

**AGENDA
WOLFFORTH CHARTER COMMISSION
MAY 30, 2023 – 5:30 P.M.
WOLFFORTH CITY HALL
COUNCIL CHAMBERS
302 MAIN STREET
WOLFFORTH, TEXAS**

Members of the Charter Commission may participate in the meeting by video conference so long as quorum of the Charter Commission is physically present at the meeting location.

The order of these agenda items may be changed. The Wolfforth Charter Commission may discuss and/or take action on each of the following items:

Call Meeting to Order

Invocation

Pledge of Allegiance

Roll Call and Establish a Quorum

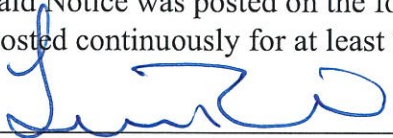
Public Comment

This is an opportunity for the public to address the Charter Commission as per the Texas Open Meetings Act. Public comments are limited to three (3) minutes per speaker, unless the speaker requires the assistance of a translator, in which case the speaker is limited to six (6) minutes, in accordance with applicable law. Each speaker shall approach the designated speaker location, complete the public comment sign in sheet and state his/her name and city of residence before speaking. Speakers shall address the Charter Commission with civility that is conducive to appropriate public discussion. Speakers can address only the Charter Commission and not individual city officials or employees. The public cannot speak from the gallery but only from the designated speaker location.

Items for Individual Consideration

- 1. Consider and take appropriate action on minutes from May 22, 2023 meeting.**
- 2. Consider and take appropriate action on Legal Provisions**
- 3. Consider and take appropriate action on Transitional Provisions**
- 4. Consider and take appropriate action on presentation of final charter to City Council**
- 5. Adjourn**

“I, the undersigned authority do hereby certify that the Notice of Meeting was posted at City Hall of the City of Wolfforth, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: May 26, 2023 at 5:00 p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting.”



Terri Robinette, City Secretary

Date Notice Removed

**MINUTES OF
CHARTER COMMISSION
OF WOLFFORTH, TEXAS
302 Main Street, WOLFFORTH, TX
May 22, 2023, 5:30p.m.**

MEMBERS PRESENT: Chairman Scott Mann, Co-Chair Lee Flores,
Chelsea Salazar, Kris Kerr, Larry Holland,
Mike Bickle, Shawn Vinson, Steve Haynes

MEMBERS ABSENT: Marie Garza, Misti Welch

OTHERS PRESENT: City Secretary Terri Robinette

OTHERS PRESENT BY TEAMS: Attorney Charles Zech

Chairman Mann opened the meeting at 5:30 p.m.

1. No comments were given during Public Comment
2. Motion by Kerr, second by Bickle to accept the May 8, 2022 Minutes. Motion passed unanimously.
3. Motion by Vinson, second by Haynes to remove the City Secretary position from the City Charter thereby giving the City Manager full authority over the City Secretary position. Motion passed unanimously.
4. Motion by Salazar, second by Kerr to accept Section 6.04 Various Papers Constituting Petition and Section 6.05 Presentation of Position to the City Council as presented by Counsel. Motion passed unanimously.
5. Motion by Haynes, second by Bickle to accept Section 6.05 through Section 6.11 as presented by Counsel. Motion passed unanimously.
6. Motion by Vinson, second by Salazar to restrict Council Members who were removed from office by Recall from running for elected office for four (4) years . Motion passed unanimously.
7. Motion by Kerr, second by Haynes to accept Section 6.12 Initiative as presented by Counsel. Motion passed unanimously.

8. Motion by Salazar, second by Bickle to accept Sections 6.13 through 6.16 as presented by Counsel. Motion passed unanimously.
9. Counsel was directed by the Board to draft language for Section 8.04 Disaster Clause to include City officials: municipal judge, alternate municipal judge(s), City Attorney, Planning and Zoning Commission Chairman, Board of Adjustment Chairman and the Economic Development Corporation President and that they should not be prohibited from appointing themselves to City Council.
10. With no other business to come before the Commission, the meeting was adjourned at 7:02pm by Motion of Kerr, second by Bickle. Motion passed unanimously.

PASSED AND APPROVED THIS THE 30th OF MAY, 2023

L. Scott Mann, Chairman

ATTEST:

Terri Robinette, City Secretary

1 **GARDEN RIDGE CITY CHARTER**

2
3 **PREAMBLE**

4 We, the citizens of Garden Ridge, Texas, in order to establish a Home Rule Municipal
5 Government, provide for the future progress of our City, obtain the full benefits of local self-
6 government and provide for the public welfare, hereby adopt this Home Rule Charter, in
7 accordance with the constitution and statutes of the State of Texas; and do hereby declare the
8 residents of the City of Garden Ridge, in Comal County, Texas, living within the legally
9 established boundaries of the said City, to be a political subdivision of the State of Texas
10 incorporated forever under the name and style of the “City of Garden Ridge” with such powers,
11 rights, privileges, authorities, duties and immunities, as are herein provided.
12

13 **ARTICLE I**
14 **FORM OF GOVERNMENT AND BOUNDARIES**

15
16 **SECTION 1.01 FORM OF GOVERNMENT**

17
18 The municipal government provided by this Charter shall be known as the “City Council-Manager
19 Government.” Pursuant to the provisions herein, and subject only to the limitations imposed by
20 the State Constitution and state statutes, all powers of the City shall be vested in an elected city
21 council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt
22 budgets, determine policies, and appoint City officials as noted in this Charter, including the City
23 Manager, who in turn shall be held responsible to the City Council for the execution of the laws
24 and the administration of the government of the City. All powers of the City shall be exercised in
25 the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as
26 may be prescribed by ordinance, the State Constitution or by state statutes.
27

28 **SECTION 1.02 BOUNDARIES**

29
30 The citizens of the City of Garden Ridge, Comal County, Texas, residing within its corporate
31 limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a
32 municipal body politic and corporate, in perpetuity, under the name of the “City of Garden Ridge,”
33 with such powers, privileges, rights, duties, authorities and immunities as are herein provided.
34

35 **SECTION 1.03 EXTENSION AND REDUCTION OF BOUNDARIES**

36
37 A. The boundaries of the City may be enlarged by the annexation of additional territory in any
38 manner authorized by law.

- 1
2 B. Whenever, in the opinion of the City Council, there exists within the corporate limits of
3 the City and territory, either inhabited or uninhabited, not suitable, or necessary for City
4 purposes, the City Council may, upon a public hearing and by ordinance duly passed,
5 discontinue said territory as part of the City.
6

7
8 **ARTICLE II**
9 **POWERS OF THE CITY**

10
11 **SECTION 2.01 GENERAL POWERS OF THE CITY**

12
13 The City shall have all powers and rights of self-government and home rule that exist now or may
14 be granted to municipalities by the Constitution and laws of the State of Texas, together with all
15 implied powers necessary to carry into execution such granted powers, unless such power of right
16 is expressly prohibited or restricted by this Charter.
17

18
19 **ARTICLE III**
20 **THE CITY COUNCIL**

21
22 **SECTION 3.01 COMPOSITION; TERM**

23
24 A. The City Council shall be composed of a Mayor (the “Mayor”) and five (5) City Council
25 Members (individually referred to as “Council Members”) (the Mayor and Council
26 Members collectively referred to as “Members of City Council” or the “City Council”).
27

28 B. The Mayor shall be elected at large, and each Council Member shall be elected at large but
29 by Place. The term of office for Members of City Council shall be two (2) years. Members
30 of the City Council shall hold office until their successor qualifies and takes office.
31

32 **SECTION 3.02 LIMITATIONS ON TERMS**

33
34 This Charter does not restrict or place limitations on the number of terms any one person may
35 serve.
36

