



# City Charter

## City of Weatherford

### CHARTER<sup>[1]</sup>

#### Footnotes:

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Historical note—The Weatherford City Charter was first adopted by the voters of Weatherford on April 23, 1918. It was amended at an election on November 20, 1949, amended a second time on October 30, 1956, amended a third time at an election held on April 4, 1981 and amended a fourth time at an election held on April 2, 1983. The Charter is printed as amended November 2, 2010.

Prior to 1918, the City of Weatherford was a City under Texas law, but it was not a "home rule City".

It is a matter of some interest that the group who served on the original committee to draft the City Charter were as follows: C.D. Hartnett, Henry Miller, R.K. Phillips, C.C. Barthold, Sam Shadle, F.O. McKinsey, R.W. Davies, E.A. Camp, J.H. Doss, C.A. Waller, T.R. Erwin and Prestin Martin.

Weatherford, by its action in 1918, changed from being what is now called "general law City" to being a "home rule City". According to the Texas Home Rule Statute (V.T.C.A., Government Code ch.9), a City may become a home rule City by having an election at which a majority of the voters approve the "home rule charter". Under the provisions of Art. 974a, a home rule City has very broad powers. It can do many things. The only powers that it does not have are those powers expressly forbidden or restricted by state law, and those powers forbidden or restricted by the Charter itself.

The 1949 amendments increased the size of the City Commission from three (a Mayor and two Commissioners) to five (a Mayor and four Commissioners). The 1956 amendments dealt with management of the Water and Electric Department. (The City electrical distribution system had been operated since June 12, 1940, under the supervision of the Mayor and City Commission, and without any special provision in the City Charter.) The 1981 amendments were in the nature of modernizing numerous specific provisions by reference to State law, correction of numbering and repeal of provisions that were completely out of date. Some of the interesting provisions that were deleted in 1981 include the following:

a. A specific provision for sprinkling the streets with water or oil and to regulate the charge for doing this. b. Provisions governing the operation of the public school system, which, since 1954, has been completely separate from the City government, and operated by the Weatherford Independent School District Board of Directors. c. Specific Charter provisions that applied only in 1918, such as the form of the ballot, the requirement that an election be held on the fourth Tuesday of April, 1918, etc. d. A provision that policemen and firemen could have free transportation on street cars, etc. e. Several Charter provisions which, although of a serious nature, have been superseded or modified by laws enacted by the Texas Legislature. Among these are the procedure for conducting elections, the maximum interest on Municipal bonds, the collection of the poll tax, a provision that violation of any City ordinance may be punished by fifteen days in jail.

In 1983 the amendments included changing the name of the City Commission to "City Council" and changing the name of the Electric and Water Department to "Weatherford Municipal Utility System". More detailed provisions for filling vacancies were adopted, and it was provided that the Mayor Pro Tem would be selected from all members of the City Council. Numerous short provisions that are duplicated by state law were deleted and repealed. Following the Charter amendments the Charter was renumbered so as to have consecutive numbered articles, without gaps or missing numbers.

This "historical note" and the several short references to State law, inserted in the Charter itself, have been included with the permission of the City Council, to aid understanding of the Charter and City government operation.

## ARTICLE I. - CORPORATE NAME; BOUNDARIES; DIVISION OF LAND

### Sec. 1. - Corporate Name.

The City of Weatherford, Parker County, Texas, as the boundaries and limits of the City are established here or may be established in the future, shall be a body politic and incorporated under and known by the name the "CITY OF WEATHERFORD", with the powers, rights and duties provided within this Charter.

### Sec. 2. - Boundaries.

The boundaries and limits of the City of Weatherford (the "City") shall be established by the original incorporation, as amended by such annexations or disannexations of territory that may occur from time to time. The limits of the initial incorporation, together with the limits of any annexations or disannexations made afterward, shall be shown on an Official Map of the City and kept in the office of the City Secretary. (This Section reads as amended by the election held April 4, 1981, and revised without change of meaning by the election held November 2, 2010.)

### Sec. 3. - Extension of Boundaries and Annexation of Territory.

The City Council shall have power by ordinance to fix the City's boundaries, extend the City's boundaries, and annex additional territory adjacent to the City, with or without the consent of the territory and its inhabitants annexed, in accordance with procedures established by the municipal annexation laws of Texas. (This Section reads as amended by the election held April 4, 1981, and revised without change of meaning by the election held November 2, 2010.)

Note: See V.T.C.A., Local Government Code ch. 43 for annexation.

### Sec. 4. - Platting of Property.

Subject to limitations provided by state law, the platting of property, which includes the platting of subdivisions, may be regulated by ordinance. (This Section reads as amended by the election held April 4, 1981, and revised without change of meaning by the election held November 2, 2010.)

Note: See V.T.C.A., Local Government Code ch. 212 for state law on platting and recording of subdivisions or additions.

## ARTICLE II. - CORPORATE POWERS

### Sec. 1. - Corporate Powers.

By the legal adoption of this Charter, the City of Weatherford shall be a body politic and corporate and shall possess all powers not inconsistent with this Charter or the constitution and laws of the State of

Texas. For greater certainty, the City may exercise the following powers, being among the other powers which may be exercised by the City, to wit:

- (a) All powers conferred upon cities and towns by Title 28 of the Revised Civil Statutes of 1925, of the State of Texas, except as may be denied or limited in the future, are conferred upon the City as if the powers were enumerated in this Charter. (This Section reads as amended by the election held April 4, 1981, and revised without change of meaning by the election held November 2, 2010.)
- (b) All powers mentioned in and under Section 4 of the Act of the 33rd Legislature, pages 310—316, entitled, "An Act authorizing cities having more than 5,000 inhabitants, by majority vote of the qualified voters of said City, at an election held for that purpose to adopt and amend their charter", etc., are conferred upon the City as if the powers were enumerated in this Charter. If a conflict arises between the powers mentioned and conferred by subdivisions (a) and (b) of this Article II, then the power conferred by subdivision (b) takes precedence.

Note: See Art. XI, Section 5, Texas Constitution, for constitutional provision adopted in 1909 and amended in 1912, providing for home rule charters, as well as V.T.C.A., Local Government Code ch. 51, which is spoken of as the Enabling Act, as well as various court cases explaining and interpreting "corporate powers" of a home rule City.

#### Sec. 2. - Powers.

The City, made a body politic and corporate by the legal adoption of this Charter, shall have perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, plead and be impleaded in all courts and places and in all matters; may take, hold and purchase lands and any property inside or outside the City limits as may be needed for the corporate purposes of the City, and may sell any real estate or personal property owned by it; perform and render all public services not in conflict with the provisions of this Charter, and shall enjoy all the rights, immunities, powers, privileges and franchises conferred and granted by this Charter. (This Section reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

#### Sec. 3. - Local Self-Government.

By adopting this Charter, the City is conferred with full powers of local self-government and any enumeration of powers shall not be construed to preclude the City from exercising any and all powers incident to the full enjoyment of local self-government provided that such powers shall not be inhibited by the Texas State Constitution.

#### Sec. 4. - Powers of Ordinance.

The City shall have the power to enact and enforce all ordinances necessary to protect health, life and property; to prevent, summarily abate and remove all nuisances; to preserve and enforce the good government, order and security of the City and its inhabitants; and to enact and enforce ordinances on any and all subjects, provided that no ordinance shall be enacted that is inconsistent with this Charter or the Texas State Constitution.

#### Sec. 5. - Style of Ordinances.

The style of all City ordinances shall be: "Be it ordained by the City of Weatherford", but this language may be omitted when published in book or pamphlet form under the City Council's authority or direction.

#### Sec. 6. - Property Rights of City.

All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise, and all public buildings, fire stations, parks, streets, avenues and alleys, and all property, whether real or personal of whatever kind, character or description, now owned or controlled by the City of Weatherford, shall vest in, inure to, remain and be the property of the City of Weatherford.

Sec. 7. - Acquisition of Property.

The City shall have the power and authority to acquire and hold, by purchase, gift, devise, deed, condemnation or otherwise, any character of property including any charitable or trust fund.

Sec. 8. - Public Property Exempt from Execution.

No public property or any other character of property owned or held by the City shall be subject to any execution of any kind or nature.

