

# HOME RULE CHARTER

## HOME RULE CHARTER FOR AZLE, TEXAS<sup>\*</sup>

As originally adopted on the 6th day of April, 1971 and as amended on April 2, 1983; then again on May 5, 1990; and last amended May 7, 2016.

### PREAMBLE

We, the Citizens of Azle, Texas, in order to establish a home rule municipal government, provide for the future progress of our City and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of Azle in Tarrant and Parker Counties, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas incorporated forever under name and style of the "City of Azle" with such powers, rights and duties as are herein provided.

### ARTICLE 1

#### FORM OF GOVERNMENT AND BOUNDARIES<sup>†</sup>

##### Section 1.01 Form of Government:

The municipal government provided by this charter shall be known as the "Council Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the statutes of this state and by this charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance, the state constitution or the statutes of the state.

**State law reference**—Form of government, V.T.C.A., Local Government Code, sec. 26.021.

##### Section 1.02 The Boundaries:

The boundaries of the City of Azle shall be the same as have heretofore been established and as they exist on April 3, 1971, which boundaries are more fully set out and described by metes and bounds in a document titled, "Boundaries of the Corporate Limits of the City of Azle, Tarrant and Parker Counties, Texas" which is filed in the City Hall of the City of Azle, and entered in Minute Book Volume Number \_\_\_\_\_, Page Number \_\_\_\_\_, of the Minutes of the City Council of the City of Azle.

##### Section 1.03 Boundary Changes:

The City Council may, by ordinance, resolution or agreement with adjoining cities, fix the boundaries in compliance with state law. The City Council may exchange territory with other cities and towns and disannex territory. Residents of annexed territory shall be entitled to all rights and privileged[s] of citizens who reside in the City, and shall be bound by acts, ordinances, resolutions and regulations of the City. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 1)

**State law reference**—Municipal annexation, V.T.C.A., Local Government Code, ch. 43.

##### Section 1.04 Reserved:

**Editor's note**—Former section 1.04 pertaining to the contraction of city boundaries and deriving from the charter adopted April 6, 1971, was repealed by Ordinance 2016-04 at an election held May 7, 2016, proposition 1.

### ARTICLE 2

#### POWERS OF THE CITY<sup>\*</sup>

##### Section 2.01 General:

The City of Azle may use a corporate seal; may sue and be sued, provided that it may only be sued under circumstances where its governmental immunity has been expressly waived by state statute or by the United States Code in accordance with and as determined by applicable state and federal law; may contract and be contracted with; may implead and be impleaded in all courts in all matters whatsoever, may cooperate with the government of the State of Texas; and shall have all the powers granted to cities by the constitution and laws of

the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside the City Limits, subject to the limitations hereinafter set out, and may construct, own, lease, operate and regulate public utilities, may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the City by the issuance and sale of bonds, warrants or notes of the City; may appropriate the money of the City for all lawful purposes; may, with the City's inalienable authority, establish, lay out, open, close, abandon, maintain, improve, supervise, regulate and control the use, for whatever purpose of the streets, bridges, alleys, sidewalks, parks, squares, and other public places; may make and enforce all police, health, sanitary and other regulations; and may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, for the order and security of its residents; and may provide suitable penalties for the violations of any ordinance enacted by the City of Azle; and, except as prohibited by the constitution and laws of this State or restricted by this charter, the City may exercise all municipal powers, functions, rights, privileges and immunities including those heretofore or hereafter conferred upon general law cities of every name and nature whatsoever. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 2)

### **Section 2.02 General Powers Adopted:**

The enumeration of the particular powers in this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self-government and all other powers which, under the constitution; and the laws of the State of Texas, it would be competent for this charter specifically to enumerate. The City of Azle shall have and may exercise all the powers enumerated in Article 1175, Chapter 13, Title 28, of the Revised Civil Statutes of the State of Texas of 1925 as now or hereafter amended.

### **Section 2.03 Eminent Domain:**

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter or by the constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this charter, including utilities:[.]

**State law references**—Eminent domain, V.T.C.A., Property Code, ch. 21; municipal right of eminent domain, V.T.C.A., Local Government Code, ch. 251.

## **ARTICLE 3 THE CITY COUNCIL**

### **Section 3.01 Number, Selection and Term:**

The legislative and governing body of the City shall consist of a Mayor and six Council Members and shall be known as the "Council of the City of Azle."

- (a) The Mayor and the other members of the City Council shall be elected from the City at large.
- (b) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City Government for all ceremonial purposes and by the governor for the purposes of military law, but shall have no regular administrative duties. The Mayor may also serve as magistrate.
- (c) In each odd-numbered year three Council Members and a Mayor shall be elected, and in each even-numbered year three Council Members shall be elected.
- (d) The Mayor and each Council Member shall hold office for a period of two years and until their successor is elected and qualified.

