



AGENDA
Charter Review Commission Meeting

Wednesday, May 28, 2025 @ 6:00 PM

Anna Municipal Complex - Council Chambers
120 W. 7th Street, Anna, Texas 75409

The Charter Review Commission will meet on Wednesday, May 28, 2025 at 6:00 PM, in the Anna Municipal Complex – Council Chambers, located at 120 W. 7th Street, to consider the following items.

1. **Call to Order, Roll Call, and Establishment of Quorum.**
2. **Invocation and Pledge of Allegiance.**
3. **Neighbor Comments.**
At this time, any person may address the Commission regarding an item on this meeting Agenda. Also, at this time, any person may address the Commission regarding an item that is not on this meeting Agenda. Each person will be allowed up to three (3) minutes to speak. No discussion or action may be taken at this meeting on items not listed on this Agenda, other than to make statements of specific information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.
4. **Old Business.**
 - a. Consider/Discuss/Action on Charter Article 3 - The City Council.
 - b. Consider/Discuss/Action on Charter Article 4 - City Administration.
5. **New Business.**
 - a. Consider/Discuss/Action on Meeting Minutes for May 21, 2025.
 - b. Consider/Discuss/Action on Charter Article 5 - Nominations and Elections.
 - c. Consider/Discuss/Action on Charter Article 6 - Recall, Initiative, and Referendum.
 - d. Consider/Discuss/Action on Charter Article 7 - Financial Procedures.
 - e. Consider/Discuss/Action on any other parts of the City Charter as necessary.
6. **Adjourn.**

This is to certify that I, Carrie L. Land, City Secretary, posted this Agenda on the City's website (www.annatexas.gov) and at the Anna Municipal Complex bulletin board at or before 5:00 p.m. on 05/23/2025.

Carrie L. Land, City Secretary

In accordance with the Americans with Disabilities Act, it is the policy of the City of Anna to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at least 48 hours in advance of the event. Email adacompliance@annatexas.gov. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. ADA grievances may also be directed to the ADA Coordinator or filed online at <https://annatexas.gov/ada>.

Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at (972) 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.



Item No. 4.a.

City Council Agenda
Staff Report

Meeting Date: 5/28/2025
Staff Contact:

AGENDA ITEM:

Consider/Discuss/Action on Charter Article 3.

SUMMARY:

Proposed amendments from May 21, 2025 meeting.

FINANCIAL IMPACT:

BACKGROUND:

STRATEGIC CONNECTIONS:

ATTACHMENTS:

1. Charter Commission Amendments Art 3 and 4 mc

ARTICLE 3 THE CITY COUNCIL

§ 3.01. **Composition, Terms, Term Limits.**

- (a) The City Council includes a “Mayor” and six “Council Members” elected under the Place System, with there being Places 1, 2, 3, 4, 5 and 6. The Mayor and each Council Member are elected at large, and unless sooner removed under the provisions of this Charter, serve for a term of no longer than ~~three~~four years. All of the City Council holding office at the time of passage of this Charter or any amendments to this Charter may continue to hold their respective office until the ~~respective term for which they were elected expires~~next general election for such office.
- (b) Terms of the Council Members and the Mayor are staggered and the staggering of terms will be initiated as follows so that general elections for the offices of Mayor and Council Members will occur only in odd-numbered years:
 - (1) ~~in the May 2013 election, voters will elect Council Members for Places 2, 4, and 6, each for three-year terms~~there will be no general election for the position of Mayor or Council Members in May 2026;
 - (2) in the May ~~2014~~2027 general election, voters will elect Council Members for Places 1, 3 and 5, and the Mayor, each for ~~three~~four-year terms;
 - (3) in the May ~~2015~~2029 general election, voters will elect a Council Member for Places 2, 4 and 6 ~~1 and the Mayor~~, each for ~~three~~four-year terms; and
 - (4) all subsequent ~~regular City Council and Mayoral~~general elections for Mayor and Council Members will be for ~~three~~four-year terms.
- (c) Beginning with offices filled in the May 2027 general election:
 - (1) no person shall serve more than two consecutive terms as a Council Member regardless of which place is held by such person; and
 - (2) no person shall serve more than two consecutive terms as Mayor.
- (d) For purposes of subsection (c):
 - (1) a consecutive term does not include any full or partial term that began before May 2027; and
 - (2) a partial term is not counted as a consecutive term unless the person serves at least 12 months and their office becomes vacant during the last 12 months of the term.

§ 3.05. **Vacancies, Forfeiture and Filling of Vacancies.**

- (a) The office of a Council Member or the Mayor becomes vacant upon death, resignation, forfeiture of, or removal from office by any manner authorized by law.
- (b) If any Member of the City Council is absent from three consecutive regular meetings, without explanation acceptable to a majority of the remaining Council Members, his or her office

becomes vacant at the next regular meeting of the City Council by written resolution after such person is provided with notice and the opportunity to be heard.

