

CITY CHARTER

As Amended 2021



CITY OF CARROLLTON, TEXAS

Incorporated 1913
First Home Rule Charter 1961
Amended May 11, 2021

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CHARTER

ARTICLE I. INCORPORATION FORM OF GOVERNMENT- POWERS

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- 1.04. Powers

Sec. 1.01. Incorporation.

The inhabitants of the City of Carrollton in Dallas, Denton, and Collin Counties, Texas, within the corporate limits as now established or as hereafter established in the manner prescribed by this Charter shall be and shall continue to be a municipal body politic and corporate in perpetuity under the name of the “City of Carrollton.”

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 1.02. Form of government.

The municipal government provided by this Charter shall be known as the “council-manager” government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, by the statutory laws of Texas, and by this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the “council,” which shall enact local legislation, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such a manner as may be prescribed by ordinance.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 1.03. Annexation and disannexation.

(1) *Extension of city limits by petition.*
Whenever a majority of the qualified voters who are citizens of the State of Texas and inhabitants of any territory adjoining the City of Carrollton, as said territory may be designated by the council, or in case there are no qualified voters in said territory, then when persons owning a majority of the land in area in said territory, desire the annexation of such territory to the City of Carrollton, they may present a written petition to that effect to the council and shall attach to said petition an affidavit of one or more of their number to the effect that said petition is signed by a majority of such qualified voters, or in the case there are no qualified voters said affidavit shall be to the effect that there are no qualified voters in said territory and that the persons signing the petition own a majority of the land in said territory. The city council shall provide an opportunity for all interested persons to be heard in accordance with the laws of the State of Texas. The council at regular session or in special session held not sooner than thirty days after the presentation of said petition may by ordinance annex such territory to the City of Carrollton and thenceforth the boundary limits of the city shall be fixed by such ordinance and the territory so annexed shall be a part of the City of Carrollton and the inhabitants thereof shall be entitled to all the rights and privileges of

other citizens and shall be bound by the acts, ordinances, resolutions, and regulations of said city, and the property situated therein shall bear its pro rata part of the taxes levied by the city.

(2) *Extension of city limits by ordinance.* A second method of extending the corporate limits of the City of Carrollton shall be that the council shall have the power by ordinance to fix the boundary limits of said city and to provide for the extension of said boundary limits by the annexation of additional territory lying adjacent to said city, with or without the consent of the inhabitants of the territory annexed. The city council shall provide an opportunity for all interested persons to be heard in accordance with the laws of the State of Texas. Amendments not enlarging or not extending the boundary limits set forth in the published ordinance may be incorporated into the proposed ordinance without the necessity of republication of said ordinance as amended. Upon the final passage of any annexation ordinance, the boundary limits of the city shall thereafter be fixed by such ordinance and the territory so annexed shall be a part of the City of Carrollton, and the inhabitants thereof shall be entitled to all rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Carrollton, and the property situated therein shall bear its pro rata part of the taxes levied by the city.

(3) *Disannexation.* Whenever there exists within the corporate limits of the city any territory not suitable or necessary for city purposes, the council may, upon a petition signed by a majority of the qualified voters residing in such territory if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of said city; said petition and ordinance shall specify accurately the

metes and bounds of the territory sought to be eliminated from the city and shall contain a plat designating such territory so that the same can be definitely ascertained. The city council shall provide an opportunity for all interested persons to be heard. When said ordinance has been duly passed the same shall be entered upon the minutes and records of said city, and from and after the entry of such ordinance said territory shall cease to be a part of said city, but said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said city, and the city shall continue to levy, assess and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the city as though the same had not been excluded from the boundaries of the city.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 1.04. Powers.

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

The enumeration of particular powers in this 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 may have and shall exercise all other powers which, under the Constitution of the State of Texas, it would be competent for the Charter specifically to enumerate. The City of Carrollton shall have and exercise all of the 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, passed by the Thirty-third Legislature of the State of Texas, found in the published laws, of said legislature, regular session, pages 307 to 317, and effective July 7, 1913, 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.

The City of Carrollton may acquire property within or without its corporate limits for any municipal purpose; may cooperate with the government of Texas or any agency thereof, or with the federal government or any agency thereof, or with the government of any county, city, or political subdivision to accomplish any lawful purpose for the advancement of the health, morals, safety, convenience, or welfare of the City of Carrollton or its inhabitants, may sell, lease, mortgage, hold, manage and control such property as its interest may require; provided the city shall not sell, convey, lease, mortgage, or otherwise alienate any public utility without prior approval of the qualified voters of the city; may exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or the Constitution or laws of the State of Texas; and may lay out, establish, open, alter, widen, lower, extend, grade, abandon, close, care for, dispose of, abolish, discontinue, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate the use thereof and require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and all fruit stands, show cases and encroachments of every nature or character upon any of said streets, sidewalks, or other public property.

Provided, however, nothing included

above or anywhere in this charter shall authorize the City of Carrollton, or any corporations, agency or entity created by the city, or pursuant to the city's approval and authorization, to institute and exercise the power of eminent domain to acquire private or public property if the purpose of the acquisition is the promotion of economic development for a private business enterprise which business enterprise would own any right, title, or interest in the property so acquired.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98)

ARTICLE II. THE COUNCIL

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- 2.15. Council to be judge of qualifications of its members
- 2.16. Rules of procedure; minutes
- 2.17. Ordinances
- 2.18. Publication of ordinances
- 2.19. Independent annual audit

Sec. 2.01. Number, selection, term.

The council shall consist of a mayor and seven (7) council members elected from the city in the manner provided in Article VII, for a term of three (3) years or until their successors have been elected and inducted. *(Adopted by electorate, 9-19-61; Am. Prop. 2, ratified 1-0-79; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Am. Ord. 2627 passed 8-14-01).*

Sec. 2.02. Qualifications.

The members of the council shall be qualified voters of the City of Carrollton who have been residents of the State of Texas for at least one (1) year and residents of said city or residents of an area now within the corporate limits of said city for at least twelve (12) months prior to filing, shall hold no other public office except that of notary public or member of the National Guard or armed

services, and not in arrears in the payment of any taxes or other liability due the city. If a member of the council shall cease to possess any of these qualifications or shall be convicted, including the entering of any plea and receiving deferred adjudication, of a felony or a crime involving moral turpitude, his or her office shall immediately become vacant.

If a member of the council shall announce his or her candidacy, in any general, special or primary election, for any office of profit or trust under the laws of this state or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one (1) year, such announcement or such candidacy shall constitute an automatic resignation of the office then held. Such resignation shall become effective on the date of the next regular municipal general election or the election for which such candidacy is announced, whichever occurs first.

A person who has served as a member of the city council in any place, other than mayor, for two (2) consecutive terms, shall not again be eligible for election in any place on the city council except mayor, until at least one term approximating three (3) years has elapsed. A person who has served two (2) consecutive terms as mayor shall not again be eligible for election as mayor until at least one term approximating three (3) years has elapsed, but shall be eligible for election as a member of the city council in any place, other than mayor. A “term” as used in this paragraph, is that period of time beginning with the taking of the oath of office and running through the oath of office following the next election for that office. Partial terms, of less than two (2) years, will not be counted when determining term limits.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Prop. 5-2-92; Am. Ord. 2364 passed 8-11-98; Am. Ord. 2627 passed 8-14-01; Charter Am. passed 5-11-21)

Sec. 2.03. Compensation.