All elections shall be held in the manner provided in [Article 5](#) of this charter.

(Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 3)

### **Section 3.02 Qualifications:**

Each member of the City Council shall be a resident citizen of the City of Azle, shall be a qualified voter of the State of Texas, shall have been such resident citizen of the City of Azle for a period of not less than one (1) year immediately preceding election day; provided, however, that any person with the above qualifications, except as to residence, who shall have been a resident of any of the territory not formerly within the corporate limits of said City, but which is annexed under the provisions of [Section 1.03](#) of this charter shall be eligible for office. If the Mayor or any Council Member fails to maintain the foregoing qualifications, or shall be absent from three consecutive regularly scheduled meetings without valid excuse approved by majority vote of the remainder of this Council the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in [Section 3.06](#) of this charter. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 4)

**State law reference**—Age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003.

### **Section 3.03 Council to be Judge of Election Qualifications:**

The City Council shall be the judge of the election and qualifications of its own members and other elected officials of the City.

### **Section 3.04 Compensation:**

The City Council shall fix the compensation to be received by its members for attendance at its meetings.

### **Section 3.05 Mayor Pro Tem:**

The City Council, at its first meeting after election of Council Member[s], shall elect one of its number a Mayor Pro-Tem, and [who] shall perform all the duties of the Mayor in the absence or disability of the Mayor.

### **Section 3.06 Vacancies:**

When a vacancy occurs in the City Council, and there is more than six (6) months remaining in the term of office so vacated, then in that event the City Council shall call a special election. If there is less than six (6) months remaining in the office so vacated, then the remaining members of the Council shall, within ten days, appoint a qualified person to fill the unexpired term. However, the City Council shall not appoint more than one Council Member in any twelve

months prior to the subsequent vacancy, or if more than one vacancy occurs at the same time or before a prior vacancy has been filled, the City Council shall call a special election to be held on the next election date authorized by law in accordance with state law. (Amended by Ordinance 536, sec. 1, approved 5/5/90; amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 4)

**State law reference**—Special election to fill vacancy generally, V.T.C.A., Election Code, sec. 201.051 et seq.

### **Section 3.07 Powers of the City Council:**

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (a) Remove from office any member of any board or commission, or appointed officer.
- (b) Establish, consolidate or abolish administrative departments.
- (c) Adopt the budget of the City.
- (d) Authorize the issuance of bonds by a bond ordinance.
- (e) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs.
- (f) Provide for such additional boards and commissions, not otherwise provided for in this charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this charter, by City ordinance or bylaw.
- (g) Adopt and modify the zoning, plan and the building code of the City.
- (h) Adopt and modify the official map of the City.

- (i) Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the clearance of slum districts and rehabilitation of blighted areas.
- (j) Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the replanning, improvement and redevelopment of any area which may have been destroyed in whole or in part by disaster.
- (k) Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City.
- (l) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for condemnation of dangerous buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits.
- (m) Fix the salaries and compensation of the City officers and employees.
- (n) Provide for a sanitary sewer and water system and set regulations, fees, and charges therefore and provide penalties for failure to pay such fees and charges.
- (o) Provide for sanitary garbage disposal, and set fees and charges therefore and provide penalties for failure to pay such fees and charges.
- (p) Provide for an electrical system and set fees and charges therefore and provide penalties for misuses of same.
- (q) Exercise exclusive dominion, control and jurisdiction including the right to close and abandon streets and alleys in, upon, over and under the grounds of the City and provide for the improvement of same in accordance with state law.
- (r) Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Azle.

**Section 3.08 City Council Not to Interfere in Appointments:**

Neither the City Council nor any of its members shall direct the appointment of any person to office by the City Manager or by any of its subordinates. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

**Section 3.09 Meetings of the City Council:**

The City Council shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All meetings of the City Council shall be open and public except for those executive meetings held in accordance with the provisions of the Texas Open Meetings Law, including its amendments from time to time passed by the Legislature of the State of Texas and shall be held at the City Hall, except that the City Council may designate another place for such meetings after publishing due notice thereof in one issue of a newspaper in general circulation in the City of Azle or posting notice at City Hall. The Mayor or any two members of the City Council may call special meetings of the City Council at any time. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 5)

**State law reference**—Open meetings, V.T.C.A., Government Code, ch. 551.

**Section 3.10 Rules of Procedure:**

The City Council shall determine its own rules of procedure and may compel the attendance of its members. The Mayor shall participate in the discussion of all matters coming before the Council and shall have a vote on all matters before the Council. A majority of the qualified members of the City Council, including the Mayor, shall constitute a quorum to do business and the affirmative vote of a majority of those present shall be necessary to adopt any ordinance or resolution. Minutes of the proceedings of the City Council shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. The vote upon the passage of all ordinances and resolutions shall be taken by a show of hands and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose under full caption, and shall be authenticated by the signature of the presiding officer and the person performing the duties of the City Secretary. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 3)