- (c) Any person on the City Council who ceases to possess the required qualifications for office or who is convicted of a felony or of a misdemeanor involving moral turpitude or is convicted of violating any state laws regulating conflicts of interest of municipal officers must forfeit his or her office. Every forfeiture must be declared by written resolution of ~~and enforced by~~ the City Council after such person is provided with notice and the opportunity to be heard.
- (d) If for any reason a single vacancy or multiple vacancies exist on the City Council, the vacancy must be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy occurs as required by article XI, section 11 of the Texas Constitution; provided, however, that the Council may opt to fill by appointment any such vacancy occurring for an unexpired term of 12 months or less. The person elected or appointed to fill the vacancy must meet the qualifications referenced in section 3.02 of this Charter. The person elected or appointed to fill the vacancy serves until the next regular municipal election for that Place on the City Council. If the position of Mayor becomes vacant, then the City Council must—as soon as is practicable after a Mayor is elected or appointed to fill the vacancy—elect the positions of Mayor Pro-Tem and Deputy Mayor Pro-Tem.

§ 3.13. Passage of Ordinances in General.

- (a) The City Council may legislate only by ordinance, and the enacting clause of every ordinance must be “Be it ordained by the City Council of the City of Anna, Texas...”. Each proposed ordinance must be introduced in the written or printed form required for adoption. No ordinance may contain more than one general subject which must be clearly expressed in its title, except that general appropriation ordinances may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance may not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of any proposed ordinance, in the form required for adoption, must be furnished to the City Council. Copies of the proposed ordinance, in the form required for adoption, must be available at the City offices and must be furnished to citizens upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for a City Council meeting and, if amended, must be available and furnished in amended form for as long as the proposed ordinance is before the City Council.
- (b) Every ordinance is effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture is effective only after having been published ~~twice~~ in its entirety or summary form after adoption, in a newspaper designated as the official newspaper of the City. Notwithstanding the foregoing and to the extent state law provides for an applicable alternate method for publication, the City may forgo newspaper publication and publish or post the ordinance or its caption in accordance with the applicable state law and doing so shall be considered a valid method of publication.
- (c) If a majority of the City Council present requests that the ordinance title and caption or its entirety be read, it must be read.

§ 3.15. Authentication, Recording, Codification, Printing and Distribution.

- (a) All ordinances and resolutions adopted by the City Council must be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They must be properly indexed and placed in a book kept open for public inspection.
- (b) The City Council may maintain the codification of ordinances of the City. This codification must be known and cited as “The Anna City Code of Ordinances” and is in full force and effect without the necessity of such code or any part of it being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance enacted after codification must be enacted as an amendment to the code. For the purpose of this section, general ordinances are deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. ~~Copies of~~Access to the code must be ~~furnished to City Officers, placed in City offices and~~ made available to the public on the City’s website. Copies of the code must also be available for purchase by the public at a reasonable price to be fixed by the City Council.
- (c) The City Council must cause all ordinances and amendments to this Charter to be ~~printed~~ accessible to the public promptly following their adoption. A copy of each ordinance and amendment must be posted on the City’s website and placed in appropriate City offices for public reference. Printed ordinances and Charter amendments may be sold to the public at a reasonable price to be fixed by the City Council.



Item No. 4.a.

City Council Agenda
Staff Report

Meeting Date: 5/28/2025

Staff Contact:

AGENDA ITEM:

Consider/Discuss/Action on Charter Article 4.

SUMMARY:

Proposed amendments from discussion at May 21, 2025 meeting.

FINANCIAL IMPACT:

BACKGROUND:

STRATEGIC CONNECTIONS:

ATTACHMENTS:

1. Charter Commission Amendments Art 3 and 4 mc

ARTICLE 4 CITY ADMINISTRATION

§ 4.01. City Manager.

- (a) The City Council must appoint, upon the affirmative vote of a majority of the full membership of the City Council, a City Manager to serve as Chief Administrative Officer of the City. The City Manager is responsible to the City Council for administration of all the affairs of the City, with only those exceptions that are named in this Charter. The City Manager must be appointed based upon the applicant's educational qualifications and executive or administrative experience. ~~The City Manager need not be a resident of the City when appointed, but must, within one year after such appointment, reside within the City during the balance of the tenure of his or her appointment, with up to a six-month extension granted by the City Council upon a showing of good cause.~~
- (b) Only the City Council may fix the compensation of the City Manager, and the City Manager's compensation may be amended, from time to time, in accordance with the City Manager's experience, qualifications and performance.
- (c) The City Manager may be appointed for an indefinite term, and may be removed at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council. Upon decision to remove the City Manager, notice, in writing, of such decision must be immediately furnished to the City Manager and the City Council may then suspend him or her from duty and the following procedures will apply.
 - (1) If, within five days after being notified of termination and removal, the City Manager files a written request to the City Council requesting that the termination be reconsidered, the City Council must, as soon as practical, meet with the City Manager in accordance with the Texas Open Meetings Act to review its decision to terminate.
 - (2) After such review, and after affording the City Manager an opportunity to respond to such initial decision to terminate, a new vote must be taken with regard to termination of the City Manager.
 - (3) The City Manager is entitled, from the date of suspension, to continue to receive his or her salary pending the final decision of the City Council.
- (d) This procedure for a review meeting with the City Manager does not alter the fact that the City Manager serves at the pleasure of the City Council and the City Manager does not have, nor should this procedure be construed to grant to the City Manager, any right to continued employment.
- (e) Acting City Manager: The City Manager, within 60 days after taking office, must designate by letter filed with the City Secretary, a qualified administrative officer of the City to perform the duties of the City Manager in his or her absence or disability. Such designation is subject to approval by the City Council. No member of the Council may serve as Acting City Manager. From time to time the City Manager may remove and/or appoint another Acting City Manager.
- (f) The City Manager's duties are to:

- (1) appoint, suspend and remove all City employees and appointive administrative officers provided for in this Charter, except as otherwise provided by this Charter or personnel rules adopted by the City Council in accordance with this Charter;
- (2) direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law or this Charter;
- (3) see that all state laws and city ordinances are effectively enforced;
- (4) if at all practicable, attend all City Council meetings—or if absent designate another City employee to attend—with the right to take part in discussion, but the City Manager may not vote;
- (5) prepare and accept, or designate an appropriate department head or City employee to prepare and accept, items for inclusion in the official agenda of all City Council meetings and meetings of all boards and commissions;
- (6) prepare and recommend to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council;
- (7) keep the City Council fully advised at least quarterly as to the financial conditions and future needs of the City, and make such recommendations concerning the affairs of the City, as the City Manager or the City Council deems desirable or necessary;
- (8) make reports as the City Manager or the City Council may require concerning the operations of the City departments, offices, or agencies subject to the City Manager's direction or supervision; and
- (9) perform such other duties as are specified in this Charter or may be required by the City Council, and are consistent with this Charter or state and federal law.

§ 4.03. Municipal Court.

- (a) The City Council must establish and cause to be maintained a Municipal Court. The Court has all the powers and duties as are now, or as may be, prescribed by state law.
- (b) Upon the City Manager's recommendation, the City Council may appoint or reject by the affirmative vote of a majority of the full membership of the City Council a Municipal Judge(s) of the Municipal Court as may be necessary, who must be a competent, duly qualified attorney licensed and practicing for at least two years in the State of Texas. In the event a duly qualified attorney is not available, the City Council may then select a qualified person to be the Municipal Judge(s). The Municipal Judge(s) of the Municipal Court(s) must be appointed to a term of two years and may be appointed to additional consecutive terms upon completing a term of office. The appointment of the Municipal Judge(s) may be terminated, without cause, at any time by the affirmative vote of a majority of the full membership of the City Council. The Municipal Judge(s) may receive compensation as determined by the City Council.
- (c) In the event of failure of any Municipal Judge to perform his or her duties, the Mayor may act in the Municipal Judge's place and stead (and in the event of a vacancy, until a Municipal Judge is appointed by the City Council to fill the vacancy). If the Mayor acts as Municipal Judge, the Mayor may be compensated at the same salary, if any, as the Municipal Judge for whom the Mayor is acting.

- (d) ~~The Administrator(s), Clerk(s), and Deputy Clerk(s), and Bailiff(s)~~ of the Municipal Court(s) ~~—to the extent authorized under state law—~~ have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court, and perform all usual and necessary clerical acts in conducting the business of the Court(s) including but not limited to, the keeping of records and accounts of the Municipal Court(s).
- (e) All special expenses and fines imposed by the Municipal Court(s) must be paid into the City Treasury for the use and benefit of the City, as may be consistent with present and future laws.

§ 4.06. Personnel System.

- (a) Personnel rules must be prepared by the City Manager and presented to the City Council, who may adopt them by resolution, with or without amendment. The adopted rules must establish the City as an Equal Opportunity Employer and must govern the equitable administration of the Personnel System of the City.
- (b) The adopted rules must provide for the following requirements:
 - (1) a pay and benefit plan for all City employment positions;
 - (2) a plan for working hours, attendance policy and regulation and provision for sick and vacation leave;
 - (3) procedure for the hearing and adjudication of grievances;
 - (4) additional practices and procedures necessary to the beneficial and equitable administration of the City's personnel system; and
 - (5) ~~a plan for annual oral and written periodical~~ evaluations based on a job description for all City employees by their immediate supervisor, including evaluation of the City Manager, City Secretary, Municipal Judge, and City Attorney by the City Council.



Item No. 4.b.

City Council Agenda
Staff Report

Meeting Date: 5/28/2025

Staff Contact:

AGENDA ITEM:

Consider/Discuss/Action on Meeting Minutes for May 21, 2025.

SUMMARY:

FINANCIAL IMPACT:

BACKGROUND:

STRATEGIC CONNECTIONS:

ATTACHMENTS:

1. CRCmin2025-05-21 Draft



MINUTES

Charter Review Commission Meeting

Wednesday, May 21, 2025 at 6:00 PM

The Charter Review Commission of the City of Anna met on 5/21/2025 at 6:00 PM in the Anna Municipal Complex-Council Chambers, located at 120 W. 7th Street, to consider the following items.