Sec. 9. - City Funds Not Subject to Garnishment.

No City funds shall be subject to garnishment, and the City shall never be required to answer in any garnishment proceeding.

Sec. 10. - Exemption from Liability for Damages.

Before the City can be liable for damages of any kind, the injured person or someone acting on the injured person's behalf shall give the Mayor or City Council written notice of the injury within thirty (30) days of the injury or property damage. The written notice shall state when, where and how the injury occurred, and the extent of the injury or damages suffered. The City shall not be liable for injury or property damage because of a defect in a public street, highway, property, or a public work of the City unless: (1) the specific defect causing the injury or property damage is actually known to the Mayor or a City Council member by personal inspection or written notice for at least twenty-four (24) hours before the injury or damage occurred; or (2) the Mayor or City Council member fails to exercise proper diligence to rectify the defect after it is actually known by personal inspection or written notice. (This Section reads as amended without change in meaning by the election held November 2, 2010.)

Sec. 11. - Right of Eminent Domain.

The City shall have full rights and powers of eminent domain, which shall be exercised in accordance with State law. (This Section reads as amended by the election held April 4, 1981, and revised without change of meaning by the election held November 2, 2010.)

Note: See V.T.C.A., Property Code ch. 21 for procedures and limitations for condemnation or eminent domain proceedings.

Sec. 12. - Ownership of Public Utilities.

The City shall have the power to buy, own or construct and to maintain and operate inside or outside the City limits any public utility, or public service system. In addition, the City shall have the power to demand and receive compensation for services furnished by the City for public or private purposes and to regulate by ordinance, the collection of payment for these services. (This Section reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

Sec. 13. - Funds for Acquisition of any Public Utility; Security for Same Etc.

If the City determines to acquire a public utility by purchase, condemnation or other method set forth in this Charter, the City shall have the power to obtain funds to acquire and pay for the public utility by issuing bonds, notes or other evidence of indebtedness. The City shall have the power to secure the

bonds, notes, or other evidence of indebtedness by fixing a lien upon the property acquired for the public utility, and the security shall apply alone to the property so acquired for the public utility.

Sec. 14. - Manufacture or Purchase of Public Utility Products.

The City shall have the authority to manufacture its own electricity, gas or anything else that may be needed or used by it or the public; to make contracts with any person, firm or corporation for the purchase of gas, water, electricity or any other commodity or articles used by it or the public, and to sell same to the public as may be determined by the governing authority.

Sec. 15. - Right to Operate and Maintain Public Utility Acquired, Exclusive.

If the City acquires by purchase, gift, devise, deed, condemnation or otherwise, any public utility or public service system, to operate and maintain for the purpose of serving the City's inhabitants, the right to operate and maintain the public utility or public service system shall be exclusive, unless otherwise provided by State law. (This Section reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

Sec. 16. - Right to Regulate Charges Etc. of Holder of Franchise or Privilege.

- (a) Regulation of Franchise. The City shall have the power to determine, fix and regulate the charges, fares and rates of a person, firm or corporation exercising a franchise or public privilege in the City and to prescribe the kind of service provided, the equipment used, and the manner in which the service is rendered. The City may change these regulations from time to time.
- (b) Information to be Provided. To determine all the facts necessary for a proper understanding of what is or should be a reasonable rate or regulation, the governing authority shall have full power to inspect the books and records of any person, firm or corporation and compel the attendance of witnesses for such purpose. In adopting such regulations and in fixing a charge, fare, or rate, no stock or bonds authorized or issued by any person, firm or corporation exercising a franchise or privilege shall be considered unless there is proof that it has actually issued by such person, firm or corporation or its equivalent paid and used for the purchase and development of the property under investigation.

Sec. 17. - Street Powers.

The City shall have the power by ordinance to require the abolition of railways operating across the streets, avenues, alleys and highways of said City, of grade crossings, providing that no railway company shall be required to abolish more than one (1) grade crossing in the City in one (1) year. (This Section reads as amended by the election held April 4, 1981, and revised without change of meaning by the election held November 2, 2010.)

Sec. 18. - Improvement of Sidewalks and Curbs.

The City shall have full power to provide for the construction and improvement or repair of sidewalks and curbs, subject only to limitations provided by State law. (This Section reads as amended by the election held April 4, 1981, and revised without change of meaning by the election held November 2, 2010.)

Sec. 19. - Franchises for Use of Streets.

- (a) Authority to Grant Franchise. The City shall have the power and authority to grant franchises for the use and occupancy of public grounds and pathways that belong to or are controlled by the City. To use any City property or street or obtain a franchise, a person or firm must:
  - (1) Make an application for and obtain the City Council's consent by ordinance; and
  - (2) Pay any fees and meet any conditions required by the ordinance.

- (b) Procedures. Before an ordinance proposing to make any grant or franchise or privilege to use or occupy any public ground or pathway takes effect, the caption of the ordinance in its final form must be published in a newspaper of general circulation in the City once a week for three (3) consecutive weeks at the expense of the applicant, and the proposed ordinance shall not be changed unless republished in the same manner as first published. Any such ordinance shall not take effect, become a law, contract or vest any rights in the applicant until after the expiration of thirty (30) days from the ordinance's last publication. During this thirty-day period, the citizen's may exercise their right to referendum as prescribed by Article IV of this Charter.
- (c) Duration of Franchise. The City Council shall not grant a franchise for a period exceeding twenty (20) years unless a referendum election is held as provided by Article IV of this Charter. No franchise granted as the result of any referendum election, however, shall exceed a period of forty (40) years. (This Section reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

Sec. 20. - Public Improvement.

The City shall have full powers to open, extend and improve public streets, alleys and other public improvements, subject to limitations of State law. (This Section reads as amended by the election held April 4, 1981, and revised without change of meaning by the election held November 2, 2010.)

Sec. 21. - Altering Streets, Obstructions, Encroachments, Etc.

The City shall have the following powers over public streets, avenues or alleys:

- (1) The power to control, regulate and remove an obstruction, encroachment or encumbrance;
- (2) The power to narrow, alter, widen, straighten, vacate, abandon and close a public street, avenue or alley.
- (3) The power to provide for sprinkling and cleaning of a public street, avenue or alley.
- (4) The power to control and regulate the moving of buildings and structures along a public street, avenue or alley.

Sec. 22. - Parks, Playgrounds, Etc.

The City shall have exclusive control over all City parks and playgrounds, including the right to control, regulate, and prevent all obstructions or encroachments. The City shall have the right to provide for raising, grading, filling, terracing, landscape gardening, erecting buildings, providing amusements therein, for establishing walks and paving driveways around, in and through City parks, playgrounds or other public grounds.

Sec. 23. - Peace and Good Order.

The City shall have full power to provide by ordinance for the establishment and preservation of the health, safety, peace and good order of the City. The City shall have full power to legislate as it may deem necessary or prudent. These powers include, but are not limited to, the following: (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

- (1) Nuisances: To define and prohibit nuisances within the City limits and outside the City limits for a distance of five thousand two hundred eighty (5,280) feet; to police all grounds and passageways owned by the City; to prohibit the pollution of all water, air and land of the City, and to protect these basic resources. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)
- (2) Food or Drink for Human Consumption: To provide for inspection of the source, storage and distribution of water, and of all places where food or drink for human consumption is manufactured, handled, sold or exposed for sale; and to regulate and inspect the quality and

sanitary conditions of food or drink for human consumption, and to establish a penalty for an offense. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

