

ARTICLE II. - THE COUNCIL

Sec. 2.01. - Number, selection, term.

The Council shall consist of six members, a mayor and five Councilmembers. The mayor shall be elected by the voters from the City at large in the manner provided in Article VII, for a term of three years or until a successor has been elected and takes office as provided in Section 2.04. The five Councilmembers shall be elected by the voters residing in a particular district, Districts 1 through 5, respectively, in the manner provided in Article VII, for a term of three years or until their successors have been elected and take office as provided in Section 2.04.

(Amd. nos. 2, 28, 1-21-1989; Ord. No. 3503, Exh. A, 5-15-2018)

Sec. 2.02. - Qualifications; code of ethics; removal from office.

- (a) The members of the Council shall be qualified voters of the City who have been residents of the City for at least one (1) year and, except for the mayor, a resident of the Councilmember district from which the person seeks election for at least six (6) months, prior to the date of election and who shall never have been convicted of a felony offense. A person elected to office of Councilmember from a district must continuously reside in the district during the person's term of office. Members of the Council shall hold no other public office except that of a Notary Public or they may be a member of the National Guard or naval or military reserve. When any elective or appointed official of the City, including members of appointed commissions or boards, files for election for any elected office or position, including but not limited to Federal, State, County or City office, other than the position presently held by that person and where the term of said position does not expire either before or simultaneously with the commencement of the term of the office or position that is being sought, his or her existing office shall be deemed vacated as of the date of filing. A former employee of the City shall not be eligible to be elected or appointed to the Council until at least two (2) years has elapsed since the termination of such person's employment with the City.
- (b) The City Council shall by ordinance adopt a Code of Ethics applicable to members of the City Council and to all appointed officers of the City.
- (c) A member of the Council may be removed from office, in accordance with the procedures set out herein in Section 2.19 if the Councilmember:
 - (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter,
 - (2) willfully violates any express prohibition of this Charter,

- (3) is guilty of official misconduct as defined in Section 9.18,
- (4) is incompetent, as defined in Section 9.17,
- (5) is convicted of a felony offense or any offense involving moral turpitude,
- (6) fails to attend three (3) regular meetings or 25% of the regular meetings in any six (6) month period, without being excused by the City Council, or
- (7) knowingly violates the City Council Code of Ethics.

(Amd. no. 1, 4-20-1968; amd. no. 1, 4-3-1971; amd. no. 3, 1-15-1983; amd. nos. 3, 28, 1-21-1989; amd. nos. 1, 3, 5-1-1999; amd. No. 14, 5-9-2009; Ord. No. 3240, Exh. A, 8-20-2013; Ord. No. 3252, Exh. A, 11-19-2013; Ord. No. 3503, Exh. A, 5-15-2018)

State Law reference— Conflicts of interest, V.T.C.A., Government Code § 171.001 et seq.

Sec. 2.03. - Compensation; expenditures; and travel policy.

- (a) The mayor shall receive a monthly stipend of \$400.00 per month and each council member shall receive a monthly stipend of \$200.00 per month. Members of the Council shall serve without pay or compensation provided, however, they shall also be entitled to reimbursement of necessary expenses incurred in the performance of their official duties from funds budgeted for such purposes.
- (b) The City Council shall by ordinance adopt a policy addressing expenditures by members of the Council in the performance of their official duties and providing methods for reporting and verifying such expenditures. The policy shall include provisions addressing expenditures for travel by members of the Council and their spouses.

(Ord. No. 3240, Exh. A, 8-20-2013; Ord. No. 3252, Exh. A, 11-19-2013; Ord. No. 3868, § 1(Exh. A, Prop. E), 6-4-2024)

Sec. 2.04. - Vacancies in council.

Vacancies occurring in all Council positions shall be filled by a special election to be held within one hundred twenty (120) days after the vacancy occurred or as may otherwise be required by the Texas Constitution; provided however a vacancy on the Council may be filled by appointment by the Council if the vacancy created is for an unexpired term of office of twelve (12) months or less. The Council member thus elected or appointed shall serve for the unexpired portion of the vacated position.

(Amd. no. 2, 4-3-1971; amd. no. 4, 1-15-1983; amd. nos. 2, 4, 1-21-1989; amd. no. 2, 5-1-1999; amd. no. 2, 5-9-2009; Ord. No. 3503, Exh. A, 5-15-2018)

Sec. 2.05. - Presiding officer; Mayor; Mayor Pro Tempore; Deputy Mayor Pro Tempore.