Members of the council shall be paid \$200.00 per month. The Mayor shall be paid \$375.00 per month. The Mayor and Council members shall be entitled to reimbursement of necessary expenses incurred in the performance of their official duties when approved by the Council.

(Am. Ord. 2627 passed 8-14-01)

Sec. 2.04. Vacancies in council, forfeiture of office, filling of vacancies.

(A) The office of mayor or council member shall become vacant upon the holder's death, resignation, removal from office or forfeiture of office in any manner authorized by this charter or state law. A member may resign by submitting a statement in writing to the city secretary. The resignation shall be effective upon receipt in that office.

Upon affirmative vote of the majority of the city council, the mayor or any council member shall forfeit the office if that person:

1) Lacks at any time during the term of office for which elected any qualification for the office prescribed by this charter or by law, or

2) Fails to attend three (3) consecutive regular meetings of the council, or twenty-five percent (25%) of the regular meetings in any six (6)-month period, without being excused by the council.

(B) The mayor or a councilmember may be removed from office for:

- (1) Incompetency;
- (2) Corruption;
- (3) Official Misconduct;
- (4) Malfeasance; or
- (5) Lack of confidence.

(C) In this section:

(1) “Incompetency” means:

- (a) Gross ignorance of official duties;
- (b) Gross carelessness in the discharge of official duties; or
- (c) Inability or unfitness to promptly and properly discharge official duties because of a serious mental or physical defect that did not exist at the time of the officer’s election.

(2) “Official misconduct” means intentional unlawful behavior relating to official duties by the councilmember. The term includes an intentional or corrupt failure, refusal, or neglect of a councilmember to perform a duty imposed by law or under this Charter.

(D) A written sworn complaint must be filed by another councilmember with the mayor and the mayor shall:

- (1) File the complaint;
- (2) Cause a copy of the complaint to be served on the charged councilmember;
- (3) Set a date for trial of the case; and
- (4) Notify the charged councilmember and the other councilmembers of the municipality to appear that day.

(E) The mayor and councilmembers, except the charged councilmember, constitute a court to try and determine the case against the charged councilmember.

(F) When such a complaint is made against the mayor, the complaint must be presented to a councilmember(s) of the municipality. That councilmember(s) shall:

- (1) File the complaint;
- (2) Cause a copy of the complaint to be served on the mayor;
- (3) Set a date for the trial of the case; and
- (4) Notify the mayor and the other councilmember(s) to appear on that day.

(G) A majority of the councilmember(s) constitutes a court to try and determine the case against the mayor. The councilmember(s) shall select one of the councilmember(s) to preside during the trial.

(H) A proceeding under this section is subject to the rules governing a proceeding or trial in a justice court. If two-thirds of the members of the city council who are present at the trial of the case find the charged councilmember guilty of the charges contained in the complaint and find that the charges are sufficient cause for removal from office, the presiding officer of the city council shall enter a judgment removing the charged councilmember and declaring the office vacant. If the councilmember is found not guilty, judgment shall be entered accordingly.

(I) A councilmember who resigns, with one (1) year or less remaining in the term of

office, or is removed under this section is not eligible for election to the same office for a period equal to the length of a term, as set forth in Section 2.01, after the date of their removal or resignation.

(J) A councilmember may not be removed under this section for an act committed before election to office.

(K) In the event a vacancy occurs in the office of mayor or council member from any cause whatsoever the council shall, as soon as practicable, order an election to be held on the next uniform election date authorized by state law, or earlier by special election at the council's discretion, for the purpose of filling such office for the remainder of the unexpired term.

(Adopted by electorate, 9-19-61; Am. Prop. 1, ratified 4-16-65; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Am. Ord. 2627 passed 8-14-01; Am. Ord. 2892 passed 5-25-04; Charter Am. passed 5-11-21)

Sec. 2.05. Presiding officer; the mayor.

The mayor shall preside at meetings of the council, and shall be recognized as head of city government for all ceremonial purposes and by the governor for purpose of military law, but shall have no regular administrative duties. The mayor may participate in the discussion of all matters coming before the council. The mayor shall not be entitled to vote as a member thereof on legislative or other matters, except in case of a tie, when the mayor shall have the right to cast the deciding vote. The council shall elect from among the council members a mayor pro tempore who shall act as mayor during the absence or disability of the mayor.

(Adopted by electorate, 9-19-61; Am. Prop. 3, ratified 2-18-69; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 2.06. Powers.

Except as otherwise provided by this Charter, all powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing powers of the council, the council shall also have power to:

- (1) Appoint and remove the city manager, municipal court judges and city attorney;
- (2) With the recommendation of the city manager, establish and abolish other administrative departments and distribute the work of divisions;
- (3) Adopt the budget of the city;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Inquire of the city manager about the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (6) Create advisory boards and commissions and appoint and remove the members thereto;
- (7) Regulate and restrict the area, height and number of stories of buildings and other structures, the size of yards and courts, the density of populations and the location and use of buildings for trade, industry, business, residence or other purpose, and adopt such other zoning regulations as may be authorized by law;

- (8) Adopt, modify and carry out plans proposed by the planning and zoning commission for the replanning, improvement and redevelopment of neighborhoods; and

- (9) Provide an independent audit.
(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

Sec. 2.07. Appointment of city manager.

The council shall appoint a city manager who shall be the chief administrative and executive officer of the city. No member of the council shall, during the term for which elected, be chosen as city manager. The city manager shall receive such compensation as may be fixed by the council.

(Adopted by electorate, 9-19-61)

Sec. 2.08. Removal of city manager.

The council may remove the city manager, upon the affirmative vote of a majority of full membership of the council. If removed after serving three (3) months, 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 final removal shall take effect; but pending such hearing the council may suspend the manager from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of the Charter to vest all authority and fix all responsibility for such suspension or removal in the council.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 2.09. Appointive boards and commissions.

(1) *Qualifications.* The council may appoint members of its boards and commissions, who shall be qualified voters of the City of Carrollton who have been residents of the State of Texas for at least one (1) year and residents of the city, or an area now within the corporate limits, for at least twelve (12) months; and hold no other public office except that of notary public or member of the national guard or armed services; and not in arrears in the payment of any taxes or other liability due the city.

(2) *Removal.* The council may, upon the affirmative vote of a majority of the full membership of the council, remove members of its appointive boards and commissions without notice. If an appointive member shall cease to possess any qualification or shall be convicted, including the entering of any plea and receiving deferred adjudication, of a felony or a crime of moral turpitude, the office shall immediately become vacant.

(3) *Candidacy for other office.* If a member of an appointive board or commission shall announce candidacy, or shall in fact become a candidate in any general, special or primary election, for any office of profit or trust under the laws of this State or the United States, such announcement or such candidacy shall constitute an automatic resignation of the appointment, effective with the date of such announcement or candidacy.

(4) *Vacancies.* Vacancies in the appointive boards and commissions may be filled for the unexpired term at the discretion of the council.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

Sec. 2.10. Council not to interfere in city manager's appointments or removals.

