any officer, agent or employee of ~~the said~~ city, whether earned or unearned, upon any claim or account whatsoever, and as to the city and such assignment shall be **absolutely** void.

**Section ~~17~~20.04. - Liens on public property.**

No lien of any kind can ever exist against **the property, real and personal,** ~~public halls, parks or public works~~ of the City of Richardson.

**~~Section 20.05. -- Notice of claims:~~**

~~All contractors or subcontractors engaged in any public works of the City of Richardson are hereby required to notify the city of all claims they may have on account of such work against the city, and when such notice has been given, the city shall retain an amount from any funds due the contractors sufficient to satisfy all claims; provided that such notice may be given at any time after such indebtedness becomes due and before final settlement; and provided, further, that no contractor or subcontractor shall issue checks on or on account of any public works of said city.~~

**ARTICLE ~~18~~21. - GENERAL PROVISIONS**

**Section ~~18~~21.01. - Personal financial interest.**

No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city and any officer or employee guilty thereof shall thereby forfeit such person's 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 voidable by the city manager or the city council.

**Section ~~18~~21.02. - City contracts—Appropriations and Execution specifications.**

No contract shall be entered into by the city council until after an appropriation has been made therefore, ~~nor in excess of the amount appropriated, and all contracts shall be made upon specifications,~~ and no contract shall be binding upon the city unless it has been signed by the mavor or city manager, or city manager designee, ~~and attested by the city secretary, and the expense thereof charged to the proper appropriation; and whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be executed. All contracts, of whatever character, pertaining to public improvements, or the maintenance of public property of said city, involving an outlay of as much as ten thousand dollars (\$10,000.00) shall be based upon plans and specifications to be prepared and submitted to and approved by the city council, and said plans and specifications shall disclose clearly each item constituting a material element entering into the cost of the subject matter of the contract; and after approval by the city council, advertisements for the proposed work or matters embraced in said proposed contract shall be made, inviting competitive bids for the work proposed to be done, which said advertisement shall be published in a local newspaper at least once.~~

**Section 1821.03. - Bid opening.**

The city shall comply with state law regarding purchasing and contracting of municipalities including provisions relating to notice of contracts, advertisements for notice, requirements for taking sealed bids or proposals on specifications for public improvements or purchases, the manner of opening bids and the award of contracts. ~~All bids submitted shall be sealed, shall be opened as provided for by ordinance of the city, and shall remain on file in the office of the city secretary and [shall] be open to public inspection for at least forty eight (48) hours before any award of said work is made to any competitive bidder. The city council shall determine the most advantageous bid for the city, and shall enter into contract with the party submitting the lowest secure bid; and if in the opinion of the city council none of said bids is satisfactory, then the city council may have said work done by day labor, and a detailed statement of all such work done by day labor, showing the cost of same, shall be filed with the city council. Pending the advertisement of the work or contract proposed, specifications therefor shall be on file in the office of the city secretary, subject to the inspection of all parties desiring to bid.~~

**Section 1821.04. - Acquisition of land for parks.**

The City of Richardson may acquire and appropriate land inside or outside of the City of Richardson for use as parks, open space or other recreational activities ~~parkways or pleasure grounds.~~

**Section 1821.05. - Public library.**

The city shall establish and maintain a public library or libraries within the city free to the residents of the City of Richardson and to cooperate with any person, firm or corporation under such terms the city council may prescribe for the establishment of such public library or libraries, and to that end the city council shall appropriate annually out of the general revenue of the city a fund for the support and maintenance of the public library.

**Section ~~1821~~.06. - Building permits.**

The City of Richardson shall have power to prohibit the erection or construction of any building or structure of any kind within the City of Richardson without a permit first having been issued by the city for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority may authorize the inspection by the city of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building regulations which exist in said city or which shall hereafter be passed.

**Section ~~1821~~.07. - Condemnation of dangerous structures.**

Whenever, in the opinion of the city council, any buildings, fence, shed, awning or structure of any kind or part thereof is liable to fall down and injure persons or property, the city council may order the owner or agent of the same or occupant of the premises to take down and remove the same within such time as it may direct, and may punish by fine all persons failing so to do. The city council shall have the additional power to remove the same at the expense of the city on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this ~~C~~harter, or by suit in any court of competent jurisdiction. The city council shall have full power to condemn all dangerous buildings or obstructions of any kind and may provide regulations therefore by ordinance.

