

**ORDINANCE NO 2023-O-33**

**AN ORDINANCE CANVASSING THE RETURNS OF THE SPECIAL ELECTION HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF STEPHENVILLE THE ADOPTION OR REJECTION OF CERTAIN PROPOSITIONS EACH PROVIDING FOR AMENDMENT TO THE HOME-RULE CHARTER, FOR AN ELECTION HAVING BEEN HELD ON NOVEMBER 7, 2023; DECLARING RESULTS OF THAT ELECTION; ADOPTING AMENDED HOME-RULE CHARTER;**

**WHEREAS**, pursuant to Ordinance No. 2023-O-20 of the City of Stephenville, Texas, adopted on the 1<sup>ST</sup> day of August 2023, a Special Election was duly held on the 7<sup>th</sup> day of November 2023, for the purpose of submitting to the qualified voters of the City of Stephenville two propositions for City Charter Amendments as set forth in Ordinance No. 2023-O-20; and

**WHEREAS**, said Special Election was held with the solemnities and formalities necessary to make a valid election, all notices having been posted in the manner and for the length of time required by law; and,

**WHEREAS**, only duly qualified resident voters of the City of Stephenville, Texas, voted at the Special Election called and held on November 7, 2023; and,

**WHEREAS**, a quorum of the City Council met on Tuesday, November 14, 2023, in a public meeting duly called and conducted in accordance with the Texas Open Meetings Act and duly canvassed the election returns of the above-described Special Election.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS:**

**Section 1.**

The findings set forth above are found and determined to be true, and are incorporated into the body of this ordinance for all purposes as if fully set forth herein.

**Section 2.**

The City Council of the City of Stephenville, having canvassed the returns of said Special Election and all election procedures heretofore occurring, finds the election was duly and properly ordered; that due and proper notice of the election was given; that the election was in all respects regularly and lawfully held, and that said returns thereof have been duly and legally made and that the following propositions received the following votes:

<b>PROPOSITION</b>	<b>VOTES CAST</b>	<b>TOTAL VOTES CAST</b>	<b>PERCENTAGE</b>
<b>Proposition A – Reducing the City Council from eight (8) to six (6) members</b>			
For	642	1,628	39.43%
Against	986	1,628	60.57%
<b>Proposition B – Amending Term Limits for Mayor and Council Members</b>			
For	824	1,636	50.37
Against	812	1,636	49.63

**Section 3.**

Pursuant to the applicable provisions of the Texas Local Government Code, Texas Election Code and the City of Stephenville home-rule Charter, the City Council finds, determines, and declares the results of said Special Election to be that Proposition 2 having been approved by a majority of the qualified voters of the city who voted in the Charter Amendment Election and that said amendments are adopted by operation of law. Texas Local Government Code § 9.005(a).

**Section 4.**

This order declares the amendments adopted and said amendments shall take effect upon the passage of this ordinance, as provided by Section 9.005(b) of the Texas Local Government Code, as amended. (Home-Rule Charter with amendments attached as Exhibit "A").

**Section 5.**

It is further ordered that as soon as practicable the Mayor shall certify to the Texas Secretary of State an authenticated copy of the new City Charter under the municipality's seal, showing approval by the voters of the municipality, who shall then file and record the certification, as required by Texas Local Government Code § 9.007.


**Section 6.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this order shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this order, since the same would have been enacted by the City Council without the incorporation of this order of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 7.**

The City Secretary shall record in the Secretary's office the charter amendments adopted by the voters of the municipality.

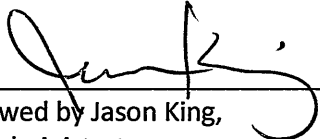
**PASSED AND APPROVED** this the 14<sup>th</sup> day of November 2023.

  
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Doug Swien, Mayor

ATTEST:

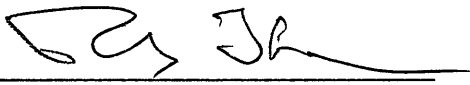
  
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Sarah Lockenour, City Secretary





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Reviewed by Jason King,  
City Administrator



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Randy Thomas, City Attorney  
Approved as to form and legality

EXHIBIT "A"  
CITY OF STEPHENVILLE CHARTER

**§ 1. Incorporation.**

The inhabitants of the City of Stephenville, Texas, within the corporate limits now established or as hereafter established in the manner provided herein, shall be and continue to be a municipal corporation and a body politic incorporated under the name of "City of Stephenville," Texas, possessed of all the property and interest of which it was possessed immediately prior to the time this charter takes effect or may hereafter acquire with the powers, duties, obligations, and liabilities now pertaining to said city, as a municipal corporation.