Neither the council nor any of its members shall direct or request the appointment of any person to or the removal of same from office by the city manager or by any of his/her subordinates. However, the council may consult and advise the city manager, make inquiry regarding the appointments or removals and may express their opinion in regard thereto. In regard to administrative and executive duties under the city manager, the council and its members shall deal solely through the city manager and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately. Violation of the foregoing provisions of this Charter by any member of the council shall constitute official misconduct and shall authorize the council by a vote of a majority of its 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. *(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)*

Sec. 2.11. Creation of new departments or offices.

The council, with the recommendation of the city manager, may create, change, and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter. *(Adopted by electorate, 9-19-61; Charter Am. passed 5-11-21)*

Sec. 2.12. Municipal judge.

(1) *Qualifications.* The council shall appoint magistrates of the municipal court to be known as the municipal judge and assistant judges, who shall be appointed for a term of

two (2) years. The judges shall be active members of the State Bar of Texas, qualified voters who have been a resident of the State of Texas for at least one (1) year; and hold no other elected public office except that of a notary public or member of the National Guard or armed services; and not in arrears in payment of any taxes or other liability due the city. During the tenure of office, the municipal judge, but not the assistant judges, shall reside in the City of Carrollton.

(2) *Removal.* The municipal judge and any assistant judge, may be removed by the affirmative vote of a majority of the full membership of the council, or in the manner prescribed for the removal of a county court at law judge should he/she cease to possess the qualification for office.

(3) *Candidacy for other office.* If the municipal court judge, or any assistant judge, shall announce candidacy, or shall in fact become a candidate in any general, special or primary election, for any office of profit or trust under the laws of the state or the United States, such announcement or such candidacy shall constitute an automatic resignation of the appointment, effective with the date of such announcement or candidacy.

(4) *Vacancy and compensation.* The municipal judge shall receive such salary as may be fixed by the council. All costs and fines imposed by the municipal court shall be paid into the city treasury for the use and benefit of the city. *(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98, effective 10-1-98; Charter Am. passed 5-11-21)*

Sec. 2.13. City attorney.

The council shall appoint a city attorney, chosen on the basis of his/her qualifications as a competent and practicing attorney. The city attorney shall be an active member of the State Bar of Texas. The city attorney

shall receive such compensation as may be fixed by the council. The council may remove the city attorney, upon the affirmative vote of a majority of full membership of the council. The action of the council in suspending or removing the city attorney shall be final, it being the intention of the Charter to vest all authority and fix all responsibility for such suspension or removal in the council.

There shall exist an attorney-client relationship between the city attorney and the City of Carrollton, Texas, and the city council of the City of Carrollton, Texas. The privileged nature of communications between attorney and client as established and recognized by the common law, statutes, and rules of the State Bar of Texas shall apply.

The city attorney shall appoint such assistants as shall be provided for in the budget. Any such assistant may be discharged at any time by the city attorney. All responsibilities imposed on the city attorney may be performed by any assistant city attorney, as designated by the city attorney.

(Adopted by electorate 8-8-98, effective 10-1-98; Charter Am. passed 5-11-21)

Sec. 2.14. Induction of council into office; meetings of council, quorum, voting.

The council shall meet regularly at such times as may be prescribed by ordinance, but no less frequently than once each month. Newly elected members of the council may be inducted into office at the next regularly scheduled meeting following the election. All meetings of the council shall be open to the public, except as provided by state law. Any four council members shall constitute a quorum for the transaction of business, and except as provided in 2.04, the affirmative vote of four or more council members shall be necessary to take any action in the name of the city or to adopt or repeal any ordinance or resolution.

All council members present shall vote upon every motion, except when required to abstain by state law. The vote of each member shall be recorded in the minutes. Any member refusing to vote shall be entered on the record as voting "no."

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 2.15. Council to be judge of qualifications of its members.

The council shall be the judge of the qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98)

Sec. 2.16. Rules of procedure; minutes.

The council shall determine its own rules and order of business. It shall keep the minutes of its proceedings, and the minutes shall be open to public inspection. Minutes of all meetings of the council shall be promptly entered in the minute book of the council, and city secretary shall at the same time provide a permanent and adequate index showing the action of the council in regard to all matters submitted to it at both regular and special meetings.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 2.17. Ordinances.

In addition to such acts of the council as are required by statute or by this Charter to be by ordinance, every act of the council establishing a fine or penalty or providing foreexpenditure of funds or for contracting of indebtedness, shall be by ordinance. *(Adopted by electorate, 9-19-*

61; Charter Am. passed 5-11-21)

Sec. 2.18. Publication of ordinances.

A full text of all penal ordinances shall be published at least once in the official newspaper of the city, or in lieu thereof a descriptive caption or title stating in summary the purpose of the ordinance and penalty for violation thereof shall be published. All other ordinances, except those ordinances specifically required by the provisions of this Charter to be published, are not required to be published in either the official newspaper of the city or in any other publication. All ordinances shall become effective as of the date stated therein, and in the event no particular date is stated said ordinances shall become effective from and after passage and adoption by the council.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98)

Sec. 2.19. Independent annual audit.

Prior to the end of each fiscal year the council shall designate qualified certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit their report to the council and the city manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department or agency of the city government. A copy of such audit shall be kept in the office of the city secretary subject to inspection by any citizen and officer during regular office hours.

(Adopted by electorate, 9-19-61)

ARTICLE III. THE CITY MANAGER

- 3.01. Qualifications
- 3.02. Powers and duties
- 3.03. Bond of city manager
- 3.04. Absence of city manager
- 3.05. Administrative departments
- 3.06. City secretary

Sec. 3.01. Qualifications.

The city manager shall be chosen by the council on the basis of character, 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 Carrollton or the State of Texas, but during the tenure of office, shall reside in the City of Carrollton.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 3.02. Powers and duties.

The city manager shall be the chief executive officer and the head of the administrative branch of the city government. The city manager shall be responsible to the council for proper administration of all affairs of the city under the jurisdiction of the manager and to that end, shall have power and shall be required to:

- (1) Appoint and remove any officer or employee of the city except as otherwise provided by this Charter and may delegate such authority to the head of a department;
- (2) Prepare and submit to the council an annual budget and be responsible for its administration after adoption;
- (3) Prepare and submit to the council as

of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;

- (4) Keep the council advised of the financial condition and future needs of the city and make such recommendations that may seem desirable;
- (5) Perform such other duties as may be prescribed by this Charter or required by the council, not inconsistent with this Charter; and
- (6) Attend all meetings of the council, except when excused by the council or when the manager is under discussion, with the right to take part in the discussions, but having no vote; and the manager shall be notified of all special meetings of the council.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)

Sec. 3.03. Bond of city manager.

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

his/her office; premium of such bond to be paid by the city.
(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 3.04. Absence of city manager.

To perform any duties during a temporary absence or disability, the city manager may designate by letter filed with the city secretary a qualified administrative official of the city. In the event of failure of the city manager to make such designation, the council may, by resolution, appoint an official of the city to perform the duties of the city manager until the manager shall return or the disability shall cease.
(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

Sec. 3.05. Administrative departments.

There shall be administrative departments as may be established by City Council upon the recommendation of the city manager.
(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)

Sec. 3.06. City secretary.