1. Call to Order, Roll Call, and Establishment of Quorum.

Chair Walden called the meeting to order at 6:00 p.m. Vice Chair Bruce Norwood was absent. A quorum was present.

Members Present:

Jessica Walden, Chair
Theresa King-Bell
Gretchen Stewart
Susan Jones
Katherine Swafford

Justin Inesta
Randy Sachs
Lynn Bryan
Choya Morrison
Robbie Sell

Alternates:

Nathan Wilbur

Officials and Staff:

Ryan Henderson
Clark McCoy

Carrie L. Land
Taylor Lough

Members Absent:

Bruce Norwood, Vice Chair

2. Invocation and Pledge of Allegiance.

Susan Jones led the Invocation and Pledge of Allegiance.

3. Neighbor Comments

There were no public comments.

4. Work Session.

a. Consider/Discuss/Action on Meeting Minutes for May 14, 2025.

MOTION: Commissioner Sachs moved to approve. Commissioner Jones seconded. Motion carried 10-1. Chair Walden abstained.

b. Consider/Discuss/Action on Charter Article 3 - The City Council.

City Attorney McCoy noted that no action would be taken this evening. After discussions staff will return with a redline version of the articles for consideration.

Main topics of discussion were:

3.01 Composition

3.05 Vacancies, Forfeiture and Filling of Vacancies

3.15 (b) and (c) Authentication, Recording, Codification, Printing and Distribution

No action was taken.

c. Consider/Discuss/Action on Charter Article 4 - City Administration.

Main topics of discussion were:

4.01 City Manager

4.02 City Secretary

4.03 Municipal Court

4.06 Personnel System

No action was taken.

5. Adjourn.

Motion: Chair Walden moved to adjourn. Commissioner Sachs seconded. Motion carried 11-0.

Chair Walden adjourned the meeting at 8:36 PM.

APPROVED the _____ day of _____, 2025.

Chairperson Jessica Walden

ATTEST:

City Secretary Carrie L. Land



Item No. 4.b.

City Council Agenda
Staff Report

Meeting Date: 5/28/2025
Staff Contact:

AGENDA ITEM:

Consider/Discuss/Action on Charter Article 5 - Nominations and Elections.

SUMMARY:

FINANCIAL IMPACT:

BACKGROUND:

STRATEGIC CONNECTIONS:

ATTACHMENTS:

1. Article 5

ARTICLE 5

NOMINATIONS AND ELECTIONS

§ 5.01 City Elections.

All City elections must be conducted in accordance with the Texas Election Code.

§ 5.02 Filing for Office.

(a) Candidates for elective City offices must file for office in accordance with the Texas Election Code.

(b) Candidates for elective City offices must:

- (1) be at least 21 years of age at the time of the election for which they are filing;
- (2) be a qualified voter;
- (3) have resided exclusively within the corporate limits of the City, or recently annexed territory, for at least 12 months before the filing date;
- (4) at the time of filing or while in office, be current in payment of taxes or other liabilities due the City after notice of any delinquency;
- (5) not file in a single election for more than one office or position as provided by this Charter; and
- (6) comply with all other City ordinances or resolutions that may be applicable.

(c) If an incumbent elected City official elected to serve a three-year term shall announce their 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 other than the office then held, at any time when the unexpired term of the office then held shall exceed one year, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled under this Charter in the same manner as other vacancies for such office are filled.

(d) A City employee or officer may not continue in such employment or office after filing for an elective office provided for in this Charter.

§ 5.03 Official Ballots.

- (a) The name of each candidate seeking elective office, except those who have withdrawn, died, or become ineligible, must be printed on the official ballot in the form designated by the candidate in accordance with the Texas Election Code. If two or more candidates have the same surname, their residence addresses must be printed with their names on the ballot.
- (b) The order of the names of the candidates on the ballot must be determined by lot in a public drawing to be held under the supervision of the person performing the duties of the City Secretary in accordance with the Texas Election Code.
- (c) Procedures for voting by absentee ballot must be consistent with the Texas Election Code.
- (d) An ordinance, bond issue, or Charter amendment to be voted on by the voters of the City must be presented for voting by ballot title. The ballot title of a measure may be different from its legal title and must be a clear, concise statement, approved by the City Council, describing the substance of the measure without argument or prejudice.
- (e) Procedures for write-in votes must be consistent with the Texas Election Code.

§ 5.04 Official Results.

- (a) A candidate for elective office receiving a majority of the votes cast is the winner. If no candidate receives a majority of the votes, there shall be a runoff election conducted in accordance with the Texas Election Code.
- (b) The returns of every municipal election must be handled in accordance with the Texas Election Code.

§ 5.05 Taking of Office.

- (a) Each newly-elected person to the City Council is entitled to be inducted into office at the first regular City Council meeting following the election that the newly-elected member attends.
- (b) At such meeting the oath must be in accordance with the City Charter.



