

WOLFFORTH CITY COUNCIL AGENDA
July 31, 2023 – 6:00 P.M.
WOLFFORTH CITY HALL
COUNCIL CHAMBERS
302 MAIN STREET
WOLFFORTH, TEXAS

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

Call Meeting to Order

Invocation – Council Member McDonald

Pledge of Allegiance – Council Member Brashier

Roll Call and Establish a Quorum

Safety Review

Public Comment

This is an opportunity for the public to address the City Council regarding an item on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. 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 City Council with civility that is conducive to appropriate public discussion. Speakers can address only the City Council and not individual city officials or employees. The public cannot speak from the gallery but only from the designated speaker location.

Consent Agenda

Items considered to be routine are enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.

- 1. Consider and take appropriate action on minutes from July 17, 2023**

Items for Individual Consideration

- 2. Consider and take appropriate action on presentation on proposed Land Use Assumptions and Water Impact Fee Capital Improvement Plan**

3. Consider and take appropriate action on Resolution 2023-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, CALLING A PUBLIC HEARING TO CONSIDER THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENT PLAN UNDER WHICH WATER IMPACT FEES MAY BE IMPOSED.


4. Consider and take appropriate action on presentation and acceptance of proposed home rule charter as framed by the appointed Home Rule Charter Commission.

5. Council Requests for Future Agenda Items

6. Adjourn

The City Council of the City of Wolfforth reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any matters listed on this agenda, as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development). Executive sessions are closed to the public as provided in the Chapter 551 of the Texas Government Code. Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

“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: July 28, 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

AGENDA ITEM #1

**MINUTES OF A REGULAR MEETING
CITY COUNCIL OF WOLFFORTH, TEXAS
302 Main Street, WOLFFORTH, TX
Monday, July 17, 2023, 6:00 p.m.**

MEMBERS PRESENT: Mayor Addington; Mayor Pro Tem Hutcheson; Council members Cooper, Brashier, McDonald

MEMBERS ABSENT: Council member Stout

OTHERS PRESENT: City Manager Randy Criswell; Assistant City Manager Rick Scott; City Secretary Terri Robinette; Compliance Candace Layman; Fire Chief Lance Barrett, EDC Director Danielle Sweat, Development Director Tara Tomlinson; Public Works Henry High; Library Director Kimberly Brantley

OTHERS PRESENT BY TEAMS:

Mayor Addington opened the meeting at 6:00 p.m.

1. There were no public comments.
2. The following items were removed from the Consent Agenda
 - A. Consider and take appropriate action on Monthly Reports for June 2023
3. Motion by Council member Hutcheson, second by Council member Cooper to approve the remaining items on the Consent Agenda. Motion carried unanimously.
 - A. Consider and take appropriate action on minutes from July 10, 2023
 - B. Consider and take appropriate action on Ordinance 2023-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, AMENDING THE WOLFFORTH CODE OF ORDINANCES BY AMENDING CHAPTER 7 MUNICIPAL COURTS BY AMENDING ARTICLE 7.02 MUNICIPAL COURT BUILDING SECURITY FUND AND DELETING ARTICLE 7.03 MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

4. Motion by Council member McDonald, second by Council member Cooper to approve Monthly Reports for June 2023. Motion carried unanimously.
5. PUBLIC HEARING was opened at 6:09pm by Mayor Addington to Consider and take appropriate action on a Public Hearing on a proposed economic development project granting approximately \$225,000 to the City of Wolfforth for monument construction and landscaping located at the northwest corner of Donald Preston Drive and Alcove Ave
 - a. Presentation by Danielle Sweat, Executive Director of the Wolfforth EDC showing the proposed layout and design of landscaping and a welcome monument at the corner of Donald Preston Drive and Alcove Ave.
 - b. There were no public comments

The Public Hearing was closed at 7:10pm.

6. Russell Thomasson gave a report to Council on a marketing project the Wolfforth EDC is currently undertaking to spread aware about the new progress made to ensure Wolfforth's water supply. Motion was made by Council member Brashier, second by Council member Cooper to authorize the EDC to proceed with the marketing campaign. Motion carried unanimously.
7. City Manager Randy Criswell presented an update to the Council regarding progress on various capital projects including new wells, an elevated water storage tank and new water infrastructure. No action was taken.
8. Motion was made by Council member Hutcheson, second by Council member Cooper to accept the Harvest Subdivision Phase 1 Wastewater system including the Harvest Lift Station. Motion carried unanimously.
9. City Manager Randy Criswell presented the Council with preliminary numbers for FY 2024 Budget including general fund and utility fund revenue and new and additional expenses during a budget workshop. No action was taken.
10. The Wolfforth City Council convened into Executive Session at 8:00 pm on July 17, 2023 to discuss matters pertaining to the following:
 - a. 551.072 Deliberations about Real Property: To deliberate the purchase, exchange, lease or value of real property (i)Water Rights
11. The Wolfforth City Council reconvened into Regular Session at 8:10 pm on July 17, 2023. Motion was made by Council member Hutcheson, second by Council member McDonald to direct City Attorney Mike Guevara and City Manager Randy Criswell to negotiate with Wolfforth Land Company regarding water rights for section 32 and authorize Randy Criswell to sign documents. Motion carried unanimously.

12. Items requested for future agendas: Seal Coat update
13. With no other business to come before the Council, motion was made by Council member McDonald, second by Council member Hutcheson to adjourn the meeting. Motion carried unanimously and the meeting was adjourned.

PASSED AND APPROVED THIS THE 31th DAY OF JULY, 2023.

Charles Addington, II, Mayor

ATTEST:

Terri Robinette, City Secretary

AGENDA ITEM COMMENTARY – ITEM #2

ITEM TITLE

Consider and take appropriate action on review of Land Use Assumptions and Capital Improvements Plan as they pertain to the implementation of Water Impact Fees

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

As we continue working toward implementation of Water Impact Fees, to remain on schedule, the City Council needs to do the following things tonight:

- Review the land use assumptions that are the basis of the need for the Capital Improvements
- Review the Capital Improvements Plan
- Call for a Public Hearing

In the meantime, we are scheduling the activities of the Capital Improvements Advisory Committee (CIAP), as previously authorized by the City Council, and we anticipate the first meeting to occur in August.

EXHIBITS

Newgen Technical Memo
Proposed timeline from Newgen

COUNCIL ACTION/STAFF RECOMMENDATION

- Review and approve the Land Use Assumptions
- Review and approve the Capital Improvements Plan
- Call for a Public Hearing on the Land Use Assumptions and Capital Improvements Plan, to be held on September 18, 2023

Memorandum

To: Mr. Randy Criswell
From: NewGen Strategies and Solutions, LLC
Date: June 27, 2023
Re: Wolfforth Impact Fee Determination

Maximum Assessable Impact Fee Determination

The impact fee determination method employed by NewGen Strategies and Solutions, LLC is developed through a financial based model, which fully recognizes the requirements of Chapter 395 of the Texas Local Government Code, including the recognition of cash and/or debt financing, interest earnings, fund balances, and applicable credits. In developing the components of the financial model, several assumptions must be made, including the following:

- Financing
 - Method of financing (i.e. cash or debt financing)
 - The level of financing (e.g. 100% debt funding)
 - Cost of financing
 - Debt repayment structure
- Timing and Level of Expenditures and Revenues
- Interest Earnings
- Annual Service Unit Growth

The assumptions employed in the maximum assessable impact fee determination provide a reasonable basis for forecasting; however, it must be emphasized that these assumptions may not necessarily reflect actual future conditions. To address this, Chapter 395 requires the monitoring of impact fees through the Impact Fee Advisory Committee and allows for the option to update or revise impact fees to reflect the actual implementation of the impact fee program.

The Water Impact Fee Capital Improvement Plan (CIP) projects were developed by OJD Engineering (OJD). OJD also included the percentage of the projects that were related to growth over the 10-year period of the impact fees. Table 1, below, lists the projects included in the CIP, including the percentage utilized by growth in the next 10-years. To incorporate the 50% credit method, the eligible project costs were divided in half.

