



## **ORDINANCE NO. 3252**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS, ADOPTING THE AMENDMENTS TO THE HOME RULE CHARTER APPROVED BY THE VOTERS OF THE CITY OF FARMERS BRANCH AT AN ELECTION HELD ON NOVEMBER 5, 2013; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council ordered that an election be held in the City of Farmers Branch, Dallas County, Texas, on November 5, 2013, for the purpose of adopting amendments to the Home Rule Charter of the City of Farmers Branch; and,

**WHEREAS**, immediately after said election, the presiding judges and other election officials holding said election made their returns and results thereof to the City Council; and,

**WHEREAS**, a majority of the votes cast at said election were “for” the adoption of Proposition Nos. 1 through 19, inclusive, amending the Home Rule Charter of the City of Farmers Branch, Texas; and,

**WHEREAS**, the City Council canvassed the results of the election on November 14, 2013;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** Proposition Nos. 1 through 19, inclusive, setting forth amendments to the Home Rule Charter, approved and adopted by the voters of the City of Farmers Branch, Texas, in an election held for the purpose on November 5, 2013, a copy of which propositions are attached as Exhibit “A” to Ordinance No. 3240 and made a part hereof for all purposes, are hereby declared to be and constitute duly adopted amendments to the Home Rule Charter of the City of Farmers Branch, Texas.

**SECTION 2.** In accordance with Section 1 of this Ordinance, the Articles, Sections, Subsections, and Paragraphs of the Home Rule Charter of the City of Farmers Branch, Texas, set forth in Exhibit “A,” attached hereto shall be amended to read as set forth in Exhibit “A” attached hereto.

**SECTION 3.** The City Secretary shall record in the Office of the City Secretary, the Charter amendments adopted by the voters of the City; and pursuant to Section 9.007, TEX. LOC. GOV’T CODE, the Mayor shall certify to the Secretary of State of the State of Texas, an authenticated copy of this Ordinance and said amendment to the Home Rule Charter under the seal of the City, showing the approval by the qualified voters of the City of Farmers Branch, Texas.

**SECTION 4.** This Ordinance and the Charter amendments adopted hereby shall take effect immediately from and after the passage of this Ordinance, as the law and charter in such case provides.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FARMERS  
BRANCH, TEXAS, THIS 19<sup>th</sup> DAY OF NOVEMBER, 2013.**

**ATTEST:**

**APPROVED:**

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Angela Kelly, City Secretary

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William P. Glancy, Mayor

**APPROVED AS TO FORM:**

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Peter G. Smith, City Attorney  
(kbl:11/6/13:63446)

## **MAYOR'S CERTIFICATE OF AUTHENTICATION**

Pursuant to TEX. LOC. GOV'T CODE ANN., Section 9.007, I, William P. Glancy, Mayor of the City of Farmers Branch, Dallas County, Texas, hereby certify that the above and forgoing is a true and correct copy of the City of Farmers Branch Ordinance No. 3252, adopted by the City Council of the City of Farmers Branch, Texas, on the 19th day of November, 2013, and attached thereto as Exhibit "A" is a true and correct copy of the amendments to the City of Farmers Home Rule Charter approved by the voters of the City of Farmers Branch, Texas, at an election held for that purpose on November 5, 2013.

This certificate of authentication executed this 19<sup>th</sup> day of November, 2013.

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William P. Glancy, Mayor

### **ATTEST:**

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Angela Kelly, City Secretary

### **APPROVED AS TO FORM AND LEGALITY:**

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Peter G. Smith, City Attorney

Seal of the City of Farmers Branch, Dallas County, Texas

**EXHIBIT “A” TO  
CITY OF FARMERS BRANCH ORDINANCE NO. 3252**

**Article I. Incorporation; Form of Government: Powers**

**Sec. 1.03. Annexation of property.**

The City may annex and disannex property by following the procedure and requirements set out in the Texas Local Government Code and other applicable state statutes as they are from time to time amended.

**Proposition No. 1**

**Article II. The Council**

**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 prior to the date of election and who shall never have been convicted of a felony offense or any offense involving moral turpitude. 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.

**Proposition No. 2**

*(Subsection (b) remains unchanged.)*

(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:

*(Paragraphs (1) through (5) remain unchanged.)*

(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

**Proposition No. 3**

*(Paragraph 7 remains unchanged.)*

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

(a) Members of the Council shall serve without pay or compensation provided, however, they shall be entitled to reimbursement of necessary expenses

**Proposition No. 4**

incurred in the performance of their official duties from funds budgeted for such purposes.