**§ 2. Boundaries.**

The boundaries and limits of the City of Stephenville, until changed as hereinafter provided, shall be the same as have been heretofore established, and now exist as of the date of the adoption of this charter.

State law reference(s)—Adoption, amendment, etc., of home rule charter, Vernon's Ann. Civ. St. art. 1165 et seq.

**§ 3. Extension of city limits upon petition.**

Whenever a majority of the inhabitants, qualified voters of the State of Texas, of any territory adjoining the City of Stephenville, as said territory may be designated by the city council or in case there are no such qualified voters in said territory, then when persons owning a majority of the land in area in said territory desire the annexation of said territory to the City of Stephenville, they may present a written petition to that effect to the city council and shall attach to said petition the affidavit of one or more of their number to the effect that said petition is signed by a majority of such qualified voters, or in case there are no such qualified voters said affidavit shall be to the effect that there are no such qualified voters in said territory and that person or persons signing said petition own a majority of the land in area in said territory; and thereupon the city council at regular session held no sooner than twenty (20) days after the presentation of said petition may by ordinance annex such territory to the City of Stephenville and thenceforth the said territory shall be part of the City of Stephenville and the inhabitants thereof shall be entitled to all rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions, and regulations of said city.

#### **§ 4. Extension of city limits by election.**

The city council of the City of Stephenville, may, at any time by resolution or ordinance submit the matter of extending the boundary limits of said city, and annexing additional territory lying adjacent to said city, to the vote of the inhabitants of the city and of the territory proposed to be annexed, qualified voters of the State of Texas, and should a majority of the persons voting at such election vote to so extend the city limits and annex such additional territory, the governing body of said city shall pass an ordinance extending said limits and annexing said territory and from thenceforth the territory so annexed shall be a part of said city, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions, and regulations of said city.

#### **§ 5. Extension of city limits by city council.**

The city council shall have power by ordinance to fix the boundary limits of the City of Stephenville; and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said city, with or without the consent of the territory and inhabitants annexed. Upon the introduction of such an ordinance in the city council, it shall be published one time in a newspaper of general circulation in the City of Stephenville, and shall not thereafter be finally acted upon until at least thirty (30) days have elapsed after such publication thereof. Any citizen of Stephenville, or of the territory to be annexed, shall have the right to contest such annexation by filing with the city council a written petition setting out their reasons for such contest, and after such citizen or citizens shall have been given an opportunity to be heard, said ordinance, in original or amended form, as said council in its judgment may determine, may be finally passed, and the territory so annexed shall be a part of the City of Stephenville, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens, and shall be bound by the acts, ordinances, resolutions, and regulations of said city.

### **ARTICLE II. POWERS**

#### **§ 1. Form of government.**

The municipal government provided by this charter shall be known as the "council-manager government."

#### **§ 2. Powers of a home rule city.**

It is expressed intention that this charter shall confer upon the City of Stephenville and the city council all the powers of local self-government conferred upon home rule cities by the constitution and statutes of Texas.

#### **§ 3. Powers of the city.**

The city shall have all the powers, except as limited by this charter, granted to municipal corporations and to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose in fee simple, or any lesser interest or estate by purchase, gift, devise, lease, or condemnation and may sell, ease, mortgage, hold, manage, and control such property as its interest may require; and, except as prohibited by the constitution and laws of the State of Texas, or restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The city may use a corporate seal, may sue and be sued, may contract and be contracted with, may implead and be impleaded in all courts and places and in all matters whatever; may cooperate with the government of the State of Texas or any agency thereof, the federal government or any agency thereof, or any political subdivision of the State of Texas, to accomplish any lawful purpose for the advancement of the interest, welfare, health, education, morals, comfort, safety, and convenience of the city or its inhabitants, and may pass such ordinances as may be expedient for maintaining and promoting the peace, welfare, and government of the city, and for the performance of the functions thereof. The enumeration of particular powers by this charter shall not be deemed to be exclusive,

and in addition to the powers enumerated herein, or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Stephenville shall have all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, now and hereafter granted by the constitution and laws of Texas, including without limitation the powers conferred expressly and permissively by Chapter 13, Title 28, Article 1175, Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended, all of which are hereby adopted. The council is expressly authorized to adopt any rule or regulation deemed necessary, advisable, or convenient for the purpose of exercising any power expressly or permissively conferred by such act.