Memorandum

Mr. Randy Criswell

June 27, 2023

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Table 1
Capital Improvement Plan Projects

Project Name	Project Cost	10-Year Utilization	Eligible Cost	Recoverable Cost
Elevated Storage Tank	\$ 6,500,000	80%	\$ 5,200,000	\$ 2,600,000
Water Distribution Improvements for Elevated Storage Tank	1,500,000	90%	1,200,000	600,000
EDR Plant #2	15,000,000	100%	15,000,000	7,500,000
Lubbock North Connection and Ground Storage	2,000,000	75%	1,500,000	750,000
Loop 88 East Connection and Ground Storage	1,000,000	75%	750,000	375,000
Loop 88 North Connection and Ground Storage	3,000,000	75%	2,250,000	1,125,000
Harvest Wells	500,000	100%	500,000	250,000
Overlook Wells	1,000,000	100%	1,000,000	500,000
Total	\$ 30,500,000		\$ 27,400,000	\$ 13,700,000

Total growth over the 10-year forecast is projected to be 4,059 units. The timing and annual level of service unit growth over the 10-year program period is indeterminate at the present time. As such, it is assumed that service unit growth will be consistent over the 10-year forecast.

Table 2
Service Unit Growth

Fiscal Year	Growth in Service Units	Total Service Units
2023	406	2,753
2024	406	3,159
2025	406	3,565
2026	406	3,971
2027	406	4,377
2028	406	4,782
2029	406	5,188
2030	406	5,594
2031	406	6,000
2032	406	6,406

Once the cost of capacity added that is attributable to growth is determined, it must then be decided how the cost will be financed: cash and/or debt. For debt financing, the cost of financing is based on an assumed 30-year debt term with interest rates each year based on Table 2 below. Debt was assumed to be issued in years 2023 through 2027. Debt service payments for each future debt issue are assumed to be a level annual payment over the issue's term.

Mr. Randy Criswell
June 27, 2023
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Table 2
Interest Rate Per Year of Issuance

Fiscal Year	Interest Rate
2023	4.32%
2024	5.00%
2025	5.50%
2026	5.50%
2027	6.00%
2028	6.00%
2029	6.00%
2030	6.00%
2031	6.00%
2032	6.00%

Currently, the exact timing and annual level of cash capital expenditures over the forecast period is based on the City's proposed timing. It is assumed that for debt-financed capital projects, the City will expend debt proceeds over a 3-year timeframe. For the calculation of the maximum assessable impact fee, debt is assumed to be issued based on the timing provided by the City.

Because debt is issued assuming a 30-year term and impact fees developed herein are to be charged over a 10-year period, sufficient fund balance must be generated to meet the future debt service obligations.

Chapter 395 states that interest earnings are funds of the impact fee account and are to be held to the same restrictions as impact fee revenues. Therefore, in order to recognize that interest earnings are used to fund only these specific CIP projects, interest earnings are credited against the costs recoverable through impact fees. It should be noted that Chapter 395 does not require the upfront recognition of interest earnings in the impact fee determination; however, in an effort to acknowledge the time value of the impact fee payers' monies, interest earnings have been credited. Interest is assumed to be earned at an annual rate of 3.98% based on the TexStar average rate in 4th quarter of 2022.

Chapter 395 requires a plan for awarding either a credit for the portion of ad valorem tax and/or utility service revenues generated by new service units during the program period that are used for payment of improvements that are included in the Water Impact Fee CIP. As an alternative, a credit equal to 50% of the total cost of implementing the Water Impact Fee CIP may be used. The City has elected to calculate a credit based on the 50% method. The resulting maximum fee per service unit is summarized in Table3 below. Further detail on the calculations can be found in Exhibit A.

Memorandum

Mr. Randy Criswell
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Table 3
Maximum Fee Per Service Unit

Service Area	Water
Recoverable Impact Fee CIP Costs	\$ 13,700,000
Add: Financing Costs	13,708,963
Less: Interest Earnings	(10,286,861)
Maximum Recoverable Cost for Impact Fee	\$ 17,122,102
Divide: Additional Service Units Added During Planning Period	4,059
Maximum Assessable Fee	\$ 4,218

City of Wolfforth - 2023 Water Impact Fee Study
 Capital Improvement Plan for Impact Fees
 Impact Fee Summary Table
 Water Service Area

0	Existing Fund Balance	\$ -
1	Existing Number of Service Units	2,347
2	Total Number of Services Units for Planning Period	6,406
3	Additional Service Units Added During Planning Period (Line 2 - Line 1)	4,059
4	Total Cost of the Water Impact Fee CIP	\$ 30,500,000
5	Recoverable Cost for Impact Fee Planning Period	\$ 13,700,000
6	Percent Recoverable for Water Impact Fee Planning Period (Line 5 / Line 4)	44.92%
7	Financing Costs (From Financial Analysis)	\$ 13,708,963
8	Interest Earnings (From Financial Analysis)	\$ (10,286,861)
9	Recoverable Cost of Water Impact Fee and Financing Costs (Line 5 + Line 7 + Line 8 - Line 0)	\$ 17,122,102
10	Maximum Assessable Fee (Line 9 / Line 3)	\$ 4,218

SUMMARY OF WATER IMPACT FEE DETERMINATION

Water Service Area

Recoverable Impact Fee CIP Costs	\$ 13,700,000	Per OJD Engineering
Financing Cost	13,708,963	See Detail Below
Existing Fund Balance	-	Water Appendices - page 3
Interest Earnings	(10,286,861)	Water Appendices - page 5
Recoverable Cost for Impact Fee	\$ 17,122,102	Sum of Above
Equivalent Connections	4,059	Water Appendices - page 8
Maximum Recoverable Cost for Impact Fee	\$ 4,218	

Recoverable Impact Fee CIP Costs:

Represents the portion of capital improvement costs that are eligible for funding through impact fees. Reference is the OJD Engineering.

Financing Costs:

Represents the interest costs associated with debt financing the new impact fee project costs. Interest costs are derived from existing debt issues and forecasted debt issues.

New Annual Debt Service	\$ 27,408,963	Water Appendices - page 4
Existing Annual Debt Service	-	Water Appendices - page 4
Principal Component (New and Existing Debt)	(13,700,000)	Water Appendices - page 3
Financing Costs	\$ 13,708,963	

Existing Fund Balance:

Represents impact fee revenue collected but not yet expended. Assuming all existing fund balance is already encumbered for projects from prior impact fee studies. Reference is page 3 of Water Appendices.

Interest Earnings:

Represents the interest earned on cash flows and assumes a 3.98% annual interest rate. The Impact Fee Statute states that interest earnings are funds of the impact fee account and are held to the same restrictions as impact fee revenues. Therefore in order to recognize that interest earnings are used to fund capital improvements, interest earnings are credited against the recoverable costs. Reference is the sum of Accumulated Interest on page 5 of Water Appendices.

Pre Credit Recoverable Cost for Impact Fee:

Represents Recoverable Impact Fee CIP Costs plus Financing Costs less Existing Fund Balance and Interest Earnings.

Credit for Utility Revenues:

In 2001, the Local Government Code Chapter 395 was amended to include a credit for ad valorem and/or utility revenues generated by new service units during the ten-year timeframe that are used to fund impact fee eligible projects for which the new service units were charged an impact fee. The intent of this amendment is to avoid double-charging the new service units for impact fee capital improvements. The credit recognizes utility revenues used to fund impact fee eligible projects. Reference is page 8 of Water Appendices.

Maximum Recoverable Cost for Impact Fee:

Represents Pre Credit Recoverable Cost for Impact Fee less Credit for Utility Revenues. This is the maximum cost that can be recovered through impact fees.