37 **SECTION 3.03 QUALIFICATIONS OF CITY COUNCIL; LIMITATION ON**
38 **PREVIOUSLY RECALLED MEMBERS OF CITY COUNCIL**
39

1 A. Candidates for election and appointment to City Council shall meet all state qualifications
2 for office.

3
4 B. Candidates for election and appointment to City Council who have been previously
5 recalled from office shall not be eligible for appointment or election to City Council for a
6 period of four (4) years from the date of the election at the end of the term during which
7 they were recalled.
8

9
10 **SECTION 3.04 MAYOR; AND MAYOR PRO-TEMPORE**

11
12 A. The Mayor shall preside at meetings of the City Council and shall be recognized as the
13 head of the City government for all ceremonial purposes, and by the Governor for purposes
14 of military law, but shall have no regular administrative duties. The Mayor may participate
15 in the discussion of all matters coming before the City Council. The Mayor shall vote only
16 in the case of a tie.
17

18 B. At each new City Council's first meeting or as soon as practicable, the governing body shall
19 elect one City Council Member to serve as Mayor Pro Tempore for a term of one year. The
20 Mayor Pro-Tempore shall act as Mayor during the disability or absence of the Mayor, and
21 in this capacity shall have the rights conferred upon the Mayor but shall not lose the right
22 to vote. If a vacancy occurs in the office of the Mayor Pro-Tempore, the City Council shall
23 elect a new Mayor Pro-Tempore at the next regular meeting after the vacancy occurs.
24

25 **SECTION 3.05 VACANCIES, FORFEITURE AND FILLING OF VACANCIES**

26
27 A. The office of a Council Member or the Mayor shall become vacant upon their death,
28 resignation, forfeiture of office, or removal from office by any manner authorized by law.
29

30 B. A Member of City Council shall forfeit their office if they:

- 31
32 1. cease to possess the required qualifications for office;
33
34 2. are convicted of a felony, or of a misdemeanor involving moral turpitude;
35
36 3. are convicted of violating any state laws regulating conflicts of interest of municipal
37 officers; or
38
39 4. cease to be a resident of the City.
40

1 C. Every forfeiture shall be declared and enforced by the City Council.

2
3 D. If for any reason a single vacancy exists on the City Council, a majority of the remaining
4 Council Members who are present and voting may fill the vacancy by appointment. The
5 Mayor may vote on the appointment only if there is a tie. A City Council Member is not
6 ineligible to be appointed to fill a vacancy in the office of Mayor, but the City Council
7 Member may not vote on the person's own appointment. The person appointed to fill the
8 vacancy serves until the next regular municipal election. In lieu of appointing a person to
9 fill a vacancy, a special election may be ordered to elect a person to fill the vacancy. If
10 two or more vacancies exist at the same time, a special election shall be ordered to fill the
11 vacancies. A Member of City Council is ineligible to vote to fill a vacancy on the
12 governing body by special election after resigning from City Council.

13
14
15 **SECTION 3.06 POWERS OF THE CITY COUNCIL**

16
17 All powers of the City and the determination of all matters of policy shall be vested in the City
18 Council. Except where in conflict with and otherwise expressly provided by this Charter, the
19 City Council shall have all powers authorized to be exercised by the Constitution and laws of the
20 United States and the State of Texas.

21
22
23 **SECTION 3.07 PROHIBITIONS**

24
25 A. Except where authorized by law or by this Charter, no Mayor or Council Member shall
26 hold any other City office or City employment during that persons term as Mayor or
27 Council Member. No former Mayor or Council Member shall hold any compensated
28 appointive office or City employment until one (1) year after the expiration of the term for
29 which they were elected or appointed to the City Council.

30
31 B. Members of the City Council shall not in any way dictate the appointment or removal of
32 the City administrative officers or employees appointed by the City Manager or any of the
33 City Manager's subordinates. The City Council, at a meeting in compliance with the Texas
34 Open Meetings Act, may express its views fully and freely and discuss with the City
35 Manager anything pertaining to the appointment and removal of such officers and
36 employees.

37
38 C. Except for the purpose of inquiries and investigations as provided by this Charter, Members
39 of the City Council shall interact with City officers and employees who are subject to the
40 direction and supervision of the City Manager solely through the City Manager. Neither

1 Members of City Council nor the City Council shall give orders to any such officer or
2 employee, either publicly or privately, except as otherwise provided in this Charter.
3
4

5 **SECTION 3.08 MEETINGS OF THE CITY COUNCIL**
6

7 The City Council shall hold such monthly meetings as necessary to efficiently conduct the affairs
8 of the City. The City Council shall set the date and time of its regular meetings by resolution.
9
10

11 **SECTION 3.09 QUORUM**
12

13 Three (3) Members of the City Council shall constitute a quorum for the purpose of transaction of
14 business. No action of the City Council, except as specifically provided in this Charter, shall be
15 valid or binding unless adopted by the affirmative vote of a majority of the City Council present
16 and qualified to act.
17
18

19 **SECTION 3.10 RULES OF PROCEDURE; ABSTENTIONS**
20

- 21 A. The City Council shall adopt rules of procedure for its meetings.
22
23 B. All Members of the City Council shall vote on all matters before the City Council unless
24 state law requires them to abstain.
25
26

27 **SECTION 3.11 PASSAGE OF ORDINANCES IN GENERAL**
28

- 29 A. The City Council shall legislate by ordinance only, and the enacting clause of every
30 ordinance shall read:
31

32 "Be it ordained by the City Council of the City of Garden Ridge, Texas..."
33

- 34 B. Each proposed ordinance shall be introduced in the written or printed form required for
35 adoption and shall contain a title or caption that fairly and accurately identifies the
36 subject(s) addressed in the ordinance.
37
38 C. If a majority of the City Council present at a City Council meeting request that an ordinance
39 title and caption or the entirety if an ordinance be read, it shall be read.
40

1 D. Effective Date and Mayor’s Authority to Require Reconsideration.

- 2
- 3 1. Before an ordinance or resolution adopted by the City Council may take effect, the
- 4 ordinance or resolution must be placed in the office of the City Secretary. Ordinances
- 5 and resolutions shall be considered “placed in the office of the City Secretary” at the
- 6 beginning of the first business day of the City following the meeting at which the
- 7 ordinance or resolution was adopted.
- 8
- 9 2. The Mayor shall sign the ordinances and resolutions that the Mayor approves. If the
- 10 Mayor does not sign an ordinance or resolution before the fourth day after the date it is
- 11 placed in the City Secretary's office and does not return the ordinance or resolution as
- 12 provided for under subsection 3 the ordinance or resolution shall become effective
- 13 immediately or at any later time(s) specified in the ordinance or resolution, except that
- 14 every penal ordinance imposing any penalty, fine or forfeiture shall become effective
- 15 only after having the descriptive title or caption of the same published at least one time
- 16 after final passage in a newspaper designated as the official newspaper of the City.
- 17
- 18 3. If the Mayor files a statement of written objections specifying their reasons for
- 19 objecting to the ordinance or resolution with the City Secretary before the fourth day
- 20 after the date the ordinance or resolution is placed in the secretary's office, the City
- 21 Council shall, at the next regular or special meeting, reconsider the vote by which the
- 22 ordinance or resolution was adopted. If a majority of the total number of City Council
- 23 Members approve the ordinance or resolution on reconsideration the ordinance or
- 24 resolution may take effect and the Mayor shall have no further authority to object.
- 25

26

27 **SECTION 3.12 AUTHENTICATION, RECORDING, CODIFICATION, PRINTING**

28 **AND DISTRIBUTION**

29

- 30 A. All ordinances and resolutions adopted by the City Council shall be authenticated by seal
- 31 and signature of the person performing the duties of the City Secretary and numbered
- 32 consecutively as adopted.
- 33
- 34 B. The City Council may authorize and maintain a codification of ordinances of the City. This
- 35 codification shall be known and cited as “The Garden Ridge City Code” and shall be in
- 36 full force and effect without the necessity of such code or any part thereof being published
- 37 in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances
- 38 of the City may be omitted without affecting the validity of such ordinances when codified.
- 39 Every general ordinance enacted subsequent to such codification shall be enacted as an