*(Subsection (b) remains unchanged.)*

**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.

**Proposition No. 5**

**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.

**Proposition No. 18**

**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.

**Proposition No. 6**

**Article III. The City Manager**

**Sec. 3.02. The city manager; powers and duties.**

The City Manager shall be 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 City Manager's jurisdiction and, to that end, shall have power and shall be required to:

*(Paragraphs (1) through (8) remain unchanged.)*

(9) Provide recommendations to the City Council for the establishments of departments.

**Proposition No. 7**

**Sec. 3.03. Absence of city manager.**

To perform the City Manager's duties during his or her temporary absence or disability, the City Manager may designate by letter filed with the City Secretary a qualified administrative officer of the City. In the event of failure of the Manager to make such designation, the Council may by resolution appoint an officer of the City to perform the duties of the City Manager until the City Manager returns or his or her disability shall cease.

**Proposition No. 19**

**Proposition No. 18**

**Sec. 3.05. Directors of departments.**

At the head of each department there shall be a director, who shall be an officer of the City and shall have supervision and control of the department subject to the City Manager. Two or more departments may be headed by the same individual, the City Manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

**Proposition No. 19**

**Article IV. Budget**

**Sec. 4.02. Preparation and submission of budget.**

Prior to the 1st day of August in each year, the City Manager shall prepare, file with the City Secretary, and furnish to each member of the Council a carefully itemized budget outlining anticipated receipts and proposed expenditures of the City, showing as definitely as possible appropriations desired for each project and the operation for the next succeeding fiscal year, comparing the same with the budget of the then current fiscal year, and stating the estimated receipts and expenditures of the current year. Concurrently with the submission of an operating budget, the City Manager shall prepare and present a capital projects budget outlining all proposed capital projects and sources of funding for a period of at least three years. The City Manager shall also outline all debt service payments and sources of funding. Each employee, officer, board and department shall furnish the City Manager such information as may be required by the City Manager for the proper preparation of each budget. The proposed budget shall contain an estimate of the rate of tax required for the then current calendar year.

**Proposition No. 19**

## **Article V. Bonds, Warrants and Other Evidences of Indebtedness**

### **Sec. 5.01. Power to issue.**

In keeping with the Constitution of the State of Texas, and not contrary thereto, the City of Farmers Branch, shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidences of indebtedness for any public purpose, so long as not prohibited by the general laws of the State of Texas, including, but not limited to, bonds or other evidences of indebtedness to promote or finance economic development within the City.

**Proposition No. 8**

## **Article VII. Nominations and Elections**

### **Sec. 7.08. Conducting and canvassing elections; runoff elections.**

The election judges and other necessary election officials for conducting all such elections shall be appointed by the City Council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of the State of Texas. In accordance with the provisions of the Texas Election Code, the City Council shall meet after election day, open the returns, canvass and officially declare the results of the election as to candidates and questions and issue certificates of election to candidates elected as hereinbefore provided. In the event no candidate for a given office has received the necessary majority, the Mayor shall, on the first day following the completion of the official canvas, call a second election to be held on a date authorized for such purpose by State law as adopted by resolution of the City Council. At the second election, the ballot shall list the names of the two (2) candidates receiving the first and second highest number of votes for a given office (in the first election) in the order determined in a drawing of lots conducted by the City Council. Should one of such candidates withdraw, die, or become ineligible, the other shall be declared elected to office without a second election. Any tie shall be decided by lot. All elections shall be governed by the Texas Election Code and the laws applicable to municipal elections.

**Proposition No. 9**

## **Article IX. Miscellaneous Provisions**

### **Sec. 9.04. Notice of damage or injury required.**

The City shall receive written verified notice as a condition precedent to the filing of a claim or law suit against the City not later than six (6) months after the day that the incident occurred. The notice shall be filed with the City Secretary and shall describe the following: (1) damage or injury claim; (2) time, date and location where incident occurred; (3) description of incident; (4) estimate of damages.

**Proposition No. 18**

The City of Farmers Branch 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 Farmers Branch 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 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.

#### **Sec. 9.16. Nepotism.**

(a) No person shall be hired to be an employee of the City, or appointed to any paid office of the City, if that person's relationship to the Mayor, any member of the City Council, or the City Manager is any of the following: (1) Spouse; (2) Father; (3) Mother; (4) Stepfather; (5) Stepmother; (6) Daughter; (7) Son; (8) Sister; (9) Brother; (10) Stepbrother; (11) Stepsister; (12) Brother-in-law; (13) Sister-in-law; (14) Grandfather; (15) Grandmother; (16) Granddaughter; (17) Grandson; (18) Aunt; (19) Uncle; (20) Nephew; (21) Niece; (22) First Cousin; (23) Great Grandfather; (24) Great Grandmother; (25) Great Granddaughter; (26) Great Grandson; (27) Great Uncle; (28) Great Aunt; (29) Great Nephew; (30) Great Niece; (31) Second Cousin; or (32) Stepchild.

**Proposition No. 10**

*(Subsection (b) remains unchanged.)*

### **Article X. Recall**

#### **Sec. 10.01. Scope of recall.**

Any elected City official shall be subject to recall and removal from office by the qualified voters of the City eligible to vote to elect people to the office which is the subject of the recall on grounds of incompetency, misconduct or malfeasance in office.

**Proposition No. 11**

#### **Sec. 10.02. Petitions for recall.**

Before an election may be called regarding the question of recall of an elected City official, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which petition shall be signed by qualified voters equal in number to at least fifteen percent (15%) of those who were qualified voters eligible to vote for the office which is the subject of said petition on the date of the last regular municipal election as determined from the list of qualified voters maintained by the

**Proposition No. 12**



designated authority of Dallas County. Each signer of such recall petition shall personally sign his or her name thereto in ink or indelible pencil, and shall write after his or her name and place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and the year his or her signature was affixed.

**Proposition No. 13**

### **Sec. 10.03. Form of recall petition.**

The recall petition mentioned above must be addressed to the Council of the City of Farmers Branch, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and, if there be more than one ground, such as for incompetency, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which he or she is charged. The signature shall be verified by oath in the following form:

**Proposition No. 18**

STATE OF TEXAS

COUNTY OF DALLAS

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 I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

\_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, Dallas County, Texas

## **Article XI. Initiative and Referendum**

### **Sec. 11.02. Initiative.**

Qualified voters of the City may initiate legislation by submitting a petition addressed to the Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City said petition must be signed by qualified voters equal in number to at least ten percent (10%) of those who were qualified voters on the date of the last regular municipal election as determined from the list of qualified voters maintained by the designated authority of Dallas County, and each copy of the petition shall have attached to it a copy of the proposed legislation. Each signer of such petition shall

**Proposition No. 19**

personally sign his or her name and address in ink or indelible pencil, and shall write after his or her name, place of residence, giving the name of the street and number, or place of residence, and shall also write thereon the date, the month and the year his signature was affixed.

#### **Sec. 11.05. Referendum.**

Qualified voters of the City of Farmers Branch may require that any ordinance or resolution, with the exception of ordinances or resolutions appropriating money, fixing salaries or levying taxes, zoning or granting of franchises passed by the Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within forty-five (45) days after the final passage of said ordinance or resolution, or within forty-five (45) days after its publication. Said petition must be signed by qualified voters equal in number to at least ten percent (10%) of those who were qualified voters on the date of the last regular municipal election as determined from a list of qualified voters maintained by the designated authority of Dallas County. Each signer of such petition shall personally sign his or her name and address in ink or indelible pencil, and shall write after his or her name his or her place or residence, giving the name of the street and number, or place of residence, and shall write thereon the date, the month and the year his signature was affixed. Said petition shall be submitted to the person performing the duties of City Secretary. Immediately upon the filing of said petition, the person performing the duties of City Secretary shall verify the petition and the signatures and certify the petition as to all of the legal requirements as established by this Charter and State law. The City Secretary shall submit the petition and the certification of same to the City Council. The City Secretary's certification shall be final and not subject to change or challenge. Thereupon, the Council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to a proper vote as provided in Section 11.04 of this Charter. Such ordinance or resolution shall remain in effect unless the majority of the qualified voters voting thereon at such election shall vote against such ordinance or resolution. Notwithstanding the foregoing, the dates of all City elections shall be governed by the Texas Election Code.

**Proposition No. 15**

**Proposition No. 16**

#### **Sec. 11.08. Publication of proposed and referred ordinances.**

The person performing the duties of City Secretary shall publish at least once in the official newspaper of the City and on the City's Internet web site the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, 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.

**Proposition No. 17**