

FORT WORTH CITY CHARTER
SPECIFIC CHAPTER REVISIONS

- **Chapter I, §3. Annexation of adjacent territory; method and procedure of holding election therefor.**

The portion of this Section addressing annexation via election contains two issues which should be addressed:

- 1. The mayor designates polling locations and election judges and clerks.
 - Revise to clarify that the City may contract with the pertinent county in which the extra territorial jurisdiction is located to conduct an annexation election.
- 2. This Section requires that the phrases “For Annexation” and “Against Annexation” appear on the ballot and that voters “. . . *strike out* the one or the other according as he may be for or against the proposition.”
 - Revise language to provide for *marking* a box (Ballots currently in use do not allow for a “strike out”).

[Since the City does not appear to use the election method of annexation, it is possible that this revision could be deferred to a comprehensive revision of the Charter.]

- **Chapter III. The City Council.**

- §5. The requirement to wait until the first City Council meeting after the canvass of the election to swear-in new City Council members often results in the need to have a called special City Council meeting.
 - Revise language to allow a newly elected City Council member to be sworn in at the same meeting at which the election results are canvassed.
- §8. Relating to City Councilpersons accepting different office and providing for forfeiture of offices and positions of aspirants for compensated office. Provision no longer complies with state law.
 - In order to comply with the recent change in the Texas Local Government Code, the last clause should be revised to read as follows:

. . . 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.

- **Chapter IV, §3. Method of Nominating and Electing Members of the City Council, [Councilpersons to be elected from districts.]**

- 1. The requirement that a qualified voter be a resident of the city for “six (6) full months before the first allowed filing date for the election” [Section 3,

first paragraph]. This requirement resulted in litigation in which the plaintiff prevailed.

- Revise this Section to “180 days before the first allowed filing date for the election”.

- 2. This section has been interpreted to require a metes and bounds description of the individual Council Districts as often as census data is available which necessitates the expense of hiring a surveyor.
 - Clarify that the that ordinance as approved by the City Council establishing new City Council boundaries as a result of redistricting does not require a metes and bounds description.

- **Chapter V. The City Manager**

- §1. Appointment; qualifications; removal; absence or disability; compensation; residency.

Section allows the City Manager, if removed after six months, to demand written charges and the right to be heard at public meeting of the council prior to the date on which his final removal shall take place. Section does not provide for a time limit to request a hearing or how soon the suspension or removal will take place after the hearing.

- Recommend deleting this provision.

- §3. Proper Administration of City Affairs; appointment, removal of directors and employees; adherence to civil service regulations.

The Section allows directors, if removed after six months, to demand a written statement from the City Manager as to the reason for removal and request a public hearing by the Council before the termination is final. The Section does not give the Council authority to alter the decision of the City Manager or give any relief to the employee.

- Recommend deleting this provision to be consistent with §5 prohibiting interference by the Council regarding appointments and removal of employees by the City Manager.

- **Chapter VI. Department of Law. §4. Term, Removal, Absence or Disability of City Attorney.**

Section allows the City Attorney, if removed after six months, to demand written charges and the right to be heard at public meeting of the council prior to the date on which his final removal shall take place. Section does not provide for a time limit to request a hearing or how soon the suspension or removal will take place after the hearing.

- Recommend deleting this provision.

- **Chapter IX, §1. Authority of the Council to provide for departments, duties.**

Section requires the Department of Finance to assess and collect all taxes, including special assessments, issuance of licenses and the collection of license fees. The City has long engaged the services of the county to assess and collect taxes.

- Revise the language saying the “department of finance . . . shall be charged with . . . the assessment and collection of all taxes” to reflect that this obligation can be handled via contract with another government entity.
- **Chapter X. The Budget and Financial Procedure Relating Thereto.**
 - § 1. Fiscal year and Annual Budget Estimate; Budget Message and Budget Format and §2. Annual Appropriations Ordinance.
 - Amend the requirement that the appropriations ordinance be introduced for the first reading at the first hearing on the budget to clear up confusion as to when the ordinance should appear on the agenda and avoid strict time constraints in the event the budget hearings are not immediately following the presentation of the budget.
 - Provide for the budget to be adopted in accordance with state law (which would require only one hearing unless the proposed tax rate results in a tax rate or revenue increase, in which case two hearings are required)
 - Eliminate requirement to publish appropriations ordinance in the newspaper prior to adoption and to have public hearings on the ordinance appear on each agenda until adoption of the budget to reduce cost and duplication. State law requires entire budget to be posted online on the City’s website.
 - §11. Independent Audit.