### **Section 3.11 Procedure for Passage of Ordinances:**

Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage; subject to the provisions of [Article 7](#) of this charter. The clerk shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in the official newspaper of the City of Azle at least once within ten days after the passage of said ordinance. The Clerk shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinance of the city for publication in book or pamphlet form. Except as otherwise provided in [Article 7](#) of this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of Council meetings. The City Council shall have the power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the Council deems advisable, and such printed code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

**State law reference**—Publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013; code of ordinances, V.T.C.A., Local Government Code, ch. 53.

### **Section 3.12 Official Bonds for City Employees:**

The City Manager and the City Secretary and such other City officers and employees as the City Council may require, shall, before entering upon the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council, payable to the City of Azle and conditioned upon the faithful discharge of such persons and upon the faithful accounting for all monies, credits, and things of value coming into the hands of such persons, and such bonds shall be signed as surety by some company authorized to do business under the laws of the State of Texas, and the premium on such bonds shall be paid by the City of Azle, and such bonds must be acceptable to the City Council.

**State law reference**—Official bonds, V.T.C.A., Government Code, ch. 604.

### **Section 3.13 Investigation by the City Council:**

The City Council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the City and to make investigation as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers or other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed five hundred (\$500.00) dollars. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 6)

### **Section 3.14 Audit and Examination of City Books and Accounts:**

The City Council shall cause an annual audit to be made of the books and accounts of each and every department of the City. At the close of each fiscal year an audit shall be made by a licensed Public Accountant, who shall be selected by the City Council, and such audit shall include a recapitulation of all audits made during the course of the fiscal year, and all audit reports shall be filed with the City Council, shall be available for public inspection and shall be made a part of the archives of the City. Such accountant so selected shall not maintain or keep any of the City's accounts or records.

**State law reference**—Audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.

**ARTICLE 4**  
**ADMINISTRATIVE SERVICES\***

**Section 4.01 City Manager:**

- (a) Appointment and Qualifications: The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of their executive and administrative training, experiences and ability, and need not, when appointed be a resident of the City of Azle. No member of the City Council shall, during the time for which they are elected and for one year thereafter, be appointed City Manager.
- (b) The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility of such suspension or removal in the City Council. In case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during the absence or disability. The City Manager shall receive compensation as may be fixed by the Council.
- (c) Duties of the City Manager:
- (1) Appoint, and when necessary for the welfare of the City, remove any employee of the City, except as otherwise provided by this charter.
  - (2) Prepare the budget annually and submit it to the City Council, and be responsible for its administration after adoption.
  - (3) Prepare and submit to the City Council as of the end of the fiscal year a complete report of the finances and administrative activities of the City for the preceding year.
  - (4) Keep the City Council advised of the financial condition and future needs as may seem desirable.
  - (5) Perform such duties as may be required by this charter or may be required by the City Council, not inconsistent with this charter.

**Section 4.02 Department of Police:**

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

- (a) Chief of Police: The Chief of Police shall be the Chief Administrative Officer of the Department of Police; and with the approval of the City Manager, appoint and remove the employees of said department and shall perform the duties such as may be required by the City Council. The Chief of Police shall be responsible to the City Manager for the administration of this department and the carrying out of the directives of the City Council. The Chief of Police may be removed from office by the City Manager with the approval of the City Council.
- (b) Special Police: No persons except as otherwise provided by general law or the charter or the

ordinances passed pursuant thereto shall act as special police or special detective.

**State law reference**—Police force in home-rule municipality, V.T.C.A., Local Government Code, sec. 341.003.

#### **Section 4.03 City Secretary:**

The, City Manager shall appoint the City Secretary and such assistant City Secretaries as the City Council shall deem advisable. The City Secretary or Assistant City Secretary, shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the City Manager shall assign and those elsewhere provided for in this charter.

#### **Section 4.04 Corporation Court:**

(a) There shall be established and maintained a court designated as a “Municipal Court” for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by laws of the State of Texas relative to Municipal or Recorder’s Court.

(b) The Judge of said Court shall be a competent and duly licensed attorney practicing law in the State of Texas, and shall receive such salary as may be fixed by the City Council. A Judge shall serve for a two (2) year term, subject to removal by a majority vote of the City Council after an opportunity for a public hearing.

(c) The City Secretary or an Assistant City Secretary shall be ex-officio clerk of said Court.