The city manager shall appoint an official of the city, who shall have the title of city secretary. The city secretary shall give notice of the council meetings, shall keep minutes of its proceedings, shall authenticate by signature and record all ordinances and resolutions, in full, in a book kept for such purpose. The city secretary shall also perform such other duties as shall be required by this Charter or by the city manager.
(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

ARTICLE IV. BUDGET

- 4.01. Fiscal year
- 4.02. Preparation and submission of budget
- 4.03. Budget a public record
- 4.04. Public hearing on budget
- 4.05. Proceeding on adoption of budget
- 4.06. Budget, appropriations and amount to be raised by taxation
- 4.07. Unallocated reserve fund
- 4.08. Amending the budget
- 4.09. Certification; copies made available
- 4.10. Defect shall not invalidate the tax levy

Sec. 4.01. Fiscal year.

The fiscal year of the City of Carrollton 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.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 4.02. Preparation and submission of budget.

The city manager, prior to August 1 of each year, shall prepare and submit the budget, covering the next fiscal year, to the council, which shall contain the following information. In preparing this budget, each employee, officer, board and department shall assist the city manager by furnishing all necessary information.

- (1) The city manager's budget message shall outline the proposed financial policies for the next fiscal year with explanations of any major changes from previous years in expenditures and any major changes of policy and a complete statement regarding the financial condition of the city.

- (2) An estimate of all revenue from taxes and other sources, including the present tax structure rates and property evaluations for the ensuing year.
- (3) A carefully itemized list of proposed expenditures by fund and service type and project 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.
- (4) 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 V, which the city has incurred and which has not been paid.
- (5) A statement proposing any capital expenditures deemed necessary for undertaking during the next budget year and recommended provision for financing.
- (6) A list of capital projects which

should be undertaken within the five (5) nextsucceeding years.
(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 4.03. Budget a public record.

The budget and all supporting schedules shall be filed with the city secretary when submitted to the council and shall be open to public inspection by anyone interested. *(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)*

Sec. 4.04. Public hearing on budget.

The council shall name the date and place of a public hearing, to be held in compliance with State law. Public notice of the hour, date, and place of such hearing shall be published in the official newspaper of the city as provided by State law. At the public hearing, interested citizens of the city may be present and express their opinions concerning items of expenditures and revenue, giving their reasons for wishing to increase or decrease any item. *(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)*

Sec. 4.05. Proceeding on adoption of budget.

After public hearing, the council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, at least ten (10) days prior to the beginning of the next fiscal year, adopt the budget by a favorable majority vote of all members of the council. *(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)*

Sec. 4.06. Budget, appropriations and amount to be raised by taxation.

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the council shall constitute the official appropriations as proposed expenditures 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 will in no case exceed proposed revenue plus fund balance. The city manager may transfer unused appropriations between any appropriation category within a fund. *(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98)*

Sec. 4.07. Unallocated reserve fund.

When recommended by the city manager and in the discretion of the council, the budget may contain a reasonable sum set aside as an unallocated reserve fund to meet unexpected and unforeseen contingencies in current operating costs of any budget service type or project. *(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)*

Sec. 4.08. Amending the budget.

In case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions, which could 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. This shall not prevent the council from

making changes in the budget for municipal purposes. Any amendment providing for additional expenditure shall also provide for reductions in other expenditures, supplemental revenues or reduction in fund balance to fund such amendments. These amendments shall be by ordinance, and shall become an attachment to the original budget.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 4.09. Certification; copies made available.

A copy of the budget, as finally adopted, shall be filed with the city secretary, the county clerk of Dallas, Denton and Collin Counties and the Carrollton Public Library. Sufficient copies of the final budget shall be made available for the use of all offices, agencies and for the use of interested persons and civic organizations.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 4.10. Defect shall not invalidate the 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.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

**ARTICLE V. BONDS, WARRANTS AND
OTHER OBLIGATIONS OF INDEBTEDNESS**

- 5.01. Powers to issue
- 5.02. Manner of issuance
- 5.03. Revenue bonds
- 5.04. Interest and sinking funds
- 5.05. Records and accounts
- 5.06. Limitations

Sec. 5.01. Powers to issue.

In keeping with the Constitution of the State of Texas and not contrary thereto, the City of Carrollton shall have the power to borrow money on the credit of the city for any public purpose or for permanent public improvements and in evidence of such borrowing, shall have the right and power to issue all bonds, certificates of obligation, notes, time warrants and other obligations or evidences of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the laws of the State of Texas. The power to issue or incur indebtedness or obligations pursuant to Section 5.03 and this section shall include the power to issue obligations to refund such indebtedness or obligations issued or incurred pursuant to said sections or the laws of the State of Texas.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)

Sec. 5.02. Manner of issuance.

Obligations or evidences of indebtedness of the City of Carrollton shall be sold, authorized, and issued in the manner provided by applicable laws of the State of Texas and, in connection with the issuance of evidences of indebtedness or obligations under either Section 5.01 or 5.03 hereof, the

city shall have the power to execute loan agreements, revolving credit agreements, agreements establishing a line or lines of credit, letter of credit agreements, reimbursement agreements, insurance contracts, commitments to purchase, purchase or sale agreements, lease agreements or such other contracts or agreements authorized and approved by the council related to the security or liquidity thereof. All such obligations or evidences of indebtedness shall be signed by the mayor, countersigned by the city secretary in the manner provided by general law, and shall be payable at such times and place or places as shall be determined within the discretion of the council.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 5.03. Revenue bonds.

The city shall have power to issue revenue bonds, notes, or other obligations for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or facilities for any other self-liquidating function enacted by the council not now or hereafter prohibited by any general laws of the state. Such bonds, notes, or other obligations shall be a charge upon and payable from the properties, or interest therein acquired or the income

there from, and shall never be a debt of the city. The council shall have authority to provide for the terms and form of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds, notes, or other obligations and the acquisition and operation of any such property or interest.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 5.04. Interest and sinking funds.

It shall be the duty of the council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the city. The interest and sinking fund shall be a separate fund maintained at a depository of the city, and monies deposited therein shall not be diverted to or used for any other purpose than to pay the interest and principal on general obligation bonds issued by the City of Carrollton.

Monies deposited to the credit of the interest and sinking fund of the city must be invested in a manner to ensure the safety of principal in

(a) direct obligations of (including obligations issued or held in bookentry form on the books of the Department of Treasury of the United States of America), or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America,

(b) bonds, notes, debentures or other evidences of indebtedness payable in cash issued by any one or a combination of federal agencies and such obligations by statute, judicial decision or in the opinion of the attorney general of the United States represent the full faith and credit of the United States of America, or

(c) in certificates of deposit fully insured by the Federal Deposit Insurance Corporation

or the Federal Savings and Loan Insurance Corporation and/or secured, to the extent not insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation, by collateral securities described in (a) and (b) above.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 5.05. Records and accounts.

The director of finance or other officer of the city designated by the city manager shall keep, or cause to be kept, for and on behalf of the city, complete, current and accurate records and accounts pertaining to all bonds, warrants, certificates of indebtedness and other obligations issued or incurred by the city and with respect to the payment and cancellation of such bonds, warrants, certificates of indebtedness or other obligations.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 5.06. Limitations.

All obligations or evidences of indebtedness shall be authorized by ordinance of the city council; provided however, that such ordinance shall not be required to be acted on more than one time or at more than one meeting. No ordinance authorizing the issuance or sale of obligations or evidences of indebtedness shall be subject to referendum.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)

ARTICLE VI. ASSESSMENT AND COLLECTION OF TAXES

- 6.01. Power to tax
- 6.02. Where payable; no demand necessary
- 6.03. Ratification
- 6.04. Payment; delinquency; penalties
- 6.05. General powers

Sec. 6.01. Power to tax.