- (3) Health and Sanitation: To provide for the inspection and regulation of the sanitary condition of all premises and vacant lots within the City; for the removal of garbage, night soil, refuse and unsanitary vegetation; to provide for establishing a lien against the property for any expenses incurred by the City in enforcing this provision and to provide for the making and enforcement of all reasonable regulations for the health and sanitation of the City and its inhabitants.
- (4) Health Department; Sanitary Sewer System: To provide for a health department and the establishment of rules and regulations protecting the City's health; the establishment of quarantine stations, pest houses and hospitals and to provide for the adoption of necessary quarantine laws to protect inhabitants against contagious and infectious diseases. To provide for the purchase, extension, construction and maintenance of a sanitary sewer system; to require property owners to connect their property to the sewer, and to provide for charging the cost of such connection to property owner, and the fixing of a lien against the property to cover the cost of the connection. The Council also may, by ordinance, establish penalties for failure to make such connections.
- (5) Regulation of Animals: To establish, define and regulate public grounds and to regulate, restrain and prohibit animals and fowl from running at large and to authorize the restraining, impounding and sale of these animals to reimburse the City for the cost of the proceedings or to pay for any penalty incurred, and to order the disposal or destruction of these animals when they cannot be sold, and to impose penalties upon animal owners for violating any ordinance regulating or prohibiting the same, and to tax, regulate, restrain and prohibit dogs from running at large and to authorize their disposal or destruction and to fix penalty for an offense upon the owners or keepers. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)
- (6) Inhumane Treatment of Animals: To prohibit the inhumane treatment of animals and establish a penalty for an offense.
- (7) Maintain Quietude and Good Order: To prohibit, restrain and regulate any amusement, activity or display which the City deems presents an immediate or a potential unnecessary interference with the safety, peace, quietude or good order of its inhabitants, and to establish a penalty for an offense. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)
- (8) Licensing; Businesses and Signs: To license any lawful business, occupation or calling susceptible to the control of the police power, and to license and regulate, control or prohibit awnings, signs or billboards on either public or private property within City limits.
- (9) Transportation: To regulate and control the operation of public and private transportation using public streets, including establishing the qualifications for equipment and vehicle operators, and regulating the use and occupancy of public streets by equipment and vehicles. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)
- (10) Building Regulation: To regulate, control, inspect, issue permits, and set standards for residential and commercial buildings, and any component thereof, and other structures, and to establish a penalty for an offense. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)
- (11) Public Information: To gather, file, record and keep public information regardless of medium; to prescribe the forms of reports and the information system that shall be used in connection with reports and information systems; to determine who shall make and file reports, and to establish a penalty for an offense. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

- (12) Fire Hazards: To establish and designate fire limits; to prescribe the kind and character of structures to be erected to prevent fire hazards, to make fire safety inspections of structures and areas, and to prescribe for the correction of any situation or condition constituting a fire hazard; and to condemn and remove structures determined to be a fire hazard beyond repair or restoration. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)
- (13) Fire Safety: To require the construction and determine the sufficiency and regulate the safety of all fire lanes, fire exits and fire escapes for all public buildings, office buildings, hotels, department stores, rooming houses, hospitals, theaters and store buildings within the City, and to enact and enforce all ordinances and resolutions necessary to regulate safety. (This paragraph reads as amended by the election held April 4, 1981, and revised without change of meaning by the election held November 2, 2010.)
- (14) Public Amusements: To provide by ordinance for establishing districts and regulating or prohibiting any public amusement enterprise, and any activity involving the sale, consumption or use of any substance that intoxicates or hallucinates within the City and fix a penalty for an offense. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)
- (15) Police Department: To establish and maintain a police department, and to regulate and combat vagrancy, vice, prostitution, theft, burglary and other crimes by ordinance. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)
- (16) Fire Department: To establish, maintain and regulate fire, sanitation and other City departments, and to establish, maintain and regulate health, safety, peace and good order in the City by ordinance. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)
- (17) Public Utilities: To require public utilities, persons or other entities exercising a franchise from the City to make and furnish extensions of their services to such territory as may be required by ordinance, and to require that the holder of any right of franchise granted by the City shall, at their own expense, make and furnish to the City correct and complete maps and plats, showing the location, extent and such other general information as may be deserved, of all their respective improvements and uses located on the public grounds or passageways of the City. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)
- (18) Enforcement of Ordinances: To provide for the enforcement of all ordinances enacted by it, by fine not to exceed two hundred dollars (\$200.00), or by such other fine, imprisonment or other punishment as permitted by State law. (This paragraph reads as amended by the election held April 4, 1981, and revised without change of meaning by the election held November 2, 2010.)
- (19) Fines, Punishment: To provide for the suspension and remission of punishment and the commutation of fines imposed by law. (This paragraph reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

### ARTICLE III. - MUNICIPAL COURT

#### Sec. 1. - Municipal Court.

A municipal court system is hereby created and established in the City. The Weatherford municipal court system (the "Court") and its judges shall continue to serve, after the adoption of this Charter amendment. The City Council may from time to time provide for regular and special judges and may, by ordinance or resolution, provide for jurisdiction, powers, penalties and procedures not in conflict with

State law. (This Section reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

#### Sec. 2. - Municipal Judge.

There shall be a magistrate of the Municipal Court, known as the Municipal Judge of the Weatherford Municipal Court (the "Municipal Judge"), who shall be appointed by the City Council to serve for a term of two (2) years. The Municipal Judge shall hold office until the successor is selected and qualified unless removed earlier by the City Council because of incompetency, misconduct, malfeasance or disability. The Municipal Judge shall receive the salary fixed by the City Council; shall have been a resident of the City of Weatherford for at least one (1) year prior to appointment and shall be a qualified property tax paying resident of the City. The City Council shall provide for a special judge of the Municipal Court, to preside in case of absence, disability or disqualification of the regular Municipal Judge, or in case of a vacancy in the office of Municipal Judge, and provide for the compensation of the special judge. Any person selected as Municipal Judge or as special judge of the Municipal Court, before performing the duties, shall take the oath of office and give a bond payable to the City in the sum of one thousand dollars (\$1,000.00), conditioned as required by law for Justices of the Peace, such bonds to be given with a corporate surety to be approved by the City Council, and the premiums shall be paid by the City.

#### Sec. 3. - Jury Trial.

A person brought before the Municipal Judge for trial may request a trial by a jury. The jury shall consist of six (6) qualified voters of the City, who shall be summoned, impaneled and qualified as jurors under State law.

#### Sec. 4. - Practices and Procedure.

Municipal Court proceedings shall be commenced by complaint, which may be sworn to before the Municipal Judge, the City Attorney, the City Attorney's deputies, or any other officer authorized to administer oaths. Unless otherwise prescribed by law, this Charter, or ordinance, the rules of pleading, practice and criminal procedure shall apply to the Municipal Court.

#### Sec. 5. - Court Seal.

The Court shall have a seal engraved with a five-point star in the center and the words "Municipal Court in Weatherford, Texas". This impression shall be attached to all process, except subpoenas, issued by the Court, and shall be used to authenticate the official acts of the Clerk and of the Municipal Judge when authorized to use the seal of office.

#### Sec. 6. - Prosecutions.

In all Court prosecutions, either under ordinance or the provisions of the Texas State Penal Code, the complaint shall commence, "In the name and by the authority of the State of Texas", and shall conclude "Against the peace and dignity of the State". If the offense is covered by an ordinance, the complaint may also conclude "Contrary to the said ordinance".

Prosecutions in the Court shall be conducted by the person acting in capacity of City Attorney or his deputy. The County Attorney of Parker County may also represent the State of Texas in such prosecutions, but in all such cases, the County Attorney shall not be entitled to receive any fees or compensation for this service. The County Attorney shall not have the power to dismiss any prosecution pending in the Court unless approved by the Municipal Judge.

#### Sec. 7. - Costs and Fines.

All imposed and collected Court costs and fines shall be paid into the City Treasury for the City's use and benefit, provided that costs taxed against a defendant shall conform to, as near as may be, but shall,

not exceed the amount prescribed by law to be collected of defendants convicted before Justices of the Peace.

#### Sec. 8. - Jury and Witness Fees.

The provisions of Articles 915, 916, 917, 918 and 919 of Chapter 5, Title 22 of the Revised Civil Statutes of the State of Texas [now repealed], relating to jury and witness fees, enforcing the attendance of witnesses upon the Court, and authority of the Court to punish for contempt, service of process, execution and issuance of writs, and proceedings in relation to peace bonds and similar bonds, are hereby adopted as a part of this Charter.

#### Sec. 9. - Attorney.

The City Council may employ any licensed attorney residing in the City of Weatherford to act for the City before the Municipal Court and in all matters in which the City may be interested, and shall fix compensation to be payable in monthly installments. (This Section reads as amended by the election held October 30, 1956, and revised without change of meaning by the election held November 2, 2010.)