(Ord. No. 2018-O-47 , § 4(Exh. A), 11-15-2018 (Elec. of 11-6-2018))

#### **§ 4. Eminent domain.**

The city shall have the full right, power, and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter, or by the constitution or laws of the State of Texas. In all cases where the city seeks to exercise the power of eminent domain, it shall be controlled, as nearly as practicable, by the laws governing the condemnation of property. The city may also exercise the power of eminent domain in any other manner now or hereafter authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the city. The power of eminent domain hereby conferred shall include the right of the city to take the fee in the lands so condemned, and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated herein or in this charter.

### **ARTICLE III. THE COUNCIL**

#### **§ 1. Governing body.**

All governing and lawmaking powers of the City of Stephenville shall be vested in the council which shall consist of eight (8) councilmen and a mayor, and said body shall be known as the "city council."

#### **§ 2. Mayor—Term.**

The mayor shall be elected from the city at large for a term of two (2) years or until his successor has been elected and duly qualified. The mayor shall be elected on the first Saturday in May each even-numbered year.

(Ord. No. 2018-O-47 , § 4(Exh. A), 11-15-2018 (Elec. of 11-6-2018))

#### **§ 3. Mayor—Duties.**

The mayor shall preside over the meetings of the council and perform such other duties consistent with the office as may be imposed upon him by this charter and ordinances and resolutions passed in pursuance hereof. He shall be a member of the council and may participate in the discussion of all matters coming before the council and shall be entitled to vote as a member thereof on all matters, but shall have no veto power. He shall sign all contracts and conveyances made or entered into by the city and all bonds issued under the provisions of this charter. He shall be recognized as the official head of the city, and shall serve as such for all ceremonial purposes.

(Ord. No. 2018-O-47 , § 4(Exh. A), 11-15-2018 (Elec. of 11-6-2018))

#### **§ 4. Mayor pro tempore.**

The council shall elect from its members a mayor pro tempore who shall perform the duties of mayor in case of the absence or disability of the mayor.

**§ 5. Councilmembers, terms of office.**

There shall be eight (8) members of the city council elected at large from the City of Stephenville. Councilmembers shall be elected for a term of two (2) years, two (2) councilmembers being elected each year.

**§ 6. Reserved.**

**§ 7. Mayor, councilmembers—Qualifications.**

Each of the eight (8) councilmembers and the mayor shall be a citizen of the United States of America, have been a resident of the State of Texas for a period of at least one (1) year, have been a resident of the City of Stephenville for a period of at least six (6) months, be a qualified voter of the State of Texas.

**§ 8. Mayor, councilmen—Compensation.**

The mayor and councilmen shall receive fair and reasonable compensation. The mayor and the council shall be entitled to reimbursement of necessary expenses incurred in the performance of their official duties when approved by the council.

**§ 9. Quorum.**

A quorum at any council meeting will be established by the presence of at least five (5) members.

**§ 10. Term Limits.**

The mayor and council members will not be allowed to seek re-election to the office of Mayor or Council Member after they have been elected to three (3) consecutive terms in that particular office until they have taken a one-year hiatus.

**§ 11. Reserved.**

**§ 12. Vacancy.**

An immediate vacancy shall be declared should any councilmember or the mayor move from the city or be convicted of a crime of a grade above a misdemeanor. Vacancies in the office of council member arising from any cause shall be filled for the remainder of the unexpired term at an election to be held on the first uniform election date not earlier than thirty (30) days after the vacancy occurs. A special election shall be called in the manner provided for city general elections to elect successors to fill such unexpired terms.

**§ 13. Number of meetings.**

The council shall hold at least one regular meeting per month, to be designated by ordinance or resolution, and so many special meetings as the council or mayor may deem necessary.

**§ 14. Rules of procedure—Minutes.**

The council shall keep or cause to be kept a permanent record reflecting the minutes of their proceedings, and the minutes shall be open to the public for inspection.

### **§ 15. City attorney—Assistant city attorney.**

The city council shall appoint a competent and duly licensed attorney residing in the City of Stephenville, who shall be its city attorney. He shall receive for his services such compensation as may be fixed by the city council and shall hold his office at the council's will and pleasure. The city council may appoint a competent and licensed attorney residing in the City of Stephenville as assistant city attorney, whose compensation may be fixed by the city council and who shall hold his office at the council's will and pleasure.

### **§ 16. City secretary.**

There shall be an officer of the city known as the city secretary who shall be appointed by the city council. His duties shall be those prescribed by the city council.