The council shall have power to levy, assess and collect for general purposes, an ad valorem tax on all real property, tangible personal property and intangible personal property within the city limits of the City of Carrollton, or having its situs therein on January first of each year, not exempt from taxation by the Constitution and laws of the State of Texas, based upon its true value as provided by state law.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 6.02. Where payable; no demand necessary.

All taxes shall be payable at the office of the assessor and collector of taxes in the City of Carrollton at the city hall building or at such other places in the City of Carrollton as may be specifically designated by the council.

No demand for such taxes shall be necessary but it is the duty of the taxpayer to make payment of such taxes in any lawful manner deemed appropriate by the council within the time specified by state law. *(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)*

Sec. 6.03. Ratification.

All taxes heretofore levied are ratified and all ordinances relating to taxes now in force shall continue until amended or repealed by the council.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 6.04. Payment; delinquency; penalties;

The taxes herein and hereby authorized to be levied shall become due and payable October 1 of the year assessed, and same shall be payable in any lawful manner deemed appropriate by the council at the office of the assessor and collector of taxes. Taxes shall be deemed and become delinquent if not paid prior to February 1 of the year following assessment and such delinquent taxes shall be subject to penalty, interest and any additional penalty to defray the costs of collection in the manner provided by state law.

The delinquent taxpayer shall be subject to the payment of all costs and expenses, court costs and additional costs including reasonable attorneys fees allowed by state law in the event a lawsuit is filed to collect any delinquent tax or part thereof.

The council may, by ordinance, provide that all taxes, either current or delinquent, due the City of Carrollton may be paid in installments, except that such installments shall not exceed one (1) year.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 6.05. General powers.

Unless otherwise provided by this Charter and by ordinances passed hereunder, all property in the city liable for taxation shall be assessed in accordance with the laws of the State of Texas. In addition to the powers herein conferred with reference to the levy and collection of taxes, the City of Carrollton shall have and may exercise all powers and authority now conferred or which may hereafter be conferred upon cities having a population of more than 5,000 inhabitants by the laws of the State of Texas.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

ARTICLE VII. NOMINATIONS AND ELECTIONS

- 7.01. Election
- 7.02. Regulation of elections
- 7.03. Nominations
- 7.04. Number, selection, and term of council
- 7.05. The official ballot
- 7.06. Conducting and canvassing elections
- 7.07. Oath of office

Sec. 7.01. Election.

The regular city election shall be held on a uniform election day, at which time, officers will be elected to fill those offices that become vacant that year. The council may order a special election and provide all means for holding such special election.

(Adopted by electorate, 9-19-61; Am. Prop. 3, ratified 4-16-65; Am. Prop. 1, ratified 2-18-69; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

Sec. 7.02. Regulation of elections.

The council shall make all regulations considered to be necessary or desirable which are not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, and for the prevention of fraud.

All city elections shall be governed, except as otherwise provided by this Charter, by the laws of the State of Texas governing general and municipal elections.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 7.03. Nominations.

Any person having the qualifications required by the Charter may place his/her own name in nomination as a candidate for mayor or council member by filing with the city secretary an application in accordance

with the Texas Election Code, accompanied by a nonrefundable filing fee of \$250, or in lieu of a filing fee, a petition signed by a minimum number of 100 qualified voters, or one-half of one percent of the total vote received in the city by all candidates for mayor in the most recent mayoral general election, whichever is greater. No voter shall sign more than one (1) petition for a candidate for a specific position or office and should a voter do so, the signature shall be void except as to the petition first filed.

Any person who has placed his/her own name in nomination shall take the following oath:

“I hereby declare and accept the nomination for the position of _____, and agree to serve if elected. I am eighteen (18) years of age or older, a qualified voter of the City of Carrollton, a resident of the State of Texas for at least one (1) year and of the City of Carrollton or an area now within the corporate limits of the City of Carrollton for at least twelve (12) months. I am not in arrears in payment of any taxes or other liability due city. At the present time, I reside at _____ in the City of Carrollton.”

Signature of Candidate: _____

Date and hour of filing: _____

Received by: _____

(Signature of City Secretary)

The above statement will contain the following notarization:

“State of Texas

County of _____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that the same was subscribed as his/her free act and deed for the purposes and consideration therein expressed.

Given Under My Hand and Seal of Office this ___ day of _____, 20__.”
(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

Sec. 7.04. Number, selection, and term of council.

The council shall be composed of a mayor and seven (7) council members who shall be elected and serve in the following manner:

- (1) The mayor and councilmembers in office at the time of the adoption of this amendment to the Charter shall continue to serve as mayor and council members under this Charter until the expiration of their present terms of office, or until their successors have been elected or selected and inducted under this Charter.
- (2) The office of mayor shall be designated on the official ballot and each petition circulated on behalf of a proposed candidate shall designate the

officesought is that of mayor. In all elections, the name of each candidate for mayor shall appear on the official ballot as a candidate for such office.

- (3) The places of the several council members shall be designated on the official ballot as members of the council, Place Nos. 1, 2, 3, 4, 5, 6 or 7, and each petition circulated on behalf of each proposed candidate shall designate the place to be filled by such candidate. In all elections, the name of each candidate shall appear on the official ballot for the place number to which the candidate seeks election.
- (4) Beginning with the election of 2002, councilmembers for places 2, 4, 6, and the mayor shall be elected for a three-(3) year term and an election shall be held for those places thereafter every three (3) years. Beginning with the election of 2002, councilmembers for places 1, 3, 5, and 7 shall be elected for a three-(3) year term and an election shall be held for those places thereafter every three (3) years. *(Am Ord. 2627 passed 8-14-01)*
- (5) The city is hereby divided into four places, known as Places 1, 3, 5, and 7. The four places shall be described with particularity by ordinance.

Any territory hereafter annexed to the city shall upon annexation become a part of that place situated adjacent and contiguous to it, as may be determined by the council.

The city council shall review such places not less than every five (5) years and shall by ordinance set the boundaries of any or all to maintain a substantial equality of population between places 1, 3, 5, and 7.

- (a) Place No. 1 shall be generally described as the northeast quadrant of the city.

(b) Place No. 3 shall be generally described as the southwest quadrant of the city.

(c) Place No. 5 shall be generally described as the northwest quadrant of the city.

(d) Place No. 7 shall be generally described as the southeast quadrant of the city.

(6) No person shall be eligible as a candidate for member of the council, Place Nos. 1, 3, 5, and 7, unless the candidate is at the time a bona fide resident of Place Nos. 1, 3, 5, and 7, respectively. Council members must continuously reside in said place during their term of office. Candidates for council member Place Nos. 2, 4, and 6 and the mayor may reside in any portion of the city. The mayor and all council members shall be elected from the city at large.

(7) The candidate at an election for a place on the council or for mayor who shall receive a majority of all votes cast for the office for which he/she is a candidate shall be declared elected to such office. In the event any candidate for an office fails to receive a majority of all votes cast for all the candidates for such office at such election, the council shall order a runoff election to be held the second Saturday after the regular election. The two (2) candidates receiving the highest number of votes for any such office in the first election shall be placed upon the ballot to be voted on in such runoff election.