(d) The Clerk of said Court and its deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said Court thereto and generally do and perform any and all acts usual and necessary by the Clerk of Courts in issuing process of said Courts and conducting the business thereof.

(e) In case of the disability or absence of the Judge of the Municipal Court, the Mayor or Mayor Pro-Tem shall act as Associate Judge of said Court.

(f) The City Council may, at its discretion, appoint one or more Associate Judges of the said Court. Each Associate Judge so appointed shall meet the requirements set forth in paragraph (b) above.

(Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 7)

**State law references**—Municipal courts generally, V.T.C.A., Government Code, sec. 29.001 et seq.; jurisdiction of municipal courts, V.T.C.A., Government Code, sec. 29.003; municipal court judges, V.T.C.A., Government Code, sec. 29.004 et seq.; municipal court clerk, V.T.C.A., Government Code, sec. 29.010.

#### **Section 4.05 City Attorney:**

The City Council shall appoint a competent and duly licensed Attorney practicing law in the State of Texas, who shall be the City Attorney. The City Attorney need not be a resident of the City and shall receive for compensation for serves [services] as may be fixed by the City Council and shall hold this office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by the City Council, shall represent the City in all litigation or counsel; and shall be the legal advisor for, and attorney and counsel for, the City and all officers and departments thereof in their official capacities. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 8)

#### **Section 4.06 Reserved:**

**Editor’s note**—Former section 4.06 pertaining to the department of health and sanitation and deriving from the charter adopted April 6, 1971, was repealed by Ordinance 2016-04 at an election held May 7, 2016, proposition 9.

#### **Section 4.07 Other Departments:**

The City Council, or designee, may abolish or consolidate such offices and departments as it may deem to be the best interest of the City, and may divide the administration of any such departments as it may deem advisable [and] may create new departments and may discontinue any offices or departments at its discretion, except those specifically established by this charter. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 10)

**ARTICLE 5**  
**NOMINATIONS AND ELECTIONS\***

**Section 5.01 Elections:**

The regular City Election shall be held annually in May on the uniform election day prescribed 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 ordinance or resolution, order a special election authorized by state law, this Charter, or any other reason the Council deems necessary, fix the time and place for holding such, and provide all means for holding such special election in accordance with state law. (Amended by Ordinance 536, sec. 1, approved 5/5/90; amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 11)

**State law references**—Date for election of officers, V.T.C.A., Local Government Code, sec. 26.042; election dates, V.T.C.A., Election Code, ch. 41; notice of elections, V.T.C.A., Election Code, ch. 4.

**Sections 5.02–5.05 Reserved:**

**Editor’s note**—Former sections 5.02 through 5.05, pertaining to election procedures and deriving from the charter adopted April 6, 1971 as amended by Ordinance 536 adopted 5/5/90, were repealed by Ordinance 2016-04 at an election held May 7, 2016, proposition 11.

**Section 5.06 Laws Governing City Elections:**

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

**Sections 5.07–5.08 Reserved**

**Editor’s note**—Former sections 5.07 and 5.08, pertaining to election procedures and deriving from the charter adopted April 6, 1971, were repealed by Ordinance 2016-04 at an election held May 7, 2016, proposition 11.

**ARTICLE 6**  
**RECALL OF OFFICERS**

**Section 6.01 Scope of Recall:**

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

**Section 6.02 Petitions for Recall:**

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least 30% of the number of votes cast at the last regular municipal election of the City, but in no event less than 150 such petitioners. Each signer of such recall petition shall personally sign their name thereto in ink or indelible pencil, and shall write after their name their place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and year their signature was affixed.

**Section 6.03 Form of Recall Petition:**

The recall petition mentioned above must be addressed to the City Council of the City of Azle, 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 such ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which charges are being made. The signature shall be verified by oath in the following form:

STATE OF TEXAS

COUNTIES OF TARRANT AND PARKER

“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.

Sworn and subscribed to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public in and for Tarrant and/or Parker Counties, Texas.”

**Section 6.04 Various Papers Constituting Petition:**

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. 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 shall remain effective or be counted which were placed thereon more than 45 days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising [comprising] a recall petition shall be filed with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing, the officer so sought to be removed by mailing such notice to their Azle address.

**Section 6.05 Presentation of Petition to City Council:**

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

**Section 6.06 Public Hearing to be Held:**

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

**Section 6.07 Election to be Called:**

If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election the date of which election shall not be less than twenty-five nor more than thirty-five days from the date such petition was presented to the City Council, or from the date of the public hearing if one was held.

**Section 6.08 Ballots in Recall Election:**

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

- (a) With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (name of office) by recall?"
- (b) Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:

"YES"

"NO"

**Section 6.09 Result of Recall Election:**

If a majority of the votes cast at a recall election shall be "NO", that is, against the recall of the person named on the ballot, they shall continue in office for the remainder of their unexpired term, subject to recall as before. If a majority of the votes cast in such an election be "YES", that is, for the recall of the person named on the ballot, they shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy be filled as vacancies in the City Council are filled, as provided in [Section 3.06](#) of this charter.