**Section ~~1821~~.08. - Bonds of city official, employee or department director.**

In addition to any bonding provision herein provided, the city council may require any city official, department director or city employee, before entering upon such person's duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas, and approved by the city council, as surety thereon, said bond to be in such amount as the council may demand, payable to the City of Richardson, and conditioned for the faithful performance of the duties of the office; premium of such bond to be paid by the city.

**ARTICLE ~~1922~~. - EFFECTIVE DATE AND EFFECTS OF ADOPTION**

**Section ~~1922~~.01. - Effective date.**

The provisions of this ~~C~~harter and any amendments thereto shall be in effect from and after their approval by the electors of the city and the entering of an official order upon the records of the city by the city council declaring the same adopted.

**Section ~~1922~~.02. - Effect on present city council.**

The duly elected city council serving at the time of the adoption of this ~~c~~Charter or amendment thereto shall continue to be, serve as, and to constitute the city council of the city until the next regular election.

**Section ~~19~~~~22~~.03. - Charter amendment.**

This ~~C~~harter may be amended no more than once every two (2) years. Amendments to this ~~C~~harter may be proposed:

- (a) By action of the city council submitting a proposed amendment to the voters for approval; or
- (b) By report of a ~~C~~harter ~~C~~ommission created by ordinance; or
- (c) By the voters, consistent with state law. Proposal of an amendment by the voters of the city shall be by petition containing the full text of the proposed amendment and shall be governed by state law. There shall be no limitation as to the subject matter.

**Section ~~19~~~~22~~.04. - Separability.**

If any provision of this ~~C~~harter is held invalid, the other provisions of the ~~C~~harter shall not be affected thereby. If the application of the ~~C~~harter or any of its provisions to any person or circumstances is held invalid, the application of the ~~C~~harter and its provisions to other persons or circumstances shall not be affected thereby.

**Section ~~19~~~~22~~.05. – Charter review.**

**The city council shall appoint a commission at least every ten (10) years to review the charter. The commission shall be made up of qualified voters from all the districts of the city.**



## MEMO

**TO:** Mayor and City Council  
City Manager Dan Johnson

**FROM:** Charter Review Commission

**SUBJ:** Final Report and Recommendations of the Charter Review Commission

**DATE:** May 13, 2015

The City Council approved Ordinance No. 4075 on October 6, 2014 creating a Charter Review Commission and establishing Charter Review Commission Guidelines. The members of the Commission met eleven times between October 2014 through May 2015 and reviewed the entire Charter pursuant to its charge. The Charter Review Commission presents the attached Charter with amendments proposed for city council consideration. In delineating the proposed amendments, new language is underlined and ~~deleted language is overstricken~~. The focus of this cover memo is on proposed substantive amendments.

### Charge to the Charter Commission:

The Charter Review Commission was charged with reviewing the charter and recommending amendments to: 1.) conform with federal and state law, 2.) clarify and condense existing Charter sections, and 3.) review as the Charter Review Commission determined necessary.

In particular the Charter Review Commission focused their efforts on:

- Improving the readability of the charter, thus increasing the opportunity for citizens to read and understand the charter
- Receiving and discussing comments and suggestions made by citizens
- Enhancing efforts to have open access and transparency in governance
- Achieving organizational efficiencies when allowed by state and federal law

### Proposed Substantive Changes:

The following is a summary of substantive changes which the Charter Review Commission recommends the city council consider for placing on the ballot for consideration by the qualified voters:

- **Article 2.04 – Streets and Public improvements** - Added a section to address that the City has the full power, authority and rights in regards to street and public improvements (sidewalks, alleys, drainage facilities, sanitary sewer facilities, water and storm drainage facilities)

- **Article 3.03 – Mayor Pro Tem** – Removed sentences that stated that “upon a vacancy in the mayor’s position, the mayor pro tem shall fill the unexpired term. The Mayor Pro Tem’s council position shall then become vacant.”
- **Article 3.04 – Compensation** – Recommended increasing the compensation for the city council from \$50 to \$100 per meeting
- **Article 3.07 – Council Vacancies** – Added a provision that if there is a vacancy in the office of the mayor and at least one year in the term remains, the city council shall call a special election to elect a person to serve the remainder of the unexpired term
- **Article 3.10 – Open Meetings** – Clarified that visitors may speak at city council meetings that are not special meetings, authorized closed meetings or council committee meetings
- **Article 5.04 – Recall Limitations** – Added a section that “no recall petition shall be filed against the mayor or any council member within six (6) months after such person has qualified for office or within three (3) months after an election of such person’s recall, and in no case within three (3) months prior to the expiration of such person’s current term of office.”
- **Article 6.01 – Appointment of a City Manager** – Removed language regarding that the city council may choose to enter into a contract with the city manager for a period not to exceed 2 years.
- **Article 7.01 – City Attorney** – Added language that the city attorney may serve as municipal court prosecutor, may provide a prosecutor or may contract for prosecutor services
- **Article 11.02 – Preparation and Submission of the Budget** – Simplified what information is required by stating that it will comply with what is required by state law
- **Article 14.07 – Publication of Ordinance Proposed by Petition Initiative** – Reduced the number of days from 45 to 30 prior to the election that a proposed ordinance (either by initiative petition or as required by the charter) shall be published in the local newspaper
- **Article 22.05 – Charter Review** – Added a section to state that the city council shall appoint a commission at least every ten (10) years to review the charter. The commission shall be made up of qualified voters from all districts of the city.