(8) In case of a tie vote in the runoff election or in the first election if there are only two (2) candidates, as to the two (2) candidates, the council shall

order subsequent elections in the same manner as the runoff election until the tie vote between the two (2) candidates has been resolved.

(Adopted by electorate, 9-19-61; Am. Prop. 2, 3, ratified 1-20-79; Am. Ord. 1030 passed 1-18-83; Am. Ord. 1143 passed 12-18-84; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Am. Ord. 2892 passed 5-25-04; Charter Am. passed 5-11-21)

Sec. 7.05. The official ballot.

The official ballot shall be drawn up by the city secretary and will contain the names of all candidates for office, except those who may have been withdrawn, deceased or become ineligible. Names will be placed on the ballot without party designation and position on ballot will be determined by drawing.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 7.06. Conducting and canvassing elections.

Returns of all municipal elections, both general and special, shall be made by the election officers to the council in accordance with State Law, at which time the council shall canvass the votes, declare the results of such election, with notification of election to candidate elected.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 7.07. Oath of office.

Every officer of the city shall, in addition to taking the Oath (or Affirmation) required by Article 16, Section 1, Subsection (b) or (d), of the Texas Constitution, take the following Oath or Affirmation before entering upon the duties of the office:

“I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____, of the City of Carrollton, State of Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State and the Charter and ordinances of this city; so help me God.”

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

ARTICLE VIII.
FRANCHISES AND PUBLIC
UTILITIES

- 8.01. Powers of the city
- 8.02. Right-of-way authority of council
- 8.03. Right-of-way value not to be allowed
- 8.04. Right of regulation
- 8.05. Consent of property owners
- 8.06. Extensions
- 8.07. Temporary permits
- 8.08. Other conditions
- 8.09. Accounts of municipality owned utilities
- 8.10. Regulations of rates and services
- 8.11. Rate changes

Sec. 8.01. Powers of the city.

In addition to the city's power to buy, own, construct, maintain, and operate utilities, within or without the city limits, and to manufacture and distribute electricity, gas or anything else that may be needed or used by the public, the city shall have further powers as may now or hereafter be granted under the Constitution and laws of the State of Texas. As the trustee of the public properties within the city, the city shall have full power to manage the use and occupancy of public properties and to require the payment to the city of just and reasonable compensation for the use or occupancy of public property, including rights-of-way, by all persons, including public utilities and other providers of utility services. "Persons" as used in this Article VIII shall include governmental entities. "Utility services" and "public utility" as used in this Article VIII shall include providers of all electric, gas, water, wastewater, telecommunications, cable television, video programming and information services.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11- 98; Am. Ord. 2627 passed 8-14-01)

Sec. 8.02. Right-of-way authority of council.

The council shall have power to grant, amend, renew or extend by ordinance all franchises, licenses, and other authorization, which shall be non-exclusive, for all use or occupancy of public rights-of-way by all persons, including public utilities and providers of utility services of every character operating within the City of Carrollton, and for such purposes is granted full power. Provided, no such franchise, license, or other authority to use or occupy the public rights- of-way shall be granted by the city without inclusion within such authority the requirement that the grantee pay just and reasonable compensation to the city for such use or occupancy. Just and reasonable compensation shall include, at a minimum, a recovery of reasonable rental value of the rights-of-way, and a recovery of the city's acquisition, maintenance, management and supervisory costs.

(Am.Ord. 2627 passed 8-14-01)

Prior to the adoption of any such franchise, license, or other authorization by ordinance, the council shall hold a public hearing, where all interested citizens may offer evidence upon the matter. Notice of the

hour, date and location of the public hearing shall be published in the official newspaper of the city, not less than five (5) days nor more than fifteen (15) days before the hearing.

The notice shall also include a descriptive caption or title stating in summary the principal subjects of the ordinance. The expense of such publication shall be borne by the proponent of the franchise, license or other authorization. No such franchise, license or other authorization shall be transferable, except with the approval of the council expressed by ordinance.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 8.03. Right-of-way authorization value not to be allowed.

In fixing reasonable rates and charges for utility service within the city and in determining the just compensation to be paid by the city for public utility property which the city may acquire by condemnation or otherwise, nothing shall be included as the value of any franchise, license, or other authorization granted by the city under this Charter for the use of public rights-of-way. *(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98)*

Sec. 8.04. Right of regulation.

All grants, renewals, extensions, or amendments to franchises, licenses, or other authorizations to use the public rights-of-way, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

- (1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure

otherwise to comply with the terms of the franchise, licenses, or other authorizations, such power to be exercised only after due notice and hearing.

- (2) To require an adequate and reasonable extension of plant and service, and the maintenance of the plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public.
- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service on rates.
- (4) (a) To prescribe the form of accounts kept by each such person holding a franchise, license or other authorization to use the public right-of-way; provided, that if the person is a utility or provider that keeps its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Regulatory Utility Commissioners, the Federal Energy Regulatory Commission, the Federal Communications Commission, the Public Utility Commission of Texas, the Railroad Commission of Texas, or their successors, or other state or federal utility regulating agencies, this shall be deemed sufficient compliance with this paragraph.

(b) At any time to examine and audit the accounts and other records of any such utility or provider and to require annual and other reports, including reports on local operations by each such public utility or provider.

- (5) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98; Am. Ord. 2627 passed 8-14-01)

Sec. 8.05. Consent of property owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility or provider of utility services; but nothing in this Charter or in any franchise, license or other authorization granted thereunder shall ever be construed to deprive any such property owners of any right of action for damage or injury to his/her property as now or hereafter provided by law.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98)

Sec. 8.06. Extensions.

All extensions of public utility services within the city limits shall become a part of the aggregate property of the public utility, or provider of utility services, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant. In case of an extension of public utility services operated under a franchise, license or other authorization hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98)

Sec. 8.07. Temporary permits.

Permits unconditionally revocable at the will of the governing body for minor or temporary privileges in the streets, public ways and public places of the city may be granted and revoked by ordinance from time to time, and such permits shall not be deemed franchises, licenses or other authorizations as the terms are used in this Charter.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98)

Sec. 8.08. Other conditions.

All franchises, licenses or other authorizations, heretofore granted are recognized as contracts between the City of Carrollton and the grantee, and the contractual rights as contained in any such franchises, licenses or other authorizations, shall not be impaired by the provisions of this Charter, except that the power of the City of Carrollton to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the city heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures at the standard necessary to render the highest reasonable quality of utility service to the public. Every utility service provider franchise, license or other authorization, hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchises, licenses or other authorizations. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the council in imposing terms and conditions as may be reasonable in connection with any franchise grant, license or other authorization, including the right to

require such compensation or rental as may be permitted by the laws of the State of Texas.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98)

Sec. 8.09. Accounts of municipally owned utilities.

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including all assets, appropriately subdivided into different classes, all liability subdivided by classes, depreciation reserve, other reserves, and surplus; also revenues; operating expenses including depreciation, interest payments, rental, and other disposition of annual income. The accounts shall show the actual capital cost to the city of each public utility owned, also the cost of all extensions, additions, and improvements and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The council shall annually cause a report to be made by a certified public accountant, showing the financial condition of said public utility and the financial results of such city ownership and operation, giving the information specified in this section and such additional data as the council shall deem expedient. This report shall be available for public inspection.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 8.10. Regulations of rates and services.

