

PART I: THE CHARTER OF THE CITY OF FORT WORTH

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Editor's note:

Part I contains the Charter of the City of Fort Worth, adopted by the electorate at an election held December 11, 1924, and including all amendments thereto to November 8, 1983. Amendments subsequent to November 8, 1983, are indicated in the history note following the particular section of the Charter affected. Prior to November 8, 1983, the Charter had been amended on the following dates: February 14, 1928 (Ord. 1377); July 21, 1931 (Ord. 1720); December 18, 1946 (Ord. 2379); January 31, 1964 (Ord. 5091); April 8, 1975; January 26, 1976 (Ord. 7292 and 7293); April 4, 1981. Material in brackets [] has been added where necessary to correct obvious errors or to facilitate indexing, except that obviously misspelled words have been corrected without notation.

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CHAPTER I: ORGANIZATION, BOUNDARIES, ANNEXATION OF ADJACENT TERRITORY

Section

- 1 Creation of municipality
- 2 Corporate boundaries
- 3 Annexation of adjacent territory; method and procedure of holding election therefor

§ 3 ANNEXATION OF ADJACENT TERRITORY; METHOD AND PROCEDURE OF HOLDING ELECTION THEREFOR.

§ 1 CREATION OF MUNICIPALITY.

All persons, inhabitants of the City of Fort Worth, Tarrant County, Texas, according to the boundaries and limits of said city as hereinafter set out, and as the same may hereafter be extended by virtue of the provisions of this Charter, or by virtue of the laws of the State of Texas applicable to such matters, now or hereafter to be enacted by the legislature of the State of Texas, be and they are hereby created and organized as a municipal corporation and body politic, and as such subdivision of the State of Texas are incorporated and shall hereafter be known and designated as the City of Fort Worth, with such powers, rights, authority, duties, privileges and obligations as are hereinafter set out and prescribed.

§ 2 CORPORATE BOUNDARIES.

The corporate boundaries of the City of Fort Worth are as set out and defined in the Charter adopted in 1924 and as modified by ordinances of the City of Fort Worth enacted subsequent thereto as found in the office of the city secretary.

Territory adjoining and contiguous to the corporate limits of the City of Fort Worth may be annexed to the said city in any one of the two (2) several ways herein specified:

(1) In the event that an election to ascertain the sentiment of the persons residing in such territory so seeking annexation be deemed necessary, then the following procedure shall apply, to wit: The proclamation for such election shall be made by the mayor of the city, and he shall also designate the polling places and name the election judges and clerks, who shall be selected from the residents of said territory. Only persons, residents of said territory, who are qualified voters under the laws of the State of Texas, shall be permitted to exercise the right of suffrage at such election. The polls at such election shall be open from seven o'clock in the morning until seven o'clock in the evening, and the expenses of conducting such election shall be borne by the City of Fort Worth. The ballot to be used therefor shall contain the words "For Annexation" and "Against Annexation," and the voter shall strike out the one or the other according as he may be for or against the proposition. Returns of such election shall be made to the City Council by the officers of the election depositing the tally sheets and other adjuncts to the election with the city secretary, and thereafter as soon as practicable the council shall canvass the returns, and in the event it is found that a majority of all the votes cast at such election are favorable to such

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annexation, then and thereupon the council may by ordinance declare such territory annexed to the City of Fort Worth and an integral part of the same. In the event of annexation, persons residing in such territory shall hereafter be entitled to all the rights and privileges of other citizens of said city and be bound by the laws, ordinances, rules and regulations governing other citizens of said City of Fort Worth; and the council shall have power to agree and obligate itself to the citizenship of such territory so seeking admission to apply to the improvements of streets and public grounds in said territory a portion or all of the funds raised by taxation for street improvement for a given number of years, not to exceed five (5), insofar as the same may be collected from the property situated in said territory, and may also have authority, if in the judgment of said council, it should be just and equitable, to further agree and obligate itself to apply to the improvement of the streets in said territory during said years additional sums not to exceed fifty (50) per cent in any one year of the amount that may be collected for such purpose from the property situated in such territory.

(2) Additions to the territory of the City of Fort Worth may be made pursuant to any laws that may be passed by the Texas Legislature relative to the extension of the corporate limits of cities, and applicable to the City of Fort Worth.

CHAPTER II: POWERS OF THE CITY

Section

- 1 [Body politic and corporate; powers enumerated]
- 2 [Enumeration of powers not exclusive; powers under home rule amendment]
- 3 [Authority to establish and maintain airport]
- 4 [Powers as to building lines-Generally]
- 5 [Same-Additional powers]
- 6 [Exercise of powers conferred upon cities of over five thousand inhabitants and powers conferred by home rule, Constitution and state law]
- 7 [Authority to acquire, maintain, operate public utility systems]

by the issue or sale of bonds or notes of the city; may appropriate the money of the city for all lawful purposes; may create, provide for, construct, regulate and maintain all things of the nature of public works and improvements; may levy and collect assessments for local improvements; may license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city, and all nuisances and causes thereof; may regulate the construction, height and the material used in all buildings, and the maintenance and occupancy thereof; may regulate and control the use, for whatever purposes, of the streets and other public places; may create, establish, abolish and organize officers and fix the salaries and compensations of all officers and employees; may make and enforce local police, health, sanitary and other regulations; and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the city, and for the performance of the functions thereof. The city shall have all powers that now are, or hereafter may be granted to municipalities by the Constitution or laws of the State of Texas, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the council.

§ 1 [BODY POLITIC AND CORPORATE; POWERS ENUMERATED].

The inhabitants of the City of Fort Worth, as its limits now are, or may hereafter be, shall be a body politic and corporate by name the City of Fort Worth, and as such shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property in fee simple or lesser interest or estate by purchase, gift, devise, appropriation, condemnation, lease or lease with privilege of purchase, for any municipal purpose; may sell, lease, hold, manage, encumber and control such property, and make any and all rules and regulations by ordinance or resolution which may be required to carry out fully all the provisions of any conveyance, deed or will in relation to any gift or bequest, or the provisions of any lease by which it may acquire property; may acquire, construct, own, lease and operate and regulate public utilities, may assess, levy and collect taxes for general and special purpose on all the subjects or objects which the city may lawfully tax; may borrow money on the faith and credit of the city

§ 2 [ENUMERATION OF POWERS NOT EXCLUSIVE; POWERS UNDER HOME RULE AMENDMENT].

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive,

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but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the city shall have and may exercise all other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. The City of Fort Worth shall have and exercise all the powers conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas and the Enabling Act relative thereto passed by the thirty-third legislature of the State of Texas, found in the published laws of said legislature, Regular Session, pages 307 to 317, and effective July 7th, 1913, and all other laws passed by the legislature of the State of Texas relating thereto, or which may hereafter be passed by said legislature in relation to such matters.

§ 3 [AUTHORITY TO ESTABLISH AND MAINTAIN AIRPORT].

That power is hereby conferred on the City of Fort Worth to acquire or own by lease, purchase, donation, bequest, eminent domain or otherwise all property within or without the limits of the City of Fort Worth, that may be necessary for the purpose of establishing, maintaining and operating an airport and landing field and to fully provide for the accommodation of planes transporting United States mail and other aerial machines and to make suitable charges therefor. That the ownership, maintenance and operation by the City of Fort Worth of such an airport shall be deemed a municipal purpose and the city shall pass appropriate ordinances providing for the fees to be collected and other charges to be made in the operation of such field and port.

§ 4 [POWERS AS TO BUILDING LINES-GENERALLY].

That all of the powers granted by Chapter 276 of the General and Special Laws of the Fortieth Legislature, known as Senate Bill No. 271 on page 415, relating to the establishment of building lines in cities and providing for an assessment therefor, be

adopted and made a part of the Charter of the City of Fort Worth.

§ 5 [SAME-ADDITIONAL POWERS].

That in addition to the powers provided by the above and foregoing section, the City of Fort Worth shall have the further power for the purpose of promoting the public health[,] safety, order, convenience, prosperity and general welfare, acting through its governing authorities, under the police power, to provide by suitable ordinance building lines on any street or any block of any street and to require their observance by suitable penalties.

§ 6 [EXERCISE OF POWERS CONFERRED UPON CITIES OF OVER FIVE THOUSAND INHABITANTS AND POWERS CONFERRED BY HOME RULE, CONSTITUTION AND STATE LAW].

The City of Fort Worth shall have and exercise all of the powers conferred upon cities having a population of over five thousand (5,000) inhabitants and all "home rule" cities that have been conferred upon such cities by the Constitution, laws, and statutes of this state or which may hereafter be enacted by the legislature or other law-making body of this state.

§ 7 [AUTHORITY TO ACQUIRE, MAINTAIN, OPERATE PUBLIC UTILITY SYSTEMS].

(a) The City of Fort Worth shall have power to construct or to acquire by purchase or condemnation and thereafter improve, repair, maintain, extend and operate as a public utility, one or more systems of [for] the distribution of natural gas, water, sewer, electric and steam heat utility companies and public service companies such as cable television, taxicabs, transportation and transit companies and all public utilities of every kind, together with all appurtenances of every nature within or without the city necessary or convenient to the operation thereof.

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(b) For the purpose of carrying out the provisions hereof, complete power authority and discretion is vested in the City Council of the City of Fort Worth. The Council, consistent with the provisions hereof, may fix all details attendant upon the construction or acquisition and financing of said system or systems, and to that end may authorize the execution of such contracts, agreements, mortgages, deeds of trust, releases, franchises, obligations and other instruments, as it may consider necessary, and may fix all details thereof not herein specifically provided and required. The provisions hereof shall be liberally construed to effect the purposes of this section. The powers granted in this section shall be cumulative and in addition to all other powers now possessed by said city, and shall not be considered as in substitution of any other methods of procedure now available to, or which may hereafter be available to the city. This section shall in itself be complete and independent authority for the construction or acquisition of and payment for the utilities herein authorized to be constructed, and the City authorities, in carrying out the provisions hereof, shall not be subject to the restrictions and limitations contained elsewhere in this Charter, and particularly shall not be subject to the provisions of Chapter 22 or Section 2 of Chapter 26 of said Charter.

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CHAPTER III: THE CITY COUNCIL

Section

- 1 [Powers of city vested in] the City Council
[;composition, terms]
- 2 [Election, powers, duties, term of mayor]
- 3 Compensation of the members of the City Council
- 4 Vacancies in the City Council; how filled.
- 5 Meetings of council and committees open to public; quorum; regulations of proceedings; council to provide rules of procedure
- 6 Mayor pro tem; duties of
- 7 City secretary
- 8 Relating to City Councilpersons accepting different office and providing for forfeiture of offices and positions of aspirants for compensated office

§ 1 [POWERS OF CITY VESTED IN] THE CITY COUNCIL [;COMPOSITION, TERMS].

The powers of the city government shall be vested in a body to be known as the City Council, composed of nine (9) members, one of whom shall be the mayor. Their terms of office shall be for a period of two (2) years and until the election and qualification of their successors.

§ 2 [ELECTION, POWERS, DUTIES, TERM OF MAYOR].

The City Council shall be composed of nine (9) places. The person elected as councilperson, Place No. 1, shall be the presiding officer who shall be known as the mayor of the City of Fort Worth. He shall have a vote on all matters coming before the council, but no power of veto. He shall represent the city on all ceremonial occasions and be known as the official head of the city government. The mayor shall

be elected at each biennial election and shall serve for a period of two (2) years, or until the election and qualification of his successor.

§ 3 COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

Commencing on October 1, 2006, each member of the City Council, except the mayor, shall receive as compensation for such member's services the sum of twenty-five thousand dollars (\$25,000.00) per annum and the mayor shall receive as compensation for the mayor's service, the sum of twenty-nine thousand dollars (\$29,000.00) per annum. In addition to the above, all necessary expenses incurred by the City Council in performance of their official duties shall be paid by the city. Nothing herein shall prohibit a council member from waiving the right to all or any part of such compensation or payment of expenses. (Ord. 10272, § 1(I), 3-16-1989, approved 5-6-1989; Ord. 16797, § 1(I), 1-24-2006, approved 5-13-2006)

§ 4 VACANCIES IN THE CITY COUNCIL; HOW FILLED.

Vacancies in the City Council shall be filled by special elections from the districts whose places have been vacated. Vacancies in the office of mayor shall be filled under the provisions applicable to other council members except that the district of the mayor shall be the city as a whole. These special elections shall be held on the first available election date specified in the Texas Election Code unless the council shall request, and receive, permission from the governor to call an emergency special election. If vacancies should occur within thirty (30) days of the special election date, the council may set the election

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for the next date following the impending special election date or it may request permission for an emergency special election from the governor.

In the event any candidate for a vacancy fails to receive a majority of all votes cast for all the candidates for such vacancy at such special election, the mayor shall on the first day following the completion of the official count of the ballots cast at said special election issue a call for a run-off election pursuant to Chapter IV, section 2, to be held in accordance with the Texas Election Code to determine who shall be elected. Such new council members, when duly qualified and elected, shall serve for the unexpired period of the terms of the council members whose offices are being filled. However, no such elections shall be held where said vacancy shall occur within a period of less than ninety (90) days prior to a general election as specified in Chapter IV, section 2. When a vacancy shall occur less than ninety (90) days prior to the general election as specified in Chapter IV, section 2, a majority of the remaining council members may appoint a qualified person from the district whose place has been vacated to serve the unexpired term.

Should a vacancy occur in the office of mayor, the mayor pro tem shall serve until a special election shall be called under the rules pertaining to filling vacancies among the other councilmembers. If members of the City Council seek the office of mayor in such a special election, they shall first resign from the City Council, and special elections, simultaneous to the mayoral election, shall be held in their districts under the terms specified above.

(Ord. 10272, § I(II), 3-16-1989, approved 5-6-1989; Ord. 16797, § 1(III), 1-24-2006, approved 5-13-2006)

§ 5 MEETINGS OF COUNCIL AND COMMITTEES OPEN TO PUBLIC; QUORUM; REGULATIONS OF PROCEEDINGS; COUNCIL TO PROVIDE RULES OF PROCEDURE.

At the first City Council meeting after the City Council meeting canvassing the election results, the

elected members of the new Council shall meet at City Hall and take the oath of office. Special meetings may be called by the Mayor or by any three (3) Councilmembers. Such call shall be in writing and shall state the object of the meeting, and no business shall be transacted at such meeting other than that specified in the call. The Council shall meet at such times and places as may be prescribed by ordinance or resolution but not less than forty-four (44) regular and special meetings shall be held each calendar year.

A quorum shall consist of six (6) members unless there are vacancies, in which event the quorum shall be reduced by the number of vacancies existing. All official meetings of the Council and all sessions of the Committees of the Council shall be public except as authorized by law. The ayes and nos shall be taken upon the passage of all ordinances or resolutions and entered upon the minutes of the proceedings of the Council, and every ordinance or resolution shall require on final passage the affirmative vote of a majority of all of the remaining members.