The Mayor shall preside at meetings of the Council, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the Council, but shall not be entitled to vote on legislative or other matters except in case of a tie, when the Mayor shall have the right to cast the deciding vote, or unless such right to vote in other specific cases is expressly provided for in this Charter. The Council shall elect from among the Councilmembers a Mayor Pro Tempore and a Deputy Mayor Pro Tempore who shall perform the duties of Mayor in case of the absence or disability of the Mayor. In case of the absence or disability of the Mayor, the Mayor Pro Tempore, [and] the Deputy Mayor Pro Tempore, the remaining members of the Council shall elect one of their members to act as Mayor temporarily during such absence or disability. The Mayor Pro Tempore or Deputy Mayor Pro Tempore shall not be deprived of the right to vote on matters coming before the Council when acting as mayor. A vacancy in the office of Mayor shall be filled by the Council in the same manner as provided in section 2.04.

(Amd. no. 3, 4-3-1971; amd. no. 28, 1-21-1989; amd. no. 4, 5-1-1999)

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 the power to:

- (1) Appoint and remove the City Manager and the City Judge;
- (2) Upon the recommendation of the City Manager, establish 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 into the conduct of any office, department or agency of the City and make investigations as to municipal affairs;
- (6) Appoint the members of the Planning and Zoning Commission;
- (7) Appoint the members of the Zoning Board of Adjustment;
- (8) Adopt and modify the official map of the City;
- (9) 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 such other zoning regulations as may be authorized by law;
- (10)

Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the replanning, reconstruction or redevelopment of any area or district;

- (11) Provide for an independent audit;
- (12) Appoint any and all other committees, commissions, and advisory boards it deems necessary;
- (13) Exercise all other powers authorized under State law for Home Rule Cities.

In exercising its authority pursuant to paragraphs (6), (7), and (12) of this section, the City Council may not appoint a former employee of the City to serve on any board, commission, committee, or corporation that has a board of directors appointed in whole or in part by the City Council that is operating under the direct authority of or subject to the direct control of the City Council, until at least six (6) months has elapsed since the termination of such person's employment with the City.

(Amd. no. 4, 4-3-1971; amd. no. 5, 1-15-1983; amd. no. 27, 1-21-1989; amd. no. 5, 5-1-1999; Ord. No. 3503, Exh. A, 5-15-2018)

Sec. 2.07. - Appointment of city manager.

The Council, including the Mayor (who shall have the right to vote), upon the affirmative vote of four (4) members (which may include the Mayor), shall appoint a City Manager for an indefinite term who shall be the chief administrator and executive officer of the City. No member or former member of the Council shall ever be appointed City Manager. The City Manager shall have no authority over any appointive board or committee, which is appointed by the Council and receives its authority from the Council.

(Amd. 4-20-1968; amd. no. 5, 4-3-1971; amd. no. 6, 1-15-1983; amd. no. 14, 5-9-2009; Ord. No. 3240, Exh. A, 8-20-2013; Ord. No. 3252, Exh. A, 11-19-2013)

Sec. 2.08. - Removal of city manager.

The Council, including the Mayor (who shall have the right to vote), may, upon the affirmative vote of four (4) members, remove the City Manager from office. The action of the Council in removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the Council.

(Amd. no. 6, 4-3-1971; amd. no. 6, 1-15-1983)

Sec. 2.09. - Removal of other appointive officials.

The Council may, upon affirmative vote of a majority of a quorum of the Council, remove members of its appointive boards or commissions without notice, except to the extent that such removal shall be otherwise controlled by State law.

(Amd. no. 7, 1-15-1983)

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

Neither the City Council nor any of its members shall direct or request the appointment to or removal from office of any person by the City Manager or any of the City Manager's subordinates. However, the Council may consult with 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 subordinates of the City Manager, either publicly or privately. Willful violations of the foregoing provision shall constitute an act of official misconduct and a ground for removal as set out in section 2.02.

(Amd. no. 7, 4-3-1971; amd. no. 28, 1-21-1989; Ord. No. 3240, Exh. A, 8-20-2013; Ord. No. 3252, Exh. A, 11-19-2013)

Sec. 2.11. - Creation of new departments or offices.

The Council, upon the recommendation of the City Manager, may, by ordinance, create, change, and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter.

(Ord. No. 3240, Exh. A, 8-20-2013; Ord. No. 3252, Exh. A, 11-19-2013)

Sec. 2.12. - Municipal Court Judge.