1 amendment to the code. General ordinances shall be deemed to be those ordinances of a
2 permanent or continuing nature which affect the residents of the City at large.
3
4

5 **SECTION 3.13 INVESTIGATIONS BY THE CITY COUNCIL**
6

- 7 A. Notwithstanding the provisions of subsection B, the City Council may initiate
8 investigations into the affairs of the city and the conduct of any city department, office, or
9 agency and for this purpose may subpoena witnesses, administer oaths and take testimony
10 and require the production of evidence. They also may, by ordinance, provide for a
11 misdemeanor offense for the conduct of a person who fails or refuses to obey a lawful order
12 issued in the exercise of this power as a collective body.
13
- 14 B. Except for the purpose of inquiries and investigations provided for in subsection A the
15 Council Members shall deal with City officers and employees who are subject to the
16 direction and supervision of the City Manager solely through the City Manager and neither
17 the City Council nor Members of City Council shall give orders to or reprimand any such
18 officer or employee, either publicly or privately.
19

20 **ARTICLE IV**
21 **DEPARTMENTAL SERVICES**
22

23 **SECTION 4.01 CITY MANAGER**
24

- 25 A. The City Council shall, upon approval of a majority vote of the full City Council, appoint
26 a City Manager who shall be the chief administrative and executive officer of the City, and
27 shall be responsible to the City Council for the administration of the affairs of the City.
28
- 29 B. The City Manager shall be chosen by the City Council based solely on executive and
30 administrative training, experience, and ability.
31
- 32 C. The City Council shall fix the compensation of the City Manager and the City Manager's
33 compensation may be amended, from time to time, in accordance with the City Manager's
34 experience, qualifications and performance.
35
- 36 D. The City Manager may be removed or suspended, with or without cause, subject to any
37 contractual arrangements that may exist between the City Council and the City Manager,
38 at the discretion of the City Council by the affirmative vote of a majority of the full City
39 Council.

- 1
2 E. In the case of the absence, disability or suspension of the City Manager, the City Council
3 may designate a temporary qualified individual to perform the duties of the office.
4
5

6 **SECTION 4.02 MUNICIPAL COURT**
7

- 8 A. The City Council shall establish and cause to be maintained a Municipal Court. The Court
9 shall have all the powers and duties as may be prescribed by State Law.
10
11 B. Municipal Judge(s) and alternate Municipal Judge(s) shall be appointed by the City
12 Manager upon a recommendation to and confirmation by a majority vote of the full City
13 Council.
14
15 C. The Municipal Judge(s) of the Municipal Court shall be appointed to a term of two (2)
16 years. The Municipal Judge(s) and alternate Municipal Judge(s) may be removed from
17 office, with or without cause, at any time by the City Manager upon a recommendation to
18 and confirmation by a majority vote of the full City Council.
19
20

21 **SECTION 4.03 CITY ATTORNEY**
22

- 23 A. The City Council shall appoint, by the affirmative a majority vote of the full City Council
24 a competent, duly qualified licensed and practicing attorney in the State of Texas who shall
25 serve as the City Attorney.
26
27 B. The City Attorney shall be the legal advisor and attorney for the City and all its departments
28 and officers in the City and shall represent the City in all litigation except where insurance
29 requirements dictate otherwise; however, the City Council may retain special counsel at
30 any time it deems necessary or advisable to represent the City, the City Council, the
31 individuals making up the City Council or City employees.
32
33 C. The City Attorney shall review and provide opinions, as requested by the City Council or
34 City Manager on contracts, legal instruments, ordinances of the City and other City
35 business.
36
37 D. The City Attorney and any appointed Special Counsel shall receive compensation as
38 determined by the City Council.
39

1 E. The City Attorney may be removed, with or without cause, by the affirmative vote of a
2 majority vote of the full City Council.

3
4 F. The City Attorney, with the approval of the City Council, may select additional attorneys
5 to act for the City Attorney and the City in its representation.
6

7
8 **SECTION 4.04 ADMINISTRATIVE DEPARTMENTS, OFFICES AND AGENCIES**
9

10 The City Council may, after hearing recommendations of the City Manager, establish, abolish,
11 redesignate and/or combine departments, offices or agencies in addition to those provided for by
12 this Charter, and may prescribe the functions and duties of such departments, offices and agencies.
13

14
15 **ARTICLE V**
16 **NOMINATIONS AND ELECTIONS**
17

18 **ELECTION 5.01 CITY ELECTIONS**
19

20 A. All City elections shall be conducted in accordance with the state law.
21

22 B. The regular City election shall be held at such times as required by this Charter and on a
23 date set by the City Council consistent with state law.
24

25
26 **SECTION 5.02 FILING FOR OFFICE; ELIGIBILITY FOR ELECTION AND**
27 **APPOINTMENT TO OFFICE**
28

29 A. Candidates for elective City office shall file for office in accordance with the Texas
30 Election Code.
31

32 B. No candidate for City Council may file for more than one (1) city office or position in a
33 single election.
34

35
36 **SECTION 5.03 OFFICIAL RESULTS**
37

38 The candidate for elective office who receives more votes than any other candidate for the office
39 shall be declared the winner.
40

1
2
3 **SECTION 5.04 TAKING OF OFFICE**
4

5 A person who is elected or appointed to the City Council shall take office upon taking the oath of
6 office.
7

8
9 **ARTICLE VI**
10 **RECALL, INITIATIVE AND REFERENDUM**
11

12 **SECTION 6.01 SCOPE OF RECALL**
13

14 Any elected City official shall be subject to recall and removal from office by the registered voters
15 of the City on grounds of incompetency, misconduct or malfeasance in office.
16

17
18 **SECTION 6.02 PETITIONS FOR RECALL**
19

20 Before the question of recall of such officer is submitted to the registered voters of the City, a
21 petition demanding such question to be so submitted shall first be filed with the person performing
22 the duties of City Secretary, which said petition must be signed by twenty-five percent (25%) of
23 those registered to vote at the City’s last general election. Each signer of such recall petition shall
24 provide all requisite information as required by the Texas Election Code and this Charter.
25

26
27 **SECTION 6.03 FORM OF RECALL PETITION**
28

29 The recall petition must be addressed to the City Council, must distinctly and specifically reference
30 the grounds upon which such petition for removal is predicated, and, if there be more than one (1)
31 ground, the petition shall reference as a ground one or more of the reasons or grounds for removal
32 of a city officer which shall be based on grounds of incompetency, misconduct or malfeasance in
33 office.
34

35 The signature shall be verified by oath in the following form.
36

37 “State of Texas”
38 County of Comal
39

1 I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the
2 above petition, and that the statements made therein are true, and that each signature appearing
3 thereto was made in my presence on the day and date it purports to have been made, and I solemnly
4 swear that the same is the genuine signature of the person it purports to be.

5 _____
6
7 Signature

8
9 Sworn and subscribed before me this ____ day of _____, 20____.

10 Signed _____
11

12 Notary Public in and for

13
14 State of Texas
15

16 **SECTION 6.04 VARIOUS PAPERS CONSTITUTING PETITION**

17
18 Any petition shall, at a minimum, meet the requirements for valid petitions under the Texas
19 Election Code. The petition may consist of one (1) or more copies or subscription lists, circulated
20 separately, and the signatures thereto may be upon the paper or papers containing the form of
21 petition, or upon other paper attached thereto. Verifications provided for in Section 6.03 of this
22 Article may be made by one (1) or more petitioners, and the several parts of copies of the petition
23 may be filed separately and by different persons. All papers comprising a recall petition shall be
24 filed with the City Secretary on the same day, and the City Secretary shall immediately notify, in
25 writing, the officer so sought to be removed, by mailing such notice to the officer's City address.