In addressing the requirement for an outside auditor, this section says one obligation of such an auditor is to certify “all statements required under section 2 of this chapter of the Charter.” Section 2 of Chapter X is about the annual appropriations ordinance and does not refer to any “statement.”

 - Remove or revise this reference to more clearly articulate what statements are to be certified.
- **Chapter XIX, §1. Recall of Councilpersons, Procedure; Election of successors and Chapter XX, §3. The initiative**
 - Increase amount of time to review petitions from 10 to 25 days for the recall of Council persons.
- Chapter XXI, §5. Referendum.
 - Delete the requirement of the once-a-week-for-four-weeks publication requirement prior to sale of any property valued at more than \$125,000, reduce the number of publications or allow for alternate publication other than newspaper to reduce costs and adapt to evolving technology.
- Chapter XXII. Improvements and Paving of Streets and Highways.

This whole chapter could do with a thorough review and rewrite to update archaic language and reflect current practice. Two examples of possible changes:

- §4. The provision states in part that “the whole cost of constructing any sidewalk or curb shall be paid by the owners of such abutting property.”
 - It is recommended that this provision be changed to “may” to reflect actual practice.
 - §6. Correct the error in the caption of this section, which references documents being signed by the Mayor even though the text of the provision addresses signature by the City Manager.
- **Repeal Chapter XXIII. Merit Service. (Confusing and obsolete)**
 - **Chapter XXIV, §1. Property Subject to Taxation**
This section requires the tax assessment list to be provided by August 1.
 - Revise to require the list be submitted by August 1 “or such other deadline as may be established under state law” to avoid a charter amendment if state law changes.
 - **Chapter XXV, §2. Ordinances- Passage and Publication**
 - Revise the once-a-week-for-four-weeks publication requirement for franchises and easements to allow for a more reasonable number of publications (perhaps two) and to allow for alternatives to just newspaper publication.
 - **Chapter XXVI, §3. Franchise Ordinances Submitted to vote at expense of Beneficiaries.**
 - Revise the once-a-week-for-four-weeks publication requirement for franchises and easements to allow for a more reasonable number of publications (perhaps two) and to allow for alternatives to just newspaper publication.
 - **Chapter XXVI, §6. Council to pass ordinance Requiring all Public Service Corporations to File Annual Report**
 - Annual reports are not being filed with the City Secretary despite the Charter requirement.
 - Consider deleting the requirement.
 - **Chapter XXVII. Miscellaneous.**
 - §7. Standard Wage.
 - Delete this section. Provisions are obsolete or in contravention of state law.
 - §17. Contracts for Official Advertising.
This provision says the City Council “shall let annually contracts for the official advertising.”
 - Revise to allow for a longer period between putting this out to bid to save costs associated with such frequent bid processes and also to allow for the fact that the City might not have such a contract at all.

- §18. Official Newspaper; Rates of Advertising.
 - Requires publication in “official newspaper”.
Revise it to allow for publication as required by state law
- §27. Oath of Office.
 - This provision requires the oath of office.
Revise to also acknowledge the requirement to provide any other oath or certification required of an officer under state law (such as the anti-bribery certification that was added several years ago).
- §32. Enumeration of Powers herein.
 - This section invokes the home-rule authority of the City for the third time (following Chapter II Sections 2 and 6);
Remove the redundancies.
- §35. Authority of Council to fix boundary limits without consent of inhabitants of territory annexed; procedure, etc.
 - Combined with Chapter I, Section 3, which also addresses annexation.
- **Chapter XXVIII. Department of Internal Audit. §3. Term, Removal, Absence or Disability of City Internal Auditor.**
Section allows the City Internal Auditor, if removed after six months, to demand written charges and the right to be heard at public meeting of the council prior to the date on which his final removal shall take place. The section does not provide for a time limit to request a hearing or how soon the suspension or removal will take place after the hearing. Recommend adding language to clarify.
 - Recommend deleting this provision.