The Council shall appoint a judge of the Municipal Court to serve a term of two (2) years. The Municipal Court Judge may be removed by the Council at any time for incompetence, misconduct, malfeasance, and nonfeasance, or disability. The Municipal Court Judge shall receive such compensation as may be fixed by the Council from time to time. The Council may appoint one or more alternate municipal court judges who shall receive such compensation as may be fixed by the Council. Any person or persons so appointed as Municipal Court Judge or alternate Municipal Court Judge shall be an attorney duly licensed to practice law in the State of Texas and whose license is currently in good standing.

(Amd. no. 8, 4-3-1971; amd. no. 8, 1-15-1983; amd. no. 8, 1-21-1989; amd. no. 2, 5-1-1999; Ord. No. 3503, Exh. A, 5-15-2018)

Sec. 2.13. - Induction of council into office; meetings.

The first meeting of each newly elected Council, for induction into office, shall be on the first Tuesday following its election or the earliest date authorized by the Texas Election Code for the canvassing of local elections if such date is later than the first Tuesday following the election.. At such meeting, the first order of

business shall be the canvassing of returns, declaring the results and the swearing in of such newly elected Councilmembers. The Council shall meet regularly at such times as it may decide, but not less frequently than once each month. Special meetings of the Council may be called by the Mayor or any two Councilmembers giving written notice of such meetings to the City Secretary, who shall notify each member of the Council and the City Manager of the time and place of each meeting and the purpose for which it was called. All meetings of the Council shall be open to the public except as provided by State law.

(Amd. no. 9, 4-3-1971; amd. nos. 5, 28, 1-21-1989; amd. no. 3, 5-9-2009)

Sec. 2.14. - Quorum; voting.

Any four (4) members of the Council (which may include the Mayor) shall constitute a quorum necessary for the transaction of official business at any meeting of the Council. Voting shall be by "aye" or "no" on roll call or by a show of hands. Except as specifically provided for in this Charter or by state law, a majority vote of the members of the Council present is required for the passage of an ordinance, resolution, or other matter. Any member may call for a roll call vote at any time on any matter being voted on by the Council, and the vote of each member shall be recorded in the minutes of the meeting. Any Councilmember abstaining from voting shall not be taken as an affirmative or a negative vote.

(Amd. no. 10, 4-3-1971; Ord. No. 3868, § 1(Exh. A, Prop. F), 6-4-2024)

Sec. 2.15. - Rules of procedure; minutes.

The Council shall determine its own rules and order of business. It shall keep minutes of its proceedings and the minutes shall be open to public inspection. Minutes of all meetings of the Council shall be prepared for review and acceptance by the Council at its next subsequent regular meeting. Upon their acceptance by the Council, the minutes shall be entered in the minute book of the Council and the 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.

(Amd. no. 6, 1-21-1989; amd. no. 14, 5-9-2009)

Sec. 2.16. - 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 other penalty or for the contracting of indebtedness, shall be by Ordinance. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Farmers Branch."

(Ord. No. 3503, Exh. A, 5-15-2018)

Sec. 2.17. - Publication of ordinances.

All ordinances required to be published in a newspaper by State Law shall be published in accordance with the law.

(Amd. no. 6, 5-1-1999)

Sec. 2.18. - Independent annual audit.

Prior to the end of each fiscal year as defined in section 4.01 of this Charter, the Council shall designate 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 to 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 postaudit the books and documents kept by the Department of Finance and any separate 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.

(Amd. no. 7, 1-21-1989; amd. no. 1, 5-1-1999)

Sec. 2.19. - Council to be judge of qualifications of its members: procedure for removal.

The Council shall be the judge of the election and qualifications of its members. If a member of the Council is charged with a ground for removal, as set out in Section 2.02, such charges shall be set for hearing not less than ten (10) nor more than thirty (30) days from the date on which the written charges are presented. At such hearing, the accused shall have the right to present evidence in his or her defense, but shall be disqualified from voting as to his or her innocence or guilt. At the conclusion of the evidence, a vote shall be taken, and upon the affirmative vote of four (4) Councilmembers, the accused member shall be removed from office and the member's seat declared vacant. The Mayor shall be authorized to vote on the matter of removal of a Councilmember pursuant to this Section 2.19 unless the Mayor is the person whose removal is the subject of the vote. The Council shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in the exercise of such power shall be subject to review by the courts.

(Amd. no. 11, 4-3-1971; amd. nos. 8, 28, 1-21-1989; Ord. No. 3503, Exh. A, 5-15-2018)