### ARTICLE IV. - INITIATIVE AND REFERENDUM

#### Sec. 1. - Initiative and Referendum.

Any proposed ordinance may be submitted to the Council for adoption, and any ordinance or resolution passed by the Council may be submitted to the people for repeal. In either event, the ordinance or resolution proposed to be adopted or repealed shall be set in a written or printed instrument which shall be filed with the person exercising the duties of City Secretary, and at the time of filing such written or printed instrument, and attached thereto there shall be filed a statement signed by not less than five (5) qualified voters of the City of Weatherford, stating that they have proposed such ordinance or resolution for adoption or repeal, as the case may be, before any signatures are procured to the petitions hereinafter provided for. In the event the ordinance or resolution is one proposed to be adopted, such electors shall be regarded as the "Initiating Committee", and in the event it is desired to repeal an ordinance or resolution already existing, such electors shall be regarded as the "Referring Committee".

Before any such ordinance or resolution may be submitted to the Council for adoption or repeal, it shall be necessary that a petition signed by not less than thirty-five percent (35%) of the qualified voters within the City of Weatherford, as determined by the number voting at the last municipal election, shall be presented to the Council, referring to such ordinance or resolution and requesting its adoption or repeal, as the case may be. All such petitions circulated for signatures shall be uniform in character and shall each have attached to same an exact written or printed copy of the proposed ordinance or resolution to be adopted or repealed, and shall be filed with the person discharging the duties of City Secretary within sixty (60) days from the filing of the statement hereinbefore referred to.

Each signer of a petition shall sign his or her name in ink or indelible pencil, in his or her own handwriting, and shall place on the same, following his or her name, his or her street number or place of residence within the City. The signatures to any petition need not all be attached to the same paper, but to each such paper there shall be attached an affidavit, by the circulator thereof, stating the number of signers to such part of the petition, and that each signature is genuine and that of the person whose name it purports to be, and that it was made in the presence of the affiant.

When signatures have been obtained in the number above provided for, and the petition and statements have been filed with the person exercising the duties of City Secretary, such officer shall submit all papers pertaining to such ordinance or resolution, and its proposed initiation or reference to the Council at its next regular meeting and such officer shall mail to each of the members of such initiating or referring committee a notice of the time of the next regular meeting and such officer shall mail to each of the members of such initiating or referring committee a notice of the time of the next regular meeting of

the Council when such ordinance or resolution and its adoption or repeal shall be considered, or at a time when set by such Council for its consideration, which hearing and consideration shall be open to the public, and the public shall be permitted to present arguments for or against such proposed ordinance or resolution.

After such presentation of the petition to them and public hearing, the Council shall, within thirty (30) days from the date of the submission of such petition, take final action upon the same, by either adopting or rejecting the ordinance thus initiated by petition, or by either repealing or refusing to repeal the ordinance or resolution thus sought to be referred, and in either event, the action of the Council shall be noted in its minutes.

If the Council refuses to pass or repeal the proposed ordinance or resolution or passes the same in an amended form from that presented in the petition, or repeals only a part of such ordinance instead of repealing the same in the manner set out in such petition of reference, then in either event, such initiating committee, or such referring committee, or a majority thereof, may require that such ordinance or resolution, either in its original or amended form, be submitted to a vote of the electors for adoption or repeal, as the case may be.

When an ordinance or resolution proposed by petition is to be submitted to a vote of the electors for adoption or repeal, after the Council has acted upon the same, as provided for in the preceding paragraph, then such initiating or referring committee as the case may be, upon a majority vote of such committee, shall certify their desire to have the same submitted for adoption or repeal within twenty (20) days after the Council shall have taken action on the same, and shall file such certificate and statement with the person exercising the duties of the City Secretary.

After the receipt of such certificate and the certified copy of the proposed ordinance or resolution, the person exercising the duties of the City Secretary shall present such certificate and certified copy of the proposed ordinance or resolution to the Council at its next regular meeting. If any election is to be held at a date not more than ninety (90) days nor less than ten (10) days after such meeting of the Council, then such ordinance or resolution proposed for adoption or repeal shall be submitted by the Council to a vote for the electors at such election to be held, but if no such election is to be held within such time, then the Council shall provide for submitting such proposed ordinance or resolution for adoption or rejection, to the electors at a special election to be held not less than twenty (20) nor more than forty (40) days thereafter.

The form of ballot for use in an election held for the adoption of any initiated ordinance shall state the title of the ordinance and contain a succinct statement of its nature and purpose, and below such statement, on separate lines, there shall be printed the words "FOR THE ORDINANCE—AGAINST THE ORDINANCE". If a majority of the electors voting in such election shall vote in favor thereof, it shall thereupon become an ordinance of the City when the result of such election shall have been declared.

The form of ballot for use in an election held for the repeal of any referred ordinance or resolution shall state the title of the ordinance or resolution and contain a succinct statement of the nature and purpose of the ordinance or resolution sought to be repealed, and below such statement, in separate lines, there shall be printed the words "FOR THE REPEAL OF THE ORDINANCE (OR RESOLUTION)—AGAINST THE REPEAL OF THE ORDINANCE (OR RESOLUTION)". If a majority of the electors voting in such election shall vote in favor of the repeal of such ordinance or resolution, then the same shall be considered repealed, when the result of such election shall have been declared. Provided, however, that nothing contained in this section shall affect the manner of calling elections to determine whether or not franchises shall be granted.

## Sec. 2. - Recall.

Any elective officer of the City shall be subject to recall and removal from office by the qualified electors of the City, and the procedure shall be as follows:

A petition demanding that the question of removing such officer or officers be submitted to the electors, shall be filed with the person discharging the duties of City Secretary. Such petition for recall of such elective officer or officers shall be signed by at least thirty-five percent (35%) of the qualified voters, to be determined by the number of votes cast in the last regular municipal election; at least one-tenth

(1/10) of those signing the petition shall certify that at the election at which the officer or officers was or were elected, they voted for the election of such officer or officers proposed to be recalled.

Petitions for signatures for such recall shall be procured only from the person exercising the duties of the City Secretary, who shall keep a sufficient number of such blank petitions on file for distribution, and prior to the issuance of such petitions for signatures there shall be filed with such person an affidavit by one (1) or more qualified electors, stating the name or names of the officer or officers sought to be removed. Such officer issuing such petitions for removal to an elector shall enter in a record to be kept, the name of the elector to whom issued, the date of such issuance, and the number of such petitions issued, and shall certify under the seal of his or her office on such petitions for signatures, the name of the elector to whom issued and the date of issuance. No petition for signatures shall be accepted and taken into consideration in determining the necessary percentage of voters for removal unless it bears such certificate and be filed as herein provided.

Each signer of a recall petition shall sign his or her name thereto in ink or indelible pencil, and shall write thereon, after his or her name, his or her street number of place of residence within the City. To each of said petitions there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature to the same is genuine, was made in his or her presence, and is that of the person whose name it purports to be.

All papers comprising a recall petition, shall be returned and filed with the person exercising the duties of City Secretary, within thirty (30) days after the filing of the affidavit hereinbefore provided for. The person exercising the duties of City Secretary, upon the return of such petition, shall at once submit the same to the governing authority of the City and shall notify the officer or officers sought to be recalled of such action. If the official whose removal is sought does not resign within five (5) days after such notice is given, the governing authority of the City shall thereupon order and fix a day for holding a recall election, the date of which election shall not be less than fifteen (15) nor more than thirty (30) days from the time such petition was presented to the governing authority of the City.

The ballot at such recall election shall conform to the following requirements; with respect to each person whose removal is sought the question shall be submitted: "Shall (name of person) be removed from the office of (naming the office) by recall?". Immediately following each of such questions, there shall be printed on the ballots, in separate lines, in the order here set out, the words: "For the recall of (naming the person)—Against the recall of (naming the person)". Should a majority of the votes cast at such recall election be for the recall of the officer named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office, but should a majority of the votes cast at such recall election be against the recall of the officer named on the ballot, such officer shall continue in office for the remainder of his or her term, subject to recall as before.

No recall petition shall be filed against any officer of the City within six (6) months after his or her election, nor within six (6) months after an election for such officer's recall.

In case the governing authority of the City shall fail or refuse to receive the recall petition, order such recall election, or discharge any other duties with reference to such recall, then the County Judge of Parker County, Texas, shall discharge any of such duties herein provided to be discharged by the governing authority of said City.