Item No. 4.b.

City Council Agenda
Staff Report

Meeting Date: 5/28/2025

Staff Contact:

AGENDA ITEM:

Consider/Discuss/Action on Charter Article 6 - Recall, Initiative, and Referendum.

SUMMARY:

FINANCIAL IMPACT:

BACKGROUND:

STRATEGIC CONNECTIONS:

ATTACHMENTS:

1. Article 6

ARTICLE 6

RECALL, INITIATIVE, AND REFERENDUM

§ 6.01 Scope of Recall.

Any elected City official, whether elected to office by qualified voters or appointed by the City Council to fill a vacancy, must be subject to recall and removal from office by the qualified voters of the City on grounds of incompetence, misconduct, or malfeasance in office.

§ 6.02 Petitions for Recall.

- (a) Before the question of recall of such officer may be submitted to the qualified voters of the City, a petition demanding such question to be so submitted must first be filed with the person performing duties of City Secretary, which said petition must be signed by 30% of the number of registered voters recorded at the last regular City election.
- (b) Each signer of such recall petition must personally sign his or her name in ink or indelible pencil, and must write after his or her name his or her place of residence, giving the name of the street and number, or place of residence, and must also write the day, the month, and the year his or her signature was affixed.

§ 6.03 Form of Recall Petition.

The recall petition mentioned above must be addressed to the City Council of the City, must be distinctly and specifically pointed to the grounds upon which such petition for removal is predicated, and, if there be more than one ground, said petition must specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which the officer is charged. The signature must be verified by oath in the following form.

I, _____
(printed name),
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 it
purports to be.

Signature

Sworn and
subscribed
before me on

(date).

Notary Public in
and for the State
of Texas

§ 6.04 Various Papers Constituting Petition.

- (a) 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.
- (b) Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons, but no signatures to such petition remain effective, nor may they be counted, if affixed more than 45 days before the filing of such petition or petitions with the person performing the duties of City Secretary.
- (c) All papers comprising a recall petition must be filed with the person performing the duties of City Secretary on the same day, and the said person performing the duties of City Secretary must immediately notify, in writing, the officer so sought to be removed, by mailing such notice to the officer's City address.

§ 6.05 Presentation of Petition to the City Council.

Within 21 days after the date of the filing of the papers constituting the recall petition, the person performing the duties of City Secretary must present such petition to the City Council of the City.

§ 6.06 Public Hearing to be Held.

The officer whose removal is sought may, within seven days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him or her to present the facts pertinent to the charges specified in the recall petition. In this event, the City Council must order such public hearing to be held, not less than five days nor more than 15 days after receiving such request for a public hearing.

§ 6.07 Calling of Recall Election.

If the officer whose removal is sought does not resign, then the City Council must order an election and set the date for holding such recall election. The date selected for the recall election must be in accordance with the Texas Election Code. If after the recall election date is established, the officer vacates his or her position, the election must be canceled.

§ 6.08 Ballots in Recall Election.

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

- (1) With respect to each person whose removal is sought, the question must be submitted: “Do you vote to remove _____ (name of official) from the office of _____ (name of office) by recall?”
- (2) Immediately below each such question there must be printed the following words and characters, one above the other, in the order indicated:

“Yes
_____”

“No
_____”

§ 6.09 Result of Recall Election.

- (a) If a majority of the votes cast at a recall election are “No” votes—that is against the recall of the person named on the ballot—the officer may continue in office for the remainder of the unexpired term, subject to recall as before.
- (b) If a majority of the votes cast at such election are “Yes” votes—that is, vote in favor of recalling the person named on the ballot—the officer is, regardless of any technical defects in the recall petition, deemed removed from office and the vacancy must be filled as provided in this Charter.

§ 6.10 Recall Restrictions.

No recall petition may be filed against any officer of the City within three months after the officer’s election, nor within three months after an election for such officer’s recall.

§ 6.11 Failure of the City Council to Call an Election—Recall.

In the case that all of the requirements of this Article of the Charter have been met and the City Council

fails or refuses to receive the recall petition, or order such recall election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such recall, then a District Judge of Collin County, Texas, may order by mandamus any duties required by law or this Charter to be discharged by the person performing the duties of City Secretary or by the City Council.

§ 6.12 General Power of Initiative and Referendum.

The qualified voters of the City have the power of direct legislation by initiative and referendum.

§ 6.13 Initiative.