**Section 6.10 Recall, Restrictions Thereon:**

No recall petition shall be filed against any officer of the City of Azle within 3 months after their election, nor within 3 months after an election for such officer's recall.

**Section 6.11 Failure of City Council to Call an Election:**

In case all of the requirements of this charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said City Council by the provisions of this charter with reference to such recall, then the County Judge of either Tarrant or Parker County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

**ARTICLE 7  
LEGISLATION BY THE PEOPLE, INITIATIVE AND REFERENDUM**

**Section 7.01 General Power:**

The qualified voters of the City of Azle, in addition to the method of legislation hereinabove provided, shall have

the power of direct legislation by the initiative and referendum, except ordinances (i) levying taxes, (ii) establishing rates and charges for utility services, or (iii) authorizing the issuance of bonds or indebtedness of the City.

#### **Section 7.02 Initiative:**

Qualified voters of the City of Azle may initiate legislation 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. Said petition must be signed by qualified voters of the City equal in number to 20% of the number of votes cast at the last regular municipal election of the City, or 150, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed, as provided in [Section 6.02](#) of this charter, and shall be verified by oath in the manner and form provided for recall petitions in [Section 6.03](#) of this charter. The petition may consist of one or more copies as permitted for recall petitions in [Section 6.04](#) of this charter. Such petition shall be filed with the person performing the duties of City Secretary who shall present said petition and proposed ordinance or resolution to the City Council. Upon presentation to it of the petition and draft of the proposed ordinance or resolution, it shall become the duty of the City Council, within ten days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, and to call a special election to be held on the next uniform election date, at which the qualified voters of the City of Azle shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty days after the filing of the petition, the question may be voted on at such election. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 11)

#### **Section 7.03 Referendum:**

Except as provided in [Section 7.01](#) qualified voters of the City of Azle may require that any ordinance or resolution, 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. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation as provided in [Section 7.02](#) of this charter and shall be submitted to the person performing the duties of City Secretary. Immediately upon the filing of such petition, the person performing the duties of City Secretary shall present [the] petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote as provided in [Section 7.02](#) of this charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

#### **Section 7.04 Voluntary Submission of Legislation by the Council:**

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

#### **Section 7.05 Form of Ballots:**

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

“FOR THE ORDINANCE” and

“AGAINST THE ORDINANCE,”

or

“FOR THE RESOLUTION” and

“AGAINST THE RESOLUTION”

#### **Section 7.06 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 the proposed or referred ordinances or resolution within fifteen 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.

#### **Section 7.07 Adoption of Ordinances:**

If a majority of the qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective as a law or as a mandatory order to the City Council.

#### **Section 7.08 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 shall prevail.

**Section 7.09 Ordinances Passed by Popular Vote, Repeal or Amendment:**

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided in [Section 7.04](#) of this charter.

**Section 7.10 Further Regulations by 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.

**Section 7.11 Franchise Ordinance:**

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of [Article 10](#) of this charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

**ARTICLE 8**

**MUNICIPAL PLANNING AND ZONING\***

**Section 8.01 Platting of Property:**

(a) Hereafter, every owner of any tract of land situated within the corporate limits of the City of Azle who may divide the same in two or more parts for the purpose of laying out any subdivision or any addition to the City shall comply with the provisions of Article 974A of the Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended, and said Article 974A as now or hereafter amended is hereby adopted and incorporated herein for all purposes.

(b) The provisions of [Section 8.01\(a\)](#) above shall apply similarly to the owner of any tract of land situated within the extraterritorial jurisdiction of the City of Azle. (Amended by Ordinance 536, sec. 1, approved 5/5/90)

**State law references**—Plat required for division of tract, V.T.C.A., Local Government Code, sec. 212.004; recording of plats, V.T.C.A., Property Code, sec. 12.002.

**Section 8.02 Reserved:**

**Editor's note**—Former section 8.02, pertaining to the development of property and deriving from the charter adopted April 6, 1971, was repealed by Ordinance 2016-04 at an election held May 7, 2016, proposition 12.

**Section 8.03 Planning Commission:**

The City Council shall have the authority to appoint a City Planning Commission in accordance with the general laws of the State of Texas as provided for in Article 1011a through 1011j of the Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended.