No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved, or unless excused by the Council for other valid reasons by majority vote. The Council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.

(Ord. 16797, § 1(II), (V), 1-24-2006, approved 5-13-2006)

§ 6 MAYOR PRO TEM; DUTIES OF.

The City Council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor in case of the absence or inability of the mayor to perform the duties of his office, and shall for the time being be vested with all the powers belonging to the mayor. In case of the absence of both the mayor and the mayor pro tem, the remaining councilpersons shall elect one of their members to act in the place of the mayor or mayor pro tem.

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§ 7 CITY SECRETARY.

The City Council shall appoint a city secretary and prescribe the duties and compensation of said officer, and shall provide him with such assistance as it may deem necessary. He shall hold office during the pleasure of the City Council. During his term of office, the city secretary shall be a resident citizen of the City of Fort Worth.

§ 8 RELATING TO CITY COUNCILPERSONS ACCEPTING DIFFERENT OFFICE AND PROVIDING FOR FORFEITURE OF OFFICES AND POSITIONS OF ASPIRANTS FOR COMPENSATED OFFICE.

No person elected to the City Council shall, during the term for which he/she was elected, be appointed to any office or position in the service of the city. If a member of the council shall become a candidate for nomination or election to any public office, other than that of councilperson, he/she shall forfeit his place in the council; but shall continue to hold the office until a successor is duly qualified in cases in which such holdover is required by state law and any appointive officer or employee of the city who shall become a candidate for nomination or election to any public office shall immediately forfeit the office or employment held under the city.

(Ord. 16797, § 1(VI), 1-24-2006, approved 5-13-2006)

Editor's note:

See Texas Local Government Code Chapter 150, Section 150.041, for state legislation affecting the enforceability of this section.

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**CHAPTER IV: METHOD OF NOMINATING AND ELECTING MEMBERS
OF THE CITY COUNCIL**

Section

- 1 Councilpersons; eligibility
- 2 No primary election to determine nominations; councilpersons to be selected in general election biennially
- 3 [Councilpersons to be elected from districts]
- 4 Residence of Councilmembers in Singlemember Districts

with the city secretary a sworn application for his or her name to appear on the ballot, in accordance with the laws of Texas for nonpartisan or independent candidates, and must accompany the application with a filing fee of one hundred dollars (\$100.00) or, in lieu of the payment of a filing fee, any qualified person who desires to become a candidate for mayor may become a candidate by petition signed by qualified voters equaling at least one-half of one (0.5) percent of the total vote received by all candidates for mayor in the most recent mayoral general election, or by twenty-five (25) qualified voters, whichever is the greater number. In lieu of the payment of a filing fee, any qualified person who desires to become a candidate for election to the City Council, other than the office of mayor, may become a candidate by petition signed by a number of qualified voters of the district from which the candidate seeks election equal to at least one-half of one (0.5) percent of the total vote received by all candidates for mayor in that district in the most recent mayoral general election, or by twenty-five (25) qualified voters of the district, whichever is the greater number. The signed petition shall be filed with the city secretary, together with the candidate's sworn application. Each signer next to his signature shall indicate voter registration number, date of signing, the signer's printed name, and the street address of his place of residence. Such petitions shall also meet all requirements established by the laws of Texas for petitions which are filed with a candidate's application for a place on the ballot in an election of a home-rule city.

§ 1 COUNCILPERSONS; ELIGIBILITY.

Only qualified voters under the laws of Texas, twenty-one (21) years of age and over, who have continuously resided in the Council District for which he or she seeks election for six (6) full months before the first allowed filing date for the election, shall be eligible to the office of councilperson.
(Ord. 16797, § 1(VII), 1-24-2006, approved 5-13-2006)

§ 2 NO PRIMARY ELECTION TO DETERMINE NOMINATIONS; COUNCILPERSONS TO BE SELECTED IN GENERAL ELECTION BIENNIALY.

Primary elections to determine the selection of nominees for members of the City Council shall not be resorted to. There shall be but one (1) election, and that a general election, for the purpose of selecting members of the City Council, the same to be held biennially, on the first available election date in May specified in the Texas Election Code of odd-numbered years.

Any qualified person who desires to become a candidate for election to the City Council shall file

The city secretary shall make up the official ballot from the names presented to him. The order in which the names of such candidates are to appear on the ballot shall be determined by a drawing to be held in the office of the city secretary. The city secretary

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shall post a notice in his office, at least three (3) days prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice; and each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.

The candidates receiving the majority of the votes cast for each place shall be declared elected. If no candidate receives a majority, or if there is a tie for any one (1) place, the mayor shall order a second election to be held on a date in compliance with the Texas Election Code to fill that place. Only the names of the candidates who tie for the highest number of votes cast for that place, or the two (2) candidates who receive the highest number of votes with neither having a majority of the votes cast for that place, shall be printed on the ballot for such election. In the event of a tie vote at the second election, the candidates who tie shall cast lots in the presence of the city secretary to determine which one shall be declared elected, and said lots shall be cast within five (5) days of the second election.

(Ord. 10272, § (III), (IV), 3-16-1989, approved 5-6-1999; Ord. 16797, § 1(IV), 1-24-2006, approved 5-13-2006)

§ 3 [COUNCILPERSONS TO BE ELECTED FROM DISTRICTS].

With the exception of Place No. 1 to be held by the mayor as provided for in section 2 of Chapter III of this Charter, the City Council shall provide by ordinance for eight (8) single member districts so that with the exception of the mayor, one (1) member of the City Council shall be elected from each of such defined districts by the voters residing therein, and each candidate therefrom shall be a qualified elector of the city and shall have continuously resided in the Council District for which he or she seeks election for six (6) full months before the first allowed filing date for the election.

The City Council shall, as often as census data is available, determine as nearly as practicable the population of the respective districts and shall, by ordinance, revise the boundaries of any or all of said districts to maintain a substantial equality of population in each. Within sixty (60) days after passage of this amendment, the City Council shall, by ordinance, designate the original district limits.

(Ord. 16797, § 1(VIII), 1-24-2006, approved 5-13-2006)

§ 4 RESIDENCE OF COUNCILMEMBERS IN SINGLEMEMBER DISTRICTS.

During his term of office a Councilmember must continue to reside within the limits of the district from which he was elected. Any Councilmember who shall establish residence outside the district from which he was elected shall be automatically considered to have resigned and the vacancy left by such resignation shall be filled as provided by law.

CHAPTER V: THE CITY MANAGER

Section

- 1 [Appointment; qualifications; removal; absence or disability; compensation; residency]
- 2 Powers and duties of the city manager[-Generally]
- 3 [Same-Proper administration of city affairs; appointment, removal of directors and employees; adherence to civil service regulations]
- 4 Reserved
- 5 [Council, committees not to interfere with appointments, removals, etc.]
- 6 [Violation of section 5 constitutes official misconduct]
- 7 Investigations

§ 1 [APPOINTMENT; QUALIFICATIONS; REMOVAL; ABSENCE OR DISABILITY; COMPENSATION; RESIDENCY].

The council shall appoint the city manager, who shall be the chief administrative and executive officer of the city. He shall be chosen solely upon the basis of his executive and administrative training, experience, and ability, and without regard to political consideration. Qualifications being equal, preference shall be given in the selection of a resident citizen of Fort Worth for this position. No member of the council shall be chosen as city manager. The city manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the council, by a vote of the majority of the entire council. If removed after serving six (6) months, he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but

pending such hearing the council may suspend him from office. The action of the council in suspending or removing the city manager shall be final. In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office. The city manager shall receive such compensation as may be fixed by the council prior to the appointment. During this term of office, the city manager shall be a resident citizen within the City of Fort Worth.

§ 2 POWERS AND DUTIES OF THE CITY MANAGER[-GENERALLY].

The powers and duties of the city manager shall be as follows:

- (1) In cooperation with the city attorney, to see that all laws and ordinances are enforced.
- (2) Except as otherwise herein provided, to appoint and remove all heads of departments and all subordinate officers and employees of the city; all appointments to be upon merit and fitness alone, and in the classified civil service all appointments to be subject to the civil service provisions of this Charter.
- (3) To exercise control over all departments and subdivisions thereof created by this Charter, or that may hereafter be created by the council, except as hereinafter provided.
- (4) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation

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thereof to call the same to the attention of the city attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.

(5) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(6) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(7) To keep the council at all times fully advised as to the financial condition and needs of the city.

(8) To act as budget commissioner and as such prepare and submit to the council the annual budget after receiving estimates made by the directors or heads of the various departments of the city.

(9) To see to it that city lives within its budget.

(10) Either personally or by one or more assistant city managers designated by the city manager, to execute all documents, contracts and legal instruments on behalf of the city as provided by this Charter or by the ordinances or resolutions of the council passed in pursuance thereof.

(11) To perform such other duties as may be prescribed by this Charter, or by ordinance or resolution of the council.

§ 3 [SAME-PROPER ADMINISTRATION OF CITY AFFAIRS; APPOINTMENT, REMOVAL OF DIRECTORS AND EMPLOYEES; ADHERENCE TO CIVIL SERVICE REGULATIONS].

The city manager shall be responsible to the council for the proper administration of all the city affairs placed in his hands, and shall to that end appoint and employ all directors of departments and other employees not otherwise provided for in this

Charter or by ordinance. Appointments made by him shall be on the basis of executive and administrative experience and ability and of training, fitness and efficiency of such appointees in the work which they are to administer. All such directors of departments shall be immediately responsible to the city manager and may be removed by him at any time. In case of removal after six (6) months' service, if the director removed so demands, a written statement shall be made by the city manager of the reason of his removal, and the director shall, if he so demands, be given a public hearing by the council before the order of removal is made final. The statement of the manager and any written reply of the director thereto shall be filed as a public record in the office of the secretary of the council.

In filling positions coming within the classified service list, he shall do so according to the rules and regulations that may be adopted by the civil service board, if such are available. He shall have the right to discharge any of the subordinate employees of his departments in accordance with the provisions of the civil service sections of this Charter.

§ 4 RESERVED.

Editor's note:

Ord. 16797, § 1(IX), adopted Jan. 24, 2006, approved May 13, 2006, repealed § 4, which pertained to bond of city manager. See also the Charter Comparative Table.

§ 5 [COUNCIL, COMMITTEES NOT TO INTERFERE WITH APPOINTMENTS, REMOVALS, ETC.]

Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or his removal from, office or employment by the city manager or any of his subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the manager by this Charter. Except for the purpose of

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inquiry, the council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager in said departments, either publicly or privately.

guaranteed by the Constitution of the United States and the Constitution of Texas shall be afforded to the person being investigated.

(Ord. 10272, § I(V), 3-16-1989, approved 5-6-1989)

§ 6 [VIOLATION OF SECTION 5 CONSTITUTES OFFICIAL MISCONDUCT].

Wilful violation of the foregoing provision of this Charter by any member of the council shall constitute official misconduct, and shall authorize the council, by a vote of two-thirds of its entire membership, to expel such offending member from the council, and thereby create a vacancy in the place held by such member.

§ 7 INVESTIGATIONS.

(a) The council, the city manager, or any person or committee authorized by either or both of them, shall have the power to inquire into the conduct of any department or office of the city; to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

(b) Any hearing held as part of such an inquiry or investigation shall be conducted by the City Council, city manager, or the person or committee authorized by either or both of them, in accordance with written rules of procedure to be adopted before commencement of the hearing. At such time as an inquiry or investigation focuses on possible criminal activities of a particular person, all due process rights

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CHAPTER VI: DEPARTMENT OF LAW

Section

- 1 [Appointment, qualifications, general duties, residence of director]
- 2 [Appointment of assistants; compensation]
- 2a [Assistants to have all powers and duties of city attorney]
- 3 [Outside counsel]
- 4 [Term, removal, absence or disability of city attorney]

§ 1 [APPOINTMENT, QUALIFICATIONS, GENERAL DUTIES, RESIDENCE OF DIRECTOR].

There shall be a department of law, the director of which shall be the city attorney, whose appointment shall be recommended by the city manager and approved by the council and who is a competent practicing attorney, duly licensed, and who shall have practiced law for at least five (5) years immediately preceding his appointment. The city attorney shall serve as chief legal advisor to the council, the city manager and all city departments, offices and agencies, and the city attorney shall represent the city in all legal proceedings, and draft, approve or file his written legal objections to every ordinance before it is acted upon by the council, and prepare or endorse his written approval or file his written legal objections to all documents, contracts and legal instruments in which the city may have an interest, and perform any other duties prescribed by this Charter or by ordinance. During his term of office, the city attorney shall be a resident citizen within the City of Fort Worth.

§ 2 [APPOINTMENT OF ASSISTANTS; COMPENSATION].

The city attorney shall serve as the director of the department of law, and shall have power to appoint such assistants as may be deemed necessary to assist in performing the duties of the applicant; such assistants to serve in that capacity as long as their services are satisfactory to the city attorney. The city attorney and assistants shall receive such compensation as may be fixed by the council.

§ 2A [ASSISTANTS TO HAVE ALL POWERS AND DUTIES OF CITY ATTORNEY].

All powers and duties imposed on the city attorney may be exercised and performed by any assistant city attorney under his direction.

§ 3 [OUTSIDE COUNSEL].

No extra outside counsel shall be retained to assist the city attorney or his assistants, save and except in cases of extraordinary importance and emergency, approved and adopted by the council. In such contingency, the council shall fix in advance, as far as practicable, the compensation to be allowed such extra or outside counsel by resolution spread upon the minutes.

§ 4 [TERM, REMOVAL, ABSENCE OR DISABILITY OF CITY ATTORNEY].

The city attorney shall not be appointed for a definite fixed time, but shall be removable at the will

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and pleasure of the council by a vote of not less than a majority of the entire council. If removed after serving six (6) months, he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but pending such hearing the council may suspend him from office. The action of the council in suspending or removing the city attorney shall be final. In case of the absence or disability of the city attorney, the council may designate some qualified person to perform the duties of the office.

CHAPTER VII: MUNICIPAL COURT

Section

- 1 Municipal court; municipal court system
- 2 [Chapter provisions declared cumulative]

§ 1 MUNICIPAL COURT; MUNICIPAL COURT SYSTEM.

There is hereby established and created a municipal court system for the City of Fort Worth, which shall have jurisdiction and authority in cases arising under ordinances of the city and applicable statutes of the State of Texas.

§ 2 [CHAPTER PROVISIONS DECLARED CUMULATIVE].

This chapter is hereby declared to be cumulative of any laws that may now or hereafter be passed by the legislature regulating or increasing the jurisdiction of the municipal courts in cities of the grade and size of the City of Fort Worth.