- (a) Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate legislation—other than legislation relating to annexation, disannexation and other matters related to city boundaries and extraterritorial jurisdiction; regulation of land or improvements; zoning; personnel; utility rates and utility service; budgeting; appropriating money or levying taxes; and any other matters where initiative is in conflict with state or federal law—by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City.
- (b) Said petition must be signed by ten percent of the number of registered voters recorded at the last regular City election. Each copy of the petition must have attached to it a copy of the proposed legislation.
- (c) The petition must be signed in the same manner as recall petitions are signed, as provided in this Article, and must be verified by oath in the manner and form provided for recall petitions in this Article.
- (d) The petition may consist of one or more copies as permitted for recall petitions. Such petition must be filed with the person performing the duties of City Secretary.
- (e) Within 21 days after the filing of such petition, the person performing the duties of City Secretary must present said petition and proposed ordinance or resolution to the City Council.
- (f) Within two regularly-scheduled City Council meetings after its presentation to and receipt by the City Council, it is the duty of the City Council 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 within 30 days if allowed under the Texas Election Code, or at the next date

allowed under the Texas Election Code—at which the qualified voters of the City must vote on the question of adopting or rejecting the proposed legislation.

- (g) However, if any other municipal election is to be held within 60 days after the filing of the petition, the question may be voted on at such election. Any election order so issued must comply fully with the Texas Election Code.
- (h) Unless otherwise provided by law, any election for an initiative under this Charter must be held on the first authorized uniform election date that occurs after the 65th day after the petition was presented to the City Council.

§ 6.14 Referendum.

- (a) Qualified voters of the City may require that any ordinance or resolution—other than legislation relating to annexation, disannexation and other matters related to city boundaries and extraterritorial jurisdiction; regulation of land or improvements; zoning; personnel; utility rates and utility service; budgeting; appropriating money or levying taxes; and any other matters where initiative is in conflict with state or federal law—passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within 30 days after final passage of said ordinance or resolution, or within 30 days after its publication.
- (b) Said petition must be signed by 20% of the number of registered voters recorded at the last regular City election. Each copy of the petition must have attached to it a copy of the legislation in question.
- (c) Said petition must be addressed, signed, and verified as required for recall petitions in this Article and must be submitted to the person performing the duties of City Secretary.
- (d) Immediately upon the filing of such petition, the person performing the duties of City Secretary must present said petition to the City Council.
- (e) Thereupon the City Council must immediately reconsider such ordinance or resolution and, if the City Council does not entirely repeal the same, must submit it to popular vote as provided in Section 6.13 of this Charter.
- (f) Pending the holding of such election, each ordinance or resolution is suspended from taking effect and will not later take effect unless a majority of the qualified voters voting thereon at such election so vote.

- (g) Unless otherwise provided by law, any election for a referendum under this Charter must be held on the first authorized uniform election date that occurs after the 65th day after the petition was presented to the City Council.

§ 6.15 Voluntary Submission of Legislation by the City Council.

The City Council, upon its own motion and by the affirmative vote of a majority of the full membership of the City Council, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, or resolution, or measure, in the same manner and with the same force and effect as provided in this Article for submission of petition, and may at its discretion call a special election for this purpose.

§ 6.16 Form of Ballots.

The ballots used when voting upon such proposed or referred ordinance or resolution must set forth their nature sufficiently to identify them and must also set forth upon separate lines the words:

“For the
Ordinance” or
“Against the
Ordinance” or

“For the
Resolution” or
“Against the
Resolution”

§ 6.17 Publication of Proposed and Referred Ordinances.

The person performing the duties of City Secretary of the City must publish at least twice in the official newspaper of the City the proposed or referred ordinance or resolution within 15 days before the date of the election, and must give such other notices and do such other things relative to such election as are required by law in municipal elections and by the ordinance or resolution calling said election. Notwithstanding the foregoing and to the extent state law provides for an applicable alternate method for publication, the City may forgo newspaper publication and publish the ordinance or resolution in accordance with the applicable state law.

(Ordinance 764-2018, sec. 2.7 (prop. E), adopted 2/13/18, approved at election of 5/5/18)

§ 6.18 Adoption of Ordinances.

If a majority of the qualified voters vote in favor of any proposed ordinance, resolution or measure, it is effective immediately unless expressly stated otherwise in the ordinance, resolution or measure.

§ 6.19 Inconsistent Ordinances.

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

§ 6.20 Ordinances Passed by Popular Vote, Repeal or Amendment.

No ordinance or resolution that may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article may be repealed or amended except: (1) in response to a referendum petition or by submission as provided by Section 6.15 of this Charter; or (2) by the City Council, but only after the expiration of two years after the passage of the ordinance or resolution by popular vote.

§ 6.21 Further Regulations by the City Council.

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

§ 6.22 Franchise Ordinances.

Nothing contained in this Article may be construed to be in conflict with any of the provisions of this Charter, pertaining to ordinances granting franchises once valuable rights have accrued.

§ 6.23 Failure of the City Council to Call an Election–Initiative or Referendum.

In the case that all of the requirements of this Charter have been met and the City Council fails or refuses to receive the initiative or referendum petition, or order such initiative or referendum election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such initiative or referendum, then a District Judge of Collin County, Texas, may order by mandamus any duties required by law or this Charter to be discharged by the person performing the duties of City Secretary or by the City Council.



Item No. 4.b.

City Council Agenda
Staff Report

Meeting Date: 5/28/2025

Staff Contact:

AGENDA ITEM:

Consider/Discuss/Action on Charter Article 7 - Financial Procedures.