If in such recall election there shall, as a result of such election, remain only one (1) of such elective officers, who is not recalled, then such officer not recalled, shall discharge all of the duties incumbent upon the governing authority of said City, for which a quorum of the Council is not herein required, until the vacancy or vacancies created at such recall elections are filled by an election for that purpose, as hereinafter provided for; but if in any proposed recall election it is proposed and submitted to recall all elective officers, then there shall be placed on said ballot under the question of recall, the names of candidates to fill the vacancies proposed to be created by such election, but the names of such officers proposed to be recalled shall not appear on the ballots as candidates.

If, at any recall election, it is not proposed and submitted to recall all of the elective officers, but only one (1) or more, fewer than all, and such election shall result in favor of the recall of one (1) or more of such officers, proposed to be recalled, then it shall be the duty of such officer or officers not recalled and

constituting the governing authority of the City, within five (5) days after such election is held, to meet, canvass the returns, declare the results of the election and on the same day order an election to fill such vacancy or vacancies, which election shall be held not less than ten (10) nor more than twenty (20) days after the same shall have been ordered.

#### ARTICLE V. - BUDGET AND FINANCE

##### Sec. 1. - Fiscal year.

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

##### Sec. 2. - Submission of budget.

The City Manager shall be responsible for submitting an annual budget with enough time prior to the new fiscal year to comply with state law. This budget is to be filed with the City Secretary and submitted to the Council for its review, consideration and revision. In preparing this budget, each employee, officer, board and department shall assist the City Manager by furnishing all necessary information.

##### Sec. 3. - Budget content.

The budget shall provide a complete financial plan of all City funds and activities and, except as required by law or this Charter, shall be in such form as the Council may require. The budget shall contain the following information:

- (a) The City Manager's budget message outlining the proposed financial policies for the next fiscal year with an explanation of any changes in expenditures from the previous year and any major changes in policies and a complete statement regarding the financial condition of the City;
- (b) An estimate of all revenues 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 expenses and revenues by fund, service type, and project for the budget year, as compared to actual expenditures and revenues of the last ended fiscal year and the projected final expenditures and revenues for the current fiscal year;
- (d) A description of all outstanding bond indebtedness, showing amount, date of issue, rate of interest and maturity date; also any other indebtedness 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 the recommended provision for financing; and
- (f) A list of capital projects which should be undertaken within the five (5) next succeeding years.
- (g) The budget shall contain the following:
  - (1) Comparative figures for the estimated tax rate, revenues, and other income and expenditures compared to the actual and estimated income and expenditures of the current three (3) fiscal years.
  - (2) The proposed expenditures of each office, department, or function.
  - (3) A schedule showing the debt service requirement due on all outstanding indebtedness and on any proposed debt.
  - (4) The source or basis of the estimates.
  - (5) The total of the proposed expenditures shall not exceed the total estimated income and the balance of available funds.

Sec. 4. - Failure to adopt a budget.

If the Council fails to adopt the budget by the beginning of the fiscal year, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis with all items in it pro-rated accordingly until such time as the Council adopts a budget for the ensuing fiscal year.

Sec. 5. - Amendment of budget.

The Council may amend the budget for any municipal purpose or as otherwise permitted by law.

Sec. 6. - Quarterly financial reports.

The City Manager shall present a quarterly financial report. All income and expenses for the preceding quarter and for the year to date shall be shown, and shall be compared to the fiscal budget. This report shall be presented to the Council as a part of the agenda at a council meeting each quarter. The City Secretary shall provide copies of the quarterly financial reports to the public at cost, upon request.

Sec. 7. - Tax and tax rate.

The Council shall have the power to levy, assess, and collect taxes on property located in the City for any municipal purpose. The tax rate shall be calculated, published and adopted in accordance with state law.

Sec. 8. - Bonds.

The governing body of the City shall have the power to appropriate so much of the general revenue of the City as may be necessary for the purpose of retiring and discharging the accrued indebtedness of the City, and for the purpose of improving the streets, purchasing or constructing sewers, erecting and maintaining public buildings of every kind and for purchasing, erecting, maintaining and operating an electric light and power plant and waterworks and such other public utilities as the governing authority may, from time to time, deem expedient, and in furtherance of any and all of these subjects, the City shall have the power and right to borrow money upon the credit of the City and to issue coupon bonds of the City therefor, in such sum or sums as may be deemed expedient to bear interest not to exceed the maximum amount permitted by state law.

All bonds shall specify for what purpose they are issued, and shall be invalid if sold for less than their par value, and when any bonds are issued by the City, a fund shall be provided to pay the interest and create a sinking fund to redeem said bonds, which fund shall not be diverted or drawn upon for any other purpose, and the person acting as the Finance Director shall honor no drafts upon said fund, except to pay interest upon or redeem the bonds for which it was provided.

Said bonds shall be issued for a period of time not to exceed forty (40) years; shall be signed by the Mayor, countersigned by the person acting in the capacity of City Secretary, and both principal and interest shall be payable at such places and times as may be fixed by the ordinance of the governing authority. All such bonds shall be submitted to the Attorney General of the State for his or her approval and the Comptroller for registration, as provided by State law; provided that any such bonds, after approval, may be issued by the City either optional or serial, or otherwise, as may be deemed advisable by the governing authority.

Before the issuance of any general obligation bonds, the same shall be submitted to a vote of the registered voters of the City, as may be required by the general laws of the State.

Sec. 9. - Accounting Procedure.

Accounting procedures shall be devised and maintained in accordance with generally accepted accounting principles for the City, adequate to record in detail all transactions affecting the acquisition,

custodianship and disposition of anything of value, including cash receipts, credit transactions and disbursements; and the recorded facts shall be presented periodically to officials, and to the public in such summaries and analytical schedules in detailed support thereof, as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the City and in relation to each department of the City government including district summaries and schedules for each public utility owned and operated. (This Section reads as amended by the election held April 2, 1983)

#### Sec. 10. - Audit and Examination.

The Council shall cause a continuous audit of the books of account and of all records and transactions of the administration of the affairs of the City; such audit shall be made annually embracing each fiscal year and shall be made by a certified public accountant. The duty of the certified public accountant shall include the certification of all statements required in Section 25 of this article; such statements shall include a general balance sheet and summaries of income and expenditures and also comparisons, in proper classification with the last previous audit. Notice that such statements are available for public inspection shall be published one (1) time in a newspaper of general circulation in Weatherford within ten (10) days after the completion and acceptance of such audit. (This Section reads as amended by the election held April 2, 1983)

### ARTICLE VI. - CITY ADMINISTRATION

#### Sec. 1. - City Manager

- (a) Powers and Duties. The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Council. Responsibilities of the City Manager shall include the following:
- (1) Except as otherwise provided in this Charter, appoint, suspend, layoff, demote or remove any directors or heads of administrative departments and the Municipal Court Clerk; or any other administrative officers, or employees of the City.
  - (2) Supervise and control directly or indirectly all administrative departments, agencies, officers and employees, except those exempted by this Charter. Set up job classifications and job descriptions within each department with salaries and wages commensurate with the employee's ability and qualifications.
  - (3) Attend all City Council meetings acting in a consulting capacity to take part in the discussion but have no vote.
  - (4) Prepare and submit an annual budget and be responsible for its administration after it is adopted.
  - (5) Submit to the City Council a report at the end of the fiscal year on the finances and administrative activities of the City for the preceding year.
  - (6) Keep the City Council advised of the financial condition and the future needs of the City and make such recommendations to the City Council on matters of policy and other matters as may seem desirable.
  - (7) Combine, abolish or create administrative departments and notify the City Council of such action at the next regular Council meeting.
  - (8) Have such other powers and perform such other duties as prescribed by this Charter and the City Council, in accordance with State Law.
  - (9) See that all State Laws and City ordinances are effectively enforced.