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**CHAPTER VIII: ADMINISTRATIVE DEPARTMENTS TO BE CONTROLLED
AND ADMINISTERED BY THE CITY MANAGER**

Section

- 1 Number of administrative departments to be controlled and administered by the city manager
- 2 Duties of directors of departments
- 3 Responsibility of directors of departments

§ 1 NUMBER OF ADMINISTRATIVE DEPARTMENTS TO BE CONTROLLED AND ADMINISTERED BY THE CITY MANAGER.

There is hereby created and placed under control of the city manager six (6) administrative departments of the city government as follows:

- (1) Department of finance;
- (2) Department of police;
- (3) Fire department;
- (4) Department of public works;
- (5) Department of public health;
- (6) Water works department.

The City Council shall have power to establish by ordinance such other departments, divisions and offices as it deems necessary for the efficient operation of the municipal government. The City Council may discontinue any department or office established by ordinance and may prescribe, combine, consolidate, distribute or abolish the functions and duties of departments, divisions or offices. No administrative department, division or office created by ordinance, and no consolidation as hereinbefore provided shall be established or discontinued until the

recommendation of the city manager thereon shall have first been heard by the council.

The directors of the departments appointed by the city manager shall be immediately responsible to the city manager for the administration of their departments, including the preparation of reports and recommendations concerning their departments as required by the city manager.

§ 2 DUTIES OF DIRECTORS OF DEPARTMENTS.

A director for each of the above departments shall be appointed by the city manager and shall serve until removed by the city manager, or until his successor is appointed and has qualified; provided, that the city manager shall assume the directorship of the department of finance, unless otherwise ordered by the council. Each director shall have power to prescribe rules and regulations, not inconsistent with this Charter or ordinance, for the conduct of his department and the preservation of the records and property under his control. Subject to the control and supervision of the city manager in all matters, the director of a department shall manage his department.

§ 3 RESPONSIBILITY OF DIRECTORS OF DEPARTMENTS.

The directors of departments appointed by the city manager shall be immediately responsible to the city manager for the administration of their departments, and their advice in writing may be required by him on all matters affecting their departments. They shall prepare departmental

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estimates, which shall be open to public inspection, and they shall make all their reports and recommendations concerning their departments at stated intervals, or when requested by the city manager.

CHAPTER IX: DEPARTMENT OF FINANCE

Section

- [1 Authority of council to provide for department; duties]

[§ 1 AUTHORITY OF COUNCIL TO PROVIDE FOR DEPARTMENT; DUTIES].

The City Council is authorized to provide by ordinance for the creation of a department of finance, which department shall be charged with the administration of the financial affairs of the city, including the keeping and supervision of all accounts, the custody and disbursement of city funds and monies according to ordinances and regulations of the City Council, the assessment and collection of all taxes, including special assessments, the issuance of licenses and the collection of license fees, and such other duties as the City Council may, by ordinance, require.

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CHAPTER X: THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

Section

- 1 Fiscal year and annual budget estimate; budget message and budget format
- 2 Annual appropriations ordinance
- 3 Transfer of appropriations
- 4 Appropriation of excess revenue
- 4a Reduction of Expenditures
- 5 Expenditures only pursuant to appropriations
- 6 Accounts of appropriations
- 7 Payment of claims
- 8 Money Certified in Treasury
- 9 Money deemed in treasury
- 10 Obligations; when void
- 11 Independent audit
- 12 Sinking fund commission

§ 1 FISCAL YEAR AND ANNUAL BUDGET ESTIMATE; BUDGET MESSAGE AND BUDGET FORMAT.

(a) The fiscal year of the city shall begin on the first day of October and end on the last day of September. On or before the fifteenth day of August of each year, the manager shall submit to the council a proposed budget for the ensuing fiscal year and an accompanying message.

(b) The manager's budget message shall explain the budget both in fiscal terms and in terms of the work programs. It shall 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, and include such other material as the manager deems desirable.

(c) The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by departments, in terms of their respective work programs, and the method of financing such expenditures;

(2) Proposed capital improvement expenditures during the ensuing fiscal year, detailed by purpose and the proposed method of financing each such capital expenditure;

(3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or enterprise fund operated by the city and the proposed method of its disposition; budgets for each utility or enterprise fund giving detailed income and expenditure information shall be included; and

(4) Detailed schedules indicating the City's debt position and debt service requirements.

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The total of proposed expenditures shall not exceed the total of estimated income.

§ 2 ANNUAL APPROPRIATIONS ORDINANCE.

The annual appropriations ordinance shall be introduced for first reading at the first City Council meeting following the council's receipt of the city manager's proposed budget. A corresponding ad valorem tax levy ordinance shall also be introduced at the same time. Public hearings on the appropriations ordinance and the tax levy ordinance shall be a part of each regular City Council meeting agenda until such a time as these ordinances are adopted. The appropriations ordinance shall be published in the city's official newspaper after its initial reading. The City Council shall not approve the budget (second reading of the appropriations ordinance) until at least ten (10) days after this publication. Following the second reading and final passage of the appropriations ordinance, it shall again be published in the city's official newspaper, along with a schedule of changes made by the council to the city manager's originally proposed budget. The budget will become effective upon this second publication.

§ 3 TRANSFER OF APPROPRIATIONS.

At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, division or section upon compliance with such conditions as the City Council may establish by ordinance.

Upon written request by the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department to another. No such transfers shall be made of revenues or earnings of any non-tax supported public utility to any other purpose. The provisions of this section, as amended, shall take effect on January 1, 1984.

§ 4 APPROPRIATION OF EXCESS REVENUE.

If at any time during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

§ 4a REDUCTION OF EXPENDITURES.

If at any time during the fiscal year it appears probable to the manager that revenues available will be insufficient to meet the amount appropriated, he shall so report to the council without delay. The report shall indicate the estimated amount of the deficit, any remedial action already taken by the manager, and any recommendations as to other steps to be taken. The council shall then take such action as it deems necessary.

§ 5 EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No expenditure shall be made from the city treasury, nor shall any obligation for the expenditure of city funds be incurred, except in pursuance of appropriations made by the council. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations.

§ 6 ACCOUNTS OF APPROPRIATIONS.

Accounts shall be kept for each item of appropriation made by the council, and every warrant on the city treasury shall state specifically against which of such items the warrant is drawn. Each such account shall show in detail the appropriations made thereto by the council, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance to the credit thereof.

The Budget and Financial Procedure Relating Thereto

§ 7 PAYMENT OF CLAIMS.

No claim against the city shall be paid, unless it is evidenced by a purchase order approved by the head of the department or office for which the indebtedness was incurred; and each director or officer and his surety shall be liable to the city for all loss or damage sustained by the city by reason of his negligent or corrupt approval of any such claim. The controller of accounts shall examine all payrolls, bills and other claims and demands against the city, and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. He may investigate any claim and for that purpose may summon before him any officer, agent or person, and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer. If the controller of accounts issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, he and his sureties shall be individually liable to the city for the amount thereof.

§ 8 MONEY CERTIFIED IN TREASURY.

No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money, be passed by the Council, or be authorized by any officer of the City, except in the cases hereinafter specified, unless the Director of Finance first certifies to the Council, or to the proper officer as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the Treasury and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall

not thereafter be considered unappropriated until the City is discharged from the contract, agreement or obligation.

§ 9 MONEY DEEMED IN TREASURY.

All monies actually in the treasury to the credit of the fund from which they are to be drawn, all monies credited to the fund from pooled cash in the treasurer's group of accounts, and all monies applicable to the payment of the obligation and appropriation involved that are anticipated to come in the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales of service products, or by-products, or from any city undertaking, fees, charges, accounts and bills receivable, or other credits in process of collection, and all monies applicable to the payment of such obligation or appropriation, which are to be paid into the city treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and monies to be derived from lawfully authorized bonds sold and in the process of delivery, shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

§ 10 OBLIGATIONS; WHEN VOID.

All contracts, agreements or other obligations entered into, all ordinances passed, and resolutions and orders adopted, contrary to the preceding sections, shall be void, and no person whatever shall have any claim or demand against the city thereunder, nor shall the council, or any officer of the city, waive or qualify the limits fixed by any ordinance, resolution or order, as provided in section 9 of this chapter of the Charter, or fasten upon the city any liability whatever, in excess of such limits, or relive any party from an exact compliance with his contract under such ordinance, resolution or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure.

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§ 11 INDEPENDENT AUDIT.

The council shall cause an independent audit to be made of the books of account, records and transactions of all the administrative departments of the city at least once yearly. Such audits, during such fiscal year, shall be made by one or more certified public accountants who, for the three (3) years next preceding, having held a certificate issued by the state board of accountancy of the State of Texas, or by a state maintaining an equal standard of professional requirements, which entitles the holder of such certificate to a Texas certificate. The auditor or auditors to make the said audit shall be selected by the council, and shall be responsible to the council. The duties of the auditor or auditors so appointed shall include the certification of all statements required under section 2 of this chapter of the Charter. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the City, supported by departmental schedules, and schedules for each utility publicly owned or operated; summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the last previous year. The report of such auditor or auditors for the fiscal year shall be printed and a copy thereof shall be furnished to each member of the council, the city manager and to each citizen who may apply therefor. The original report of the said auditors shall be kept among the permanent records of the city.

§ 12 SINKING FUND COMMISSION.

[Repealed]

CHAPTER XI: DEPARTMENT OF POLICE

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a department of police.

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CHAPTER XII: FIRE DEPARTMENT

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a fire department.

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CHAPTER XIII: DEPARTMENT OF PUBLIC WORKS

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a department of public works, which department shall be in lieu of the department of engineering formerly provided for in Chapter XIII of the Charter of the City of Fort Worth.

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CHAPTER XIV: WATER WORKS DEPARTMENT

Section

[1 Establishment and regulation]

[§ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a water works department, which department shall have jurisdiction and control over the water and sanitary sewerage systems of the City of Fort Worth.

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CHAPTER XV: DEPARTMENT OF PUBLIC HEALTH

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a department of public health.

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CHAPTER XVI: RESERVED

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CHAPTER XVII: DEPARTMENT OF PUBLIC LIBRARIES

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a department of public libraries.

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CHAPTER XVIII: PARK AND RECREATION DEPARTMENT

Section

[1 Establishment and regulation]

[% 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a park and recreation department.

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CHAPTER XIX: RECALL OF COUNCILPERSONS

Section

- 1 Recall of councilpersons; procedure; election of successors
- 2 [Failure, refusal of council to order election]

§ 1 RECALL OF COUNCILPERSONS; PROCEDURE; ELECTION OF SUCCESSORS.

Any councilperson of this city may be recalled and removed from office by the electors qualified to vote for a successor of such incumbent as herein provided. The procedure to remove councilpersons shall be as follows:

A petition signed by the qualified voters entitled to vote for a successor to the councilperson sought to be removed, equal in number to at least twenty (20) percentum of the entire number of persons entitled to vote for a successor to said councilperson at said time, demanding the recall of said councilperson shall be filed with the city secretary, provided that such petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers to each of such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be. Within ten (10) days from the filing of such petition, the city secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition a certificate showing the result of such examination. If, by the

secretary's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The secretary shall within ten (10) days after such amendment is filed, if any is so filed with him, make like examination of the said amended petition, and if his certificate shall show same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition based upon new and different grounds, but not upon the same grounds.

If the petition be found sufficient, the secretary shall submit the same to the City Council without delay. If an election is to be held within the city for any other purpose within sixty (60) days from the date of said certificate, then the said recall election shall be held on the same day. If the councilperson in question resigns, no election shall be necessary and the vacancy shall be filled as in other cases of vacancies.

The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the city secretary to be sufficient and the councilperson whose removal is sought does not resign within five (5) days after the certification to the council, the council shall order and hold a recall election in the affected district. Such election shall be held on the first available election date specified pursuant to Article 2.01b of the Texas Election Code unless the council shall request, and receive, permission from the governor to call an emergency special election. If a recall petition should be certified within thirty (30) days of an election date, the council may set the election for the next date following the impending special election date or it may request permission for an emergency special election date from the governor.

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

(1) With respect to each person whose removal is sought the question shall be submitted “Shall (name of councilperson) be removed from the office of City Councilperson?”

(2) Immediately below each such question there shall be printed the two (2) following positions, one above the other, in the order indicated:

“For the recall of (name of councilperson).”

“Against the recall of (name of councilperson).”

If a majority of the votes cast at a recall election shall be against removal of the councilperson named on the ballot, he/she shall continue in office. If the majority of the votes cast at such election be for the removal of the councilperson named on the ballot, the council shall immediately declare his/her office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A councilperson thus removed shall not be a candidate to succeed himself in an election called to fill the vacancy thereby created.

No recall petition shall be filed against a councilperson within six (6) months after he takes office, and no councilperson shall be subject to more than two (2) recall elections during a term of office.

§ 2 [FAILURE, REFUSAL OF COUNCIL TO ORDER ELECTION].

Should the council fail or refuse to order an election as herein provided for the recall of a councilperson, when all the requirements for such election have been complied with by the petitioning citizens, in conformity with this chapter of the Charter, then it shall be the duty of any one of the district judges of Tarrant County, Texas, upon proper application being made therefor, to order such election

and to enforce the carrying into effect of the provisions of this chapter of the Charter.

CHAPTER XX: THE INITIATIVE

Section

- 1 Power to initiate ordinances
- 2 Preparation of initiative petitions
- 3 Filing of petitions
- 4 Submission of petition to council
- 5 Election on initiated measures
- 6 Initiative ballots
- 7 Number of measures to be initiated;
initiated ordinances subject to amendment
or repeal by council

signature shall be in ink or with indelible pencil. All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five (5) registered voters who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter named. All such papers shall be filed in the office of the city secretary as one instrument.

§ 1 POWER TO INITIATE ORDINANCES.

The qualified voters of this city shall have the right, at their option, to propose ordinances, not in conflict with this Charter, the Constitution or the laws of the State of Texas, and to adopt the same at the polls, such power being known as the initiative. A petition, meeting the requirements hereinafter provided and requesting the council to pass an ordinance, therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided.

§ 2 PREPARATION OF INITIATIVE PETITIONS.

Signatures to initiative petitions need not all be on one paper, but the circulator of every such paper shall make an affidavit substantially as follows: That each signature appended to the paper is the genuine signature of the person whose name it purports to be and was made by said person in his presence. With each signature shall be stated the place of residence of the signer, giving the street and number, or other description sufficient to identify the place. Each

§ 3 FILING OF PETITIONS.