City of Wolfforth - 2023 Water Impact Fee Study
Capital Improvement Plan for Impact Fees
Impact Fee Calculation Assumptions
Water Service Area

I. General Assumptions

Annual Interest Rate on Deposits ⁽¹⁾	3.98%
Annual Service Unit Growth ⁽²⁾	406
Existing Fund Balance ⁽³⁾	-
Portion of Projects Funded by Existing Debt ⁽⁴⁾	\$ -
Non-debt Funded Project Cost ⁽⁵⁾	-
New Project Cost Funded Through New Debt ⁽⁶⁾	13,700,000
Total Recoverable Project Cost ⁽⁷⁾	\$ 13,700,000

II. New Debt Issues Assumptions

<u>Year</u>	<u>Principal ⁽⁸⁾</u>	<u>Interest ⁽⁹⁾</u>	<u>Term</u>
1	\$ 3,450,000	4.32%	30
2	875,000	5.00%	30
3	7,500,000	5.50%	30
4	750,000	5.50%	30
5	1,125,000	6.00%	30
6	-	6.00%	30
7	-	6.00%	30
8	-	6.00%	30
9	-	6.00%	30
10	-	6.00%	30
Total	\$ 13,700,000		

III. Capital Expenditure Assumptions

<u>Year</u>	<u>Annual Capital Expenditures ⁽¹⁰⁾</u>
1	\$ -
2	1,150,000
3	1,441,667
4	3,941,667
5	3,041,667
6	3,125,000
7	625,000
8	375,000
9	-
10	-
11	-
12	-
13	-
Total	13,700,000

- (1) Per discussions with City Staff
- (2) Per discussions with City Staff
- (3) New Impact Fee, so there is no existing fund balance
- (4) Per discussions with City Staff
- (5) This assumes 0% of new project costs funded through sources other than debt, unless specified otherwise
- (6) This assumes 100% of new project costs funded through new debt issues, unless specified otherwise
- (7) Per OJD Engineers
- (8) Assumes new debt issued based on schedule from Engineers
- (9) Per discussions with City Staff
- (10) Assumes new debt proceeds expended over a 3-year timeframe
 Non-debt funded capital expenditures allocated per discussions with City Staff

City of Wolfforth - 2023 Water Impact Fee Study
 Capital Improvement Plan for Impact Fees
 Debt Service and Expense Summary
 Water Service Area

I. New Debt Service Detail

Year	Series 1	Series 2	Series 3	Series 4	Series 5	Series 6	Series 7	Series 8	Series 9	Series 10	Total Annual New Debt Service
1	\$ 207,338	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 207,338
2	207,338	56,920	-	-	-	-	-	-	-	-	264,258
3	207,338	56,920	516,040	-	-	-	-	-	-	-	780,298
4	207,338	56,920	516,040	51,604	-	-	-	-	-	-	831,902
5	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
6	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
7	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
8	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
9	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
10	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
11	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
12	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
13	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
14	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
15	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
16	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
17	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
18	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
19	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
20	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
21	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
22	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
23	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
24	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
25	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
26	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
27	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
28	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
29	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
30	207,338	56,920	516,040	51,604	81,730	-	-	-	-	-	913,632
31	-	56,920	516,040	51,604	81,730	-	-	-	-	-	706,294
32	-	-	516,040	51,604	81,730	-	-	-	-	-	649,374
33	-	-	-	51,604	81,730	-	-	-	-	-	133,334
34	-	-	-	-	81,730	-	-	-	-	-	81,730
35	-	-	-	-	-	-	-	-	-	-	-
36	-	-	-	-	-	-	-	-	-	-	-
37	-	-	-	-	-	-	-	-	-	-	-
38	-	-	-	-	-	-	-	-	-	-	-
39	-	-	-	-	-	-	-	-	-	-	-
	\$ 6,220,128	\$ 1,707,600	\$ 15,481,213	\$ 1,548,121	\$ 2,451,901	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 27,408,963

II. Summary of Annual Expenses

Year	New Annual Debt Service ⁽¹⁾	Annual Capital Expenditures ⁽²⁾	Annual Bond Proceeds ⁽²⁾	Existing Annual Debt Service ⁽³⁾	Total Expense
1	\$ 207,338	\$ -	\$ (3,450,000)	\$ -	\$ (3,242,662)
2	264,258	1,150,000	(875,000)	-	539,258
3	780,298	1,441,667	(7,500,000)	-	(5,278,035)
4	831,902	3,941,667	(750,000)	-	4,023,569
5	913,632	3,041,667	(1,125,000)	-	2,830,299
6	913,632	3,125,000	-	-	4,038,632
7	913,632	625,000	-	-	1,538,632
8	913,632	375,000	-	-	1,288,632
9	913,632	-	-	-	913,632
10	913,632	-	-	-	913,632
11	913,632	-	-	-	913,632
12	913,632	-	-	-	913,632
13	913,632	-	-	-	913,632
14	913,632	-	-	-	913,632
15	913,632	-	-	-	913,632
16	913,632	-	-	-	913,632
17	913,632	-	-	-	913,632
18	913,632	-	-	-	913,632
19	913,632	-	-	-	913,632
20	913,632	-	-	-	913,632
21	913,632	-	-	-	913,632
22	913,632	-	-	-	913,632
23	913,632	-	-	-	913,632
24	913,632	-	-	-	913,632
25	913,632	-	-	-	913,632
26	913,632	-	-	-	913,632
27	913,632	-	-	-	913,632
28	913,632	-	-	-	913,632
29	913,632	-	-	-	913,632
30	913,632	-	-	-	913,632
31	706,294	-	-	-	706,294
32	649,374	-	-	-	649,374
33	133,334	-	-	-	133,334
34	81,730	-	-	-	81,730
35	-	-	-	-	-
36	-	-	-	-	-
37	-	-	-	-	-
38	-	-	-	-	-
39	-	-	-	-	-
	\$ 27,408,963	\$ 13,700,000	\$ (13,700,000)	\$ -	\$ 27,408,963

(1) Water Appendices - page 4 Section I
 (2) Water Appendices - page 3
 (3) This is no existing debt funding at this time

City of Wolfforth - 2023 Water Impact Fee Study
Capital Improvement Plan for Impact Fees
Revenue Test
Water Service Area

<u>Year</u>	<u>Impact Fee</u>	<u>Service Units</u>	<u>Impact Fee Revenue</u>	<u>Annual Expenses</u>	<u>Sub-Total</u>	<u>Accumulated Interest</u>	<u>Estimated Fund Balance</u>
Initial							\$ -
1	\$ 4,218	406	\$ 1,712,210	\$ (3,242,662)	\$ 4,954,873	\$ 98,599	5,053,472
2	4,218	406	1,712,210	539,258	1,172,953	224,464	6,450,889
3	4,218	406	1,712,210	(5,278,035)	6,990,245	395,841	13,836,976
4	4,218	406	1,712,210	4,023,569	(2,311,359)	504,703	12,030,320
5	4,218	406	1,712,210	2,830,299	(1,118,089)	456,545	11,368,777
6	4,218	406	1,712,210	4,038,632	(2,326,422)	406,171	9,448,526
7	4,218	406	1,712,210	1,538,632	173,578	379,496	10,001,600
8	4,218	406	1,712,210	1,288,632	423,578	406,483	10,831,661
9	4,218	406	1,712,210	913,632	798,578	446,981	12,077,220
10	4,218	406	1,712,210	913,632	798,578	496,553	13,372,351
11	-	-	-	913,632	(913,632)	514,025	12,972,744
12	-	-	-	913,632	(913,632)	498,121	12,557,233
13	-	-	-	913,632	(913,632)	481,584	12,125,185
14	-	-	-	913,632	(913,632)	464,389	11,675,943
15	-	-	-	913,632	(913,632)	446,510	11,208,821
16	-	-	-	913,632	(913,632)	427,919	10,723,108
17	-	-	-	913,632	(913,632)	408,588	10,218,064
18	-	-	-	913,632	(913,632)	388,488	9,692,919
19	-	-	-	913,632	(913,632)	367,588	9,146,875
20	-	-	-	913,632	(913,632)	345,856	8,579,099
21	-	-	-	913,632	(913,632)	323,259	7,988,725
22	-	-	-	913,632	(913,632)	299,762	7,374,856
23	-	-	-	913,632	(913,632)	275,331	6,736,555
24	-	-	-	913,632	(913,632)	249,927	6,072,850
25	-	-	-	913,632	(913,632)	223,513	5,382,730
26	-	-	-	913,632	(913,632)	196,046	4,665,145
27	-	-	-	913,632	(913,632)	167,487	3,919,000
28	-	-	-	913,632	(913,632)	137,791	3,143,159
29	-	-	-	913,632	(913,632)	106,914	2,336,441
30	-	-	-	913,632	(913,632)	74,807	1,497,616
31	-	-	-	706,294	(706,294)	45,549	836,870
32	-	-	-	649,374	(649,374)	20,384	207,880
33	-	-	-	133,334	(133,334)	5,620	80,166
34	-	-	-	81,730	(81,730)	1,564	0
35	-	-	-	-	-	0	0
36	-	-	-	-	-	0	0
37	-	-	-	-	-	0	0
38	-	-	-	-	-	0	0
39	-	-	-	-	-	0	0
			\$ 17,122,102	\$ 27,408,963		\$ 10,286,861	