- (b) Appointment and Qualifications. The City Council shall appoint a City Manager for an indefinite term by affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of members of the Council then sitting and qualified. The City Council shall by majority vote determine the City Manager's compensation. The City Manager shall be chosen solely upon the basis of executive and administrative training, experience, character and abilities, without regard to political considerations. Neither the Mayor nor any Council member may be appointed City Manager while holding office or for a period of two (2) years after their term has ended. The City Manager, when appointed, shall take and file the oath of office, prescribed by law for Texas for Public Officials.
- (c) Removal of the City Manager. The City Council, acting in its sound discretion, may suspend or remove the City Manager at any time by an affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) members of the Council. The City Manager serves at the will of the Council.
- (d) Absence of the City Manager. The City Manager may designate by letter filed with the City Secretary, a qualified administrative officer of the City to perform his or her duties during a temporary absence or disability of ten (10) days or less. In case of absence or disability of the City Manager of more than ten (10) days, the Council may designate some qualified person to perform the duties of the office during such absence or disability.

Sec. 2. - Administrative Departments.

- (a) All administrative departments shall remain in effect as presently established unless changed by the City Council by ordinances.
- (b) At the head of each administrative department there shall be a director who shall be an officer of the City and who shall have supervision and control of the department.
- (c) The work of each administrative department may be distributed among such divisions thereof as may be established by ordinance.

Sec. 3 - Additional Positions.

- (a) City Secretary. The City Manager shall appoint, supervise, and may remove the City Secretary. The City Secretary shall:
  - (1) Give notice of all official public meetings of the City Council.
  - (2) Attend all public meetings and hearings of the City Council.
  - (3) Keep the minutes of the proceedings of all public official meetings and hearings of the City Council.
  - (4) Act as custodian of all official records of the City Council.
- (b) City Attorney. The City Council shall appoint a competent, duly qualified, and licensed Attorney, practicing law in the State of Texas, well versed in municipal law and residing or maintaining an office in the City of Weatherford, who shall be the Attorney for the City (and may also be referred to as City Attorney). The City Attorney shall receive for these services such compensation as determined by the City Council and shall hold this office at the pleasure of the City Council. The City Attorney shall be the Legal Advisor of, and Attorney and Counsel for the City and all officers and departments thereof, in matters related to City business. The City Attorney serves at the will of the Council.
- (c) Special Counsel. The City Council shall have the authority to retain special counsel for specific purposes.

ARTICLE VII. - CITY COUNCIL

Sec. 1. - Municipal Government.

The governing body of the City of Weatherford shall consist of a five-member City Council, which shall be comprised of a Mayor and four (4) Council members. (This Section reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

Sec. 2. - Term of Office.

The Mayor and each Council member shall serve for a term of three (3) years, and until his or her successor is elected and qualified, unless sooner removed from office. (This Section reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

Sec. 3. - Vacancies.

- (a) If a vacancy occurs in the office of the Mayor, it shall be filled by the Mayor Pro Tem. Any other vacancy on the City Council, including a position vacated by the Mayor Pro Tem, shall be filled in accordance with this section.
- (b) Except as provided herein, a vacancy on the Council for an office with a three (3) year term must be filled by special election in accordance with the requirements of the Texas Constitution. In the event a vacancy occurs on the Council for an unexpired term of twelve (12) months or less, the Council may call a special election to fill the vacancy, or by majority vote of the Council appoint a qualified person to fill the vacancy if permitted by the Texas Constitution. If appointment is required to achieve a quorum, a majority of the remaining council may appoint a person or persons to fill the vacancy(s) who shall serve only until the special election.
- (c) If all the City Council seats are vacant, on account of death, disability or any other reason, the District Court of Parker County may, upon the petition of any interested citizen, and upon finding that all seats are vacant, call and supervise a special election to fill the vacant offices, unless state law specifically provides some other method of filling such vacancies.
- (d) Nothing in this section concerning the filling of vacancies shall change the provisions of Section 2 of this Article and Section 5 concerning the term of office and when the term of the office expires. (This Section reads as amended by the election held May 10, 2014.)

Sec. 4. - Qualifications.

- (a) Candidates. Each person who becomes a candidate for Mayor or Council member shall meet the following qualifications:
  - (1) be at least twenty-one (21) years of age;
  - (2) be a citizen of the United States;
  - (3) be a qualified voter of the City;
  - (4) reside and have resided for at least twelve (12) months preceding the election within the corporate limits of the City;
  - (5) no candidate may file for more than one (1) office or position number per election;
  - (6) no employee of the City shall continue in such position after becoming a candidate for an elective office.
- (b) Council members. When any member of the Council no longer possesses all of the qualifications specified in this section, or is convicted of a felony or any offense involving moral turpitude while in office, the office shall immediately and automatically become vacant. The Council shall be the judge of the qualifications of its members and for these purposes shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the courts.

Sec. 5. - Elections.

The elective officers of the City shall be designated as the Mayor, Council member Place No. One, Council member Place No. Two, Council member Place No. Three and Council member Place No. Four. Each shall be elected to the office for which he or she is a candidate by the qualified voters of the City at large. For the regular City Council election to be held in 2011, Place No. One and Place No. Two will be elected for three year terms. For the regular City Council election to be held in 2012, the Mayor, Place No. Three and Place No. Four will be elected for three (3) year terms. In 2015 the Mayor shall be elected to a one (1) year term. Thereafter each elected office on the City Council will be for a term of three (3) years. (This Section reads as amended by the election held May 10, 2014.)

Sec. 6. - Election Returns.

The Council shall, after each regular and special election, canvass the returns and declare the results of such election in accordance with state law.

Sec. 7. - Election Day.

The regular municipal election of the City of Weatherford shall be held on the uniform election day designated by state law.

Sec. 8. - Elections—Law Controlling.

All elections provided for in this Charter shall be conducted and the results canvassed and announced by the authorities as prescribed by the general election laws of the State of Texas, and said general election laws shall control all municipal elections, except as otherwise herein provided.

Sec. 9. - General Duties and Powers

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

- (1) To enact municipal legislation.
- (2) To appoint and remove all persons appointed by the City Council.
- (3) To set the compensation of all appointed City officers.
- (4) To establish operating policy.
- (5) To establish the boundaries of the City.
- (6) To establish salary structures for each job classification.

Sec. 10. - Prohibitions.

- (a) Holding other office. Except where authorized by law or this Charter, no member of the Council shall hold any other compensated City office or employment with the City during the term for which the Council member was elected to the Council. No former member of the Council shall hold any compensated appointed City office or employment with the City for a period of two (2) years after the expiration of his or her term of office.
- (b) Appointments and Removals. Neither the Council nor any of its members shall, in any manner, dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint. The Council may, however, express its views fully and freely, discussing with the City Manager anything pertaining to the appointment and removal of such officers and employees.

- (c) Interference in Administrative Matters. Except for the purpose of inquiry or investigation, the Council shall deal with the administrative departments and the personnel of these departments solely through the City Manager. Neither the Council nor any of its members shall give an order, either publicly or privately, to any subordinate of the City Manager.
- (d) Elected officials of the City having substantial interest in any proposed or existing contract, purchase, work, sale or service to, for or by the City shall not vote or render a decision or use that position, authority, or influence, in any manner that would result in personal betterment, financially or otherwise, to any degree. Elected officials shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters.

Sec. 11. - Duties of the Mayor.

The Mayor of the City of Weatherford shall preside at meetings of the City Council and shall be recognized as the head of the City government for all ceremonial purposes and by the Governor of the State for purposes of military law, but shall have no regular administrative duties. The Mayor shall vote upon all matters considered by the Council, but he or she shall have no veto power.

The Mayor shall perform all other duties authorized or imposed by law and by ordinances and resolutions of the City Council. (This Section reads as amended by the election held April 4, 1981)

Sec. 12. - Mayor Pro-Tempore.

One (1) member of the City Council shall be elected by the City Council to serve as Mayor Pro Tempore, promptly following each regular election. The Mayor may from time to time delegate to the Mayor Pro Tempore particular functions and responsibilities. In addition, in the event of the absence or disqualification of the Mayor, the Mayor Pro Tempore shall serve as Mayor, with all the powers and duties of the office of Mayor. (This Section reads as amended by the election held April 2, 1983)

Sec. 13. - Meetings of the Council.

The Council members shall meet at such times as may be prescribed by ordinance or resolution, but they shall meet at least once each month. The Mayor or three (3) Council members may call special meetings of the Council at any time deemed advisable. The Council shall determine its own rules and order of business, and shall keep a journal of its proceedings in a permanently bound minute book, and any citizen shall have access to the minutes and records thereof at any reasonable time. The City Council shall provide for the place and manner of storage, citizen access and copying of City records. (This Section reads as amended by the election held April 2, 1983)

Sec. 14. - Compensation and Attendance.