Within ten (10) days after the filing of the petition, the city secretary shall ascertain by examination the number of registered voters whose signatures are appended thereto, and whether this number is at least twenty (20) per cent of the total number of registered voters as shown by the registration books, and he shall attach to said petition his certificate showing the result of said examination. If by the secretary's certificate, of which notice in writing shall be given to one or more of the persons designated, the petition is shown to be sufficient it may be amended within ten (10) days from the date of said certificate by filing supplementary petition papers with additional signatures. The secretary shall, within ten (10) days after such amendment, make examination of the amended petition, and if his certificate shall show to be insufficient, the secretary shall file the petition in his office and shall notify each member of the committee to that effect. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose; but no new petition covering the same ordinance in substance shall be filed until at least six (6) months have elapsed.

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§ 4 SUBMISSION OF PETITION TO COUNCIL.

If the petition shall be found to be sufficient, the secretary shall so certify and submit the proposed measure to the council at its next meeting. Upon receiving the proposed measure the council shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date it is filed with them.

§ 5 ELECTION ON INITIATED MEASURES.

If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition, then the measure shall, if demanded in writing by the committee, be submitted by the council to the vote of the electors at the next election occurring in the city; provided, that the City Council shall, if in their judgment the public interests demand it, order an election to be held at an earlier date to be fixed by the council.

§ 6 INITIATIVE BALLOTS.

The ballot used in voting upon an initiated ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance."

Where an initiated ordinance and an alternative ordinance proposed by the council are submitted, the ballot shall state the captions of each ordinance, clearly designating them "Ordinance No. 1" and "Ordinance No. 2," respectively, and shall set forth below the captions on separate lines the words "For Ordinance No. 1," "For Ordinance No. 2," and "Against Both Ordinances." Where an initiated ordinance and an alternative ordinance are submitted each voter shall vote "For" only one ordinance or "Against Both Ordinances," and a vote for one ordinance shall be counted as a vote against the other

ordinance. If a majority of the votes cast is in favor of a submitted ordinance, it shall thereupon be effective as an ordinance of the city.

§ 7 NUMBER OF MEASURES TO BE INITIATED; INITIATED ORDINANCES SUBJECT TO AMENDMENT OR REPEAL BY COUNCIL.

Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this Charter. Initiated ordinances, adopted by the electors, shall be published and may be amended or repealed by the council as in the case of other ordinances; but not until two years after such ordinance or ordinances shall become effective.

CHAPTER XXI: REFERENDUM

Section

- 1 [Submission of ordinance to voters prior to taking effect or within thirty days of passage; section not applicable to routine or emergency measures, general appropriation ordinance or bond ordinances]
- 2 [Referendum petition]
- 3 [Alteration or amendment or proposed ordinance]
- 4 Ordinances passed by referendum subject to amendment or repeal by council after six months
- 5 [Referendum relative to purchases and sales of public property by city]

§ 1 [SUBMISSION OF ORDINANCE TO VOTERS PRIOR TO TAKING EFFECT OR WITHIN THIRTY DAYS OF PASSAGE; SECTION NOT APPLICABLE TO ROUTINE OR EMERGENCY MEASURES, GENERAL APPROPRIATION ORDINANCE OR BOND ORDINANCES.]

If prior to the date when an ordinance of a general nature passed by the council shall take effect, or within thirty (30) days after the passage of same, a referendum vote should be demanded on same, as hereafter provided, such ordinance shall be submitted to the legal voters of the City of Fort Worth, and the same shall not be effective and valid until the said ordinance shall have been approved by a majority of those voting thereon; provided, that this section shall not apply to mere matters of routine, or emergency measures passed on the ground of urgent public need for the preservation of peace, health, safety or property, by a vote of not less than three-fourths of the City Council, nor to the general appropriation ordinance or bond ordinances.

§ 2 [REFERENDUM PETITION.]

Whenever there shall be presented to the City Council a petition or petitions, signed by twenty (20) per cent of the registered and qualified legal voters of said city, demanding that an ordinance passed by the council, and set forth in said petition or petitions, be submitted to a vote of the qualified electors of the city, it shall be the duty of the council to submit such proposed ordinance to a vote of the qualified electors of said city at the next election held thereafter by said city. The signatures to said petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. All signatures must be made in ink or with indelible pencil. One of the signers of said petition shall make oath before a duly qualified officer that the statements therein are true and that each signature to said petition is a genuine signature of the person whose name it purports to be and was signed in his presence by such person; provided, that any petition intended to require a submission to referendum of an ordinance enacted by the City Council shall be presented to the council within thirty (30) days after the enactment of such ordinance, and not thereafter. The City Council may, if in its judgment the public interest so demands, provide for such referendum election to be held at an earlier date than that of the next ensuing election, in which event the said date shall be fixed by the council.

§ 3 [ALTERATION OR AMENDMENT OR PROPOSED ORDINANCE.]

If the City Council shall alter or amend said proposed ordinance (as it may do), and such amended ordinance should not be satisfactory to the persons demanding the referendum, then the said amended

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ordinance shall be, if demanded in writing by a committee of five (5) signers, to be designated in the petitions as the committee to act for the said petitioners, submitted to a vote of the people at the next election ensuing in the city, unless a different date be set by the council. Or if said ordinance should not be amended or altered by the City Council, the same course shall be taken in respect thereto as in the case of amended ordinances.

The ballots used in such election shall contain the words, -“For the Ordinance Passed by the City Council on a certain date” (stating the nature of the ordinance), and “Against the said Ordinance.” If a majority of the votes cast shall be in favor of the adoption of said ordinance, the said ordinance as passed shall be valid and effective, as other ordinances of the city, upon proper publication if required. If a majority of the votes cast as [at] such election be against the said ordinance it shall not be valid and effective.

public property owned by said city whose value exceeds one hundred twenty-five thousand dollars (\$125,000.00), without first making such intention known by means of publication in the official newspaper of the city once a week for four (4) consecutive weeks, during which time it shall be lawful for qualified voters, who shall not be fewer than ten (10) percent of the number of voters who voted in the most recent municipal election for mayor to petition the City Council for a referendum, in which event the matter of such sale shall be referred to the people at an election to be held for that purpose, at the time and in the way and manner to be prescribed by the City Council of said city, and in the event a majority of the votes cast at such election is in favor of such proposition, then the sale shall be made; otherwise, such sale shall not take place.
(Ord. 16797, § 1(X), 1-24-2006, approved 5-13-2006)

§ 4 ORDINANCES PASSED BY REFERENDUM SUBJECT TO AMENDMENT OR REPEAL BY COUNCIL AFTER SIX MONTHS.

Referendum ordinances adopted by the electors shall be published and may be amended or repealed by the council as in the case of other ordinances, but not until six (6) months after such ordinance shall become effective.

§ 5 [REFERENDUM RELATIVE TO PURCHASES AND SALES OF PUBLIC PROPERTY BY CITY.]

The City of Fort Worth may take, hold and purchase such personal property, chattels, animate and inanimate, lands and real property as may be needed for the corporate purposes of said city, whether in or out of the corporate limits of the city, and may sell, lease, alienate, exchange or encumber any real estate or personal property owned or acquired by it; provided, however, that no sale shall be made of any

CHAPTER XXII: IMPROVEMENT AND PAVING OF STREETS AND HIGHWAYS

Section

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| 1 | Improvement, definition of | 15 | Improvements-Certificates, form of; executed by mayor; street improvement fund |
| 2 | Highway, definitions of | | |
| 3 | Highways; improvement of | | |
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| 6 | Improvements-Contracts; signature by mayor | | |
| 7 | Improvements-Limit of cost; assessment; deferred payments; interest; attorney's fees | | |
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§ 1 IMPROVEMENT, DEFINITION OF.

The term "improvement," when used in this Charter shall include the improvement of any street, avenue, alley, highway, public place or square, or portion thereof, in the city by filling, grading, raising, paving, repairing or otherwise improving the same in a permanent manner, or the construction or reconstruction of sidewalks, curbs and gutters, and other necessary appurtenances, including drains and culverts, and also the laying out, opening, narrowing, straightening or otherwise establishing, defining or locating streets, alleys, avenues, public places, squares or sidewalks. Said term shall also include any other permanent street improvement for a public benefit.

§ 2 HIGHWAY, DEFINITIONS OF.

The term "highway," when used herein, shall include any street, alley, highway, avenue or public place or square, bridges, viaducts, tunnels and causeways, in the city, dedicated or devoted to public use.

§ 3 HIGHWAYS; IMPROVEMENT OF.

The City Council shall have power to order the improvement of any highway or highways, or part thereof, in the city, and to prescribe the nature and extent of the improvements, and shall have power to

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cause any of such improvements to be made separately or together.

§ 4 PAVEMENT IMPROVEMENT OF HIGHWAY, SIDEWALKS AND CURBS; CONTRACTS; PAYMENT; LIEN; SALE; DEED.

Subject to the terms hereof, the cost of such improvement may be paid wholly by the city or partly by the city and partly by owners of property abutting on such improvements and benefited thereby. But the whole cost of constructing any sidewalk or curb shall be paid by the owners of such abutting property, and the owner of any railroad or street railroad having any track or tracks, switch or turn-out in a highway ordered to be improved shall pay the whole cost of such improvement between the rails and tracks of said railroad or switch or turn-out, and two (2) feet on the outside thereof. The portion of the cost of such improvement payable by the owner of such railroad or street railroad, and all costs of collection, shall be a special tax against and secured by lien upon the roadbed, ties, rails, fixtures, rights, and franchises of such railroad or street railroad and the owner thereof. After the execution of a contract by the city for any such improvement, the City Council shall, by ordinance, levy a special assessment upon the roadbed, ties, rails, fixtures, rights and franchises of such railroads or street railroads for the portions of said cost payable by the owners thereof, which assessment shall be a lien on such property from the time of levy, prior and superior to all encumbrances thereon, except lawful taxes. Such assessment shall become due and delinquent as shall be specified by said ordinance, and if not paid as therein provided, shall be enforced as in the case of the collection of taxes under this Charter, by the advertisement and sale of the property rights and franchises levied on. The officer making said sale shall execute to the purchaser a deed similar to the one executed when property is sold for ad valorem taxes, and the recital of such deed that all legal prerequisites to the validity of said sale have been complied which shall be prima facie

evidence of the truth thereof, and so accepted without further proof. Such tax and lien may also be enforced by suit in any court having jurisdiction.

§ 5 IMPROVEMENT OF HIGHWAYS; POWER TO ORDER; PROCEDURE; SPECIFICATIONS OF MATERIAL; BOND OF CONTRACTOR; ADVERTISEMENT FOR BIDS; POWER TO ACCEPT OR REJECT; NO CHANGE OF BIDS.

The City Council shall have the power by resolution to order the making of such public improvements, or any of them, by majority vote, without notice, and the passage of such resolution shall be conclusive of the public necessity and benefits thereof. The resolution shall generally set out the nature and extent of the improvements to be made, the section or sections of the highway or highways to be improved, and the material or materials to be used, and the method or methods of paying the cost. The resolution may specify different or alternative materials and different or alternative methods for the construction of the improvement, and the payment of its cost; upon passage of such resolution, the director of public works shall forthwith prepare specifications, subject to approval of the City Council, for the improvement, embracing the different or alternative materials or methods which may be prescribed by said resolution, for the construction of said improvement or payment of its cost; and the character of bond or bonds, if any required of the successful bidder. Such specifications shall be submitted to the City Council, and after being corrected, in event correction is necessary, and the same is satisfactory to the council, same shall be approved by the City Council. The City Council shall have power to require of the contractor to whom the work may be let, a bond or bonds for the faithful performance of the contract, and for the repair, or reconstruction, in whole or in part, of the improvement within three (3) years after its completion, if necessitated within that time by any defective material, plans, methods, or processes, employed in the construction of such improvement,

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and containing such other provisions as the City Council may require. Such bond or bonds shall be executed by the contractor with a good and solvent corporate surety thereon, authorized to do business in Texas, and acceptable to the City Council, or with two (2) good, solvent and acceptable personal sureties, if the council shall so elect.

When the specifications have been adopted by the City Council, the city secretary, or other officer designated by the council, shall advertise for sealed bids for the construction of said improvements in accordance with the specifications. Said advertisement shall be published one (1) or more times in a newspaper of general circulation in the city, and shall state the times prescribed by the council for receiving bids, which shall be not less than ten (10) days from the first publication of said advertisement. Bids shall be filed and opened by the City Manager or his or her designee. Said council may accept such bid or bids, as it may deem most beneficial to the city and the owner of the property abutting the proposed improvement, or may reject any and all bids, and may accept different bids for parts of the improvement and accept such bid or bids on different plans or methods, or for different materials, as it may deem best. No bid shall be amended, revised or changed after being filed.

(Ord. 16797, § 1(XI), 1-24-2006, approved 5-13-2006)

§ 6 IMPROVEMENTS-CONTRACTS; SIGNATURE BY MAYOR.

The bids having been accepted by the City Council, the city shall enter into contract with the contractor, to whom the work is let, for its performance. Such contract shall be signed by the city manager or his or her designee and attested by the corporate seal affixed by the city secretary, or other officer designated by the council, and shall be approved as to form by the City Council.

(Ord. 16797, § 1(XII), 1-24-2006, approved 5-13-2006)

§ 7 IMPROVEMENTS-LIMIT OF COST; ASSESSMENT; DEFERRED PAYMENTS; INTEREST; ATTORNEY'S FEES.

Exclusive of the cost of such improvement to be paid by railroads and street railroads, as herein provided, the city, acting by the City Council, shall have the power to assess the whole cost of constructing and reconstructing sidewalks and curbs and other improvements against the owners of property abutting on the highway or highways, or sections thereof, to be improved, who are especially benefited thereby. But no part of such cost shall be assessed against any owner of his property in excess of the special benefits thereto in enhanced value thereof arising from the improvement, nor until after the notice and hearing hereinafter provided for. The proportion of the cost assessed against any property, or its owner, shall be in such proportion as the frontage of property of each owner is to the whole frontage of property to be improved, and shall be in accordance with the front foot rule or plan, unless, in the opinion of the City Council, such rule would operate unjustly in particular cases, in which event the City Council shall adopt such rule of apportionment as will effect substantial equality and justice between property owners, having in view benefits received and burdens imposed on such owner. The cost of paving street intersections and public alleys shall be borne by the city.

When the payment of any part of the cost of improvement assessed against any property owners is deferred, the City Council shall have power to provide that such payments shall bear interest at not to exceed eight (8) per cent per annum, and shall have power to include in any assessment against such owners, or their property, cost of collection and a reasonable attorney's fees, when such costs and fees are incurred.

§ 8 IMPROVEMENT-LISTS OF OWNERS; NOTICE TO OWNERS; PROTESTS; PROCEDURES.