To the extent permitted by the laws of the State of Texas, the council shall have full

power, after due notice and hearing, to regulate by ordinance the rates and service of every public utility and provider of utility services operating in the City of Carrollton; and in that regard may exercise all powers that are now or hereafter granted to municipalities by the Constitution and laws of the State of Texas.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 8.11. Rate changes.

No person or corporation enjoying any franchise, license or other authority to operate a public utility or provide utility services within the City of Carrollton, and whose rates are regulated by the city, shall ever make any change or fix any rate for public service to its patrons or the inhabitants of the City of Carrollton without first being authorized by the governing body of the city by an ordinance or order approving the rate. Appeals from the city's ordinance or order shall be as provided by the laws of the State of Texas.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

ARTICLE IX. RECALL, INITIATIVE AND REFERENDUM

- 9.01. Scope of recall
- 9.02. Petitions for recall
- 9.03. Form of recall petition
- 9.04. Various papers constituting petition
- 9.05. Examination and certification of petitions
- 9.06. Amendment of petition
- 9.07. Public hearing to be held
- 9.08. Election to be called
- 9.09. Ballots in recall election
- 9.10. Result of recall election
- 9.11. Restrictions upon recall
- 9.12. General power of initiative
- 9.13. General power of referendum
- 9.14. Voluntary submission of legislation by the council
- 9.15. Form of ballots
- 9.16. Publication of proposed and referred ordinances
- 9.17. Adoption or repeal of ordinances
- 9.18. Inconsistent ordinances
- 9.19. Ordinances passed by popular vote; repeal or amendment
- 9.20. Further regulations by council

Sec. 9.01. Scope of recall.

Any elected city official shall be subject to recall and removal from office by the qualified voters of the city for any of the following reasons:

- (1) Incompetency;
- (2) Official Misconduct; or
- (3) Malfeasance.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

Sec. 9.02. Petitions for recall.

Before the question of recall of such officer shall be submitted to the voters, a petition setting forth the reason for recall, as provided in Section 9.01, shall first be filed with the city secretary. The petition shall be signed by registered voters of the city equal

in number to at least thirty percent (30%) of the number of votes cast in the last regular municipal election of the city, but in no event less than 500 such petitioners.

For a petition signature to be valid, a petition shall contain the signer's personal signature in ink or indelible pencil; the signer's printed name; the signer's voter registration number and county of registration; the signer's residence address; the date of signing; and date of birth.
(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

Sec. 9.03. Form of recall petition.

The recall petition must be addressed to the council of the City of Carrollton. The signature shall be verified by oath in the following form:

“State of Texas
County of _____

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and that the same is the genuine signature of the person whose name it purports to be.

Sworn and subscribed to before me this _____ day of _____, 20__.

Notary Public in and for the State of Texas”

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

Sec. 9.04. Various papers constituting petition.

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other paper attached thereto. Verifications provided for in Section 9.03 may be made by one or more petitioners, and the several parts of copies of the petition may be filed by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition with the city secretary. All papers comprising a recall petition shall be filed with the city secretary on the same day, and the city secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his/her Carrollton address.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 9.05. Examination and certification of petitions.

Within twenty (20) days after a petition is filed, the city secretary shall determine whether such petition is signed by a sufficient number of registered voters, and whether it has a proper verification. After completing the examination of the petition, the city secretary shall certify the result to the council at its next regular meeting. If such petition is insufficient, the city secretary shall set forth in the certificate the particulars in which it is defective and shall notify the person who filed it of the findings.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 9.06. Amendment of petition.

A petition may be amended at any time within ten (10) days after the notice of insufficiency has been received, by filing a supplementary petition signed and filed as provided in the case of an original petition. The same procedures of examination and certification shall be followed by the city secretary as in the case of an original petition. The findings of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 9.07. Public hearing to be held.

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the council, request that a public hearing be held. In this event, the council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 9.08. Election to be called.

If the officer whose removal is sought does not resign, then it shall become the duty of the council to order an election on the next uniform Election Day.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)

Sec. 9.09. Ballots in recall election.

Ballots used at recall elections shall conform to the following requirements:

- (1) With respect to each person whose removal is sought, the question submitted shall be:

“Shall _____ be removed from the office of _____ by recall?”

- (2) Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:

“Yes”

“No”

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 9.10. Result of recall election.

If a majority of the votes cast at a recall election shall be “No” (against the recall of the person named on the ballot) the person shall continue in office for the remainder of the unexpired term, subject to recall as before. If a majority of the votes cast at such an election be “Yes” (for the recall of the person named on the ballot) the person shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy be filled as vacancies in the council are filled, as provided in this Charter for filling vacancies in the council.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 9.11. Restrictions upon recall.

No recall petition shall be filed against any officer of the city within three (3) months after an election for such officer's recall, nor within six (6) months before the expiration of his/her elected term.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 9.12. General power of initiative.

Registered voters of the city may initiate legislation with the exception of ordinances or resolutions appropriating money, levying taxes, granting franchises and affecting zoning, by submitting a petition addressed to the council which requests the submission of a proposed ordinance or resolution to a vote of the registered voters of the city. Said petition must be signed by registered voters of the city equal in number to thirty percent (30%) of the number of votes cast at the last regular municipal election of the city, or five hundred (500), whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed, verified, filed, examined, certified and amended in the manner provided for recall petitions. The petition may consist of one (1) or more copies as permitted for recall petitions. Upon presentation of the petition to the city and a draft of the proposed ordinance or resolution, it shall become the duty of the council, within a reasonable time not to exceed thirty (30) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held at the next available uniform election date, at which the qualified voters of the City of Carrollton shall vote on the question of adopting or rejecting the proposed legislation.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)

Sec. 9.13. General power of referendum.

Registered voters of the City of Carrollton may require that any ordinance or resolution, with the exception of ordinances or resolutions appropriating money, levying taxes, granting franchises or affecting zoning, passed by the council be submitted to the voters of the city for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution. Said petition must be signed by registered voters of the city equal in number to thirty percent (30%) of the number of votes cast at the last regular municipal election of the city, or five hundred (500), whichever is greater, and each copy of the petition shall have attached to it a copy of the referred ordinance or resolution. Said petition shall be signed, verified, filed, examined, certified, and amended in the manner provided for recall petitions. The petition may consist of one (1) or more copies as permitted for recall petitions. Upon presentation of the petition to the city, the council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same within a reasonable time not to exceed thirty (30) days after receipt, shall submit it to popular vote as provided in Section 9.12 of this Charter. Pending the holding of such election, such ordinance or resolution shall remain in effect. *(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98; Charter Am. passed 5-11-21)*

Sec. 9.14. Voluntary submission of legislation by the council.

The council, upon its own motion and by a majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance, resolution, or measure. Further, the council may submit to popular vote the repeal of any existing ordinance, resolution, or measure, in the same manner and with the

same force and effect as provided for submission on the petition.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)

Sec. 9.15. Form of ballots.

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

“For the Ordinance” and

“Against the Ordinance” or

“For the Resolution” and

“Against the Resolution”

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 9.16. Publication of proposed and referred ordinances.