The compensation of the Mayor shall be one hundred dollars (\$100.00) per month, and of each Council member shall be fifty dollars (\$50.00) per month, and in addition, the Mayor and each Council member selected to serve on the Weatherford Municipal Utility System shall receive an additional twenty-five dollars (\$25.00) per month for such service. The Mayor, City Council member and Utility Board members shall be entitled to reimbursement for reasonable and necessary expenses incurred in performance of City business. In addition to monetary compensation, they shall be entitled to employee benefits, which may be paid for by the City of Weatherford. The Mayor and each Council member shall attend each regular meeting of the Council unless his or her absence from the meeting is unavoidably necessitated. (This Section reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

Sec. 15. - Legislative Procedure.

Any three (3) members of the City Council shall constitute a quorum for the transaction of any business, except that if the number of Council members is, due to vacancies, reduced to less than three (3), a quorum shall consist of all of the remaining Council members, and the affirmative vote of a majority of those present shall be sufficient and necessary to adopt or repeal any ordinance or resolution. The

vote upon the passage or repeal of any ordinance or resolution shall be taken by "yea" and "nay" vote, and entered upon the minutes of the City Council. All members of the Council, including the Mayor, shall vote upon every question, ordinance or resolution, unless a member of the Council seeks recusal from voting on any question with the consent of a majority of the remainder of the Council where the vote would constitute a conflict of interest. Any Councilmember refusing to vote unless so excused shall be entered upon the minutes as voting in the affirmative.

Every ordinance or resolution passed by the Council shall be signed by the Mayor as a ministerial act and attested by the City Secretary and the seal of the City impressed thereon. (This Section reads as amended by the election held April 2, 1983, and revised without change of meaning by the election held November 2, 2010.)

#### Sec. 16. - Ordinance Enactment.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall contain no more than one (1) subject, which shall be clearly expressed in its title, except ordinances making appropriations or authorizing the contracting of indebtedness or issuance of bonds or their evidence of indebtedness. All ordinances shall be considered at least once and passed in an open meeting of the Council.

All ordinances in the Weatherford City Code shall be reviewed periodically to eliminate out-of-date provisions and inconsistencies, to clarify the meaning and effect of the ordinances, to keep the ordinances consistent with other laws, and to protect and promote the general welfare of residents of Weatherford. (This Section reads as amended by the election held November 2, 2010.)

#### Sec. 17. - Reserved.

#### Sec. 18. - Publication of Ordinances.

Ordinances shall be published as required by state law. The City Secretary shall note on every ordinance, the caption of which is required to be published, and on the record thereof, the fact that same has been published as required by this Charter, and the date of such publication which shall be prima facie evidence of the legal publication and promulgation of such ordinance, provided, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the Ordinances of the City of Weatherford for publication in book or pamphlet form. (This Section reads as amended by the election held November 2, 2010)

#### Sec. 19. - Recording of Ordinances.

Every ordinance, or resolution, upon its becoming effective shall be recorded in a permanently bound book kept for that purpose, and shall be authenticated by the Mayor's signature and the City Secretary.

#### Sec. 20. - Investigations by Council.

The Council may investigate the financial transactions of any office or department of the City government, and the acts and conducts of any official or employee. In conducting such an investigation, the Council may compel the attendance of witnesses, the production of books and papers, and other evidence, and may issue subpoenas or attachments which shall be signed by the Mayor, and which may be served and executed by any officer authorized by law to serve subpoenas or other process, or any peace officer of the City. If any witness refuses to appear or to testify to any facts within his or her knowledge, or to produce any papers or books in his or her possession or under his or her control relating to the matter under investigation before the Council, the Council shall have the power to cause the witness to be punished as for contempt, not to exceed a fine of one hundred dollars (\$100.00). No witness shall be excused from testifying, touching his or her knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against him or her in any criminal prosecution except for perjury committed upon such inquiry. (This Section reads as amended by the election held April 2, 1983)

Sec. 21. - Contracts for Services.

No contract shall ever be made that binds the City to pay for personal services to be rendered for any stated period of time, but all officers and employees of the City, other than the Mayor and Council member, shall be appointed and shall be subject to preemptory discharge as provided in this Charter.

Sec. 22. - Payment of Claims.

No payment of any claim shall be made by the City unless the claim includes an itemized account and is authorized by the City Manager in writing. No time warrants shall be issued except as expressly authorized by the City Council at a regular meeting; time warrants shall be signed by the Mayor and countersigned by the City Secretary. (This Section reads as amended by the election held April 2, 1983)

Sec. 23. - Accounting Procedure.

Accounting procedures shall be devised and maintained in accordance with generally accepted accounting principles for the City, adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of anything of value, including cash receipts, credit transactions and disbursements; and the recorded facts shall be presented periodically to officials, and to the public in such summaries and analytical schedules in detailed support thereof, as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the City and in relation to each department of the City government including district summaries and schedules for each public utility owned and operated. (This Section reads as amended by the election held April 2, 1983)

Sec. 24. - Audit and Examination.

The Council shall cause a continuous audit of the books of account and of all records and transactions of the administration of the affairs of the City; such audit shall be made annually embracing each fiscal year and shall be made by a certified public accountant. The duty of the certified public accountant shall include the certification of all statements required in Section 25 of this article; such statements shall include a general balance sheet and summaries of income and expenditures and also comparisons, in proper classification with the last previous audit. Notice that such statements are available for public inspection shall be published one (1) time in a newspaper of general circulation in Weatherford within ten (10) days after the completion and acceptance of such audit. (This Section reads as amended by the election held April 2, 1983)

Sec. 25. - Contracts.

All contracts for public printing, public improvements and public works of every kind and character, and the purchase of supplies for use in any department shall be let in accordance with rules of procedure prescribed in the general laws of the state. (This Section reads as amended by the election held April 2, 1983)

Sec. 26. - Prohibited Appointments.

No person related within the second degree by affinity, or within the third degree by consanguinity, to the Mayor or any Council member, shall be appointed to any office, position, employment clerkship or service of the City. (This Section reads as amended by the election held April 4, 1981)

Sec. 27. - Official Bonds.

The person exercising the duties of City Tax Collector shall give an official bond in such sum as may be prescribed by the Council from time to time, such bond shall be payable to the City of Weatherford, and shall in each instance be conditioned for the faithful discharge of the duties of such officer, and for the faithful accounting of all moneys, claims and things of value coming into the hands of such officer. Such bonds shall be procured from some regularly accredited surety company, authorized to do business under the laws of the State of Texas, and the premiums to such surety companies shall be paid by the

City of Weatherford provided that the Council may, by ordinance, require official bonds from any other appointive officers of the City in such amounts and conditioned as they may deem best for the efficiency of the public service. All official bonds shall be approved by the Council and filed and recorded with the person exercising the duties of City Secretary.

The City Council shall require fidelity bonds of all City employees who receive and pay out any moneys of the City and such other City officers and employees as the Council may require, the premium on said bonds to be paid by the City of Weatherford. (This paragraph reads as amended by the election held April 2, 1983)

Sec. 28. - Oath of Office.

Every officer of the City shall before entering upon the duties of his or her office take and subscribe to the oath prescribed by the Constitution of the State of Texas for county officials.

#### ARTICLE VIII. - GENERAL PROVISIONS

Sec. 1. - Construction.

All powers vested in cities exceeding one thousand (1,000) population, as provided by the Constitution and laws of the State of Texas, are hereby adopted and retained and are cumulative of the powers vested by this Charter in the City of Weatherford, and the enumeration of the powers made in this Charter shall never be construed to preclude by implication or otherwise the City of Weatherford from exercising all powers incident to the enjoyment of local self-government, and from doing any and all things not inhibited by the Constitution and laws of the State of Texas. (This Section reads as amended by the election held April 2, 1983)

Sec. 2. - Ratification of Ordinances.

All ordinances and resolutions in force at the time of the taking effect of this Charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

Sec. 3. - Amendments to Charter.

This Charter may be amended in accordance with state law. (This Section reads as amended by the election held April 4, 1981)

Sec. 4. - Saving Clause.