When the contract or contracts for improvements have been executed and approved, if any part of the

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cost is to be assessed against property, or its owner or owners, the director of public works shall at once prepare a statement containing the names of persons, firms or corporations or estates owning property abutting on the highway, or section thereof, to be improved and the number of front feet owned by each, with such description by lot or block number, or otherwise, sufficient to identify the same, and also containing an estimate of the total cost of the proposed improvement, the cost per front foot of abutting property. Said statement shall be examined by the City Council and any errors therein corrected, but no error or omission shall invalidate any assessment made thereunder. When said statement has been approved by the council, it shall then determine and declare the necessity of assessing any part of the cost of proposed improvements against such owners and their property by resolution directing notice to be given to such owners and fixing the time and place of a hearing to be given them. Such notice shall be signed by the city secretary, or other officer designated by the council, and shall state the time and place of hearing, the general nature of improvement proposed, the highway or section thereof to be improved and the total amount and amount per foot proposed to be assessed against owner and his property.

Such notice shall be served by publishing same for three times, the first being at least twenty-one days before the date of hearing, in the city's official newspaper and by mailing a copy thereof by letter deposited in the post office of said city directed to the address of each owner, if known, but if not known, then to the address of his agent or attorney, if known. Said letters shall be posted at least fourteen (14) days before the day of said hearing. Said notice and letter shall contain all the information required by law. On the day fixed for said hearing or any time thereafter, before any assessment is made, any person, firm, corporation or estate owning or having any interest in any property proposed to be assessed for any part of the cost of such improvement or against whom any personal charge is proposed, shall have the right to appear before the City Council in person, or by attorney or agent, and shall be entitled to a hearing as to all matters affecting said assessment or personal liability, or the benefits of said improvement, if any,

to property proposed to be assessed and any objection to such assessment, or to the making of such improvement or any invalidity or irregularity in the proceedings with reference thereto, or any other objection. All objections shall be filed in writing, and thereafter the opportunity shall be given to persons filing objections to subpoena witnesses and produce testimony. Said hearing may be adjourned from time to time until completed without further notice. The City Council shall have power to inquire into and determine all facts necessary to the adjudication of objections and the ascertainment of special benefits to such owners by means of such improvements and shall render such judgment in each case as shall be just and proper. Objections to the regularity of any proceedings, or the validity of any assessment or charge of personal liability against any person or property, shall be waived unless presented at the time and in the manner herein specified.

§ 9 IMPROVEMENTS-ORDINANCE FIXING LIEN; PARTIAL PAYMENTS; INTEREST; RELEASE OF LIEN; PERSONAL LIABILITY; JOINT OWNERSHIP; SALES UNDER LIEN; ORDINANCE; NOTICE OF LIEN; ERRORS; EFFECT OF.

When said hearing has been concluded, the City Council shall by ordinance, which shall take effect from its passage, without publication or other prerequisites, assess against the several owners of property, and their property abutting on the highway or section thereof, ordered to be improved, such part of the cost of improvement as said council may have adjudged against them. Said ordinance shall fix a lien upon said property and declare the respective owners thereof to be personally liable for the amounts assessed against them, and shall state the time and terms of payment of such amounts. The said ordinance shall prescribe the rate of interest upon deferred payments, not exceeding the maximum set by law, and shall provide that failure to pay any installment when due shall mature all of said deferred payments. But any owner shall have the right to discharge any installment before maturity by the payment of same with accrued interest to date of payment. The lien and

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charge of personal liability above referred to shall secure and include all costs of collection, including a reasonable attorney's fee, when incurred. Upon payment in full of any assessment against any such property, the city shall, acting by its mayor, execute a release which shall discharge the lien thereof.

More than one parcel or lot of land, the property of one owner, or owned jointly by two (2) or more owners, may be assessed together without invalidating said assessment or the lien thereof, or any claim of personal liability. The cost of such improvement assessed against any property, or its owner, together with interest as set by the City Council and costs of collection, including reasonable attorney's fees, when incurred, shall constitute a personal claim against such property owner and be secured by lien on such property superior to all other liens, claims or titles, except lawful taxes, and such liability and lien may be enforced in any court having jurisdiction, or by sale of such property by the officer, and in any manner, as far as applicable, sales are authorized to be made for nonpayment of city taxes, but it shall not be necessary to sell at the same time as for delinquent taxes. The recital in any deed made in pursuance to such sales that all legal prerequisites to the validity thereof have been complied with, shall be prima facie evidence thereof, and without further proof shall be presumed to be true.

The City Council may by resolution make such rules and regulations as may be deemed proper to enforce collection of such assessments. Any error or omission in any proceeding herein provided for shall be corrected by the council, and shall not invalidate the said proceedings. The passage of such ordinance making said assessment shall be notice to all persons of the lien created thereby.

§ 10 IMPROVEMENTS-SUIT BY OWNER; FIFTEEN DAYS LIMITATION; PRECEDENCE IN COURTS; DEFENDANTS; SUSPENSION OF IMPROVEMENTS.

Any person interested in any property assessed for such improvements, or against whom any charge

of personal liability may have been fixed, may, within fifteen (15) days from the conclusion of the hearing above referred to, but not thereafter, institute suit in any court having jurisdiction for the purpose, on any ground, of testing the validity of said assessment or personal liability, and the validity of any proceeding had with reference thereto; but is said action be not brought within said period of fifteen (15) days, then said persons, their heirs, successors, assigns, or personal representative, shall be forever barred from asserting any defect in such proceedings or any invalidity in said assessment or charge of personal liability, in any action in which the same may thereafter be brought into question.

The said city and the contractor to whom the work of improvement may have been let, shall be made parties defendant to any suit brought under this section. When any suit has been brought under the terms of this section, the performance of any work may be suspended at the election of the city or the contractor until said suit is finally determined, provided that any writ of error or appeal from the judgment of the court in which said suit was brought shall be perfected within thirty (30) days from the adjournment of the term of the court of original jurisdiction at which final judgment shall thereafter be taken or sued out, but any such suit shall be entitled to precedence in all courts in this state, and any party may move in any court of an early hearing, and such cases shall, in all courts, be entitled to be advanced on the docket and speedily determined.

§ 11 IMPROVEMENTS-OMISSION OF PROPERTY FROM IMPROVEMENT; EFFECT OF.

When the City Council has reason to believe that the owner of any property may successfully claim the same as exempt from assessment, the council may order that the improvement shall not be made in front of said property, unless the owner shall first satisfactorily secure the payment of the amount which would be assessed against the same, were it not exempt. When any part of the cost of improvement is to be paid by such property owners or assessed against

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their property and the contractor is required to look to such property or its owners for the proportion of the cost assessed against them, and the city is relieved from the payment of such cost, the contractor may or may not be required to construct improvements in front of property which is exempt from the enforcement of a lien for such cost. The omission of improvements in front of such property on a highway or section thereof ordered to be improved, shall not invalidate or affect any assessment against any other property located on such highway, or section thereof, or charge of personal liability against the owner thereof.

§ 12 IMPROVEMENTS-ON ONE SIDE OF HIGHWAY; ASSESSMENT OF COST.

The City Council shall have power to order improvements made on only one side of a highway or section thereof, and may assess part of the cost against property and its owners abutting on said improvement as herein provided.

§ 13 IMPROVEMENTS-CORRECTION OF ERRORS; INVALID ASSESSMENTS; PROCEDURE TO CORRECT; REASSESSMENT.

If any error shall occur in any proceeding provided for by this chapter of the Charter, it shall be the duty of the City Council to correct the same, and whenever it shall be finally determined in any suit that any assessment or charge of liability against any property, or its owner, is invalid or unenforceable, for any reason, then it shall be the duty of the City Council at once to reassess against said property and its owner such proportion of the cost of improvement as may be proper, lawful and just, and the City Council shall have power, and it shall be its duty, by ordinance or resolution, to adopt such rules and regulations for a hearing to said owners before the reassessment as may be necessary legally to bind such owners and property by reassessment, and shall have power to adopt all other rules and regulations requisite

to such reassessment, or fixing a charge of personal liability against such owners.

§ 14 IMPROVEMENTS-PETITION OF SIXTY PER CENT OF PROPERTY OWNERS; PROCEDURE; PARTIAL PAYMENTS; INTEREST; PAYMENT BY CITY; ASSIGNMENT OF DEFERRED PAYMENTS; STREET IMPROVEMENT FUND.

Whenever the owners of sixty (60) per cent of the front feet of property abutting on any highway, or part or section thereof, in the city shall, in writing, petition the City Council for the improvement thereof, and shall in the petition agree to pay the cost of such improvement in front of their respective properties, exclusive of any costs payable under the terms of this Charter, by owners of railroads or street railroads, and shall generally designate the nature and extent of the proposed improvement, the City Council must order the making of said improvement; provided, only, that the City Council shall be satisfied from the said petition, or other evidence before it, that the payment of at least one-half of the total cost of improvement, exclusive of cost to be paid by owners or railroads and street railroads, can be secured by assessment against abutting property and its owner, or in some other manner. When such petition has been filed and approved, the procedure of the said council, the city and its officers, with respect to such improvement and fixing, and assessing, apportioning and collecting the cost thereof, shall, in all things be in compliance with the preceding and succeeding sections of this chapter of the Charter, and the provisions thereof which shall apply in all respects to proceedings under this section, except as in this section otherwise provided. Where improvements are made under the terms of this section, the work shall not begin until at least sixty (60) per cent of the estimated cost thereof, exclusive of the amount to be paid by railroads or street railroads has been assessed against the property abutting on the proposed improvement, or against the owners thereof. When improvements are made under the terms of this section, the proportion of the cost thereof assessed

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against the owners of property, and their property shall be payable by them to the city, or its assigns, in five (5) or more equal installments, the first of which shall be due thirty (30) days after the completion and acceptance of the improvement by the city, and the remainder in annual installments thereafter. Deferred payments shall bear interest at not to exceed eight (8) per cent per annum as may be fixed by the City Council, and default in the payment of any installment of principal or interest, when due, shall, at the option of said city, or its assigns, mature all unpaid installments, which shall, in such event, without notice, become collectible.

During the progress of and when improvements are completed under this section, the city may pay to the contractor making same, the whole agreed cost thereof, except amounts payable by the owner of railroads and street railroads, under the terms of this chapter. But upon such payment by the city, the contractor shall endorse and assign to the city, without recourse, all notes, contracts, liens or other securities or obligations given to said contractor by owners of abutting property to secure the payment of the cost of such improvements. The owners of property against whom and whose property, however, two-thirds of said cost shall have been assessed, shall pay the same to the city or its assigns, in installments, as above set forth. But such owner shall have the privilege of discharging said installments before maturity by paying same with accrued interest to date of payment. Payments so made to the city, or the proceeds of said assessments, if sold by the city, shall become part of the permanent street improvement fund and be sacredly preserved therein, and shall not be used in any manner except to make other permanent street improvements, where the cost or part thereof is assessed against abutting property or its owners.

§ 15 IMPROVEMENTS-CERTIFICATES, FORM OF; EXECUTED BY MAYOR; STREET IMPROVEMENT FUND.

The City Council may also authorize the issuance by the city of assignable certificates against abutting property owners or against persons, firms,

corporations or estates using or occupying highways. Such certificates shall be payable to the contractor, or to the city, should the city pay the whole cost of improvements, as set out in Section 14, and the City Council shall fix the form and terms of such certificates. The recital in such certificates that proceedings with reference to such improvements have been made in compliance with the terms thereof, and that all prerequisites to the fixing of the lien and charge of personal liability evidenced by such certificates have been performed, shall be prima facie of the facts so recited, and no other proof thereof shall be required, but in all courts the said proceedings and prerequisites shall, without further proof, be presumed to have been had and performed. Such certificates shall be executed by the mayor and attested by the city secretary, or such other officer as may be designated by the City Council, with the corporate seal. Such certificate, when payable to the city, may be sold by it as may be provided by the City Council, and the proceeds of said sale shall become part of the permanent street improvement fund.

§ 16 IMPOUNDMENTS-VALIDATION OF OLD CONTRACTS.

The City of Fort Worth having heretofore entered into contracts for the pavement of streets or begun proceedings looking thereto, all provisions of the preceding Charter and ordinances of the City of Fort Worth providing for the construction of such improvements or assessment of the cost thereof against owners of abutting property and their property, or the enforcement of such assessment shall remain in full force for the purpose of effecting the construction of the said improvements and assessing and collecting the cost thereof, and all contracts entered into by the City of Fort Worth heretofore for the same are hereby validated.

§ 17 [IMPROVEMENTS-ALTERNATIVE METHOD.]

That all of the powers conferred by the act of the first called session of the Fortieth Legislature,

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authorizing cities to improve streets and alleys and make assessments for same, known as Chapter 106, and found on page 489 of said Session Laws, be adopted as an alternative method, the provisions of which act, or any one of them may be exercised by the City Council or other governing authority whenever it is deemed advisable so to do.

CHAPTER XXIII: MERIT SERVICE

Section

[1 Establishment, regulation and maintenance]

[% 1 ESTABLISHMENT, REGULATION AND MAINTENANCE.]

Consistent with all applicable federal and state laws, the City Council shall provide by ordinance for the establishment, regulation and maintenance of a merit system, governing personnel policies, grievances and other procedures and practices necessary to the effective administration of employees of the City of Fort Worth.

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**CHAPTER XXIV: ASSESSMENT AND COLLECTION OF TAXES;
PROVISIONS RELATIVE TO ISSUANCE AND SALE OF BONDS**

Section

- 1 Property subject to taxation
- 2 Levy and collection
- 3 [Repealed by Ord. 16797, § 1(XIII),
1-24-2006, approved 5-13-2006]
- 4 State law on assessment and collections
applicable
- 5 Tax liens; seizure and sale for taxes;
sale of personal property
- 6 Further powers of the City Council
- 7 Tax suits; delinquent taxes; limitations
- 8 [Repealed by Ord. 10272, § I(VI),
3-16-1989, approved 5-6-1989]
- 9 Delinquent taxes; appropriation of
- 10 Surplus funds; use of
- 11 Franchise; taxation of
- 12 Execution and garnishment; city not
subject to
- 13 [Repealed by Ord. 10272, § I(VI),
3-16-1989, approved 5-6-1989]
- 14 Rate of taxation; real and personal
property defined
- 15 [Repealed by Ord. 10272, § I(VI),
3-16-1989, approved 5-6-1989]
- 16 No rebates to be allowed on payment
of city taxes; right to borrow funds in
anticipation of taxes
- 17 Occupation taxes; limit of; license
fees; definition of
- 18 Issuance and sale of bonds.
- 19, 20 [Repealed]
- 21 Tax attorney; appointment and duties;
corporation counsel may act.
- 22—35 [Repealed by Ord. 10272, § I(VI),
3-16-1989, approved 5-6-1989]

§ 1 PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. It shall be the duty of the tax assessor and collector on or before the first day of August of each year or as soon thereafter as practicable, to make and return to the City Council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation.
(Ord. 10272, § I(VI), 3-16-1989, approved 5-16-1989)

§ 2 LEVY AND COLLECTION.