City of Wolfforth - 2023 Water Impact Fee Study
 Capital Improvement Plan for Impact Fees
 Impact Fee Calculation
 Water Service Area

<u>Year</u>	<u>Number of Years to End of Period</u>	<u>Future Value Escalation</u>		<u>Annual Service Units</u>		<u>Annual Expense</u>	
		<u>Interest Rate Factor</u>	<u>Recovery Fee Factor</u>	<u>Actual</u>	<u>Escalated</u>	<u>Actual</u>	<u>Escalated</u>
1	39	4.4063	1.0000	406	1,789	\$ (3,242,662)	\$ (14,288,241)
2	38	4.2377	1.0000	406	1,720	539,258	2,285,198
3	37	4.0755	1.0000	406	1,654	(5,278,035)	(21,510,501)
4	36	3.9195	1.0000	406	1,591	4,023,569	15,770,311
5	35	3.7695	1.0000	406	1,530	2,830,299	10,668,706
6	34	3.6252	1.0000	406	1,471	4,038,632	14,640,784
7	33	3.4864	1.0000	406	1,415	1,538,632	5,364,329
8	32	3.3530	1.0000	406	1,361	1,288,632	4,320,761
9	31	3.2246	1.0000	406	1,309	913,632	2,946,139
10	30	3.1012	1.0000	406	1,259	913,632	2,833,373
11	29	2.9825	1.0000	-	-	913,632	2,724,924
12	28	2.8684	1.0000	-	-	913,632	2,620,626
13	27	2.7586	1.0000	-	-	913,632	2,520,320
14	26	2.6530	1.0000	-	-	913,632	2,423,853
15	25	2.5514	1.0000	-	-	913,632	2,331,078
16	24	2.4538	1.0000	-	-	913,632	2,241,855
17	23	2.3599	1.0000	-	-	913,632	2,156,046
18	22	2.2695	1.0000	-	-	913,632	2,073,522
19	21	2.1827	1.0000	-	-	913,632	1,994,157
20	20	2.0991	1.0000	-	-	913,632	1,917,829
21	19	2.0188	1.0000	-	-	913,632	1,844,423
22	18	1.9415	1.0000	-	-	913,632	1,773,826
23	17	1.8672	1.0000	-	-	913,632	1,705,932
24	16	1.7957	1.0000	-	-	913,632	1,640,636
25	15	1.7270	1.0000	-	-	913,632	1,577,840
26	14	1.6609	1.0000	-	-	913,632	1,517,447
27	13	1.5973	1.0000	-	-	913,632	1,459,366
28	12	1.5362	1.0000	-	-	913,632	1,403,507
29	11	1.4774	1.0000	-	-	913,632	1,349,787
30	10	1.4208	1.0000	-	-	913,632	1,298,123
31	9	1.3665	1.0000	-	-	706,294	965,119
32	8	1.3142	1.0000	-	-	649,374	853,377
33	7	1.2639	1.0000	-	-	133,334	168,515
34	6	1.2155	1.0000	-	-	81,730	99,341
35	5	1.1690	1.0000	-	-	-	-
36	4	1.1242	1.0000	-	-	-	-
37	3	1.0812	1.0000	-	-	-	-
38	2	1.0398	1.0000	-	-	-	-
39	1	1.0000	1.0000	-	-	-	-
					15,099		\$ 63,692,308

Annual Interest Rate: 3.98%

Total Escalated Expense for Entire Period \$ 63,692,308

Total Escalated Service Units 15,099

Maximum Assessable Impact Fee for Water Service Area \$ 4,218

City of Wolfforth - 2023 Water Impact Fee Study
 Capital Improvement Plan for Impact Fees
 Impact Fee Project Funding
 Water Service Area

<u>Impact Fee Project Name⁽¹⁾</u>	<u>Cost In Service Area⁽¹⁾</u>	<u>Impact Fee Eligible Cost⁽¹⁾</u>	<u>Impact Fee 50% Recoverable Cost⁽¹⁾</u>	<u>Debt Funded⁽²⁾</u>		<u>Non-Debt Funded⁽²⁾</u>
				<u>Existing</u>	<u>Proposed</u>	
Elevated Storage Tank - Alcove	\$ 6,500,000	\$ 5,200,000	\$ 2,600,000	\$ -	\$ 2,600,000	\$ -
Water Distribution Improvements for Elevated Tank	1,500,000	1,200,000	600,000	-	600,000	-
EDR Plant #2	15,000,000	15,000,000	7,500,000	-	7,500,000	-
Lubbock North Connection and Ground Storage	2,000,000	1,500,000	750,000	-	750,000	-
Loop 88 East Connection and Ground Storage	1,000,000	750,000	375,000	-	375,000	-
Loop 88 North Connection and Ground Storage	3,000,000	2,250,000	1,125,000	-	1,125,000	-
Harvest Wells	500,000	500,000	250,000	-	250,000	-
Overlook Wells	1,000,000	1,000,000	500,000	-	500,000	-
Water Impact Fee Update		-	-	-	-	-
Total	\$ 30,500,000	\$ 27,400,000	\$ 13,700,000	\$ -	\$ 13,700,000	\$ -

(1) Per OJD Engineers

(2) Per discussions with City staff and City files

City of Wolfforth - 2023 Water Impact Fee Study
 Capital Improvement Plan for Impact Fees
 Credit Determination
 Water Service Area

<u>Year</u>	<u>Eligible Revenue Funded Cost ⁽¹⁾</u>	<u>Annual Service Units</u>	<u>Eligible Debt Service per Service Unit</u>	<u>Annual Growth in Service Units (Cumulative)</u>	<u>Credit for Annual Utility Rate Revenues</u>
1	\$ 207,338	2,753	\$ 75.32	406	\$ -
2	264,258	3,159	83.66	812	-
3	780,298	3,565	218.90	1,218	-
4	831,902	3,971	209.52	1,624	-
5	913,632	4,377	208.76	2,030	-
6	913,632	4,782	191.04	2,435	-
7	913,632	5,188	176.09	2,841	-
8	913,632	5,594	163.32	3,247	-
9	913,632	6,000	152.27	3,653	-
10	913,632	6,406	142.62	4,059	-
11	913,632	6,406	142.62	4,059	-
12	913,632	6,406	142.62	4,059	-
13	913,632	6,406	142.62	4,059	-
14	913,632	6,406	142.62	4,059	-
15	913,632	6,406	142.62	4,059	-
16	913,632	6,406	142.62	4,059	-
17	913,632	6,406	142.62	4,059	-
18	913,632	6,406	142.62	4,059	-
19	913,632	6,406	142.62	4,059	-
20	913,632	6,406	142.62	4,059	-
21	913,632	6,406	142.62	4,059	-
22	913,632	6,406	142.62	4,059	-
23	913,632	6,406	142.62	4,059	-
24	913,632	6,406	142.62	4,059	-
25	913,632	6,406	142.62	4,059	-
26	913,632	6,406	142.62	4,059	-
27	913,632	6,406	142.62	4,059	-
28	913,632	6,406	142.62	4,059	-
29	913,632	6,406	142.62	4,059	-
30	913,632	6,406	142.62	4,059	-
31	706,294	6,406	110.26	4,059	-
32	649,374	6,406	101.37	4,059	-
33	133,334	6,406	20.81	4,059	-
34	81,730	6,406	12.76	4,059	-
35	-	6,406	-	4,059	-
36	-	6,406	-	4,059	-
37	-	6,406	-	4,059	-
38	-	6,406	-	4,059	-
39	-	6,406	-	4,059	-
Total	\$ 27,408,963				\$ -