**State law reference**—Zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

**ARTICLE 9**

**MUNICIPAL FINANCE†**

**[Section 9.01 Reserved]**

**Section 9.02 Preparation and Submission of Budget:**

The City Manager shall, each fiscal year, submit to the Council a proposed budget in compliance with state law. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 13)

**State law references**—Annual budget required, V.T.C.A., Local Government Code, sec. 102.002; itemized budget and contents, V.T.C.A., Local Government Code, sec. 102.003.

**Section 9.03 Anticipated Revenues Compared With Other Years in Budget:**

In preparing the budget, the City Manager shall place in parallel columns opposite the several items of revenue: the actual amount of each item for the last fiscal year, the estimated amount for the ensuing fiscal year.

**Section 9.04 Proposed Expenditures Compared With Other Years:**

The City Manager in the preparation of the budget shall place in parallel columns opposite the various items of expenditures: the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing fiscal year.

#### **Section 9.05 Budget a Public Record:**

The budget and all supporting schedules shall be filed with the person performing the duties of City Secretary, submitted to the City Council and shall be a public record. The City Manager shall provide copies for distribution to all interested persons.

**State law reference**—Proposed budget filed with municipal clerk and public inspection, V.T.C.A., Local Government Code, sec. 102.005.

#### **Section 9.06 Notice of Public Hearing on Budget:**

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in the official newspaper of the City of Azle, a notice of the hearing setting forth the time and place thereof at least five days before the date of such hearing.

**State law reference**—Special notice by publication for budget hearing, V.T.C.A., Local Government Code, sec. 102.0065.

#### **Section 9.07 Public Hearing on Budget:**

At the time and place set forth in the notice required by [Section 9.06](#), or at any time and place to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

**State law reference**—Public hearing on proposed budget, V.T.C.A., Local Government Code, sec. 102.006.

#### **Section 9.08 Proceedings on Budget After Public Hearing:**

After the conclusion of such public hearing, the City Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures, it shall also provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.

#### **Section 9.09 Vote Required for Adoption:**

The budget shall be adopted by the favorable vote of majority of the members of the whole City Council.

**State law reference**—Adoption of budget, V.T.C.A., Local Government Code, sec. 102.007.

#### **Section 9.10 Reserved:**

**Editor's note**—Former section 9.10, pertaining to the date of the final adoption of the budget and deriving from the charter adopted April 6, 1971, was repealed by Ordinance 2016-04 at an election held May 7, 2016, proposition 13.

#### **Section 9.11 Effective Date of Budget; Certification; Copies Made Available:**

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary, the County Clerk of Tarrant and Parker Counties and the State Comptroller of Public Accounts at Austin. The final budget shall be printed, mimeographed, or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.

**State law reference**—Approved budget filed with municipal clerk, V.T.C.A., Local Government Code, sec. 102.008.

#### **Section 9.12 Budget Establishes Appropriations:**

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

**State law reference**—Levy of taxes and expenditure of funds under budget, emergency expenditure, V.T.C.A., Local Government Code, sec. 102.009.

#### **Section 9.13 Budget Establishes Amount to be Raised by Property Tax:**

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the City in the corresponding tax year, provided however, that in no event shall such levy exceed the legal limit provided by the laws and constitution of the State of Texas.

#### **Section 9.14 Contingent Appropriation:**

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three per centum of the total budget, to be used in case of unforeseen items of expenditure. Such contingent appropriation shall be under the control of the City Manager and distributed after approval of the City Council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported[.]

### **Section 9.15 Estimated Expenditures Shall Not Exceed Estimated Resources:**

The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classification as promulgated by the National Committee on Governmental Accounting or some other accepted classification.

### **Section 9.16 Other Necessary Appropriations:**

The city budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council.

**State law reference**—Changes in budget for municipal purposes, V.T.C.A., Local Government Code, sec. 102.010.

### **Section 9.17 Reserved:**

**Editor's note**—Former section 9.17, pertaining to the department of taxation and deriving from the charter adopted April 6, 1971 as amended by Ordinance 536 adopted 5/5/90, was repealed by Ordinance 2016-04 at an election held May 7, 2016, proposition 14.

### **Section 9.18 Power to Tax:**

The City Council shall have the power under the provisions of the state law to levy, assess and collect an annual tax upon real and personal property within the City to the maximum provided by the constitution and general laws of the State of Texas. The City Council shall also have the power to levy occupation taxes on such occupations as consistent with the general laws of the State of Texas.

**State law references**—Local taxation, V.T.C.A., Tax Code, ch. 301 et seq.; occupation taxes, V.T.C.A., Tax Code, sec. 302.101; tax collection powers, V.T.C.A., Tax Code, sec. 302.102.

### **Sections 9.19–9.24 Reserved:**

**Editor's note**—Former sections 9.19 through 9.24, pertaining to taxation procedures and deriving from the charter adopted April 6, 1971 as amended by Ordinance 536 adopted 5/5/90, were repealed by Ordinance 2016-04 at an election held May 7, 2016, proposition 14.