### **§ 17. Powers of the city council.**

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

- (1) Establish administrative departments. Two or more departments may be headed by the same individual;
- (2) Adopt the budget of the city and fix the rate of tax of the city;
- (3) Authorize the issuance of bonds by a bond ordinance;
- (4) Inquire into the conduct of any office, department, or agency of the city, and make investigations as to municipal affairs;
- (5) Appoint the members of the planning and zoning commission and any other commissions the council deems necessary to serve the city;
- (6) Confer powers to said commissions or boards necessary for the commission or board to perform its designated duties, and adopt, modify, and carry out plans and recommendations proposed by said commissions or boards;
- (7) Adopt plats;
- (8) Adopt and modify the official map of the city;
- (9) Regulate, license, and fix the charges of fares made by any persons owning, operating, or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city;
- (10) Provide for the establishment and designation of fire limits and designate the kind and character of buildings or structures or improvements to be erected therein, for the erection of fireproof buildings within certain limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase the fire hazard and the manner of their removal or destruction;
- (11) Prevent the construction and use of housing accommodations below standards fixed by the city council as proper for the purpose of promoting the health, safety, morals, or general welfare of the city;
- (12) Open, close, abandon, widen, extend, or straighten public streets, thoroughfares, and alleys;
- (13) License, regulate, control, or prohibit the erection of signs or billboards;

- (14) Provide for enactment and enforcement of electrical wiring, natural or other gas installations, plumbing, or any type of construction codes that the council may deem necessary for the safety and general welfare of the city;
- (15) Lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places, and bridges; and regulate the use thereof and require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and encroachments of every nature or character upon any of the above said locations;
- (16) May by resolution or ordinance, order a special election, fix the time for holding same, and provide all means for holding such special election.

### **§ 18. Ordinances.**

In addition to such acts of the council as are required by statute or by this charter to be ordinance, every act of the council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness shall be by ordinance. The enacting clause of all ordinances shall be "Be It Ordained by the City Council of the City of Stephenville."

### **§ 19. Procedure for passage of ordinances.**

Every ordinance shall be introduced in written or printed form and, upon passage, unless otherwise spelled out in this charter or required by the statutes, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine, or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its passage. The city secretary shall give notice of the passage of every ordinance imposing a penalty, fine, or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in a newspaper of general circulation in Stephenville at least within ten (10) days after the passage of said ordinance. He shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by this charter, and the date of such publication, which shall be prima facie evidence of the legal publication, and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the city for publication in book or pamphlet form. Except as otherwise provided in this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the city council. Every ordinance shall be authenticated by the signature of the mayor and city secretary and shall be systematically recorded in an ordinance book in a manner approved by the council. It shall only be necessary to record the caption or title of the ordinance in the minutes or journal of council meetings. The city council shall have power to cause the ordinances of the city to be corrected, amended, revised, codified, and printed in code form as often as the council deems advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

### **§ 20. Annual audit.**

The city council shall provide for an annual independent audit of its financial activities.

### **§ 21. Employee bonds.**

The city council shall require bonds of all city employees who receive and pay out any moneys of the city.

## **ARTICLE IV. ELECTIONS**



**§ 1. Municipal elections.**

The regular election for members of the city council shall be held on such date as may be set by the Laws of the State of Texas. The city council may by resolution order a special election, fix the time for holding same and provide all means for holding such special election.

**§ 2. Regulation of elections.**

The city council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the State of Texas, for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities, who shall also have power to make such regulations not inconsistent with this charter, any regulations made by the city council, or the laws of the State of Texas.

**§ 3. Reserved.**

**§ 4. Council ballots.**

The full names of all candidates for the city council as hereinbefore provided, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballot. The official ballot shall be printed not less than twenty (20) days before the date of election. The order of the names on the ballot shall be determined by lot.

**§ 5. Laws governing city elections.**

All city elections shall be governed, except as otherwise provided by this charter, by the laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto; and in event there should be any failure of the general laws or of this charter to provide for some feature of the city elections, then the city council shall have the power to provide for such deficiency; and no informalities in conducting a city election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable, and the charter and ordinances of the city.

**§ 6. Canvassing elections.**

Returns of elections, general and special, shall be made by the election officers to the city council in a called or regular council meeting as specified by the Laws of the State of Texas, when the city council shall canvass the returns and declare the results of the election.

**§ 7. Plurality vote.**

All elections shall be determined by a plurality of the qualified voters voting in the election.

**ARTICLE V. MUNICIPAL COURT**

**§ 1. Municipal court.**

There shall be a court known as the "municipal court" of the City of Stephenville, with such jurisdiction, powers, procedures, and duties as are given and prescribed by the laws of the State of Texas for municipal courts.