26
27 **SECTION 6.05 PRESENTATION OF PETITION TO THE CITY COUNCIL**

28
29 Within forty-five (45) business days after the date of the filing of the papers constituting the recall
30 petition, the City Secretary shall verify the signatures on the petition and, if the petition is
31 determined to be legally sufficient, present such petition to the City Council.

32
33 **SECTION 6.06 CALLING OF RECALL ELECTION**

34
35 If the officer whose removal is sought does not resign, then the City Council shall order an election
36 and set the date for holding such recall election. The date selected for the recall election shall be
37 in accordance with the Texas Election Code. If after the recall election date is established, the
38 officer vacates their position, the election shall be cancelled unless such cancellation is not
39 authorized under state law.
40

1 **SECTION 6.07 PUBLIC HEARING ON RECALL**

2
3 The elected official whose removal is sought may, within five (5) working days of the ordering of
4 the election on the recall, request in writing to the City Secretary a special meeting to be held. In
5 this event, the City Council shall order such a special meeting to be held, no more than thirty (30)
6 days and no less than fifteen (15) days before early voting. At any special meeting held under this
7 Section, the individual whose removal is sought shall have a thirty (30) minute period to state their
8 response to the recall petition. No other items of business shall be part of the special meeting. This
9 special meeting is not a trial.

10
11
12 **SECTION 6.08 BALLOTS IN RECALL ELECTION**

13
14 Ballots used at recall elections shall conform to the following requirements:

15
16 A. With respect to each person whose removal is sought, the question shall be submitted:

17
18 “Shall _____ be removed from the office of _____ by recall?”

19
20 B. Immediately below each such question there shall be printed the following words, one
21 above the other, in the order indicated:

22
23 “Yes”

24
25 or

26
27 “No”

28
29 **SECTION 6.09 RESULT OF RECALL ELECTION**

30
31 If a majority of the votes cast in the election are negative for recall, then the election shall not
32 result in recall and the officer may finish his or her term of office as if no petition had been filed.
33 If a majority of the votes cast in the election are affirmative for recall, then the election shall result
34 in recall and a vacancy shall be declared in that office and the unexpired term shall be filled by the
35 City Council.

36
37 **SECTION 6.10 RESTRICTIONS ON RECALL**

38
39 No recall petition shall be filed against any officer of the City within six (6) months after the
40 officer’s election, or within six (6) months of the end of the elected officer’s term.

1
2 **SECTION 6.11 GENERAL POWER OF INITIATIVE AND REFERENDUM**
3

4 The registered voters of the City, in addition to the method of legislation herein before provided,
5 shall have the power of direct legislation by initiative and referendum.
6

7 A. Initiative: Such power shall not extend to any ordinance not subject to initiative as provided
8 by state law.
9

10 B. Referendum: Such power shall not extend to any ordinance not subject to initiative as
11 provided by state law.
12

13 **SECTION 6.12 INITIATIVE**
14

15 Registered voters of the City may initiate legislation by submitting a petition addressed to the City
16 Council that requests the submission of a proposed ordinance to a vote of the registered voters of
17 the City. Said petition must be signed by twenty percent (20%) of the voters registered to vote in
18 the previous City's general election and each copy of the petition shall have attached to it a copy
19 of the proposed ordinance. The petition shall be signed in the same manner as recall petitions are
20 signed, as provided in this Article, and shall be verified by oath in the manner and form provided
21 for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted
22 for recall petitions. The petition shall be filed with the City Secretary. Within forty-five (45)
23 business days after the filing of such petition, the City Secretary shall verify the signatures on the
24 petition and, if the petition is determined to be legally sufficient, present said petition and proposed
25 ordinance to the City Council. Upon presentation to the City Council, it shall become the duty of
26 the City Council, at the first regularly scheduled City Council meeting after the receipt thereof, to
27 pass and adopt such ordinance without alteration as to meaning or effect in the opinion of the
28 persons filing the petition, or to call a special election, to be held on the first uniform election date
29 authorized by state law, at which the registered voters of the City shall vote on the question of
30 adopting or rejecting the proposed ordinance.
31

32 **SECTION 6.13 REFERENDUM**
33

34 Registered voters of the City may require that any ordinance passed by the City Council and subject
35 to the initiative process under this Charter be submitted to the voters of the City for approval or
36 disapproval, by submitting a petition for this purpose within sixty (60) days after final passage of
37 said ordinance. Said petition shall be addressed, signed and verified as required for recall petitions
38 in this Article and shall be submitted to the City Secretary. Within forty-five (45) business days
39 after the filing of such petition, the City Secretary shall verify the signatures on the petition and, if
40 the petition is determined to be legally sufficient, present said petition to the City Council.

1 Thereupon the City Council shall immediately reconsider such ordinance and, if the City Council
2 does not entirely repeal the same, shall submit it to popular vote on the next authorized uniform
3 election date. Pending the holding of such election, each ordinance shall be suspended from taking
4 effect and shall not later take effect unless a majority of the registered voters voting thereon at
5 such election shall vote in favor thereof. If a majority of the registered voters voting on any
6 proposed ordinance shall vote in favor thereof, it shall thereupon or at any time fixed therein,
7 become effective as a law.

8
9 **SECTION 6.14 FORM OF BALLOTS**

10
11 The ballots used when voting upon such proposed and referred ordinance shall set forth their nature
12 sufficiently to identify them and shall also set forth upon separate lines the words: “For the
13 Ordinance” or “Against the Ordinance”.

14
15 **SECTION 6.15 INCONSISTENT ORDINANCES**

16
17 If the provisions of two (2) or more proposed ordinances approved at the same election are
18 inconsistent, the ordinance receiving the highest number of votes shall prevail. Should the vote
19 on the inconsistent ordinances result in a tie then both ordinances shall fail.

20
21 **SECTION 6.16 ORDINANCES PASSED BY POPULAR VOTE, REPEAL OR**
22 **AMENDMENT**

23
24 No ordinance adopted by election under the provisions of this Article may be repealed or
25 amended for a period of two (2) years from the date of adoption except by the City Council in
26 response to a referendum or initiative petition as provided in this Article. Upon the expiration of
27 two (2) years from the date of adoption, the City Council may amend or repeal any such
28 ordinance upon a three-quarters vote of the full City Council. For purposes of calculating the
29 two-year period herein, “date of adoption” shall mean the date of the election.

30
31
32
33 **ARTICLE VII**
34 **GENERAL PROVISIONS**

35
36 **SECTION 7.01 SEVERABILITY**

37
38 If any section or part of this Charter is held invalid by a court of competent jurisdiction, such
39 holding shall not invalidate or impair the validity, force or effect of any other section or part of
40 this Charter.

1
2 **SECTION 7.02 WORDING INTERPRETATION**

3
4 All singular words shall include the plural and all plural words shall include the singular. All
5 references to the state law or laws of the State of Texas, however expressed in this Charter, shall
6 mean “as presently enacted or as may be amended or superseded.” The use of the word “City” in
7 this Charter shall mean the City of Garden Ridge, Texas, and the use of the word “Charter” shall
8 mean this Home Rule Charter.
9

10 **ARTICLE VIII**
11 **LEGAL PROVISIONS**

12
13 **SECTION 8.01 SERVICE OF PROCESS AGAINST THE CITY**

14
15 All legal process against the City shall be served upon either the City Secretary or the City
16 Manager.
17

18 **SECTION 8.02 PENDING MATTERS**

19
20 All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue
21 except as modified pursuant to the provisions of this Charter, and in each case shall be maintained,
22 carried on or dealt with by the City department, office or agency appropriate under this Charter.
23

24 **SECTION 8.03 PROPERTY NOT EXEMPT FROM SPECIAL ASSESSMENTS**

25
26 No property of any kind, by whomsoever owned or held or by whatsoever institution, agency,
27 political subdivision or organization, owned or held, whether in trust or by non-profit organization,
28 or corporation, or by foundation, or otherwise, except property of the City, shall be exempt in any
29 way from any of the special taxes, charges, levies and assessments, authorized or permitted by this
30 Charter for local improvements for the public welfare.
31

32 **SECTION 8.04 DISASTER CLAUSE**

33
34 In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to
35 multiple deaths or injuries, the surviving members of City Council, or if no member of City
36 Council remains, the following surviving City officials: municipal judge, alternate municipal
37 judge(s), and the city attorney; shall within 24 hours of such disaster appoint a number of qualified
38 residents equal to the number necessary to make a quorum to act during the emergency as the City
39 Council. If for good reasons it is known a quorum of the elected City Council will never again
40 meet, the newly appointed City Council shall, within 15 days of their appointment, call a City

1 election to be held as soon as authorized under law for election to the vacant offices. If it is
2 determined that a quorum of the elected City Council will meet again, the newly appointed Council
3 Members shall serve in their position until such time as the previous Council Members may again
4 begin serving.