2022 Service Units ⁽²⁾	2,347
Ten Year Growth in Service Units ⁽²⁾	4,059
	10 years
Annual Growth in Service Units	406
Credit Amount	\$ -

(1) Water Appendices - page 4 Section II
 (2) Per discussions with City Staff

Potential Impact Fee Schedule

Task	Action Item	Staff	Council	CIAC	Legal	Engineering	Financial	Current Status / Anticipated Date
CALCULATION PROCESS								
1	Complete Impact Fee Draft Report					X	X	Completed
2	City Complete Review of Draft Report	X						Completed
CIAC PROCESS								
1	Council Designates Capital Improvement Advisory Committee (CIAC)	X	X		X			July 10th
2	<i>Complete agenda item(s) before meeting</i>	X			X			July 5th
3	CIAC Meeting to Present LUA, CIP and Impact Fee	X		X		X	X	TBD
4	<i>Complete agenda item(s) before meeting</i>	X			X			TBD
5	CIAC Review of LUA, CIPs, and Impact Fees Formalize Comments to Council	X		X		X	X	TBD
6	<i>Complete agenda item</i>	X			X			TBD
7	CIAC Submit Written Comments to Council (5 Days before Public Hearing)	X		X				5 Days before November 6th

Potential Impact Fee Schedule

Task	Action Item	Staff	Council	CIAC	Legal	Engineering	Financial	Current Status / Anticipated Date
ADOPTION PROCESS								
1	Council Meeting - Review LUAs, CIP, and Set Public Hearing Date	X	X		X	X	X	July 31st
2	<i>Complete agenda item(s) before meeting</i>	X			X			July 26th
3	Advertise Public Hearing Date for Consideration of LUAs and CIPs (Must be 30 days before Public Hearing)	X			X			No later than August 14th
4	<i>Advertisement to the newspaper</i>	X			X			August 7th
5	Council Public Hearing and Approval of LUAs and CIPs (Must be at least 30 days after Notice)	X	X		X	X	X	September 18th
6	<i>Complete agenda item(s) before meeting</i>	X			X			September 13th
7	Council Meeting - Review Impact Fee Calculation and Set Public Hearing Date	X	X		X	X	X	September 18th
8	<i>Complete agenda item(s) before meeting</i>	X			X			September 13th
9	Advertise Public Hearing Date for Adoption and Consideration of Impact Fees (Must be 30 days before Public Hearing)	X			X			No later than October 13th
10	<i>Advertisement to the newspaper</i>	X			X			October 6th
11	Council Public Hearing and Approval of Impact Fees (Must be at least 30 days after Notice)	X	X		X	X	X	November 6th
12	<i>Complete agenda item(s) before meeting</i>	X			X			November 1st
13	Develop/Adopt Impact Fee Ordinance (must be within 30 days of Public Hearing)	X	X		X	X	X	November 6th
14	<i>Complete agenda item(s) before meeting</i>	X			X			November 1st

AGENDA ITEM #3

RESOLUTION NO. 2023-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, CALLING A PUBLIC HEARING TO CONSIDER THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENT PLAN UNDER WHICH WATER IMPACT FEES MAY BE IMPOSED.

WHEREAS, the City Council of the City of Wolfforth (the “City Council”) appointed a Capital Improvements Advisory Committee in accordance with Section 395.058 of the Texas Local Government Code to work with City staff and consultants to develop a recommendation for the implementation of impact fees to fund certain future infrastructure needs; and

WHEREAS, Section 295.042 of the Texas Local Government Code requires that the City Council conduct a public hearing to consider the land use assumptions and capital improvement plan prior to the institution of any impact fee; **NOW, THEREFORE, BE IT RESOLVED:**

THAT the City Council shall hold a public hearing to consider the land use assumptions and capital improvements plan (capacity plans) under which a water impact fee may be imposed; and

THAT the public hearing will be held at a regular meeting of the City Council of the City of Wolfforth, Texas on September 18, 2023 at 6:00pm at the following location: City Hall, located at 302 Main Street, Wolfforth, Texas

APPROVED:

Charles Addington, II, MAYOR

ATTEST:

Terri Robinette, CITY SECRETARY

AGENDA ITEM COMMENTARY – ITEM #4

ITEM TITLE

Consider and take appropriate action on presentation and acceptance of proposed home rule charter as framed by the appointed Home Rule Charter Commission

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

Over the past few months, the Wolfforth Home Rule Charter Commission has been working to develop Wolfforth's Charter. As you know, we hired attorney Charles Zech to assist with this process. Tonight, Mr. Zech and members of the Charter Commission will present the proposed charter and provide direction for the remainder of the process.

EXHIBITS

Presentation from Charles Zech
Proposed Charter

COUNCIL ACTION/STAFF RECOMMENDATION

As directed.

WOLFFORTH HOME RULE CHARTER

Charles E. Zech

Denton Navarro Rocha Bernal & Zech, P.C.

Austin, TX

Charter Commission

- Scott Mann Chair
- Lee Flores Vice-Chair
- Chelsea Salazar
- Kris Kerr
- Larry Holland
- Marie Garza
- Mike Bickle
- Misti Welch
- Shawn Vinson
- Steve Haynes

Charter Commission

- Appointed by Council on 2/17/2023
- First meeting date 3/6/2023
- 8 meetings total
- Final meeting date of 6/28/2023

Texas Local Government Code Chapter 9

- The charter prepared by a charter commission shall be submitted to the qualified voters of the municipality.
- Before the 30th day before the date of the election, City Council shall order the city secretary to mail a copy of the proposed charter to each registered voter of the municipality.
- A proposed charter is adopted if it is approved by a majority of the qualified voters of the municipality.
- A charter does not take effect until City Council enters an order in the records of the City declaring that the charter is adopted.

Wolfforth Home Rule Charter

- Seventeen Pages
- Nine articles
 - Preamble
 - Article I – Form of Government and Boundaries
 - Article II – Powers of the City
 - Article III – The City Council
 - Article IV – Departmental Services
 - Article V – Nominations and Elections
 - Article VI – Recall, Initiative and Referendum
 - Article VII – General Provisions
 - Article VIII – Legal Provisions
 - Article IX – Transitional Provisions

Preamble

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

Article I – Form of Government and Boundaries

- Council Manager Form of Government
- Authorizing Annexation and Disannexation
 - Annexation pursuant to law
 - Disannexation of inhabited or uninhabited territory, not suitable, or necessary for City purposes; by ordinance after a public hearing.

Article II – Powers of the City

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

Article III – The City Council

- City Council Composed of a Mayor and five (5) City Council Members
- The Mayor shall be elected at large
- Council Members elected at large by Place.
- Two (2) years term of office
- No term limits
- State qualifications
- If recalled shall not be eligible for appointment or election for a period of four (4) years from the date of the election at the end of the term during which they were recalled.

Article III – The City Council

- Mayor

- presides at meetings;
- recognized as the head of the City government for all ceremonial purposes; and by the Governor for purposes of military law;
- has no regular administrative duties;
- votes only in the case of a tie.

- Mayor Pro Tempore

- Serves for a term of one year;
- Act as Mayor during the disability or absence of the Mayor but shall not lose the right to vote.