### **Section 9.25 Tax Liens:**

The tax levied by the City is hereby declared to be a lien, charge or encumbrance upon the property as of January 1 upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against non-residents. All taxes upon real estate shall especially be a lien and a charge upon the property which the taxes are due, which lien may be foreclosed in any court having jurisdiction. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind or judicial writ of any kind, can ever defeat such lien.

### **Section 9.26 Powers to Issue Bonds, Warrants and Other Evidences of Indebtedness:**

In keeping with the Constitution of the State of Texas and not contrary thereto, the City of Azle shall have the power to borrow money on the credit of the City for any public purpose not now or hereafter prohibited by the Constitution and laws of the State of Texas, and shall have the right to issue all tax bonds, revenue bonds, funding or refunding bonds, time warrants, certificates of obligation, notes, contractual obligations and other evidences of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the laws of the State of Texas, including indebtedness to promote economic development and to stimulate business and commercial activity within the City in furtherance of the public purposes determined by the City Council. Bonds and warrants of the City of Azle shall be issued in the manner provided by the general laws of the State of Texas. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 15)

**State law references**—Public Security Procedures Act, V.T.C.A., Government Code, ch. 1201; bond elections generally, V.T.C.A., Government Code, ch. 1251; municipal bonds, V.T.C.A., Government Code, ch. 1331.

## **ARTICLE 10**

### **FRANCHISE AND PUBLIC UTILITIES<sup>\*</sup>**

#### **Section 10.01 Powers of the City:**

In addition to the City's power to buy, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the City shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

#### **Section 10.02 Franchise; Power of the City Council:**

The City Council shall have power by ordinance to grant, amend, renew and extend, all franchises of all public

utilities of every character operating within the City of Azle. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two separate regular meetings of the City Council, and shall not be finally passed until thirty days after its first reading; and no such ordinance shall take effect until thirty days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four consecutive weeks in the official newspaper of the City of Azle, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be granted for a term of more than 20 years nor be transferable except with the approval of the City Council expressed by ordinance.

**Section 10.03 Franchise; Value Not to be Allowed:**

No value shall be assigned to any franchise granted by the City of Azle under this charter in fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may require by condemnation or otherwise.

**Section 10.04 Right of Regulation:**

All grants, removals, extensions, or amendment of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City Council of the City of Azle:

- (a) To repeal the same ordinance at any time upon the failure of the grantee to comply with any provision of the ordinance, the franchise, the charter of the City of Azle, any applicable governmental body;
- (b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on operations within the City of Azle;
- (e) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public;
- (f) To require such compensation and rental as may be permitted by the laws of the State of Texas.

**Section 10.05 Grant Not to be Exclusive:**

No grant or franchise to construct, maintain or operate a public utility and no renewal or extension of such grant shall be exclusive.

**Section 10.06 Consent of Property Owners:**

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but nothing in this charter or in any franchise granted thereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to their property as now or hereafter provided by law.

**Section 10.07 Extensions:**

All extensions of public utilities within the City Limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in [Section 10.04](#) of this charter. In case of an extension of a public utility operated under a franchise hereafter granted, such rights shall be terminable at the same time and under the same conditions as the original grant.

**Section 10.08 Other Conditions:**

All franchises heretofore granted are recognized as contracts between the City of Azle and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this charter, except that the power of the City of Azle to exercise the right to Eminent Domain in the acquisition of utility property is in all things reserved, and except the general power of the City heretofore existing and herein provided for, to regulate the rates and services of a grantee which shall include the right to require proper and adequate extension of plant

and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this Article whether or not such terms are specifically mentioned in the franchise. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the City Council or voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant.

**Section 10.09 Accounts of Municipally Owned Utilities:**

Accounts shall be kept for each public utility owned or operated by the City, in such manner as to show the true and complete financial results of such City ownership and operation, including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payments, rental, and other disposition of annual income. The accounts shall show actual capital cost to the City of each public utility owned, also the cost, of all extensions, additions, and improvements and the source of funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any City Government Department. The City Council shall cause an annual report to be made by a licensed Public Accountant and shall publish such report showing the financial results of such City ownership and operation, giving the information specified in this section and such data as the City Council shall deem expedient.

**Section 10.10 Sales of Electricity, Water and Sewer Services:**

(a) The City Council shall have the power and authority to sell and distribute electricity and water and to sell and provide for sewer services and any other utilities to any person, firm or corporation outside the limits of the City of Azle, and to permit them to connect with said system under contract with the City, under such terms and conditions as may appear to be for the best interest of the City; provided the charges fixed for such services outside the City Limits shall be reasonable when considered in the light of all circumstances, to be determined by the City Council.