The City Council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under the Charter, and is hereby authorized to enforce the collection of same against all property subject to taxation and the owners thereof as provided by law. Unless otherwise provided by ordinance and the Charter, all property in the city liable to taxation shall be assessed in accordance with the provisions of the general laws of the state insofar as applicable.
(Ord. 10272, § I(VI), 3-16-1989, approved 5-6-1989)

**§ 3 [REPEALED BY ORD. 16797, § 1(XIII),
1-24-2006, APPROVED 5-13-2006].**

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§ 4 STATE LAW ON ASSESSMENT AND COLLECTIONS APPLICABLE.

Unless otherwise provided by this Charter and by ordinances passed thereunder, all property in such city liable to taxation shall be assessed and all taxes thereon collected in accordance with the provisions of general laws of the state, insofar as applicable. (Ord. 10272, § I(VI), 3-16-1989, approved 5-6-1989)

§ 5 TAX LIENS; SEIZURE AND SALE FOR TAXES; SALE OF PERSONAL PROPERTY.

In all cases where any dealer in goods or merchandise of any kind subject to either ad valorem or occupation taxes, or both, under the provisions of this Charter, shall, after the rendition of said goods, wares or merchandise for taxation, or after becoming liable for any occupation tax, become or be adjudged bankrupt, or make an assignment of said goods, wares or merchandise, or sell out or transfer the same in bulk, then the assessor and collector of taxes shall at once present to the trustee in bankruptcy, receiver, assignee or vendee of said dealer for payment, a statement of the amount due for said occupation or ad valorem taxes by said dealer, and in case of the failure of the said trustee in bankruptcy, receiver, assignee or vendee to at once pay the amount of said taxes, the said assessor and collector shall, by virtue of his assessment roll, levy upon, seize and sell from the said goods, wares or merchandise, enough to satisfy the amount of said taxes, interest and costs, such sale to be conducted in the manner now prescribed for the personal property under execution; and said taxes, until paid, shall be and constitute a prior lien on all said merchandise, goods and wares in default of the payment of said taxes; and whenever any goods, wares or merchandise shall be levied upon or seized under any writ of attachment or execution, upon which the said city has a claim for ad valorem or occupation taxes unpaid, said assessor and collector shall present for payment to the officer levying said writ of attachment or execution the amount due for taxes, interest and costs on said goods, wares or merchandise, and in case of failure of said officers or of the plaintiff in said writ to at once pay the amount

of said taxes, said assessor and collector shall proceed to levy upon, seize and sell enough of said goods, wares or merchandise to satisfy the amount of said taxes, interest and costs as hereinabove provided.

§ 6 FURTHER POWERS OF THE CITY COUNCIL.

Unless otherwise provided by the Constitution or general laws of the state, the City Council shall have the power, by ordinance, to do the following:

- (a) To provide for the levying, assessment and collection of such taxes as the council may determine;
- (b) To provide for the prompt collection of all taxes assessed, levied and imposed under this Charter;
- (c) To sell or cause to be sold real as well as personal or mixed property upon which taxes are delinquent and unpaid;
- (d) To regulate the manner of making out tax lists or inventories and appraisements of property therein and to prescribe the oath that shall be administered on such rendition of property;
- (e) To prescribe how and when property shall be rendered;
- (f) To prescribe the number and form of assessment rolls;
- (g) To fix the powers and duties of the tax assessor and collector;
- (h) To prescribe the date the taxes must be paid and to prescribe the amount of penalty, interest, attorney's fees and costs which are owed on delinquent taxes;
- (i) To adopt such other measures as the council deems advisable to secure the assessment of all property within the corporate limits of the City, and to collect the taxes thereon; and

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(j) To have and exercise all other powers and authority now conferred or that may hereafter be conferred upon cities by the general laws of the State of Texas.

(Ord. 10272, § I(VI), 3-16-1989, approved 5-6-1989)

§ 7 TAX SUITS; DELINQUENT TAXES; LIMITATIONS.

All taxes due by property owners on any and all property in the City of Fort Worth, as appears on the tax rolls of said city, may be collected by suit for delinquency and by foreclosure of the lien thereon in any court having jurisdiction of the same, and any person who shall purchase property encumbered with a lien for taxes, shall be deemed as to such taxes, a delinquent taxpayer, and such purchaser takes the property charged with the lien, and he cannot interpose any defense which his vendor might not have interposed had he continued to be the owner thereof. And no delinquent taxpayer shall have the right to plead in any court, or in any manner rely upon any statute of limitation by way of defense against the payment of any taxes or assessments due from him or from her to the City of Fort Worth.

§ 8 [REPEALED BY ORD. 10272, § I(VI), 3-16-1989, APPROVED 5-6-1989].

§ 9 DELINQUENT TAXES; APPROPRIATION OF.

The City Council of said city is authorized to appropriate all delinquent taxes against which no demands are outstanding, and after the purposes for which said taxes were levied have been fulfilled and satisfied, to any proper municipal purpose, and the City Council is empowered at the end of each fiscal year thereafter to declare such residue of said delinquent taxes a surplus and to direct that the same, when collected, be carried in bulk, as a surplus account, subject to appropriation by the council for proper municipal purposes, under the provisions of this Charter.

§ 10 SURPLUS FUNDS; USE OF.

At the end of each fiscal year, if any amount shall have accrued from taxation or revenue received from dividends or stocks or surplus receipts or earnings from any source, which are now or will be hereafter pledged to be applied to interest and sinking fund for the protection of all classes of outstanding bonds, or to be hereinafter issued, to exceed two (2) per cent for sinking fund, then in that event, the surplus, if any, over and above the two (2) per cent sinking fund, can be used for the purpose of making general improvements, or otherwise, as the council may determine.

§ 11 FRANCHISE; TAXATION OF.

All rights, privileges and franchises, heretofore or hereafter granted to be held by any person, firm or corporation, in the streets, alleys, highways or public grounds or places in said city, shall be subject to taxation by said city separately from and in addition to the other assets of such person, firm or corporation, and the council may require the rendition and assessment thereof accordingly.

§ 12 EXECUTION AND GARNISHMENT; CITY NOT SUBJECT TO.

The property, real and personal, belonging to said city, shall not be liable to be sold or appropriated under any writ of execution, or cost bill. Nor shall the funds belonging to said city in the hands of any person be liable to garnishment; 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 due or owing to any person. Nor shall the city, or any of its officials or agents, be required to answer any writ of garnishment on any account whatever.

§ 13 [REPEALED BY ORD. 10272, § I(VI), 3-16-1989, APPROVED 5-6-1989].

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§ 14 RATE OF TAXATION; REAL AND PERSONAL PROPERTY DEFINED.

The City Council shall have power to levy for general purposes an annual ad valorem tax on all real, personal and mixed property within the territorial limits of the City of Fort Worth, not exempt from taxation by the Constitution and laws of the State of Texas, based upon the fair cash value thereof, to the extent of the constitutional limit now permitted by the Constitution of the State of Texas to cities of over five thousand (5,000) population, the same being two dollars and fifty cents (\$2.50) on each one hundred dollars (\$100.00) of valuation, and which said tax shall embrace all taxes for municipal purposes as provided in this Charter. The meaning of the term "real property," as used in this chapter shall be construed to mean lots, lands, and all buildings or machinery and structures of every kind located upon or affixed to the same; and the meaning of the term "personal property," as used in this chapter, shall be construed to include all household furniture, money, goods, chattels and capital, and all franchises subject to taxation under this chapter of the Charter, all stocks of corporations, money or otherwise, and generally all property which is not real, including all buildings and improvements, machinery and fixtures of every kind upon lots and lands not owned by the owner of the said improvements.

(Ord. 16797, § 1(XIV), 1-24-2006, approved 5-13-2006)

§ 15 [REPEALED BY ORD. 10272, § I(VI), 3-16-1989, APPROVED 5-6-1989].

§ 16 NO REBATES TO BE ALLOWED ON PAYMENT OF CITY TAXES; RIGHT TO BORROW FUNDS IN ANTICIPATION OF TAXES.

The City Council shall not allow any rebate on the payment of city taxes in order to accelerate payment of same. If, however, the taxes are slow coming in and the council should find itself with

insufficient funds after the beginning of the fiscal year to provide for the budget appropriations temporarily, then the council shall have the right to make short term notes and borrow a sufficient amount of money, at the lowest rate of interest obtainable, for the short period of time that may elapse until the tax payments shall be adequate to meet the budget appropriations; said loan to be retired out of the tax collections as soon as practicable.

§ 17 OCCUPATION TAXES; LIMIT OF; LICENSE FEES; DEFINITION OF.

The City Council shall have the power to levy an occupation tax upon every occupation, profession, calling and vocation upon which an occupation tax is laid by the State of Texas; provided, however, that such occupation tax shall not exceed one-half of the amount exacted and required by the State of Texas. This tax shall be collected by the assessor and collector of city taxes and shall be paid by every person or persons, association of persons, firms or corporation which, under the laws of the State of Texas, are required to pay occupation taxes in the state. Provided, further, that nothing herein shall be construed to prevent the city, in the use of its police power, from prescribing license fees or police tax necessary and proper to enable the city to exercise proper police surveillance over all persons, firms or corporations, or calling subject to same.

§ 18 ISSUANCE AND SALE OF BONDS.

The City Council shall have authority to provide for the issuance and sale of bonds for permanent improvements and for any other legitimate municipal purpose as may be determined by the City Council. Such bonds shall be issued and sold in accordance with the requirements of state law and in such manner as the City Council may by ordinance determine.

§§ 19, 20 [REPEALED].

Assessment and Collection of Taxes; Provisions Relative to Issuance and Sale of Bonds

§ 21 TAX ATTORNEY; APPOINTMENT AND DUTIES; CORPORATION COUNSEL MAY ACT.

The City Council shall have the power, should it deem fit to do so, to appoint a special attorney for the tax department of said city to be known as the “tax attorney,” whose duty it shall be, under the supervision of the city attorney, to press for collection and payment all unpaid and delinquent taxes due the City of Fort Worth and to prosecute suits thereon in courts of competent jurisdiction, whenever instructed so to do; or the City Council shall have the power to require the performance of such work by the corporation counsel, the prosecuting attorney, or other assistant to the corporation counsel.

§§ 22—35 [REPEALED BY ORD. 10272, § I(VI), 3-16-1989, APPROVED 5-6-1989].

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CHAPTER XXV: ORDINANCES

Section

- 1 Ordinances, rules and regulations existing at the time this Charter goes into effect validated
- 2 Ordinances-Passage and publication; procedure; digest and revision; franchises and easements; publication of
- 3 Ordinances-Publication in book form; certified copies; admissibility as evidence
- 4 Ordinances-Approval of mayor not necessary
- 5 Ordinances-Revision and publication
- 6 Enacting clause
- 7 Ordinances to contain only one subject

§ 1 ORDINANCES, RULES AND REGULATIONS EXISTING AT THE TIME THIS CHARTER GOES INTO EFFECT VALIDATED.

All ordinances, resolutions, rules and regulations of the City of Fort Worth heretofore ordained, passed or enacted that are in force at the time this Charter becomes effective, and which are not in conflict therewith, shall remain in full force and vigor, until altered, amended or repealed by the City Council after this Charter takes effect. Provided, that said ordinances, resolutions, rules and regulations have become in effect by the terms of the Charter under which the same were enacted, and provided, further, that the same were valid and authorized by said Charter.

§ 2 ORDINANCES-PASSAGE AND PUBLICATION; PROCEDURE; DIGEST AND REVISION; FRANCHISES AND EASEMENTS; PUBLICATION OF.

It shall not be necessary to the validity of any ordinance that it be read more than one (1) time or considered at more than one (1) session of the Council; but this provision shall not apply to the appropriation and budget ordinance, which shall be controlled by the provisions relative thereto in other portions of this Charter. Every ordinance imposing a fine, penalty or forfeiture for the violation of its provisions shall, after the passage thereof, be published twice in the official newspaper of the City or in lieu thereof a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof may be published twice in the official newspaper of the City, before such ordinance shall take effect. All ordinances granting or confirming a franchise or easement over, across or upon the streets, highways or public places of the City, shall be accepted in writing by the grantees, and before taking effect a summary shall be published once a week for four (4) consecutive weeks within a period of thirty (30) days after its passage in the official newspaper of the City. But the time for publication of any ordinance of the City may be extended beyond the period herein provided by express provision to that effect, in which event such ordinance shall not take effect until after the time therein expressly prescribed. Ordinances not requiring publication shall take effect from and after their passage, unless otherwise therein expressly provided. No publication of any ordinance shall be required excepting those imposing a fine, penalty or forfeiture,

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or those granting a public easement or franchise, or the general appropriation ordinance, as provided for in the Chapter of this Charter dealing with the appropriation ordinance.

Revised or digested ordinances published in pamphlet form by authority of the City Council shall not be required to be published in any newspaper, and the publication in pamphlet form of such ordinance shall be held and taken as sufficient publication, notwithstanding such ordinance may impose a fine, penalty or forfeiture, or should contain a grant of easement or public franchise.

(Ord. 16797, § 1(XV), 1-24-2006, approved 5-13-2006)

§ 3 ORDINANCES-PUBLICATION IN BOOK FORM; CERTIFIED COPIES; ADMISSIBILITY AS EVIDENCE.

All ordinances of the City of Fort Worth, published or compiled in book or pamphlet form by the City shall be presumed to have been by and with the authority of said City, and shall be admitted as evidence in all courts, state and federal, without further proof beyond the production of said printed book or pamphlet; and provided, further, that copies of ordinances, resolutions, minutes and proceedings of the City Council, or prior governing bodies of the City of Fort Worth, certified by the city secretary to be true copies of the originals, with the seal of the city affixed thereon, shall also be admitted in evidence without further proof in all said courts.

§ 4 ORDINANCES-APPROVAL OF MAYOR NOT NECESSARY.

The final passage of an ordinance by the council and the publication of the same when so required shall be all that is necessary to make such ordinances valid and effective. The approval or signature of the mayor shall not be necessary.

§ 5 ORDINANCES-REVISION AND PUBLICATION.

It shall be the duty of the City Council, as soon as practicable after the adoption of this Charter, to provide for a revision, codification and publication of all the ordinances in force at that time in the city, and thereafter provide for a similar revision and publication as often as they may deem advisable.

§ 6 ENACTING CLAUSE.

Every ordinance passed by the City Council shall begin with the following heading: "Be It Ordained by the City Council of the City of Fort Worth."

§ 7 ORDINANCES TO CONTAIN ONLY ONE SUBJECT.

All ordinances and resolutions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title. The ordinances making appropriations shall be confined to the subject of appropriations.