SUMMARY:

FINANCIAL IMPACT:

BACKGROUND:

STRATEGIC CONNECTIONS:

ATTACHMENTS:

1. Article 7

ARTICLE 7

FINANCIAL PROCEDURES

§ 7.01 Fiscal Year.

The fiscal year of the City begins on the first day of October and ends on the last day of September on the next succeeding year. Such fiscal year also constitutes the budget and accounting year.

§ 7.02 Submission of Budget and Budget Message.

On or before the 15th day of August of the fiscal year, the City Manager must submit to the City Council a budget for the ensuing fiscal year and an accompanying budget message.

§ 7.03 Budget Message.

The City Manager's message must explain the budget both in fiscal terms and in terms of the work programs. It must outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the City Manager deems desirable.

§ 7.04 Budget a Public Record.

The budget and all supporting schedules must be filed with the person performing the duties of City Secretary when submitted to the City Council and must be open to public inspection by anyone interested.

§ 7.05 Public Hearing on Budget.

At the City Council meeting when the budget is submitted, the City Council must name the date and place of a public hearing and have published in the official newspaper of the City, at least twice, the time and place, which will be not less than ten days nor more than 30 days after the date of notice. At this hearing, interested citizens may express their opinions concerning items of expenditures, giving their reasons for wishing to increase or decrease any items of expense. Notwithstanding the foregoing and to the extent state law provides for an applicable alternate method for publication, the City may forgo newspaper publication and publish the time and place of the hearing in accordance with the applicable state law.

(Ordinance 764-2018, sec. 2.8 (prop. E), adopted 2/13/18, approved at election of 5/5/18)

§ 7.06 Proceeding on Adoption of Budget.

After public hearing, the City Council must analyze the budget, making any additions or deletions which they feel appropriate, and must, at least ten days before the beginning of the next fiscal year, adopt the budget by the affirmative vote of a majority of the full membership of the City Council. Should the City Council take no final action on or before such day, the current budget will continue to be in force on a month-to-month basis until a new budget is adopted.

§ 7.07 Budget, Appropriation and Amount to be Raised by Taxation.

On final adoption, the budget is in effect for the budget year. Final adoption of the budget by the City Council constitutes the official appropriations as proposed by expenditures for the current year and constitutes the basis of 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 cash on hand. Unused appropriations may be transferred to any item required for the same general purpose.

§ 7.08 Contingent Appropriation.

Provision may be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three percent of the total general fund expenditures, to be used in case of unforeseen items of expenditures. This contingent appropriation must apply to current operating expenses and must not include any reserve funds of the City. Such contingent appropriation is under the control of the City Manager and may be distributed by him only after prior approval by the City Council. The proceeds of the contingent appropriation may be disbursed only by transfer to other departmental appropriation, the spending of which must be charged to the departments or activities for which the appropriations are made.

§ 7.09 Amending the Budget.

Under conditions which may arise and which could not reasonably have been foreseen in the normal process of planning the budget, the City Council may, by the affirmative vote of a majority of the full membership of the City Council, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments must be by ordinance, and must become an attachment to the annual budget.

§ 7.10 Certification; Copies Made Available.

A copy of the budget, as finally adopted, must be filed with the person performing the duties of City Secretary and such other places required by state law or as the City Council may designate. The final

budget must be printed or otherwise reproduced and sufficient copies made available upon request for the use of all offices, agencies, interested persons and civic organizations.

§ 7.11 Capital Program.

The City Manager must submit a five-year capital program as an attachment to the annual budget. The program as submitted must include:

- (1) a clear summary of its contents;
- (2) a list of all capital improvements which are proposed to be undertaken during the five fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements;
- (3) cost estimates, method of financing, and recommended time schedules for each improvement; and
- (4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

§ 7.12 Defect Does Not Invalidate the Tax Levy.

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements do not nullify the tax levy or the tax rate.

§ 7.13 Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, lapses at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure continues in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation is deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered will be deemed excess funds.

§ 7.14 Borrowing.

- (a) The City has the right and power, except as prohibited by law or this Charter, to borrow money by whatever method it may deem to be in the public interest.
- (b) General Obligation Bonds.