(b) The City Council shall have the power and authority to prescribe the kind of materials used within or beyond the limits of the City of Azle when it furnishes the service, and to inspect the same and require them to be kept in good order and condition at all times and to make such rules and regulations as shall be necessary and proper, and prescribe penalties for non-compliance with same.

**Section 10.11 Regulation of Rates and Service:**

The City Council shall have the power, after due notice and hearing to regulate by ordinance the rates and services of every public utility operating in the City of Azle; and shall have power to employ at the expense of the grantee expert assistance and advice in determining a reasonable rate and equitable profit to the grantee.

**ARTICLE 11  
GENERAL PROVISIONS**

**Section 11.01 Publicity of Records:**

All records and accounts of every office, department, or agency of the City shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under such reasonable regulations as may be established by the City Council or the Mayor except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

**State law references**—Public access to records, V.T.C.A., Local Government Code, sec. 201.009; public information, V.T.C.A., Government Code, ch. 552.

**Section 11.02 Personal Interest:**

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, nor shall be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. The above provision shall not apply where the interest is represented by ownership of stock in a corporation involved, provided such stock ownership amounts to less than 1% of the corporation stock. Any violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit their office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.

**State law references**—Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; disclosure of certain relationships with local government officers, V.T.C.A., Local Government Code, ch. 176; public disclosure, V.T.C.A., Government Code, ch. 553.

### **Section 11.03 Nepotism:**

No person related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to any office, position or clerkship or other service of the City.

**State law reference**—Nepotism, V.T.C.A., Government Code, ch. 573.

### **Section 11.04 Provisions Relating to Assignment, Execution and Garnishment:**

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors.

**State law reference**—Authority to provide that municipal funds not subject to garnishment, V.T.C.A., Local Government Code, sec. 101.023.

### **Section 11.05 City Not Required to Give Security or Executive [Execute] Bond:**

It shall not be necessary in any action, suit or proceeding in which the City of Azle is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of said City in any of the State Courts, but in all such actions, suits, appeals, or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

**State law reference**—Cities exempt from security for court costs, V.T.C.A., Civil Practice and Remedies Code, sec. 6.002.

### **Section 11.06 Special Provisions Covering Damage Suits:**

Before the City shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured or whose property is damaged or someone on their behalf shall give the City Manager or the person performing the duties of the City Secretary, notice in writing after the occurrence of the alleged injury, or damage, stating specifically in such notice when, where, and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for personal injury or damage to property unless the hereinabove notice shall have been filed with the City Manager or the person performing the duties of the City Secretary within sixty (60) days from the date of the occurrence of the injury or damage to property. In case of injuries resulting in death, before the City shall be liable in damages therefore the person or persons claiming such damages shall after the death of the injured person or persons give notice as above required in case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City of Azle waives any rights, privileges, defenses or immunities in tort actions which are provided under, the common law, the constitution and general laws of the State of Texas.

**State law references**—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101; notice procedures, V.T.C.A., Civil Practice and Remedies Code, sec. 101.101.

### **Section 11.07 Separability Clause:**

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

### **Section 11.08 Effect of This Charter on Existing Laws:**

All ordinances, resolutions, rules, and regulations now in force under the City Government of Azle and not in conflict with the provisions of this charter; shall remain in force under this charter until altered, amended, or repealed by the Council after this charter takes effect; and all rights of the City of Azle under existing franchises and contracts are preserved in full force and effect to the City of Azle.

### **Section 11.09 Interior [Interim] Municipal Government:**

From and after the date of the adoption of this charter, the persons then filling elective or appointed offices which are retained under this charter will continue to fill those offices for the terms to which they were elected.

### **Section 11.10 Applicability of General Laws:**

The Constitution of the State of Texas, the statutes of said State applicable to the City of Azle, but the City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town, or village, not contrary to the provisions of said home rule statutes, charter and ordinances, but

the exercise of any such powers by the City of Azle shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages unless and until by ordinance it adopts same.

**Section 11.11 Amending the Charter:**

Amendments to this charter may be framed and submitted to the voters of the City in the manner provided by state law. (Amended by Ordinance 2016-04 at an election held on May 7, 2016, prop. 16)

**State constitution reference**—Adoption or amendment of charter, Texas Constitution, art. 11, sec. 5.

**State law reference**—Adoption or amendment of charter, V.T.C.A., Local Government Code, sec. 9.001 et seq.

**Sections 11.12–11.13 Reserved:**

**Editor's note**—Former sections 11.12 and 11.13, pertaining to the charter review commission and submission of charter to voters and deriving from the charter adopted April 6, 1971, were repealed by Ordinance 2016-04 at an election held May 7, 2016, proposition 16.