We wish to express our appreciation to each of you for the opportunity to serve on this Charter Review Commission and assist with this important task as it relates to the residents of the City of Richardson and the manner in which they have elected to govern themselves.

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Bob Dubey, Chair

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Ron Taylor, Vice-Chair

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Gerald Bright

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Marta Gomez-Frey

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Helene Lee

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Jason Lemons

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Bill McCalpin

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John Murphy

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Kimberly Quirk

---

Nancy Wilson

---

Erica Yeager

Attachment:  
City Charter Proposed Amendments

cc. Peter G. Smith, City Attorney  
Aimee Nemer, City Secretary  
Shanna Sims-Bradish, Assistant City Manager



# CHARTER REVIEW COMMISSION

## Draft #1

Summary of Recommendations

June 1, 2015

# Charter Review Commission Members

- Bob Dubey, Chair
- Ron Taylor, Vice-Chair
- Gerald Bright
- Marta Gomez Frey
- Jason Lemons
- Helene Lee
- Bill McCalpin
- John Murphy
- Kim Quirk
- Nancy Wilson
- Erica Yeager

## Staff:

- Pete Smith
- Aimee Nemer
- Shanna Sims-Bradish

# Charge to Charter Review Commission

- Review the charter to conform to federal and state law where conflict or inconsistencies occur
- Review the charter to clarify and condense existing charter sections to improve effective application of the charter
- Review the charter for any other provisions of the charter as determined necessary

# Charter Review Commission Schedule

Date	Topic
October 6, 2014	Orientation
November 5, 2014	Public Hearing, Articles 1-2, 20-21
November 12, 2014	Articles 9-10
December 17, 2014	Articles 5,14
January 14, 2015	Articles 6-8
February 4, 2015	Articles 3-4
February 11, 2015	Articles 11,16, 19
March 4, 2015	Public Hearing, Articles 12, 13,15
March 18, 2015	Articles 17, 18, 22
April 8, 2015	Review of Proposed Revisions
May 13, 2015	Final Review, Approval
June 1, 2015	Joint Meeting with the City Council

# Opportunities for Public Input

- Public Hearings were held on November 5, 2014 and May 4, 2015
- A webpage was created for the Charter Review Commission with a form for public input
- All input received (verbal or written) by the entire Charter Review Commission was reviewed and discussed by the members during their meetings

# Focus of Charter Review Commission's Efforts

- Improving the readability of the charter, thus increasing the opportunity for citizens to read and understand the charter
- Receiving and discussing comments and suggestions made by citizens
- Enhancing efforts to have open access and transparency in government
- Achieving organizational efficiencies when allowed by state and federal law

# Article 1 - Incorporation

- **NO SUBSTANTIVE CHANGES**
- Simplified the language regarding annexation to comply with state law

# Article 2 – Powers of the City

- **NO SUBSTANTIVE CHANGES**
- Simplified the language regarding eminent domain to comply with state law and the Constitution
- Added Article 2.04 *Street and Public Improvements* stating the powers of the city in regards to streets and public improvements that was previously listed in Articles 17 and 18

# Article 3 – City Council

- Clarified wording and definitions throughout the article
- Recommended increasing the compensation for the city council from \$50 to \$100 per meeting
- Clarified that visitors may speak at city council meetings that are not special meetings, authorized closed meetings or council committee meetings

## Article 3 – City Council (continued)

- Removed wording added in 2012 that states that upon a vacancy in the Mayor's position, the mayor pro tem shall fill the unexpired term and assume the office of mayor
- Added a provision that upon a vacancy in the mayor's position, in which there remains at least one year in the term, the city council shall call a special election to elect a person to serve the remainder of the unexpired term

# Article 4 – Nomination and Election

- Clarified wording in regards to office and place
- Simplified language regarding the description of districts
- Clarified language to comply with the Election Code

# Article 5 – Recall

- Clarified procedures to comply with the Election Code
- Added a provision that “no recall petition shall be filed within six months after such person’s election or within three month after a recall election, and in no case within 3 months prior to the expiration of their current term of office.”