Article III – The City Council

- Vacancies, forfeiture and filling of vacancies
 - The office of a Council Member or the Mayor shall become vacant upon their death, resignation, forfeiture of office, or removal from office by any manner authorized by law.
 - A Member of City Council shall forfeit their office if they:
 - cease to possess the required qualifications for office;
 - are convicted of a felony, or of a misdemeanor involving moral turpitude;
 - are convicted of violating any state laws regulating conflicts of interest of municipal officers; or
 - cease to be a resident of the City.
 - A single vacancy may be filled by appointment or special election; two or more concurrent vacancies require special election to fill vacancies

Article III – The City Council

- **Prohibitions**

- Except where authorized by law no Mayor or Council Member shall hold any other City office or City employment during that person's term as Mayor or Council Member.
- No former Mayor or Council Member shall hold any compensated appointive office or City employment until one (1) year after the expiration of the term for which they were elected or appointed to the City Council.
- Members of the City Council shall not in any way dictate the appointment or removal of the City administrative officers or employees appointed by the City Manager or any of the City Manager's subordinates.
- Except for the purpose of inquiries and investigations as provided by this Charter, Members of the City Council shall interact with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager.
- Neither Members of City Council nor the City Council shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

Article III – The City Council

- Ordinances
 - Before an ordinance or resolution may take effect, the ordinance or resolution must be placed in the office of the City Secretary. Ordinances and resolutions shall be considered “placed in the office of the City Secretary” at the beginning of the first business day of the City following the meeting at which the ordinance or resolution was adopted.
 - The Mayor shall sign the ordinances and resolutions that the Mayor approves. If the Mayor does not sign an ordinance or resolution before the fourth day after the date it is placed in the City Secretary's office and does object to the ordinance or resolution the ordinance or resolution shall become effective immediately or at any later time(s) specified in the ordinance or resolution.
 - If the Mayor files a statement of written objections with the City Secretary before the fourth day after the date the ordinance or resolution is placed in the secretary's office, the City Council shall, at the next regular or special meeting, reconsider the vote. If a majority of the total number of City Council Members approve the ordinance or resolution on reconsideration it may take effect and the Mayor shall have no further authority to object.

Article IV – Departmental Services

- City Manager
 - Appointed by a majority vote of the full City Council.
 - Chosen based solely on executive and administrative training, experience, and ability.
 - May be removed or suspended, with or without cause, subject to any contractual arrangements that may exist between the City Council and the City Manager, at the discretion of the City Council by the affirmative vote of a majority of the full City Council.

Article IV – Departmental Services

- Municipal Judges
 - Appointed by the City Manager upon a recommendation to and confirmation by a majority vote of the full City Council.
 - Appointed to a term of two (2) years.
 - May be removed from office, with or without cause, at any time by the City Manager upon a recommendation to and confirmation by a majority vote of the full City Council.

Article IV – Departmental Services

- City Attorney
 - Appointed by the affirmative of a majority vote of the full City Council.
 - Shall review and provide opinions, as requested by the City Council or City Manager on contracts, legal instruments, ordinances of the City and other City business.
 - May be removed, with or without cause, by the affirmative vote of a majority vote of the full City Council.

Article IV – Departmental Services

- Administrative Departments, offices and Agencies

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

Article V – Nominations and Elections

Elections are conducted pursuant to state law.

Article VI – Recall, Initiative and Referendum

- 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.
- Requires Petition signed by ten percent (10%) of those registered to vote at the City's last general election.
- Within forty-five (45) business days after the date of the filing a recall petition, the City Secretary shall verify the signatures on the petition and, if the petition is determined to be legally sufficient, present such petition to the City Council.
- If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election.
- Officer subject to recall may request a public hearing on the recall.

Article VI – Recall, Initiative and Referendum

- Initiative

- Registered voters of the City may initiate legislation by submitting a petition requesting the submission of a proposed ordinance to a vote of the registered voters of the City.
- Initiatives shall not extend to any ordinance not subject to initiative as provided by state law.
- Petition must be signed by twenty percent (20%) of the voters registered to vote in the previous City's general election.

Article VI – Recall, Initiative and Referendum

- Referendum
 - Registered voters of the City may require that any ordinance passed by the City Council and subject to the initiative process be submitted to the voters of the City for approval or disapproval.
 - Petition must be submitted within sixty (60) days after final passage of the subject ordinance.
 - Petition must be signed by twenty percent (20%) of the voters registered to vote in the previous City's general election

Article VII – General Provisions

- Severability
- Wording Interpretation

Article VIII – Legal Provisions

- Disaster Clause

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving members of City Council, or if no member of City Council remains, the following surviving City officials: the chair of the Planning and Zoning Commission, the chair of the Economic Development Corporation, the chair of the zoning board of adjustment, the municipal judge, the alternate municipal judge(s), and the city attorney; shall within 24 hours of such disaster appoint a number of qualified residents equal to the number necessary to make a quorum to act during the emergency as the City Council. If for good reasons it is known a quorum of the elected City Council will never again meet, the newly appointed City Council shall, within 15 days of their appointment, call a City election to be held as soon as authorized under law for election to the vacant offices. If it is determined that a quorum of the elected City Council will meet again, the newly appointed Council Members shall serve in their position until such time as the previous Council Members may again begin serving.

Article VIII – Legal Provisions

- Extension of Disaster Declaration

The City shall comply with all state laws regarding declarations of disaster. In addition to the requirements of state law, the City Council shall, after the original declaration of a disaster, meet no less than every thirty (30) days to review the circumstances and reasons for the declaration and shall, in order to extend any disaster declaration, vote at such meeting to extend the disaster declaration. No vote extending the disaster declaration shall be effective unless adopted by a 3/4 majority of the entire City Council. Should City Council fail to hold such vote or should the vote on the extension fail to meet the 3/4 vote threshold, the declaration of disaster shall expire thirty (30) days from the later of the expiration of (1) the original declaration or (2) the last previously approved extension.

Article IX – Transitional Provisions

- Effective Date
- Continuation of Elective Officers
- Continuation of Operation

Ballot

THE ADOPTION OF A HOME RULE CHARTER FOR THE CITY OF WOLFFORTH
TO INCLUDE PROVISIONS FOR ITS FORM OF GOVERNMENT; POWERS OF THE
CITY; THE CITY COUNCIL; DEPARTMENTAL SERVICES; NOMINATIONS AND
ELECTIONS; RECALL, INITIATIVE AND REFERENDUM; AND OTHER GENERAL
AND LEGAL PROVISIONS

For (___)

Against (___)

Charles E. Zech
cezech@rampagelaw.com

QUESTIONS

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1 **WOLFFORTH CITY CHARTER**

2 **PREAMBLE**

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

11
12 **ARTICLE I**
13 **FORM OF GOVERNMENT AND BOUNDARIES**

14
15 **SECTION 1.01 FORM OF GOVERNMENT**

16
17 The municipal government provided by this Charter shall be known as the “City Council-Manager
18 Government.” Pursuant to the provisions herein, and subject only to the limitations imposed by
19 the State Constitution and state statutes, all powers of the City shall be vested in an elected city
20 council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt
21 budgets, determine policies, and appoint City officials as noted in this Charter, including the City
22 Manager, who in turn shall be held responsible to the City Council for the execution of the laws
23 and the administration of the government of the City. All powers of the City shall be exercised in
24 the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as
25 may be prescribed by ordinance, the State Constitution or by state statutes.

26
27 **SECTION 1.02 BOUNDARIES**

28
29 The citizens of the City of Wolfforth, Lubbock County, Texas, residing within its corporate limits,
30 as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal
31 body politic and corporate, in perpetuity, under the name of the “City of Wolfforth,” with such
32 powers, privileges, rights, duties, authorities and immunities as are herein provided.

33
34 **SECTION 1.03 EXTENSION AND REDUCTION OF BOUNDARIES**

35
36 A. The boundaries of the City may be enlarged by the annexation of additional territory in any
37 manner authorized by law.
38

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

6
7 **ARTICLE II**
8 **POWERS OF THE CITY**
9

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

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

17
18 **ARTICLE III**
19 **THE CITY COUNCIL**
20

21 **SECTION 3.01 COMPOSITION; TERM**
22

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

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

31 **SECTION 3.02 LIMITATIONS ON TERMS**
32

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

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

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

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

SECTION 3.04 MAYOR; AND MAYOR PRO-TEMPORE

- A. The Mayor shall preside at meetings of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall vote only in the case of a tie.
- B. At each new City Council's first meeting or as soon as practicable, the governing body shall elect one City Council Member to serve as Mayor Pro Tempore for a term of one year. The Mayor Pro-Tempore shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor but shall not lose the right to vote. If a vacancy occurs in the office of the Mayor Pro-Tempore, the City Council shall elect a new Mayor Pro-Tempore at the next regular meeting after the vacancy occurs.