Should any provision or portion of this Charter be declared unconstitutional by the courts of this state, the remainder thereof shall be unimpaired by such holding and shall be in full force and effect until amended or repealed as herein provided.

#### ARTICLE IX. - MANAGEMENT AND CONTROL OF THE WEATHERFORD MUNICIPAL UTILITY SYSTEM<sup>[2]</sup>

Footnotes:

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**Editor's note**—This Article was adopted at the election held October 30, 1956. Prior to 1985 printing was Article XII.

Sec. 1. - Board of Trustees, Weatherford Municipal Utility System.

- (a) The management, control and operation of the electric system, of the waste water system and of the water system of the City of Weatherford, including all properties now or hereafter a part thereof, shall be and are hereby vested in a board of trustees, designated as the "Board of Trustees of the Weatherford Municipal Utility System".
- (b) Such board is hereby created to consist of seven (7) members, holding places numbered 1 to 7 inclusive. The Mayor and two (2) City Council members will be selected by the City Council to serve on the said board, and may be known as City Council members of the board, holding respectively Places 1, 2 and 3. Council members shall hold office on the utility system board as long as they are members of the City Council, or until such time as the City Council elects, by majority vote, their replacement from the City Council members. Trustees, Places 4 and 5, will be appointed for four (4) years, ending December 31st of alternate odd years, and Trustees, Places 6 and 7 will be appointed for four (4) years, ending December 31st of alternate even years. The four (4) members appointed by the City Council may be known as appointed board members, so as to distinguish them from City Council board members.
- (c) At the expiration of any term, or in case of other vacancy, the City Council shall appoint his or her successor. Trustees shall not be subject to removal, except in the manner prescribed by law. (This Section reads as amended by the election held April 2, 1983)

Sec. 2. - Trustees, Qualifications.

- (a) An appointed trustee during his term shall be a resident citizen within the City of Weatherford, a qualified voter herein, and a customer of the Weatherford Municipal Utility System, and shall take and file the official oath of office. (This subsection reads as amended by the election held April 2, 1983)
- (b) A Trustee, other than an ex-officio Trustee, shall not hold any other public office except Notary Public. A Trustee shall disqualify him or herself if the Trustee fails to attend more than three (3) consecutive regular monthly meetings of the Board, unless, immediately after the absence, a sworn statement that he or she was prevented by sickness or by absence from the City from attending such meeting is filed with the City Secretary.
- (c) An appointed trustee shall be paid for attendance at regular and special called meetings, in accordance with Article VII, Section 23, of this Charter, at a rate periodically set by the City Council. (This subsection reads as amended by the election held April 2, 1983)

Sec. 3. - Officers, Rules, Powers and Duties.

- (a) The City Secretary shall serve ex officio as secretary of the board without compensation. A majority of the members shall constitute a quorum, but there must be present two (2) trustees besides those who are members of the City Council. The meetings shall be held at a regular meeting place to be designated by the trustees. One (1) regular monthly meeting shall be held each calendar month. The records of the Board of Trustees of the Weatherford Municipal Utility System shall be kept as provided in Article VII, Section 13 of this Charter. (This subsection reads as amended by the election held April 2, 1983)
- (b) The Board shall have the power and the duty:
  - (1) To prescribe all rules and regulations it finds advisable governing and regulating the control, management operations of said systems; to employ and discharge and fix the compensation of employees and fix and prescribe their duties respectively.
  - (2) Shall have all the powers in the management, operation, control and enlargement of said system, and perform all the duties given now or which may hereafter be granted by statute law of the State of Texas to the governing bodies of cities and towns, and shall be governed by all the provisions of all such laws, now or hereafter enacted, except that nothing herein shall ever

be construed as divesting the City Council of its power hereafter to issue bonds for said system, as now or hereafter provided by the law of Texas, or as divesting the City of Weatherford of its title to the properties of said system as now or hereafter constituted, but said Board shall have power to sell personal property not further required by said system; provided that the sale price does not exceed the limit set periodically by the City Council, and to make license agreements for the use of campsites on land belonging to said system. Any sale of property, of any kind, above the limit set by the City Council must be made by the City Council, as in the case of any other property of the City of Weatherford.

- (c) Rates shall be established by the City Council. The Board shall recommend rates and charges to be paid by customers for water, electricity, sewage or other service that falls within the Board's jurisdiction, which rates and charges shall not be effective until approved by the City Council.
- (d) The City Council has and retains all the powers given to it by law and by the Charter to pass such ordinances, civil and penal, with such penalties as are authorized by law to protect the property of said systems, and to punish any person, firm or corporation guilty of improper use of water, waste water or electricity from said system, and to punish any person guilty of any abuse of any privilege, waste of water or doing anything in anywise injuring any property of said system, to prevent any damage or injury thereto, to prevent trespassing, to prevent the pollution of any water supply and to regulate the use of any grounds adjacent to, and forming a part of any watershed of any water supply of the City. The City of Weatherford retains the right of eminent domain, to condemn for public use property needed for said system, and generally this amendment shall be construed as conferring on said Board certain powers but reserving the City of Weatherford and its City Council, all powers and rights it may now or hereafter have in the premises.
- (e) The said Board of Trustees shall faithfully carry out and perform all provisions of any ordinances or indenture issuing revenue or any other bonds, now or hereafter passed by the City Council; in the operation of said system shall pay to the City of Weatherford, in equal monthly installments, a minimum of two per centum (2%) per annum gross receipts charge, but not less than five hundred dollars (\$500.00) per month for use by the City of Weatherford. (This subparagraph reads as amended by the election held April 2, 1983)
- (f) In addition, the Municipal Utility System shall pay to the City of Weatherford annually a sum of money as a return on investment, calculated according to such formula as the City Council may have adopted from time to time. The City Council shall adopt such a formula at least ninety (90) days prior to the beginning of each fiscal year of the Weatherford Municipal Utility System, to be applied for such fiscal year, and to be paid during or within thirty (30) days following the end of such fiscal year. (This subsection reads as amended by the election held April 2, 1983)

#### Sec. 4. - Budget and Audit.

The board shall each year secure a detailed audit in the same manner and detail as required in Article VII of this Charter, for City accounts and records, and shall give notice of audit statements and make same available for public inspection in the same manner as therein provided. A detailed annual budget shall be prepared each year. (This Section reads as amended by the election held April 2, 1983)

#### Sec. 5. - Deposit and Withdrawal of Funds.

All moneys collected by said systems shall be promptly deposited in a depository or depositories, selected by the City Council from competitive bids from local banks or other local financial institutions. The City Finance Director will account for all receipts and disbursements from said systems. All deposits will be secured as provided by law. Any depository named in any bond ordinance or indenture shall continue as such for principal and interest and reserves on any such bonds, until otherwise authorized by the board. Accounting procedures will be in accordance with Article VII, Section 25 of this Charter. (This paragraph reads as amended by the election held April 2, 1983)

Money shall be drawn from said fund only by check or warrant, after allowance and approval of the claim by the Board, shall state specifically the purpose for which drawn, be signed by the Manager of the

department and countersigned by the City Secretary; in case of disability of either office, or of vacancy, the Board shall designate one (1) of its members to sign or countersign checks for a designated time. Such fund shall not be drawn on in any other manner.

Sec. 6. - Surety Bond.

The Board of Trustees of the Weatherford Municipal Utility System shall obtain and keep continually in force, an employees' fidelity and guaranty bond, of the so-called "blanket type", executed by a licensed surety corporation in an amount of not less than ten thousand dollars (\$10,000.00) upon all employees employed in the offices of the system, payable to City of Weatherford for use of the Weatherford Municipal Utility System.

Sec. 7. - Attorney.

The City Attorney of the City of Weatherford shall be attorney for said Board, and shall attend the regular meetings of said Board. The Board shall reimburse the City of Weatherford for at least fifty percent (50%) of the compensation the City pays the City Attorney for these services.

Sec. 8. - Free Service.

No free service shall ever be furnished, except that, at anytime there are not any outstanding bonds or indebtedness incurred for said systems, the Board shall furnish without cost to the City of Weatherford, fire hydrants and water for fire protection, and electricity for the lighting of the streets and public parks of the City with water service for such parks, and electricity and water for the public buildings of the City of Weatherford.