# Article 6 – City Manager

- Removed provision that the city council may enter into a contact with a city manager for a period not to exceed 2 years
- Moved text regarding supervision of directors and other employees from Article 6.06 *Responsible to the Council* to Article 6.05 *Powers and Duties*

# Article 7 – City Attorney

- Added a provision to Article 7.01 that the city attorney may serve as municipal court prosecutor, may provide a prosecutor or may contract for prosecutor services. Deleted Article 7.05 and Article 7.06 due to this new language
- Eliminated Article 7.09 *General Laws* since this is unnecessary

# Article 8 – Administrative Departments

- **NO SUBSTANTIVE CHANGES**
- Minor edits in text

# Article 9 – Boards and Commissions

- **NO SUBSTANTIVE CHANGES**
- Clarified the language regarding term limits and eliminated specific dates of appointment
- Simplified the language regarding responsibilities of the City Plan Commission and Zoning Board of Adjustment to confirm with state law
- Moved a provision regarding Civil Service Commission responsibilities to Article 10 *Civil Service*

# Article 10 – Civil Service

- **NO SUBSTANTIVE CHANGES**
- Added a responsibility previously listed under Article 9 *Boards and Commissions*
- Clarified language regarding probation period, discharge and appeals

# Article 11 – Budget

- **NO SUBSTANTIVE CHANGES**
- Simplified the language to what is included in the proposed budget to comply with state law requirements
- Changed the wording from “reserved” to “unallocated” regarding fund balance
- Clarified that there is not a prohibition regarding transfer of budgeted funds to the General Fund for reimbursement of administrative support
- Clarified the language regarding amending the budget and the independent audit

# Article 12 – Franchises

- **NO SUBSTANTIVE CHANGES**
- Simplified the language to comply with state and federal law
- Eliminated a duplicative section regarding compensation

# Article 13 – Ordinances

- Eliminated section regarding actions requiring ordinances since these requirements are listed in state law
- Relocated ordinance publication language from Article 15 *Publications* to Article 13

# Article 14 – Initiative and Referendum

- **NO SUBSTANTIVE CHANGES**
- Clarified existing language
- Reduced the number of days from 45 to 30 prior to the election that a proposed ordinance (either by initiative petition or as required by charter) shall be published in the local newspaper

# Article 15 – Publications

- Eliminated article and moved text to Article 13  
*Ordinances*

# Article 16 - Taxes

- **NO SUBSTANTIVE CHANGES**
- Simplified the language regarding payment of taxes to mirror state law provisions
- Eliminated a duplicative section regarding power and authority since it covered in Article 2 *Powers of the City*

# Article 17 – Street and Sidewalk Assessments

- Deleted entire article since there is no need for this language due to Article 2 stating the powers of the City
- Added Article 2.04 *Street and Public Improvements* stating the powers of the City in regards to streets and public improvements

# Article 18 – Condemnations and Special Assessments

- Deleted entire article since there is no need for this language due to Article 2 stating the powers of the City
- Added Article 2.04 *Street and Public Improvements* stating the powers of the City in regards to streets and public improvements

# Article 19 - Bonds

- **NO SUBSTANTIVE CHANGES**
- Simplified the language to state the ability to borrow money will comply with the Constitution and statutes of the State of Texas
- Stated that a bond election will be held and conducted in accordance with the laws of the State of Texas

# Article 20 - Prohibitions

- **NO SUBSTANTIVE CHANGES**
- Eliminated redundant language regarding notice of damage or injury
- Eliminated Article 20.05 *Notice of Claims* since it is covered in previous sections

# Article 21 – General Provisions

- **NO SUBSTANTIVE CHANGES**
- Simplified the wording regarding city contracts and bid openings to conform to state law
- Updated the wording regarding acquisition of land for parks

# Article 22 – Effective Date and Adoption

- Added Article 22.05 *Charter Review* which states “The city council shall appoint a commission at least every ten years to review the charter. The commission shall be made up of qualified voters from all districts of the city.”

# Next Steps

- **June – July:** City Council review and discussion of recommendations
- **July – August:** City Attorney final review and preparation of ballot language
- **August:** City Council action to call an election
- **November:** Hold election