SECTION 3.05 VACANCIES, FORFEITURE AND FILLING OF VACANCIES

- A. The office of a Council Member or the Mayor shall become vacant upon their death, resignation, forfeiture of office, or removal from office by any manner authorized by law.
- B. A Member of City Council shall forfeit their office if they:
 - 1. cease to possess the required qualifications for office;
 - 2. are convicted of a felony, or of a misdemeanor involving moral turpitude;
 - 3. are convicted of violating any state laws regulating conflicts of interest of municipal officers; or
 - 4. cease to be a resident of the City.
- C. Every forfeiture shall be declared and enforced by the City Council.

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

12
13 **SECTION 3.06 POWERS OF THE CITY COUNCIL**
14

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

20
21 **SECTION 3.07 PROHIBITIONS**
22

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

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

36 C. Except for the purpose of inquiries and investigations as provided by this Charter, Members
37 of the City Council shall interact with City officers and employees who are subject to the
38 direction and supervision of the City Manager solely through the City Manager. Neither
39 Members of City Council nor the City Council shall give orders to any such officer or
40 employee, either publicly or privately, except as otherwise provided in this Charter.

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SECTION 3.08 MEETINGS OF THE CITY COUNCIL

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

SECTION 3.09 QUORUM

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

SECTION 3.10 RULES OF PROCEDURE; ABSTENTIONS

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

SECTION 3.11 PASSAGE OF ORDINANCES IN GENERAL

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

“Be it ordained by the City Council of the City of Wolfforth, Texas...”.
- B. Each proposed ordinance shall be introduced in the written or printed form required for adoption and shall contain a title or caption that fairly and accurately identifies the subject(s) addressed in the ordinance.
- C. If a majority of the City Council present at a City Council meeting request that an ordinance title and caption or the entirety if an ordinance be read, it shall be read.
- D. Effective Date and Mayor’s Authority to Require Reconsideration.

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

24
25 **SECTION 3.12 AUTHENTICATION, RECORDING, CODIFICATION, PRINTING**
26 **AND DISTRIBUTION**
27

- 28 A. All ordinances and resolutions adopted by the City Council shall be authenticated by seal
29 and signature of the person performing the duties of the City Secretary and numbered
30 consecutively as adopted.
31
- 32 B. The City Council may authorize and maintain a codification of ordinances of the City. This
33 codification shall be known and cited as “The Wolfforth City Code” and shall be in full
34 force and effect without the necessity of such code or any part thereof being published in
35 any newspaper. The caption, descriptive clause, and other formal parts of the ordinances
36 of the City may be omitted without affecting the validity of such ordinances when codified.
37 Every general ordinance enacted subsequent to such codification shall be enacted as an
38 amendment to the code. General ordinances shall be deemed to be those ordinances of a
39 permanent or continuing nature which affect the residents of the City at large.
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SECTION 3.13 INVESTIGATIONS BY THE CITY COUNCIL

- A. Notwithstanding the provisions of subsection B, the City Council may initiate investigations into the affairs of the city and the conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths and take testimony and require the production of evidence. They also may, by ordinance, provide for a misdemeanor offense for the conduct of a person who fails or refuses to obey a lawful order issued in the exercise of this power as a collective body.

- B. Except for the purpose of inquiries and investigations provided for in subsection A the Council Members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager and neither the City Council nor Members of City Council shall give orders to or reprimand any such officer or employee, either publicly or privately.

**ARTICLE IV
DEPARTMENTAL SERVICES**

SECTION 4.01 CITY MANAGER

- A. The City Council shall, upon approval of a majority vote of the full City Council, appoint a City Manager who shall be the chief administrative and executive officer of the City, and shall be responsible to the City Council for the administration of the affairs of the City.

- B. The City Manager shall be chosen by the City Council based solely on executive and administrative training, experience, and ability.

- C. The City Council shall fix the compensation of the City Manager and the City Manager’s compensation may be amended, from time to time, in accordance with the City Manager’s experience, qualifications and performance.

- D. The City Manager may be removed or suspended, with or without cause, subject to any contractual arrangements that may exist between the City Council and the City Manager, at the discretion of the City Council by the affirmative vote of a majority of the full City Council.

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

5 **SECTION 4.02 MUNICIPAL COURT**
6

7 A. The City Council shall establish and cause to be maintained a Municipal Court. The Court
8 shall have all the powers and duties as may be prescribed by State Law.
9

10 B. Municipal Judge(s) and alternate Municipal Judge(s) shall be appointed by the City
11 Manager upon a recommendation to and confirmation by a majority vote of the full City
12 Council.
13

14 C. The Municipal Judge(s) of the Municipal Court shall be appointed to a term of two (2)
15 years. The Municipal Judge(s) and alternate Municipal Judge(s) may be removed from
16 office, with or without cause, at any time by the City Manager upon a recommendation to
17 and confirmation by a majority vote of the full City Council.
18
19

20 **SECTION 4.03 CITY ATTORNEY**
21

22 A. The City Council shall appoint, by the affirmative of a majority vote of the full City Council
23 a competent, duly qualified licensed and practicing attorney in the State of Texas who shall
24 serve as the City Attorney.
25

26 B. The City Attorney shall be the legal advisor and attorney for the City and all its departments
27 and officers in the City and shall represent the City in all litigation except where insurance
28 requirements dictate otherwise; however, the City Council may retain special counsel at
29 any time it deems necessary or advisable to represent the City, the City Council, the
30 individuals making up the City Council or City employees.
31

32 C. The City Attorney shall review and provide opinions, as requested by the City Council or
33 City Manager on contracts, legal instruments, ordinances of the City and other City
34 business.
35

36 D. The City Attorney and any appointed Special Counsel shall receive compensation as
37 determined by the City Council.
38

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

1
2 F. The City Attorney, with the approval of the City Council, may select additional attorneys
3 to act for the City Attorney and the City in its representation.
4

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6 **SECTION 4.04 ADMINISTRATIVE DEPARTMENTS, OFFICES AND AGENCIES**
7

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

12
13 **ARTICLE V**
14 **NOMINATIONS AND ELECTIONS**
15

16 **ELECTION 5.01 CITY ELECTIONS**
17

18 A. All City elections shall be conducted in accordance with the state law.
19

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

23
24 **SECTION 5.02 FILING FOR OFFICE; ELIGIBILITY FOR ELECTION AND**
25 **APPOINTMENT TO OFFICE**
26

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

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

33
34 **SECTION 5.03 OFFICIAL RESULTS**
35

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

1 **SECTION 5.04 TAKING OF OFFICE**

2
3 A person who is elected or appointed to the City Council shall take office upon taking the oath of
4 office.
5

6
7 **ARTICLE VI**
8 **RECALL, INITIATIVE AND REFERENDUM**
9

10 **SECTION 6.01 SCOPE OF RECALL**

11
12 Any elected City official shall be subject to recall and removal from office by the registered voters
13 of the City on grounds of incompetency, misconduct or malfeasance in office.
14

15
16 **SECTION 6.02 PETITIONS FOR RECALL**

17
18 Before the question of recall of such officer is submitted to the registered voters of the City, a
19 petition demanding such question to be so submitted shall first be filed with the person performing
20 the duties of City Secretary, which said petition must be signed by ten percent (10%) of those
21 registered to vote at the City’s last general election. Each signer of such recall petition shall
22 provide all requisite information as required by the Texas Election Code and this Charter.
23

24
25 **SECTION 6.03 FORM OF RECALL PETITION**

26
27 The recall petition must be addressed to the City Council, must distinctly and specifically reference
28 the grounds upon which such petition for removal is predicated, and, if there be more than one (1)
29 ground, the petition shall reference as a ground one or more of the reasons or grounds for removal
30 of a city officer which shall be based on grounds of incompetency, misconduct or malfeasance in
31 office.
32

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

34
35 “State of Texas”
36 County of Lubbock

37
38 I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the
39 above petition, and that the statements made therein are true, and that each signature appearing

1 thereto was made in my presence on the day and date it purports to have been made, and I solemnly
2 swear that the same is the genuine signature of the person it purports to be.