5
6 **SECTION 8.05 NO WAIVER OF IMMUNITY**

7
8 Nothing in this Charter is intended to waive the City’s governmental immunity from suit and/or
9 damages.

10
11
12 **ARTICLE IX**
13 **TRANSITIONAL PROVISIONS**

14
15 **SECTION 9.01 EFFECTIVE DATE**

16
17 This Charter or any amendments hereto shall take effect immediately following adoption by the
18 voters, as prescribed by state law.

19
20 **SECTION 9.02 CONTINUATION OF ELECTIVE OFFICES**

21
22 Upon adoption of this Charter, the present persons filling elective offices on the City Council will
23 continue to fill those offices for the terms for which they were elected. Persons who, on the date
24 this Charter is adopted, are filling appointive positions with the City which are retained under this
25 Charter, may continue to fill these positions for the term for which they were appointed, unless
26 removed by the City Council or by other means provided in this Charter.

27
28 **SECTION 9.03 CONTINUATION OF OPERATION**

29
30 All City ordinances, bonds, resolutions, rules and regulations in force on the effective date of this
31 Charter shall remain in force until altered, amended or repealed by the City Council, and all
32 rights of the City under existing franchises and contracts are preserved in full force and effect.

1 **WOLFFORTH CITY CHARTER**

2
3 **PREAMBLE**

4 We, the citizens of Wolfforth, Texas, in order to establish a Home Rule Municipal Government,
5 provide for the future progress of our City, obtain the full benefits of local self-government and
6 provide for the public welfare, hereby adopt this Home Rule Charter, in accordance with the
7 constitution and statutes of the State of Texas; and do hereby declare the residents of the City of
8 Wolfforth, in Lubbock County, Texas, living within the legally established boundaries of the said
9 City, to be a political subdivision of the State of Texas incorporated forever under the name and
10 style of the "City of Wolfforth" with such powers, rights, privileges, authorities, duties and
11 immunities, as are herein provided.

12
13 **ARTICLE I**
14 **FORM OF GOVERNMENT AND BOUNDARIES**

15
16 **SECTION 1.01 FORM OF GOVERNMENT**

17
18 The municipal government provided by this Charter shall be known as the "City Council-Manager
19 Government." Pursuant to the provisions herein, and subject only to the limitations imposed by
20 the State Constitution and state statutes, all powers of the City shall be vested in an elected city
21 council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt
22 budgets, determine policies, and appoint City officials as noted in this Charter, including the City
23 Manager, who in turn shall be held responsible to the City Council for the execution of the laws
24 and the administration of the government of the City. All powers of the City shall be exercised in
25 the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as
26 may be prescribed by ordinance, the State Constitution or by state statutes.

27
28 **SECTION 1.02 BOUNDARIES**

29
30 The citizens of the City of Wolfforth, Lubbock County, Texas, residing within its corporate limits,
31 as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal
32 body politic and corporate, in perpetuity, under the name of the "City of Wolfforth," with such
33 powers, privileges, rights, duties, authorities and immunities as are herein provided.

34
35 **SECTION 1.03 EXTENSION AND REDUCTION OF BOUNDARIES**

36
37 A. The boundaries of the City may be enlarged by the annexation of additional territory in any
38 manner authorized by law.

1
2 B. Whenever, in the opinion of the City Council, there exists within the corporate limits of
3 the City and territory, either inhabited or uninhabited, not suitable, or necessary for City
4 purposes, the City Council may, upon a public hearing and by ordinance duly passed,
5 discontinue said territory as part of the City.
6

7
8 **ARTICLE II**
9 **POWERS OF THE CITY**

10
11 **SECTION 2.01 GENERAL POWERS OF THE CITY**

12
13 The City shall have all powers and rights of self-government and home rule that exist now or may
14 be granted to municipalities by the Constitution and laws of the State of Texas, together with all
15 implied powers necessary to carry into execution such granted powers, unless such power of right
16 is expressly prohibited or restricted by this Charter.
17

18
19 **ARTICLE III**
20 **THE CITY COUNCIL**

21
22 **SECTION 3.01 COMPOSITION; TERM**

- 23
24 A. The City Council shall be composed of a Mayor (the “Mayor”) and five (5) City Council
25 Members (individually referred to as “Council Members”) (the Mayor and Council
26 Members collectively referred to as “Members of City Council” or the “City Council”).
27
28 B. The Mayor shall be elected at large, and each Council Member shall be elected at large but
29 by Place. The term of office for Members of City Council shall be two (2) years. Members
30 of the City Council shall hold office until their successor qualifies and takes office.

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31
32 **SECTION 3.02 LIMITATIONS ON TERMS**

33
34 This Charter does not restrict or place limitations on the number of terms any one person may
35 serve.
36

37 **SECTION 3.03 QUALIFICATIONS OF CITY COUNCIL**
38

1 A. Candidates for election and appointment to City Council shall meet all state qualifications
2 for office.

3
4 B. Candidates for election and appointment to City Council who have been previously
5 recalled from office shall not be eligible for appointment or election to City Council for a
6 period of four (4) years from the date of the election at the end of the term during which
7 they were recalled.
8

9 **SECTION 3.04 MAYOR; AND MAYOR PRO-TEMPORE**

10
11 A. The Mayor shall preside at meetings of the City Council and shall be recognized as the
12 head of the City government for all ceremonial purposes, and by the Governor for purposes
13 of military law, but shall have no regular administrative duties. The Mayor may participate
14 in the discussion of all matters coming before the City Council. The Mayor shall vote only
15 in the case of a tie.
16

17 B. At each new City Council's first meeting or as soon as practicable, the governing body shall
18 elect one City Council Member to serve as Mayor Pro Tempore for a term of one year. The
19 Mayor Pro-Tempore shall act as Mayor during the disability or absence of the Mayor, and
20 in this capacity shall have the rights conferred upon the Mayor but shall not lose the right
21 to vote. If a vacancy occurs in the office of the Mayor Pro-Tempore, the City Council shall
22 elect a new Mayor Pro-Tempore at the next regular meeting after the vacancy occurs.
23

24 **SECTION 3.05 VACANCIES, FORFEITURE AND FILLING OF VACANCIES**

25
26 A. The office of a Council Member or the Mayor shall become vacant upon their death,
27 resignation, forfeiture of office, or removal from office by any manner authorized by law.
28

29 B. A Member of City Council shall forfeit their office if they:
30
31 1. cease to possess the required qualifications for office;
32
33 2. are convicted of a felony, or of a misdemeanor involving moral turpitude;
34
35 3. are convicted of violating any state laws regulating conflicts of interest of municipal
36 officers; or
37
38 4. cease to be a resident of the City.
39

40 C. Every forfeiture shall be declared and enforced by the City Council.

1
2 D. If for any reason a single vacancy exists on the City Council, a majority of the remaining
3 Council Members who are present and voting may fill the vacancy by appointment. The
4 Mayor may vote on the appointment only if there is a tie. A City Council Member is not
5 ineligible to be appointed to fill a vacancy in the office of Mayor, but the City Council
6 Member may not vote on the person's own appointment. The person appointed to fill the
7 vacancy serves until the next regular municipal election. In lieu of appointing a person to
8 fill a vacancy, a special election may be ordered to elect a person to fill the vacancy. If
9 two or more vacancies exist at the same time, a special election shall be ordered to fill the
10 vacancies. A Member of City Council is ineligible to vote to fill a vacancy on the
11 governing body by special election after resigning from City Council.
12

13
14 **SECTION 3.06 POWERS OF THE CITY COUNCIL**
15

16 All powers of the City and the determination of all matters of policy shall be vested in the City
17 Council. Except where in conflict with and otherwise expressly provided by this Charter, the
18 City Council shall have all powers authorized to be exercised by the Constitution and laws of the
19 United States and the State of Texas.
20

21
22 **SECTION 3.07 PROHIBITIONS**
23

24 A. Except where authorized by law or by this Charter, no Mayor or Council Member shall
25 hold any other City office or City employment during that persons term as Mayor or
26 Council Member. No former Mayor or Council Member shall hold any compensated
27 appointive office or City employment until one (1) year after the expiration of the term for
28 which they were elected or appointed to the City Council.
29

30 B. Members of the City Council shall not in any way dictate the appointment or removal of
31 the City administrative officers or employees appointed by the City Manager or any of the
32 City Manager's subordinates. The City Council, at a meeting in compliance with the Texas
33 Open Meetings Act, may express its views fully and freely and discuss with the City
34 Manager anything pertaining to the appointment and removal of such officers and
35 employees.
36

37 C. Except for the purpose of inquiries and investigations as provided by this Charter, Members
38 of the City Council shall interact with City officers and employees who are subject to the
39 direction and supervision of the City Manager solely through the City Manager. Neither

1 Members of City Council nor the City Council shall give orders to any such officer or
2 employee, either publicly or privately, except as otherwise provided in this Charter.
3
4

5 **SECTION 3.08 MEETINGS OF THE CITY COUNCIL**

6
7 The City Council shall hold such monthly meetings as necessary to efficiently conduct the affairs
8 of the City. The City Council shall set the date and time of its regular meetings by resolution.
9

10
11 **SECTION 3.09 QUORUM**

12
13 Three (3) Members of the City Council shall constitute a quorum for the purpose of transaction of
14 business. No action of the City Council, except as specifically provided in this Charter, shall be
15 valid or binding unless adopted by the affirmative vote of a majority of the City Council present
16 and qualified to act.
17

18
19 **SECTION 3.10 RULES OF PROCEDURE; ABSTENTIONS**

- 20
21 A. The City Council shall adopt rules of procedure for its meetings.
22
23 B. All Members of the City Council shall vote on all matters before the City Council unless
24 state law requires them to **abstain**.
25
26

Commented [CZ2]: End of 4.12.2023 Review

27 **SECTION 3.11 PASSAGE OF ORDINANCES IN GENERAL**

- 28
29 A. The City Council shall legislate by ordinance only, and the enacting clause of every
30 ordinance shall read:
31
32 "Be it ordained by the City Council of the City of Wolfforth, Texas...".
33
34 B. Each proposed ordinance shall be introduced in the written or printed form required for
35 adoption and shall contain a title or caption that fairly and accurately identifies the
36 subject(s) addressed in the ordinance.
37
38 C. If a majority of the City Council present at a City Council meeting request that an ordinance
39 title and caption or the entirety if an ordinance be read, it shall be read.
40

- 1 D. Effective Date and Mayor’s Authority to Require Reconsideration.
2
3 1. Before an ordinance or resolution adopted by the City Council may take effect, the
4 ordinance or resolution must be placed in the office of the City Secretary. Ordinances
5 and resolutions shall be considered “placed in the office of the City Secretary” at the
6 beginning of the first business day of the City following the meeting at which the
7 ordinance or resolution was adopted.
8
9 2. The Mayor shall sign the ordinances and resolutions that the Mayor approves. If the
10 Mayor does not sign an ordinance or resolution before the fourth day after the date it is
11 placed in the City Secretary’s office and does not return the ordinance or resolution as
12 provided for under subsection 3 the ordinance or resolution shall become effective
13 immediately or at any later time(s) specified in the ordinance or resolution, except that
14 every penal ordinance imposing any penalty, fine or forfeiture shall become effective
15 only after having the descriptive title or caption of the same published at least one time
16 after final passage in a newspaper designated as the official newspaper of the City.
17
18 3. If the Mayor files a statement of written objections specifying their reasons for
19 objecting to the ordinance or resolution with the City Secretary before the fourth day
20 after the date the ordinance or resolution is placed in the secretary’s office, the City
21 Council shall, at the next regular or special meeting, reconsider the vote by which the
22 ordinance or resolution was adopted. If a majority of the total number of City Council
23 Members approve the ordinance or resolution on reconsideration the ordinance or
24 resolution may take effect and the Mayor shall have no further authority to object.
25
26

27 **SECTION 3.12 AUTHENTICATION, RECORDING, CODIFICATION, PRINTING**
28 **AND DISTRIBUTION**
29

- 30 A. All ordinances and resolutions adopted by the City Council shall be authenticated by seal
31 and signature of the person performing the duties of the City Secretary and numbered
32 consecutively as adopted.
33
34 B. The City Council may authorize and maintain a codification of ordinances of the City. This
35 codification shall be known and cited as “The Wolfforth City Code” and shall be in full
36 force and effect without the necessity of such code or any part thereof being published in
37 any newspaper. The caption, descriptive clause, and other formal parts of the ordinances
38 of the City may be omitted without affecting the validity of such ordinances when codified.
39 Every general ordinance enacted subsequent to such codification shall be enacted as an

1 amendment to the code. General ordinances shall be deemed to be those ordinances of a
2 permanent or continuing nature which affect the residents of the City at large.
3
4
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6

7 **SECTION 3.13 INVESTIGATIONS BY THE CITY COUNCIL**
8

- 9 A. Notwithstanding the provisions of subsection B, the City Council may initiate
10 investigations into the affairs of the city and the conduct of any city department, office, or
11 agency and for this purpose may subpoena witnesses, administer oaths and take testimony
12 and require the production of evidence. They also may, by ordinance, provide for a
13 misdemeanor offense for the conduct of a person who fails or refuses to obey a lawful order
14 issued in the exercise of this power as a collective body.
15
- 16 B. Except for the purpose of inquiries and investigations provided for in subsection A the
17 Council Members shall deal with City officers and employees who are subject to the
18 direction and supervision of the City Manager solely through the City Manager and neither
19 the City Council nor Members of City Council shall give orders to or reprimand any such
20 officer or employee, either publicly or privately.
21

22 **ARTICLE IV**
23 **DEPARTMENTAL SERVICES**
24

25 **SECTION 4.01 CITY MANAGER**
26

- 27 A. The City Council shall, upon approval of a majority vote of the full City Council, appoint
28 a City Manager who shall be the chief administrative and executive officer of the City, and
29 shall be responsible to the City Council for the administration of the affairs of the City.
30
- 31 B. The City Manager shall be chosen by the City Council based solely on executive and
32 administrative training, experience, and ability.
33
- 34 C. The City Council shall fix the compensation of the City Manager and the City Manager's
35 compensation may be amended, from time to time, in accordance with the City Manager's
36 experience, qualifications and performance.
37
- 38 D. The City Manager may be removed or suspended, with or without cause, subject to any
39 contractual arrangements that may exist between the City Council and the City Manager,

1 at the discretion of the City Council by the affirmative vote of a majority of the full City
2 Council.

- 3
4 E. In the case of the absence, disability or suspension of the City Manager, the City Council
5 may designate a temporary qualified individual to perform the duties of the City Manager.
6

7
8 **SECTION 4.02 MUNICIPAL COURT**
9

- 10 A. The City Council shall establish and cause to be maintained a Municipal Court. The Court
11 shall have all the powers and duties as may be prescribed by State Law.
12
13 B. Municipal Judge(s) and alternate Municipal Judge(s) shall be appointed by the City
14 Manager upon a recommendation to and confirmation by a majority vote of the full City
15 Council.
16
17 C. The Municipal Judge(s) of the Municipal Court shall be appointed to a term of two (2)
18 years. The Municipal Judge(s) and alternate Municipal Judge(s) may be removed from
19 office, with or without cause, at any time by the City Manager upon a recommendation to
20 and confirmation by a majority vote of the full City Council.
21

22
23 **SECTION 4.03 CITY ATTORNEY**
24

- 25 A. The City Council shall appoint, by the affirmative of a majority vote of the full City Council
26 a competent, duly qualified licensed and practicing attorney in the State of Texas who shall
27 serve as the City Attorney.
28
29 B. The City Attorney shall be the legal advisor and attorney for the City and all its departments
30 and officers in the City and shall represent the City in all litigation except where insurance
31 requirements dictate otherwise; however, the City Council may retain special counsel at
32 any time it deems necessary or advisable to represent the City, the City Council, the
33 individuals making up the City Council or City employees.
34
35 C. The City Attorney shall review and provide opinions, as requested by the City Council or
36 City Manager on contracts, legal instruments, ordinances of the City and other City
37 business.
38
39 D. The City Attorney and any appointed Special Counsel shall receive compensation as
40 determined by the City Council.

1
2 E. The City Attorney may be removed, with or without cause, by the affirmative vote of a
3 majority vote of the full City Council.

4
5 F. The City Attorney, with the approval of the City Council, may select additional attorneys
6 to act for the City Attorney and the City in its representation.
7

8
9 **SECTION 4.04 ADMINISTRATIVE DEPARTMENTS, OFFICES AND AGENCIES**

10
11 The City Council may, after hearing recommendations of the City Manager, establish, abolish,
12 redesignate and/or combine departments, offices or agencies in addition to those provided for by
13 this Charter, and may prescribe the functions and duties of such departments, offices and agencies.
14

15
16 **ARTICLE V**
17 **NOMINATIONS AND ELECTIONS**

18
19 **ELECTION 5.01 CITY ELECTIONS**

- 20
21 A. All City elections shall be conducted in accordance with the state law.
22
23 B. The regular City election shall be held at such times as required by this Charter and on a
24 date set by the City Council consistent with state law.
25

26
27 **SECTION 5.02 FILING FOR OFFICE; ELIGIBILITY FOR ELECTION AND**
28 **APPOINTMENT TO OFFICE**

- 29
30 A. Candidates for elective City office shall file for office in accordance with the Texas
31 Election Code.
32
33 B. No candidate for City Council may file for more than one (1) city office or position in a
34 single election.
35

36
37 **SECTION 5.03 OFFICIAL RESULTS**

38
39 The candidate for elective office who receives more votes than any other candidate for the office
40 shall be declared the winner.

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SECTION 5.04 TAKING OF OFFICE

A person who is elected or appointed to the City Council shall take office upon taking the oath of office.

**ARTICLE VI
RECALL, INITIATIVE AND REFERENDUM**

SECTION 6.01 SCOPE OF RECALL

Any elected City official shall be subject to recall and removal from office by the registered voters of the City on grounds of incompetency, misconduct or malfeasance in office.

SECTION 6.02 PETITIONS FOR RECALL

Before the question of recall of such officer is submitted to the registered voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by ten percent (10%) of those registered to vote at the City’s last general election. Each signer of such recall petition shall provide all requisite information as required by the Texas Election Code and this Charter.

SECTION 6.03 FORM OF RECALL PETITION

The recall petition must be addressed to the City Council, must distinctly and specifically reference the grounds upon which such petition for removal is predicated, and, if there be more than one (1) ground, the petition shall reference as a ground one or more of the reasons or grounds for removal of a city officer which shall be based on grounds of incompetency, misconduct or malfeasance in office.

The signature shall be verified by oath in the following form.

“State of Texas”
County of Lubbock

1 I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the
2 above petition, and that the statements made therein are true, and that each signature appearing
3 thereto was made in my presence on the day and date it purports to have been made, and I solemnly
4 swear that the same is the genuine signature of the person it purports to be.

5 _____

6
7 Signature

8
9 Sworn and subscribed before me this ____ day of _____, 20____.

10 Signed _____

11
12 Notary Public in and for

13
14 State of Texas

Commented [CZ3]: End 5/08/2023 Review

15
16 **SECTION 6.04 VARIOUS PAPERS CONSTITUTING PETITION**

17
18 Any petition shall, at a minimum, meet the requirements for valid petitions under the Texas
19 Election Code. The petition may consist of one (1) or more copies or subscription lists, circulated
20 separately, and the signatures thereto may be upon the paper or papers containing the form of
21 petition, or upon other paper attached thereto. Verifications provided for in Section 6.03 of this
22 Article may be made by one (1) or more petitioners, and the several parts of copies of the petition
23 may be filed separately and by different persons. All papers comprising a recall petition shall be
24 filed with the City Secretary on the same day, and the City Secretary shall immediately notify, in
25 writing, the officer so sought to be removed, by mailing such notice to the officer's City address.

26
27 **SECTION 6.05 PRESENTATION OF PETITION TO THE CITY COUNCIL**

28
29 Within forty-five (45) business days after the date of the filing of the papers constituting the recall
30 petition, the City Secretary shall verify the signatures on the petition and, if the petition is
31 determined to be legally sufficient, present such petition to the City Council.

32
33 **SECTION 6.06 CALLING OF RECALL ELECTION**

34
35 If the officer whose removal is sought does not resign, then the City Council shall order an election
36 and set the date for holding such recall election. The date selected for the recall election shall be
37 in accordance with the Texas Election Code. If after the recall election date is established, the
38 officer vacates their position, the election shall be cancelled unless such cancellation is not
39 authorized under state law.

40

1 **SECTION 6.07 PUBLIC HEARING ON RECALL**

2
3 The elected official whose removal is sought may, within five (5) working days of the ordering of
4 the election on the recall, request in writing to the City Secretary a special meeting to be held. In
5 this event, the City Council shall order such a special meeting to be held, no more than thirty (30)
6 days and no less than fifteen (15) days before early voting. At any special meeting held under this
7 Section, the individual whose removal is sought shall have a thirty (30) minute period to state their
8 response to the recall petition. No other items of business shall be part of the special meeting. This
9 special meeting is not a trial.

10
11
12 **SECTION 6.08 BALLOTS IN RECALL ELECTION**

13
14 Ballots used at recall elections shall conform to the following requirements:

15
16 A. With respect to each person whose removal is sought, the question shall be submitted:

17
18 “Shall _____ be removed from the office of _____ by recall?”

19
20 B. Immediately below each such question there shall be printed the following words, one
21 above the other, in the order indicated:

22
23 “Yes”

24
25 or

26
27 “No”

28
29 **SECTION 6.09 RESULT OF RECALL ELECTION**

30
31 If a majority of the votes cast in the election are negative for recall, then the election shall not
32 result in recall and the officer may finish his or her term of office as if no petition had been filed.

33 If a majority of the votes cast in the election are affirmative for recall, then the election shall result
34 in recall and a vacancy shall be declared in that office and the unexpired term shall be filled by the
35 City Council.

36
37 **SECTION 6.10 RESTRICTIONS ON RECALL**

38
39 No recall petition shall be filed against any officer of the City within six (6) months after the
40 officer’s election, or within six (6) months of the end of the elected officer’s term.

1
2 **SECTION 6.11 GENERAL POWER OF INITIATIVE AND REFERENDUM**

3
4 The registered voters of the City, in addition to the method of legislation herein before provided,
5 shall have the power of direct legislation by initiative and referendum.

- 6
7 A. Initiative: Such power shall not extend to any ordinance not subject to initiative as provided
8 by state law.
9
10 B. Referendum: Such power shall not extend to any ordinance not subject to initiative as
11 provided by state law.
12

13 **SECTION 6.12 INITIATIVE**

14
15 Registered voters of the City may initiate legislation by submitting a petition addressed to the City
16 Council that requests the submission of a proposed ordinance to a vote of the registered voters of
17 the City. Said petition must be signed by twenty percent (20%) of the voters registered to vote in
18 the previous City’s general election and each copy of the petition shall have attached to it a copy
19 of the proposed ordinance. The petition shall be signed in the same manner as recall petitions are
20 signed, as provided in this Article, and shall be verified by oath in the manner and form provided
21 for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted
22 for recall petitions. The petition shall be filed with the City Secretary. Within forty-five (45)
23 business days after the filing of such petition, the City Secretary shall verify the signatures on the
24 petition and, if the petition is determined to be legally sufficient, present said petition and proposed
25 ordinance to the City Council. Upon presentation to the City Council, it shall become the duty of
26 the City Council, at the first regularly scheduled City Council meeting after the receipt thereof, to
27 pass and adopt such ordinance without alteration as to meaning or effect in the opinion of the
28 persons filing the petition, or to call a special election, to be held on the first uniform election date
29 authorized by state law, at which the registered voters of the City shall vote on the question of
30 adopting or rejecting the proposed ordinance.
31

32 **SECTION 6.13 REFERENDUM**

33
34 Registered voters of the City may require that any ordinance passed by the City Council and subject
35 to the initiative process under this Charter be submitted to the voters of the City for approval or
36 disapproval, by submitting a petition for this purpose within sixty (60) days after final passage of
37 said ordinance. Said petition must be signed by twenty percent (20%) of the voters registered to
38 vote in the previous City’s general election and each copy of the petition shall have attached to it
39 a copy of the proposed ordinance to be referred. Said petition shall be addressed, signed and
40 verified as required for recall petitions in this Article and shall be submitted to the City Secretary.

1 Within forty-five (45) business days after the filing of such petition, the City Secretary shall verify
2 the signatures on the petition and, if the petition is determined to be legally sufficient, present said
3 petition to the City Council. Thereupon the City Council shall immediately reconsider such
4 ordinance and, if the City Council does not entirely repeal the same, shall submit it to popular vote
5 on the next authorized uniform election date. Pending the holding of such election, each ordinance
6 shall be suspended from taking effect and shall not later take effect unless a majority of the
7 registered voters voting thereon at such election shall vote in favor thereof. If a majority of the
8 registered voters voting on any proposed ordinance shall vote in favor thereof, it shall thereupon
9 or at any time fixed therein, become effective as a law.

10

11 **SECTION 6.14 FORM OF BALLOTS**

12

13 The ballots used when voting upon such proposed and referred ordinance shall set forth their nature
14 sufficiently to identify them and shall also set forth upon separate lines the words: "For the
15 Ordinance" or "Against the Ordinance".

16

17 **SECTION 6.15 INCONSISTENT ORDINANCES**

18

19 If the provisions of two (2) or more proposed ordinances approved at the same election are
20 inconsistent, the ordinance receiving the highest number of votes shall prevail. Should the vote
21 on the inconsistent ordinances result in a tie then both ordinances shall fail.

22

23 **SECTION 6.16 ORDINANCES PASSED BY POPULAR VOTE, REPEAL OR**
24 **AMENDMENT**

25

26 No ordinance adopted by election under the provisions of this Article may be repealed or
27 amended for a period of two (2) years from the date of adoption except by the City Council in
28 response to a referendum or initiative petition as provided in this Article. Upon the expiration of
29 two (2) years from the date of adoption, the City Council may amend or repeal any such
30 ordinance upon a three-quarters vote of the full City Council. For purposes of calculating the
31 two-year period herein, "date of adoption" shall mean the date of the election.

32

33

34

35

36 **ARTICLE VII**
37 **GENERAL PROVISIONS**

36

37

38 **SECTION 7.01 SEVERABILITY**

39

1 If any section or part of this Charter is held invalid by a court of competent jurisdiction, such
2 holding shall not invalidate or impair the validity, force or effect of any other section or part of
3 this Charter.

4
5 **SECTION 7.02 WORDING INTERPRETATION**

6
7 All singular words shall include the plural and all plural words shall include the singular. All
8 references to the state law or laws of the State of Texas, however expressed in this Charter, shall
9 mean “as presently enacted or as may be amended or superseded.” The use of the word “City” in
10 this Charter shall mean the City of Wolfforth, Texas, and the use of the word “Charter” shall mean
11 this Home Rule Charter.

12
13 **ARTICLE VIII**
14 **LEGAL PROVISIONS**

15
16 **SECTION 8.01 SERVICE OF PROCESS AGAINST THE CITY**

17
18 All legal process against the City shall be served upon either the City Secretary or the City
19 Manager.

20
21 **SECTION 8.02 PENDING MATTERS**

22
23 All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue
24 except as modified pursuant to the provisions of this Charter, and in each case shall be maintained,
25 carried on or dealt with by the City department, office or agency appropriate under this Charter.

26
27 **SECTION 8.03 PROPERTY NOT EXEMPT FROM SPECIAL ASSESSMENTS**

28
29 No property of any kind, by whomsoever owned or held or by whatsoever institution, agency,
30 political subdivision or organization, owned or held, whether in trust or by non-profit organization,
31 or corporation, or by foundation, or otherwise, except property of the City, shall be exempt in any
32 way from any of the special taxes, charges, levies and assessments, authorized or permitted by this
33 Charter for local improvements for the public welfare.

34
35 **SECTION 8.04 DISASTER CLAUSE**

36
37 In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to
38 multiple deaths or injuries, the surviving members of City Council, or if no member of City
39 Council remains, the following surviving City officials: the chair of the Planning and Zoning
40 Commission, the chair of the Economic Development Corporation, the chair of the zoning board

Commented [CZ4]: For approval at 20230530 meeting

1 of adjustment, the municipal judge, the alternate municipal judge(s), and the city attorney; shall
2 within 24 hours of such disaster appoint a number of qualified residents equal to the number
3 necessary to make a quorum to act during the emergency as the City Council. If for good reasons
4 it is known a quorum of the elected City Council will never again meet, the newly appointed City
5 Council shall, within 15 days of their appointment, call a City election to be held as soon as
6 authorized under law for election to the vacant offices. If it is determined that a quorum of the
7 elected City Council will meet again, the newly appointed Council Members shall serve in their
8 position until such time as the previous Council Members may again begin serving.

Commented [CZ5]: End 05.22.2023 Review

9
10 **SECTION 8.05 NO WAIVER OF IMMUNITY**

11
12 Nothing in this Charter is intended to waive the City’s governmental immunity from suit and/or
13 damages.

14
15
16
17
18 **ARTICLE IX**
19 **TRANSITIONAL PROVISIONS**

20
21 **SECTION 9.01 EFFECTIVE DATE**

22
23 This Charter or any amendments hereto shall take effect immediately following adoption by the
24 voters, as prescribed by state law.

25
26 **SECTION 9.02 CONTINUATION OF ELECTIVE OFFICES**

27
28 Upon adoption of this Charter, the present persons filling elective offices on the City Council will
29 continue to fill those offices for the terms for which they were elected. Persons who, on the date
30 this Charter is adopted, are filling appointive positions with the City which are retained under this
31 Charter, may continue to fill these positions for the term for which they were appointed, unless
32 removed by the City Council or by other means provided in this Charter.

33
34 **SECTION 9.03 CONTINUATION OF OPERATION**

35
36 All City ordinances, bonds, resolutions, rules and regulations in force on the effective date of this
37 Charter shall remain in force until altered, amended or repealed by the City Council, and all
38 rights of the City under existing franchises and contracts are preserved in full force and effect.