CHAPTER XXVI: FRANCHISES AND PUBLIC UTILITIES

Section

- 1 Power of City Council to fix and regulate the rates, tolls and charges of all public utilities in the city
- 2 Certain extensions may be granted by council
- 3 Franchise ordinances submitted to vote at expense of beneficiaries
- 4 Franchises and privileges; definition of as applied to public streets and highways; power of council to regulate
- 5 Franchises subject to control by city; no exclusive franchise granted
- 6 Council to pass ordinance requiring all public service corporations to file annual report

§ 1 POWER OF CITY COUNCIL TO FIX AND REGULATE THE RATES, TOLLS AND CHARGES OF ALL PUBLIC UTILITIES IN THE CITY.

The City Council shall have the power by ordinance to fix and regulate the price of water, gas, electric lights, electric power and steam heat, and to regulate and fix the fares, tolls and charges of local telephone service and charges of street railways and of all public buses, carriages, hacks and vehicles of every kind, whether transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of Fort Worth.

§ 2 CERTAIN EXTENSIONS MAY BE GRANTED BY COUNCIL.

The City Council shall have the right to grant unto any steam, street or interurban railway company the right for extensions, connections, branches or changes of or with the lines or tracks of any such companies on any of the streets or alleys of said city for a distance of not to exceed one mile in length, and unto any electric or motor interurban line the right to enter and operate on the streets of said city over the tracks of some other railway line, upon such terms and conditions as they may prescribe; provided, that all ordinances granting such rights shall run coexistent with the life of the franchise under which said lines or railway are operated.

§ 3 FRANCHISE ORDINANCES SUBMITTED TO VOTE AT EXPENSE OF BENEFICIARIES.

All propositions for public utilities, or ordinances granting franchise rights, which are to be submitted to a referendum vote, shall be published by title, and in full, at least once a week for four consecutive weeks immediately preceding said election in at least two (2) newspapers published in the City of Fort Worth, and the City Council may require that any and all expenses occasioned by said referendum vote shall be paid by the person or persons or corporations applying for the franchise.

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§ 4 FRANCHISES AND PRIVILEGES; DEFINITION OF AS APPLIED TO PUBLIC STREETS AND HIGHWAYS; POWER OF COUNCIL TO REGULATE.

The right to use the public streets, highways, alleys and thoroughfares of this city, which necessitates the digging up, or displacement thereof, for the installation of equipment, appliances or appurtenances, either on, above or below the surface of the same, to make the intended use thereof practicable, shall be deemed and considered a "franchise," granting of which shall be governed and controlled in the manner herein provided.

The use of the said public streets, highways, alleys and thoroughfares of this city, which does not require the digging up or similar interference with said streets, alleys or highways for the installation of equipment, appliances or appurtenances, to make the intended use possible, shall be treated and considered as a "privilege," subject to the control and disposition of the City Council, and such privilege over and upon the said public streets, alleys, highways and thoroughfares of the city shall not be granted to any person or corporation excepting when public necessity and convenience may require such use and when given by ordinance passed by a two-thirds vote of the City Council.

§ 5 FRANCHISES SUBJECT TO CONTROL BY CITY; NO EXCLUSIVE FRANCHISE GRANTED.

All grants, renewals, extensions or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

(a) To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency;

(b) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

(c) To prescribe the form of accounts and at reasonable times to examine and audit the accounts and other records of such public utilities;

(d) To impose other reasonable regulations conducive to the safety, welfare and accommodation of the public.

Every public utility franchise hereafter granted shall be subject to the terms and conditions of this Charter, whether such terms and conditions are specifically mentioned in the franchise or not. No exclusive franchise or extension or renewal thereof shall ever be granted.

§ 6 COUNCIL TO PASS ORDINANCE REQUIRING ALL PUBLIC SERVICE CORPORATIONS TO FILE ANNUAL REPORT.

It shall be the duty of the City Council to pass an ordinance requiring all public service corporations operating within the corporate limits of the city to file a sworn annual report of the receipts from the operation of the said business for the current year, how expended, how much therefor for betterments or improvements, the rate of tolls or charges for services rendered to the public, and any other facts or information that the council may deem pertinent for its use in intelligently passing upon any questions that may arise between the city and the said public service corporations; said reports to be filed with the city secretary, and preserved for the use of the City Council.

CHAPTER XXVII: MISCELLANEOUS

Section

1	Succession of rights; suits, claims, etc., of old corporation vested in new corporation	16	Officers or employees of the city not to have financial interest in any contracts of the city
2	Officers under old Charter to hold until expiration of term and qualification of successors	17	Contracts for official advertising; official newspaper
3	City plan commission	18	Official newspaper; rates of advertising
3a	[Approval of plans, plats, etc., lying within five miles of city limits]	19	Contingent fund
4	Art commission; authorizing creation of same by ordinance of council	20	Public work and improvements constructed by city forces
5	Citizens given preference in the letting of contracts and in employment	21	[Repealed]
6	[Repealed by Ord. 16797, § 1(XVI), 1-24-2006, approved 5-13-2006]	22	Rate of taxation not to exceed one dollar ninety cents per one hundred dollars valuation of taxable property; subject to be increased to two dollars fifty cents per one hundred dollars of valuation, provided such increase be voted by the electorate in elections held to determine same from time to time
7	Standard wage to prevail in direct employment of city	23	[Repealed]
8	[Repealed by Ord. 16797, § 1(XVII), 1-24-2006, approved 5-13-2006]	24	No property of any kind exempt from local improvement taxes
9	Council to provide construction codes; supervision and inspection of buildings; power to condemn and remove buildings dangerous to the health, safety and welfare of the public and assessment costs	25	Notice of claim of damages as prerequisite to suit
10	Water supply; right to acquire same either in or out of the corporate limits	26	Elections; council to provide for holding same; counting returns and declaring result
11	Power of City Council to provide funds in cases of extraordinary public disaster or calamity	27	Oath of office
12	Franks, free ticket and passes prohibited	28	[Repealed]
13	Competitive bidding for contracts; approval of contracts by City Council	29	Budget estimates to be furnished city manager by all departments not under his immediate direction by the fifteenth day of August of each year
14	Change orders, alterations or modifications of contracts	30	Right of council to create a temporary loan to supplement the revenues of the city required to conduct the city's affairs to the end of the fiscal year, where the taxes contemplated in fixing the budget estimates should fall below such estimates
15	Power to appoint boards or commissions of citizens		

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- 31 Zoning ordinances; power to pass
- 31A [State law authorizing passage of zoning regulations adopted]
- 32 Enumeration of powers herein not exclusive of other powers
- 33 Charter to become effective notwithstanding some section or portion thereof should be held invalid
- 34 When Charter takes effect
- 35 Authority of council to fix boundary limits without consent of inhabitants of territory annexed; procedure, etc
- 36 [Employee's retirement fund]

§ 1 SUCCESSION OF RIGHTS; SUITS, CLAIMS, ETC., OF OLD CORPORATION VESTED IN NEW CORPORATION.

All suits, taxes, penalties, forfeitures and all other rights, claims and demands, which have accrued under the laws heretofore in force governing the City of Fort Worth, shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the corporation hereby created, and shall not in anywise be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

§ 2 OFFICERS UNDER OLD CHARTER TO HOLD UNTIL EXPIRATION OF TERM AND QUALIFICATION OF SUCCESSORS.

The present city commission of Fort Worth, and all the officers of said city, elected by popular vote under the provisions of the preceding Charter, shall continue to serve and hold their respective offices until their respective terms of office shall have expired, and until their successors have been duly elected and qualified.

§ 3 CITY PLAN COMMISSION.

The City Council shall by ordinance provide for the creation of a city plan commission, and provide

for not less than seven (7) as the number of members composing the same, their tenure of office, the scope of activities of said commission, and making provision for the maintenance and upkeep of the same.

§ 3a [APPROVAL OF PLANS, PLATS, ETC., LYING WITHIN FIVE MILES OF CITY LIMITS.]

That all of the provisions of Chapter 231 of the General and Special Laws of the State of Texas, found on page 342 of the General and Special Laws of the State of Texas passed by the Fortieth Legislature at the regular session thereof, and known as Senate Bill No. 277, being an act to provide for the approval by municipal authorities before filing of plans, plats or replats or land lying in or within five (5) miles of the corporate limits of cities having a population of twenty-five thousand (25,000) persons or over, be and the same are hereby adopted.

§ 4 ART COMMISSION; AUTHORIZING CREATION OF SAME BY ORDINANCE OF COUNCIL.

The City Council shall by ordinance provide for the creation of an art commission, and provide for the number of members composing the same, their tenure of office, the scope of activities of said commission, and making provision for the maintenance and upkeep of the same.

§ 5 CITIZENS GIVEN PREFERENCE IN THE LETTING OF CONTRACTS AND IN EMPLOYMENT [REPEALED].

§ 6 [REPEALED BY ORD. 16797, § 1(XVI), 1-24-2006, APPROVED 5-13-2006].

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§ 7 STANDARD WAGE TO PREVAIL IN DIRECT EMPLOYMENT OF CITY.

Standard wages shall be paid for all classes of employment in the service of the city.

§ 8 [REPEALED BY ORD. 16797, § 1(XVII), 1-24-2006, APPROVED 5-13-2006].

§ 9 COUNCIL TO PROVIDE CONSTRUCTION CODES; SUPERVISION AND INSPECTION OF BUILDINGS; POWER TO CONDEMN AND REMOVE BUILDINGS DANGEROUS TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC AND ASSESSMENT COSTS.

The City Council shall pass ordinances as permitted by law for the employment of all necessary construction codes, and providing for the inspection and supervision for all structures and buildings within the city and for the inspection and condemnation of hazardous buildings and structures and for the removal thereof and the assessment of costs thereof. The city shall have full power to condemn all dangerous buildings or obstruction of every kind, and shall provide regulations therefor by ordinance.

§ 10 WATER SUPPLY; RIGHT TO ACQUIRE SAME EITHER IN OR OUT OF THE CORPORATE LIMITS.

The City Council is hereby vested with authority to purchase, lease or otherwise acquire all lands and personal property, whether situated inside or outside of the city, necessary or requisite for creating and preserving an adequate water supply or extending the same for said city, and to carry and transport such water to consumers and the inhabitants thereof for domestic, business, manufacturing or other purposes.

§ 11 POWER OF CITY COUNCIL TO PROVIDE FUNDS IN CASES OF EXTRAORDINARY PUBLIC DISASTER OR CALAMITY.

In cases of extraordinary public disaster or calamity necessitating the expenditure of funds beyond those contemplated by the appropriation budget, the City Council shall have the power to obtain the necessary funds to meet such unexpected contingencies in whatever way and manner they deem most advisable, and the limitations prescribed in other portions of this Charter prohibiting a greater expenditure than that provided for by the appropriation budget shall not apply in this character of cases.

§ 12 FRANKS, FREE TICKET AND PASSES PROHIBITED.

No councilperson or other officer or employee of the city shall accept any frank, free ticket, pass or service directly or indirectly, from any person, firm or corporation operating a public service utility within the city upon terms more favorable than are granted to the public generally. Violation of the provisions of this section shall be made a misdemeanor by proper ordinance.

§ 13 COMPETITIVE BIDDING FOR CONTRACTS; APPROVAL OF CONTRACTS BY CITY COUNCIL.

(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be submitted to competitive bids must be submitted to competitive bids in accordance with state law. The city shall have the right to reject any and all bids. Any contract submitted to competitive bids shall be let to the lowest responsible bidder, quality considered.

(b) The City Council shall by ordinance establish rules by which a contract may be signed by the city manager without City Council approval;

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provided, however, that a contract which is required to be bid and which is let to other than the lowest bidder shall be first approved by the City Council. All contracts other than those prescribed by ordinance which allow the city manager to sign same without City Council approval shall be approved by the City Council and shall not be binding upon the city unless or until so approved.

The provisions of this section, as amended, shall take effect on January 1, 1984.

§ 14 CHANGE ORDERS, ALTERATIONS OR MODIFICATIONS OF CONTRACTS.

(a) When it becomes necessary to make changes in the plans or specifications after performance of a contract for public works has been commenced, or it becomes necessary to decrease or increase the quantity of work to be performed, such change, alteration, or modification shall be made only when a change order therefor is authorized by the City Council upon the written recommendation of the city manager. Provided, however, that the City Council may by ordinance establish rules by which a change order may be executed by the city manager without the requirement of City Council authorization.

(b) No such change, alteration or modification of a contract shall be valid unless the price to be paid for the work has been agreed upon in writing and signed by the contractor and the city manager upon authorization of the City Council, where required.

(c) The total contract price shall not be increased unless due provision has been made to provide for the payment of such added cost by appropriating available funds for that purpose. (Ord. 10272, § I(VII), 3-16-1989, approved 5-6-1989)

§ 15 POWER TO APPOINT BOARDS OR COMMISSIONS OF CITIZENS.

The City Council may, at the request of the city manager, or upon their own motion, appoint boards or

commissions to be composed of such number of citizens as the council may deem expedient to act in an advisory capacity in conjunction with any one or more of the departments created or authorized hereby. The members of such boards or commissions shall serve without compensation, and may be removed at any time by a majority vote of the council.

§ 16 OFFICERS OR EMPLOYEES OF THE CITY NOT TO HAVE FINANCIAL INTEREST IN ANY CONTRACTS OF THE CITY.

No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or services, except on behalf of the city as an officer or employee. An officer or an employee of a bank that serves as the city's depository bank shall be deemed not to have a financial interest in the city's contract. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the City Council, shall render the contract involved voidable by the city manager or the City Council. (Ord. 16797, § 1(XVIII), 1-24-2006, approved 5-13-2006)

§ 17 CONTRACTS FOR OFFICIAL ADVERTISING; OFFICIAL NEWSPAPER.

The City Council shall let annually contracts for the official advertising of the city for the ensuing fiscal year. For this purpose, the council shall advertise for bids, setting forth distinctly and specifically the work to be done, including the type and space to be used, and asking for sealed bids therefor. The advertisement for bids must be published twice. The second publication must be on or before the tenth day before the first date bids may be submitted. The council shall let the contracts for such official advertising to the lowest and best responsible

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bidder publishing a newspaper in the City of Fort Worth, which is a newspaper of general circulation, which newspaper has been published in said city for at least two (2) consecutive years prior to the time of awarding the contracts, and which newspaper meets all applicable requirements of state law for the publication of legal notices for the City of Fort Worth; provided that the council may reject any and all bids, if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the official newspaper of the city. All official publications made by the city shall be made in the official newspaper. (Ord. 10272, § I(VIII), 3-16-1989, approved 5-6-1989)

§ 18 OFFICIAL NEWSPAPER; RATES OF ADVERTISING.