- (1) The City has the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or any other public purpose not prohibited by law and this Charter, and to issue refunding bonds to refund outstanding bonds previously issued. All such bonds must be issued in conformity with state and federal law and must be used only for purposes for which they were issued.
 - (2) Any bonds issued under the provisions of this Section may not be issued without an election. The City Council must prescribe the procedure for calling and holding such elections, must define the voting precincts and must provide for the return and canvass of the ballots cast at such elections.
 - (3) If at such elections a majority of the vote is in favor of creating such a debt or refunding outstanding valid bonds of the City, it will be lawful for the City Council to issue bonds as proposed in the ordinance submitting same. However, if a majority of the votes are against the creation of such debt or refunding such bonds, the City Council is without authority to issue the bonds. In all cases when the City Council orders an election for the issuance of bonds of the City, it must at the same time submit the question of whether or not a tax may be levied upon the property within the City for the purpose of paying the interest on the bonds and to create a sinking fund for their redemption.
- (c) Revenue Bonds.
- (1) The City has the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, or any other self-liquidating municipal function not prohibited by state or federal law.
 - (2) With an affirmative vote of at least two-thirds of the Council Members present and having authority to vote, the City has the power to issue revenue bonds and to evidence the obligation created thereby.
 - (3) Such bonds are a charge upon and payable from all or any part of the properties pledged or from the income gained from the properties, or both. The holders of the revenue bonds are not entitled to demand payment on the bonds out of monies raised or to be raised by taxation.
 - (4) All such bonds must be issued in conformity with state and federal law and must be used only for the purpose for which they were issued.
- (d) Emergency Funding. In any budget year, the City Council may, by affirmative vote of at least two-thirds of the Council Members present and having authority to vote, authorize the borrowing of

money. Notes may be issued which are repayable not later than the end of the current fiscal year.

§ 7.15 Purchasing.

- (a) The City Council may by ordinance, give the City Manager general authority to contract for expenditure without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance.
- (b) All contracts for expenditures or purchases involving more than the limits must be expressly approved in advance by the City Council. All contracts or purchases involving more than the limits set by the City Council must be awarded by the City Council in accordance with state and federal law.
- (c) Emergency contracts as authorized by law and this Charter may be negotiated by the City Council or City Manager if given authority by the City Council, without competitive bidding, and in accordance with state and federal law. Such emergency may be declared by the City Manager if approved by the City Council, or may be declared by the City Council.

§ 7.16 Administration of Budget.

- (a) No payment may be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made, unless the City Manager, or the City Manager's designee, first certifies that there is a sufficient unencumbered balance in the budget and that sufficient budget funds are or will be available to cover the claim or meet the obligation when it becomes due and payable.
- (b) Any authorization of payment or incurring of obligation in violation of Subsection (a) of this Section is void and any payment so made illegal.
- (c) This prohibition does not prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.
- (d) The City Manager must submit to the City Council each month a report covering the revenues and expenditures of the City in such form as requested by the City Council.

§ 7.17 Depository.

All monies received by any person, department or agency of the City for or in connection with the affairs of the City must be deposited promptly in the City depository or depositories. The City depositories must be designated by the City Council in accordance with such regulations and subject to the requirements as to security for deposits and interest thereon as may be established by ordinance and law. Procedures for withdrawal of money or the disbursement of funds from the City depositories may be prescribed by ordinance.

§ 7.18 Independent Audit.

When deemed necessary by the City Council, it may call—and at the close of each fiscal year— must call for an independent audit of all accounts of the City by a certified public accountant. No more than five consecutive annual audits may be completed by the same firm. The certified public accountant selected may have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. The report of audit, with the auditor's recommendations, will be made to the City Council. Upon completion of the audit, the summary must be published immediately in the official newspaper of the City and copies of the audit placed on file in the office of the person performing the duties of City Secretary, as a public record. Notwithstanding the foregoing and to the extent state law provides for an applicable alternate method for publication, the City may forgo newspaper publication and publish the summary in accordance with the applicable state law.

(Ordinance 764-2018, sec. 2.9 (prop. E), adopted 2/13/18, approved at election of 5/5/18)

§ 7.19 Power to Tax.

- (a) The City has the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by state or federal law.
- (b) The City has the power to grant tax exemptions in accordance with the laws of the State of Texas.

§ 7.20 Office of Tax Collector.

There must be an office of taxation to collect taxes, the head of which is the City Tax Collector. The City Council may contract for such services.

§ 7.21 Taxes; When Due and Payable.

- (a) All taxes due in the City are payable at the office of the City Tax Collector, or at such location or locations as may be designated by the City Council, and may be paid at any time after the tax rolls

for the year have been completed and approved. Taxes for each year must be paid before February 1 of the next succeeding year, and all such taxes not paid before that date are delinquent, and subject to penalty and interest as the City Council may provide by ordinance. The City Council may provide discounts for the payment of taxes before January 1 in amounts not to exceed those established by state law.

- (b) Failure to levy and assess taxes through omission in preparing the appraisal rolls does not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

§ 7.22 Tax Liens, Liabilities and Suits.

- (a) All taxable property located in the City on January 1 of each year is charged from that date with a special lien in favor of the City for the taxes due. All persons purchasing any such property on or after January 1 in any year take the property subject to the liens provided above. In addition to these liens, on January 1 of any year, the owner of property subject to taxation by the City is personally liable for the taxes due for that year.
- (b) The City has the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City has the right to plead a good description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.



Item No. 4.b.

City Council Agenda
Staff Report

Meeting Date: 5/28/2025

Staff Contact:

AGENDA ITEM:

Consider/Discuss/Action on any other parts of the City Charter as necessary.

SUMMARY:

FINANCIAL IMPACT:

BACKGROUND:

STRATEGIC CONNECTIONS:

ATTACHMENTS: