



ORDINANCE NO. 3503

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 MAY 5, 2018; 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 May 5, 2018, 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 15, inclusive, (being the same as Propositions A through O, inclusive, as they appeared on the ballot of the election) amending the Home Rule Charter of the City of Farmers Branch, Texas; and,

WHEREAS, the City Council canvassed the results of the election on May 15, 2018;

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

SECTION 1. Proposition Nos. 1 through 15, inclusive (being the same as Propositions A through O, inclusive, as they appeared on the ballot of the election) 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 May 5, 2018, a copy of which propositions are attached as Exhibit “A” to Ordinance No. 3487 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 15th DAY OF MAY, 2018.**

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:5/8/18:99097)

MAYOR'S CERTIFICATE OF AUTHENTICATION

Pursuant to TEX. LOC. GOV'T CODE ANN., Section 9.007, I, Robert C. Dye, 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. 3503, adopted by the City Council of the City of Farmers Branch, Texas, on the 15th day of May, 2018, 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 May 5, 2018.

This certificate of authentication executed this 15th day of May, 2018.

Robert C. Dye, Mayor

ATTEST:

Amy Piukana, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Peter G. Smith, City Attorney

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

**EXHIBIT “A” TO
CITY OF FARMERS BRANCH ORDINANCE NO. 3503**

Article II. The Council

. 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.

Proposition 1

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.

**Propositions 1,
2 and 3**

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.

Proposition 4

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.

Proposition 5

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.

Proposition 6

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."

Proposition 7

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.

Proposition 8

Article VII. Nominations and Elections

Sec. 7.01. Elections.

The regular City election shall be held annually on the uniform election date in May of each year as set by State law, at which time officers will be elected to fill those offices which become vacant that year. The City Council shall fix the hours and place for holding such election in accordance with State law. The City Council may, by resolution, order a special election, fix the time and place for holding same, and provide all means for holding such special election as set by State Law.

Proposition 9

Sec. 7.03. Nominations.

Any person, having the qualifications required by this Charter, may be nominated for the Council by petition of sufficient number of qualified voters of the City, in the case of a person seeking election to the office of mayor, or by petition of sufficient number of qualified voters of the District in which the person resides, in the case of person seeking election to the office of Councilmember Districts 1 through 5, respectively, to satisfy the requirements of State law, who shall be designated as the candidate's sponsors. Such petition must comply in all respects with the requirements of this Charter and State law. No voter shall sign more than one such petition for any one Council place, and should a voter do so, the voter's signature shall be void except as to the petition first filed. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it and such other information as shall be required by State law. Nominating petitions shall be signed and filed not earlier than ninety days nor later than thirty (30) days before the election with the City Secretary. Nominations shall be accepted in writing by the nominees, and shall be acknowledged by such nominee before the City Secretary or other person authorized to administer oaths under the law of the State of Texas. The petition shall be in substantially the following form:

Proposition 1

“We, the undersigned voters of the City of Farmers Branch, hereby nominate and sponsor _____, whose residence is _____, for the office of [insert Mayor place or District No.____ as applicable], to be voted for at the election to be held on the _____ day of _____, 20____; and we individually certify that we are qualified to vote for the candidate for the Council hereby nominated_ and that during the current election we have not signed any other nominating petition for the council place for which we are now nominating the above candidate.”

Name, Street Number and Address from which last registered (if different)
_____ Date of Signing

(SPACES FOR SIGNATURES AND REQUIRED DATA)

Acceptance of Nomination

“I do hereby declare that I accept the nomination for the Council and agree to serve if elected. I am _____ years of age, a qualified voter of the City of Farmers Branch, a resident of the United States, and have been a resident of the City of Farmers Branch or an area now within the corporate limits of the City for at least one year. I am not in arrears in the payment of any taxes or other liability due the City. At the present time I reside at _____ Street in the City of Farmers Branch.”

Signature of candidate _____

Date and hour of filing _____

Received by _____
(Signature of city secretary)

STATE OF TEXAS

COUNTY OF DALLAS

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 or her free act and deed for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ Day of _____, 20_____.

Notary Public, State of Texas

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

The Council, consisting of a Mayor and five Councilmembers, shall be selected as follows:

[paragraph (a) remains unchanged]

(b) The five Councilmembers shall be elected to individual districts, designated as District 1, 2, 3, 4, and 5, respectively, by a majority vote of the qualified voters residing within the district who vote for the candidate seeking office from district where the voter resides.

Proposition 1

[paragraphs (c) and (d) remain unchanged]

Sec. 7.10. Establishment, Review and Revision of Council District Boundaries.

Proposition 15

(a) The City is divided into five (5) districts, known as Districts 1, 2, 3, 4 and 5 as described in the Judgment of United States District Court in Fabela v. City of Farmers Branch, No. 3:10-CV-1425-D (N.D. Tex.) (January 31, 2018).

(b) The Council shall appoint a redistricting commission, starting in January 2022, and every ten (10) years thereafter, to review the District boundaries in order to maintain a substantial equality of population in each District. The redistricting commission shall advise the Council, which shall within six (6) months after appointment fix the boundaries of the Districts by ordinance, if necessary. The Mayor and each member of the Council shall appoint at least one member of the redistricting commission. The Council shall

designate the chair of the redistricting commission. In making such appointments, the Council shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission's work. Persons appointed to the redistricting commission must be qualified voters and meet the qualifications for service on a City board. A member of the Council is not eligible for appointment to the redistricting commission. A member of the redistricting commission is not eligible to be a candidate for Council in the next succeeding general election of the city, and may not be appointed or elected to the Council for a period of one year after service on the redistricting commission.

(c) The redistricting commission shall draw the districts in compliance with the following guidelines:

- (1) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law;
- (2) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic, and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice;
- (3) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory;
- (4) The reconfiguration of districts shall be neutral as to incumbents or potential candidates; and
- (5) To the extent practicable, communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible, without violating the other requirements or applicable laws.

Article IX. Miscellaneous Provisions

Sec. 9.20. Charter review.

The City Council shall appoint a committee at least every five (5) years to review this Charter and to make appropriate recommendations to the City Council. The committee shall consist of at least thirteen (13) members with at least two (2) members appointed from each City Council District, and up to at least two (2) members nominated by the Mayor. The City Council shall select the chair person for the committee. The Mayor shall be entitled to vote on the appointment of members to the Committee.

Sec. 9.21. Charter renumbering.

The City Council shall have the power, by ordinance, to renumber articles, sections, subsections, and subparagraphs of this Charter or any amendment thereto, as it shall deem appropriate.

Proposition 11

Article X. Recall

Sec. 10.02. Petitions for recall.

Before an election may be called for the recall of an elected member of the Council, a petition addressed to the Council demanding such question shall be first filed with the City Secretary or 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 the qualified voters eligible to vote for the office which is the subject of said petition on the date of the last regular municipal election for such office even if the election was canceled for such office because of an unopposed candidate. The number of qualified voters shall be determined from the list of qualified voters maintained by the 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.

**Propositions 12
and 13**

Sec. 10.10. Recall, restrictions thereon.

No recall petition shall be filed against the mayor or council member within three (3) months after such person's election, nor within three (3) months after an election for such person's recall. No recall petition shall be filed against the mayor or council member during the term of the person's office if the person is appointed to fill a vacancy in such a position pursuant to this Charter.

Proposition 14