The city secretary shall publish at least once in the official newspaper of the city the proposed or referred ordinance or resolution in accordance with State law, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)

Sec. 9.17. Adoption or repeal of ordinances.

If a majority of the qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective as a law or as a mandatory order of the council. If a majority of the qualified voters voting on any referred ordinance or resolution or measure shall vote in opposition thereof, it shall thereupon, or at any time fixed therein, be repealed and of no force or effect.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 9.18. Inconsistent ordinances.

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

(Adopted by electorate, 9-19-61)

Sec. 9.19. Ordinances passed by popular vote; repeal or amendment.

No ordinance or resolution which may have been passed by the council upon a petition or adopted by popular vote under the provisions of this article shall be repealed or amended, except by the council in response to a referendum petition or by submission as provided in this Charter.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 9.20. Further regulations by council.

The council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this article consistent herewith.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

ARTICLE X. MISCELLANEOUS PROVISIONS

- 10.01. Personal financial interest
- 10.02. Discrimination prohibited
- 10.03. Tax and debt arrearages
- 10.04. Church and school property not exempt from special assessments
- 10.05. Notice of damage or injury required
- 10.06. City exempt from appeal bonds
- 10.07. Execution, garnishment and assignment
- 10.08. No lien on public property; contractors, etc., to notify city of claims
- 10.09. Bonds of city official, employee or department director
- 10.10. Nepotism
- 10.11. Disaster clause
- 10.12. When provisions take effect
- 10.13. Right to amend the charter
- 10.14. Ordinances, rules and regulations validated
- 10.15. Severability clause
- 10.16. Regulation of liquor

Sec. 10.01. Personal financial interest.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

No officer or employee having a direct or indirect interest in any proposed or existing contract, purchase, work, sale, or service to or by the city shall vote or render a decision, or use his/her position, authority or influence in a manner that would result in his/her financial betterment. The officer or employee shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as a city officer or employee in the making of such sale, contract or performance of such contract.

Sec. 10.02. Discrimination prohibited.

No person shall be appointed to or removed from, or in any way favored or discriminated against, with respect to any city appointment, employment, contract, or privilege on account of race, sex, religion, national origin, or political beliefs. *(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)*

No officer or employee shall accept any gift, except as may be allowed by law.

Sec. 10.03. Tax and debt arrearages.

Any knowing and willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof may be removed from office. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or council.

No money shall be paid by the city upon any claims, debt, demand or account to any person, firm or corporation who is in arrears to the city for taxes, assessment or other debt or obligation. The city shall be entitled to a counterclaim and offset against any such debt, claim, demand, or account in the amount of the taxes or other debt in arrears. No assignment or transfer of such debt,

claim, demand or account, after the said taxes or other debts are due, shall affect the right of the city to offset.

No person who owes delinquent taxes, paving assessments or any other delinquent debt or obligation to the city shall be granted any permit, license or privilege until the debt or obligation has been discharged by payment, or an arrangement satisfactory to the city manager has been made for the payment of such debt or obligation.

This section does not apply to any person with a bona fide dispute currently under claim or litigation.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)

Sec. 10.04. Church and school property not exempt from special assessments.

No property of any kind, church, school or otherwise, in the City of Carrollton shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements, except as authorized by the city council.

(Adopted by electorate, 9-19-61; Am. Ord. 2364 passed 8-11-98)

Sec. 10.05. Notice of damage or injury required.

The City of Carrollton shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his/her 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 same has been received, stating specifically in such notice, when, where, and

how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The City of Carrollton 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 his/her 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 Carrollton shall never be liable for any claim for damage or injury to real property caused by the negligent act or mission of its officers, servants, agents or employees, unless the person whose real property has been injured or damaged, or someone in his/her 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 Carrollton 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 Carrollton unless the specific defect causing the damage or injury shall have been actually known to the city manager at least twenty-four (24) hours prior to the occurrence of the injury or damage, or unless the attention of the city manager 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 the city secretary 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.

No provision of this section shall ever be so construed as to expand the ordinary liability of the city.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 10.06. City exempt from appeal bonds.

It shall not be necessary in any action, suit or proceeding in which the City of Carrollton is a party for any bond, undertaking or security to be executed on behalf of said city, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said city shall be liable as if such obligation had been duly given and executed.

(Adopted by electorate, 9-19-61; Charter Am. passed 5-11-21)

Sec. 10.07. Execution, garnishment and assignment.

The property, real and personal, belonging to said 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 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 said city be liable to the assignee of any wages of any officer, agent or employee of said city, whether earned or unearned, upon any claim or account whatsoever, and as to the city such assignment shall be absolutely void.

(Adopted by electorate, 9-19-61)

Sec. 10.08. No lien on public property; contractors, etc., to notify city of claims.

No lien of any kind can ever exist against the public buildings, public halls, parks or public works of the City of Carrollton. All subcontractors, materialmen, mechanics and laborers upon any public works of the City of Carrollton 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 any time checks on or on account of any public works of said city.

(Adopted by electorate, 9-19-61)

Sec. 10.09. Bonds of city official, employee or department director.

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

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 10.10. Nepotism.

No person shall hereafter be appointed to an office or employed by the City of Carrollton, who is related to any member of the council or city manager within the second degree of affinity or the third degree of consanguinity.

No person who is related to the head of a department within the second degree of affinity or the third degree of consanguinity shall hereafter be employed in that same department.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)

Sec. 10.11. Disaster clause.

In case of disaster when a legal quorum of elected council members cannot otherwise be assembled due to multiple deaths or injuries, the surviving member or members of the elected council, or highest surviving city official, if no elected official remains, must within twenty-four (24) hours of such disaster, request the county judges of Dallas and Denton Counties to appoint a commission of Carrollton citizens not in excess of five members to act during the emergency and call a city election within fifteen (15) days of such disaster for election of a required quorum, if for good reasons it is known a quorum of the present council will never again meet.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2364 passed 8-11-98)

Sec. 10.12. When provisions take effect.

For the purpose of nominating and electing members of the council, the provisions of this Charter shall be in effect for the regular municipal election to be held in 1999. Sections 2.12 and 2.13 shall take effect October 1, 1998. For all other purposes, this Charter shall be in effect from and after its approval by the electors of the city and the entering of an official order upon the records of the city by the governing body declaring the same adopted.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Am. Ord. 2354 passed

8-11-98)

Sec. 10.13. Right to amend the Charter.

This Charter may be amended no more than once every two (2) years as provided by the laws of the State of Texas.

A Charter review committee, consisting of at least eight (8) members, each of whom shall be a qualified voter of the City of Carrollton, may be selected by the council, in compliance with Section 10.10.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87; Charter Am. passed 5-11-21)

Sec. 10.14. Ordinances, rules and regulations validated.

All ordinances, resolutions, rules and regulations of the City of Carrollton heretofore ordained, passed or enacted, that are in force at the time this Charter becomes effective, and which are not in conflict with such Charter, shall remain in full force until altered, amended or repealed by the governing body of the city after such Charter takes effect.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 10.15. Severability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

(Adopted by electorate, 9-19-61; Am. Ord. 1361 passed 4-7-87)

Sec. 10.16. Regulation of Liquor.

The council may, by ordinance, prohibit the sale of liquor in all or part of the residential sections of the city.
(Charter Am. passed 5-11-21)