All election notices, department reports, ordinances, charters or charter amendments, advertising, publicity of affairs or other publications required or authorized by this Charter, or by any ordinance of the city, to be made in any newspaper, and all such publications for which the City of Fort Worth may be liable, shall be paid for by the city at such rates as shall not in any event exceed the ordinary and regular advertising rates charged other advertisers. No bill shall be paid by the city for such advertising or printing in excess of the lowest prevailing business rates.

§ 19 CONTINGENT FUND.

Provision shall be made in the annual budget and in the annual appropriation ordinance for a reasonable contingent fund for use in any of the administrative departments of the city. Such contingent fund shall be under the control of the city manager and distributed by and with the approval of the City Council. In case of emergency, upon written request by the head of any department, stating the facts constituting such emergency, the city manager shall bring the same to the attention of the City Council and, if approved by him and by the council, he shall in writing authorize

the transfer from the contingent fund to the credit of the department making such request of a sum sufficient to meet the proposed emergency expenditure. He shall transmit a copy of such written authority to the city controller and likewise to the department making such request. Upon the receipt by the city controller of such copy, the said fund shall be available for the purposes aforesaid, and shall be charged against the appropriation set apart for such department.

§ 20 PUBLIC WORK AND IMPROVEMENTS CONSTRUCTED BY CITY FORCES.

When authorized by the City Council, public work and improvements may be constructed by city forces in accordance with ordinances and policies adopted by the City Council concerning same.

§ 21 [REPEALED].

§ 22 RATE OF TAXATION NOT TO EXCEED ONE DOLLAR NINETY CENTS PER ONE HUNDRED DOLLARS VALUATION OF TAXABLE PROPERTY; SUBJECT TO BE INCREASED TO TWO DOLLARS FIFTY CENTS PER ONE HUNDRED DOLLARS OF VALUATION, PROVIDED SUCH INCREASE BE VOTED BY THE ELECTORATE IN ELECTIONS HELD TO DETERMINE SAME FROM TIME TO TIME.

The limit of taxation for all municipal purposes shall not exceed one and ninety/one-hundredths (\$1.90) dollars per annum on each one hundred (\$100.00) dollars valuation of all taxable property situated within the limits of the city, such rate to be fixed and determined by the Council annually when passing the appropriation ordinance.

The said rate of taxation may be annually increased, from time to time, by the council until the constitutional limit of two and fifty/one-hundredths (\$2.50) dollars on each one hundred (\$100.00) dollars

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valuation of taxable property, shall have been reached; provided that any increase of the annual rate of taxation beyond the one and ninety/one-hundredths (\$1.90) dollars limit here established shall never be valid unless first authorized by a majority vote of the qualified voters participating in an election lawfully held for that purpose. No more than one election in any one year shall ever be held for such purpose.

§ 23 [REPEALED].

§ 24 NO PROPERTY OF ANY KIND EXEMPT FROM LOCAL IMPROVEMENT TAXES.

No property of any kind, church, school, or otherwise, in the City of Fort Worth shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements.

§ 25 NOTICE OF CLAIM OF DAMAGES AS PREREQUISITE TO SUIT.

Before the City of Fort Worth shall become liable for damages for death, personal injury or damage to property, the person injured or the owner of the property damaged, or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death, shall file with the City Council written notice of such death, injury, or damage within one hundred eighty (180) days after the same has been sustained, unless good cause is shown for the claimant's failure to file the notice before the expiration of one hundred eighty (180) days. The written notice must reasonably describe the damage or injury claimed, the date and location of the injury or damage, how the injury or damage occurred, the amount of damages, the amount for which the claimant will settle, the residence address of the claimant, the names and addresses of all witnesses upon whom the claimant relies to establish his claim, and, if such notice is not filed within one hundred eighty (180) days, the circumstances establishing good cause for such failure to file. The notice requirements

provided by this section do not apply if the City of Fort Worth has actual notice within one hundred eighty (180) days that the death or injury has occurred or that the property has been damaged.

(Ord. 10272, § I(IX), 3-16-1989, approved 5-6-1989)

§ 26 ELECTIONS; COUNCIL TO PROVIDE FOR HOLDING SAME; COUNTING RETURNS AND DECLARING RESULT.

The City Council shall make all necessary regulations concerning elections, the manner and method of holding same, by proper ordinances enacted for that purpose. Such regulations, however, shall be in keeping with the provisions of this Charter and shall be in keeping and consistent with the provisions of the state law applicable to elections in municipalities, insofar as the same may be practicable. The council shall provide for the examination and counting of the returns of elections, declare the result thereof and issue all proper certificates to the successful candidates; and it is hereby made the duty of the council to examine and count the returns at its first regular meeting after the election is held; and, if no regular meeting shall be held within one week after an election is held, it is hereby made the duty of the mayor to call a special meeting of the council for the purpose of counting the votes and determining the result of the election within one week after the election is held, and the officers declared to be elected at such election shall be entitled to qualify immediately after the declaration of the council of the result of the election and upon taking the oath of office prescribed by law.

Until changed or modified by the council elected after the adoption of this Charter, the election laws in force at the time this Charter becomes effective shall continue to operate and control in the matter of all elections held within the city.

§ 27 OATH OF OFFICE.

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to an

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oath or affirmation, to be filed and kept in the office of the city secretary, that he will support, protect and defend the Constitution and laws of the United States and of the State of Texas, and in all respects faithfully discharge the duties of his office or position. This provision shall apply to the city manager and to the heads of departments.

§ 28 [REPEALED].

§ 29 BUDGET ESTIMATES TO BE FURNISHED CITY MANAGER BY ALL DEPARTMENTS NOT UNDER HIS IMMEDIATE DIRECTION BY THE FIFTEENTH DAY OF AUGUST OF EACH YEAR.

Every department of the city government not under the direct control of the city manager shall by not later than the fifteenth day of August of each year furnish to the city manager, for use in the preparation of his recommendations to the council regarding the annual budget, a detailed budget estimate of the needs and requirements of such department for the coming year.

§ 30 RIGHT OF COUNCIL TO CREATE A TEMPORARY LOAN TO SUPPLEMENT THE REVENUES OF THE CITY REQUIRED TO CONDUCT THE CITY'S AFFAIRS TO THE END OF THE FISCAL YEAR, WHERE THE TAXES CONTEMPLATED IN FIXING THE BUDGET ESTIMATES SHOULD FALL BELOW SUCH ESTIMATES.

Whenever the revenues of the city for any fiscal year should, before the end of such fiscal year, fall below the allowances set apart in the budget for the maintenance and operation of the various departments of the city government for that year, due to unavoidable shortage in the collection of taxes or other revenues relied upon by the city at the time of making the annual budget appropriation for said year, then, in such contingency, the council shall have the right to

borrow, at the lowest obtainable rates, the amount necessarily required to conduct the operations of the city government for the remainder of the fiscal year; but the total amount of such indebtedness hereby authorized to be created shall not exceed ten (10) per cent of the total budget appropriation. The council shall, as security for the repayment of said loan, be authorized to pledge the uncollected taxes for said fiscal year, and it shall be their duty to retire the said loan out of the proceeds of said taxes as fast as collections thereof shall be made.

§ 31 ZONING ORDINANCES; POWER TO PASS.

The city shall have the power to pass zoning ordinances permitted by law.

§ 31A [STATE LAW AUTHORIZING PASSAGE OF ZONING REGULATIONS ADOPTED].

That all of the powers granted by Chapter 283, page 424 of the General and Special Laws of the Fortieth Legislature of Texas and known as House Bill No. 87 authorizing cities and incorporated villages to pass zoning regulations be adopted.

§ 32 ENUMERATION OF POWERS HEREIN NOT EXCLUSIVE OF OTHER POWERS.

The enumeration of particular powers of this Charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the City of Fort Worth shall have and may exercise all other powers which are now, or may hereafter be, possessed or enjoyed by cities of over five thousand (5,000) population under the Constitution and the general laws of the State of Texas, and all the powers of the city, whether expressed or implied, shall be exercised and embraced in the manner prescribed by this Charter, or when not so prescribed, then in such manner as may be

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provided by ordinance or resolution of the City Council.

§ 33 CHARTER TO BECOME EFFECTIVE NOTWITHSTANDING SOME SECTION OR PORTION THEREOF SHOULD BE HELD INVALID.

If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid; it being here declared that the citizens voting for this Charter would have voted for the same with such objectionable or invalid section or part of a section omitted therefrom.

§ 34 WHEN CHARTER TAKES EFFECT.

For the purpose of nominating and electing officers and exercising the powers of the city as provided herein, this Charter shall take effect from the time of its approval by the electors of the city. For the purpose of establishing departments, divisions and officers, and distributing the functions thereof, and for all other purposes, it shall take effect at the time the council elected at the first election held under this Charter shall take office.

§ 35 AUTHORITY OF COUNCIL TO FIX BOUNDARY LIMITS WITHOUT CONSENT OF INHABITANTS OF TERRITORY ANNEXED; PROCEDURE, ETC.

The City Council shall have power, by ordinance, to fix the boundary limits of the City of Fort Worth, Texas, and to provide for the alteration

and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the city, with or without the consent of the territory and inhabitants annexed. In fixing said boundary limits, the city shall comply with the procedures prescribed by state law. Upon passage of any such ordinance, the boundary limits of the city shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be part of the City of Fort Worth, Texas, and the property situated therein shall bear its pro rata part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the city.

(Ord. 10272, § I(X), 3-16-1989, approved 5-6-1989)

§ 36 [EMPLOYEE'S RETIREMENT FUND].

(a) There shall be a retirement system for the employees of the city which shall be known as the "Employees' Retirement Fund of the City of Fort Worth." The employees' retirement fund may provide a system of retirement and disability benefits for all municipal employees who become disabled as a direct and proximate result of the performance of their duties, or as a regard for faithful service over a period of years. The mayor, members of the council, members of boards and commissions, and part-time or temporary employees are not entitled to participate in the employees' retirement fund.

(b) Such system shall be governed by a board of directors composed of such members and selected in such manner as may be provided by ordinance of the council, provided that municipal employees shall have representation on the board.

(c) Such system shall be financed by a retirement fund created by contributions of the members and of the city, in a manner as may be provided by ordinance of the council.

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(d) The City of Fort Worth shall have and enjoy all of the powers and authority heretofore granted by the statutes and Constitution of the State of Texas and that may hereafter be so granted affecting pensions for its officers and employees.

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CHAPTER XXVIII: DEPARTMENT OF INTERNAL AUDIT

Section

- 1 Established
- 2 City internal auditor-Appointment; qualifications; compensation
- 3 Term, removal, absence or disability of city internal auditor
- 4 Powers and duties of department of internal audit
- 5 Appointment of employees
- 6 Independent audit

§ 1 ESTABLISHED.

There shall be a department of internal audit which is charged with conducting financial, fiscal compliance, and financial procedure audits of all city departments, offices, agencies and programs. (Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

§ 2 CITY INTERNAL AUDITOR-APPOINTMENT; QUALIFICATIONS; COMPENSATION.

The department of internal audit shall be under the direction and control of the city internal auditor, who shall be recommended by the manager and appointed by the City Council. The city internal auditor must be a person knowledgeable in public financial and fiscal theory, municipal accounting and auditing, and public administration. The city internal auditor's compensation shall be fixed by the City Council. (Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

§ 3 TERM, REMOVAL, ABSENCE OR DISABILITY OF CITY INTERNAL AUDITOR.

The city internal auditor shall not be appointed for a definite fixed time but shall be removable at the will and pleasure of the City Council by a vote of not less than a majority of the entire council. If removed after serving six (6) months, the city internal auditor may demand written charges and the right to be heard thereon at a public meeting of the City Council prior to the date on which the city internal auditor's final removal shall take effect, but pending such hearing the City Council may suspend the city internal auditor from office. The action of the City Council in suspending or removing the city internal auditor shall be final. In case of the absence or disability of the city internal auditor, the City Council may designate some qualified person to perform the duties of the office. (Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

§ 4 POWERS AND DUTIES OF DEPARTMENT OF INTERNAL AUDIT.

Consistent with other provisions of this Charter, the City Council shall by ordinance provide for the powers and duties of the department of internal audit. (Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

§ 5 APPOINTMENT OF EMPLOYEES.

Within the budget approval process and personnel procedures established by the City Council for all departments, the city internal auditor shall have the power to appoint, employ and remove such assistants, employees and personnel as he may deem necessary for the efficient administration of the affairs of the

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department of internal audit and to prescribe and fix their duties, scope of authority and qualifications.

(Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

§ 6 INDEPENDENT AUDIT.

This chapter shall not be deemed to repeal or amend Chapter X, section 11, of this Charter.

(Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

CHARTER COMPARATIVE TABLE

References to Texas Codes
References to Ordinances

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REFERENCES TO TEXAS CODES

Statutory References

Election Code, Article 2.01b

Local Government Code, Sec. 150.041

Charter Section

Ch. XIX, § 1

Ch. III, § 8 [note]

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REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Adoption Date</i>	<i>Date Approved</i>	<i>Ord. Section</i>	<i>Charter Section</i>
1377	--	2-14-1928		Charter
1720	--	7-21-1931		Charter
2379	--	12-18-1946		Charter
5091	--	1-31-1964		Charter
7292	--	4-8-1975		Charter
7293	--	1-26-1976		Charter
-	--	--		Charter
10272	3-16-1989	5- 6-1989	I(I)	Ch. III, § 3
			I(II)	Ch. III, § 4
			I(III), (IV)	Ch. IV, § 2
			I(V)	Ch. V, § 7
			I(VI)	Ch. XXIV, §§ 1, 2, 4, 6
			Rpld	Ch. XXIV, §§ 8, 13, 15, 22—35
			I(VII)	Ch. XXVII, § 14
			I(VIII)	Ch. XXVII, § 17
			I(IX)	Ch. XXVII, § 25
			I(X)	Ch. XXVII, § 35
			I(XI)	Ch. XXVIII, §§ 1—6
16797	1-24-2006	5-13-2006	1(I)	Ch. III, § 3
			1(II)	Ch. III, § 5
			1(III)	Ch. III, § 4
			1(IV)	Ch. IV, § 2
			1(V)	Ch. III, § 5
			1(VI)	Ch. III, § 8
			1(VII)	Ch. IV, § 1
			1(VIII)	Ch. IV, § 3
			1(IX) Rpld	Ch. V, § 4
			1(X)	Ch. XXI, § 5
			1(XI)	Ch. XXII, § 5
			1(XII)	Ch. XXII, § 6
			1(XIII) Rpld	Ch. XXIV, § 3
			1(XIV)	Ch. XXIV, § 14
			1(XV)	Ch. XXV, § 2
			1(XVI) Rpld	Ch. XXVII, § 6
			1(XVII) Rpld	Ch. XXVII, § 8
			1(XVIII)	Ch. XXVII, § 16

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