3 _____
4
5 Signature

6
7 Sworn and subscribed before me this ____ day of _____, 20 ____.

8 Signed _____
9

10 Notary Public in and for

11
12 State of Texas

13
14 **SECTION 6.04 VARIOUS PAPERS CONSTITUTING PETITION**

15
16 Any petition shall, at a minimum, meet the requirements for valid petitions under the Texas
17 Election Code. The petition may consist of one (1) or more copies or subscription lists, circulated
18 separately, and the signatures thereto may be upon the paper or papers containing the form of
19 petition, or upon other paper attached thereto. Verifications provided for in Section 6.03 of this
20 Article may be made by one (1) or more petitioners, and the several parts of copies of the petition
21 may be filed separately and by different persons. All papers comprising a recall petition shall be
22 filed with the City Secretary on the same day, and the City Secretary shall immediately notify, in
23 writing, the officer so sought to be removed, by mailing such notice to the officer's City address.
24

25 **SECTION 6.05 PRESENTATION OF PETITION TO THE CITY COUNCIL**

26
27 Within forty-five (45) business days after the date of the filing of the papers constituting the recall
28 petition, the City Secretary shall verify the signatures on the petition and, if the petition is
29 determined to be legally sufficient, present such petition to the City Council.
30

31 **SECTION 6.06 CALLING OF RECALL ELECTION**

32
33 If the officer whose removal is sought does not resign, then the City Council shall order an election
34 and set the date for holding such recall election. The date selected for the recall election shall be
35 in accordance with the Texas Election Code. If after the recall election date is established, the
36 officer vacates their position, the election shall be cancelled unless such cancellation is not
37 authorized under state law.
38

39 **SECTION 6.07 PUBLIC HEARING ON RECALL**

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

8
9
10 **SECTION 6.08 BALLOTS IN RECALL ELECTION**

11
12 Ballots used at recall elections shall conform to the following requirements:

13
14 A. With respect to each person whose removal is sought, the question shall be submitted:

15
16 “Shall _____ be removed from the office of _____ by recall?”

17
18 B. Immediately below each such question there shall be printed the following words, one
19 above the other, in the order indicated:

20
21 “Yes”

22
23 or

24
25 “No”

26
27 **SECTION 6.09 RESULT OF RECALL ELECTION**

28
29 If a majority of the votes cast in the election are negative for recall, then the election shall not
30 result in recall and the officer may finish his or her term of office as if no petition had been filed.
31 If a majority of the votes cast in the election are affirmative for recall, then the election shall result
32 in recall and a vacancy shall be declared in that office and the unexpired term shall be filled by the
33 City Council.

34
35 **SECTION 6.10 RESTRICTIONS ON RECALL**

36
37 No recall petition shall be filed against any officer of the City within six (6) months after the
38 officer’s election, or within six (6) months of the end of the elected officer’s term.

39
40 **SECTION 6.11 GENERAL POWER OF INITIATIVE AND REFERENDUM**

1
2 The registered voters of the City, in addition to the method of legislation herein before provided,
3 shall have the power of direct legislation by initiative and referendum.

4
5 A. Initiative: Such power shall not extend to any ordinance not subject to initiative as provided
6 by state law.

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

10
11 **SECTION 6.12 INITIATIVE**

12
13 Registered voters of the City may initiate legislation by submitting a petition addressed to the City
14 Council that requests the submission of a proposed ordinance to a vote of the registered voters of
15 the City. Said petition must be signed by twenty percent (20%) of the voters registered to vote in
16 the previous City's general election and each copy of the petition shall have attached to it a copy
17 of the proposed ordinance. The petition shall be signed in the same manner as recall petitions are
18 signed, as provided in this Article, and shall be verified by oath in the manner and form provided
19 for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted
20 for recall petitions. The petition shall be filed with the City Secretary. Within forty-five (45)
21 business days after the filing of such petition, the City Secretary shall verify the signatures on the
22 petition and, if the petition is determined to be legally sufficient, present said petition and proposed
23 ordinance to the City Council. Upon presentation to the City Council, it shall become the duty of
24 the City Council, at the first regularly scheduled City Council meeting after the receipt thereof, to
25 pass and adopt such ordinance without alteration as to meaning or effect in the opinion of the
26 persons filing the petition, or to call a special election, to be held on the first uniform election date
27 authorized by state law, at which the registered voters of the City shall vote on the question of
28 adopting or rejecting the proposed ordinance.

29
30 **SECTION 6.13 REFERENDUM**

31
32 Registered voters of the City may require that any ordinance passed by the City Council and subject
33 to the initiative process under this Charter be submitted to the voters of the City for approval or
34 disapproval, by submitting a petition for this purpose within sixty (60) days after final passage of
35 said ordinance. Said petition must be signed by twenty percent (20%) of the voters registered to
36 vote in the previous City's general election and each copy of the petition shall have attached to it
37 a copy of the proposed ordinance to be referred. Said petition shall be addressed, signed and
38 verified as required for recall petitions in this Article and shall be submitted to the City Secretary.
39 Within forty-five (45) business days after the filing of such petition, the City Secretary shall verify
40 the signatures on the petition and, if the petition is determined to be legally sufficient, present said

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

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33 **ARTICLE VII**
34 **GENERAL PROVISIONS**

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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.

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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 Wolfforth, Texas, and the use of the word “Charter” shall mean
8 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: the chair of the Planning and Zoning
37 Commission, the chair of the Economic Development Corporation, the chair of the zoning board
38 of adjustment, the municipal judge, the alternate municipal judge(s), and the city attorney; shall
39 within 24 hours of such disaster appoint a number of qualified residents equal to the number
40 necessary to make a quorum to act during the emergency as the City Council. If for good reasons

1 it is known a quorum of the elected City Council will never again meet, the newly appointed City
2 Council shall, within 15 days of their appointment, call a City election to be held as soon as
3 authorized under law for election to the vacant offices. If it is determined that a quorum of the
4 elected City Council will meet again, the newly appointed Council Members shall serve in their
5 position until such time as the previous Council Members may again begin serving.

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

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

11
12 **SECTION 8.06 EXTENSIONS OF DECLARATIONS OF DISASTER**

13
14 The City shall comply with all state laws regarding declarations of disaster. In addition to the
15 requirements of state law, the City Council shall, after the original declaration of a disaster, meet
16 no less than every thirty (30) days to review the circumstances and reasons for the declaration and
17 shall, in order to extend any disaster declaration, vote at such meeting to extend the disaster
18 declaration. No vote extending the disaster declaration shall be effective unless adopted by a 3/4
19 majority of the entire City Council. Should City Council fail to hold such vote or should the vote
20 on the extension fail to meet the 3/4 vote threshold, the declaration of disaster shall expire thirty
21 days from the later of the expiration of (1) the original declaration or (2) the last previously
22 approved extension.

23
24
25 **ARTICLE IX**
26 **TRANSITIONAL PROVISIONS**

27
28 **SECTION 9.01 EFFECTIVE DATE**

29
30 This Charter or any amendments hereto shall take effect immediately following adoption by the
31 voters, as prescribed by state law.

32
33 **SECTION 9.02 CONTINUATION OF ELECTIVE OFFICES**

34
35 Upon adoption of this Charter, the present people filling elective offices on the City Council will
36 continue to fill those offices for the terms for which they were elected. Persons who, on the date
37 this Charter is adopted, are filling appointive positions with the City which are retained under this
38 Charter, may continue to fill these positions for the term for which they were appointed, unless
39 removed by the City Council or by other means provided in this Charter.

1 **SECTION 9.03 CONTINUATION OF OPERATION**

2

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