## **§ 2. City judge.**

There shall be a magistrate of the municipal court known as the city judge who shall be appointed by the city council. He may be removed by the majority of the full council at any time. He shall receive such salary or fees as the city council may fix from time to time. All costs and fines imposed by the municipal court, or by any court in cases appealed from judgments of the municipal court, shall be paid into the city treasury for the use and benefit of the city. In event of the failure of the city judge to act for any reason, the mayor or someone designated by the city council shall act in his place and in the event of a vacancy, until a city judge is appointed by the city council to fill the vacancy; but while acting as city judge the mayor shall receive no compensation.

## **ARTICLE VI. FINANCE**

### **§ 1. Power to borrow.**

The City of Stephenville shall have the right and power to borrow money on the credit of the city for permanent public improvements or for other public purposes consistent with the constitution and laws of the State of Texas. The city shall also have the power to borrow money against the revenues of any municipally owned utility and to mortgage the physical properties of such utilities in payment of such debt. In no event, however, shall such revenue bonds be considered an indebtedness of the City of Stephenville nor repaid with funds secured by taxation.

### **§ 2. Bond ordinance and election.**

The city shall authorize the issuance of bonds by a bond ordinance passed by an affirmative vote of a majority of all members of the city council, and approved by a majority of the qualified property taxpaying voters, voting at an election called for the purpose of authorizing the issuance of such bonds. The bond ordinance shall provide for proper notice, the calling of the election, and the propositions to be submitted. The latter shall distinctly specify:

- (1) The purpose for which the bonds are to be issued, and where possible, the probable period of usefulness of the improvements for which the bond funds are to be expended;
- (2) The amount thereof;
- (3) The maximum rate of interest;
- (4) The levy of taxes sufficient to pay interest and sinking fund;
- (5) That the bonds to be issued shall mature serially within a given number of years.

The bond ordinance and the manner of conducting the election shall in all respects conform to the general laws of the State of Texas and the provisions of the charter.

### **§ 3. Public sale.**

All bonds issued under this charter shall be sold as provided by the laws of the state of Texas.

### **§ 4. Two or more projects combined.**

A bond ordinance may combine two or more related projects, in which event it shall for each project establish a separate appropriation and state separately the estimated maximum costs, but shall authorize a single issue of bonds to finance the aggregate of the appropriations thereby made.

(Ord. No. 2018-O-47 , § 4(Exh. A), 11-15-2018 (Elec. of 11-6-2018))

## **§ 5. Issuance of bonds.**

All bonds shall be serial bonds and shall specify for what purpose they are issued. Such bonds shall never be sold at less than par value and accumulated interest, exclusive of commissions. If practicable all bonds shall contain a redemption provision making them callable at the option of the city upon or after the expiration of fifteen (15) years from the date of issuance, or such redemption provision may be for a lesser period than fifteen (15) years if such provision will not materially affect their marketability or a favorable rate of interest.

## **§ 6. Reserved.**

# **ARTICLE VII. FINANCE DEPARTMENT**

## **§ 1. Department.**

There shall be a department of finance.

## **§ 2. Powers and duties.**

The director of finance shall, under the direct supervision of the City Manager, have charge of the administration of the financial affairs of the city and to that end he shall have authority and shall be required to:

- (1) Compile the estimates of revenues and expenditures for the budget;
- (2) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (3) Maintain a general accounting system for the city government and each of its offices, departments, and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient;
- (4) Submit to the council monthly statements of all receipts and disbursements in sufficient detail to show the exact financial condition of the city;
- (5) Prepare, as of the end of each fiscal year, a complete financial statement and report;
- (6) Collect all taxes, special assessments, license fees, and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from the state or federal government, or from any court, or from any office, department or agency of the city;
- (7) Have custody of all public funds belonging to or under the control of the city, or any office, department, or agency of the city government, and deposit all funds coming into his hands in such depository or depositories as may be designated by the city council, subject to the requirements of law in force from time to time as to the furnishing of bond or the deposit of securities and the payment of interest on deposits. All such interest shall be the property of the city and shall be accounted for and credited to the proper account;
- (8) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration, or exchange;
- (9) Supervise and be responsible for the purchase, storage, and distribution of all supplies, materials, equipment and other articles used by any office, department, or agency of the city government;

- (10) Approve all proposed expenditures; unless he shall certify that there is an unencumbered balance of appropriations and available funds, no expenditures shall be made.

### **§ 3. Transfer of appropriations.**

The city council may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, or agency. Within the last three (3) months of the budget year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another.

### **§ 4. Accounting supervision and control.**

The director of finance shall have power and shall be required to:

- (1) Prescribe the forms of receipts, vouchers, bills, or claims to be used by all the offices, departments, and agencies of the city government;
- (2) Examine and consult on all contracts, orders, and other documents by which the city government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;
- (3) Audit and approve before payment all bills, invoices, payrolls, and other evidence of claims, demands, or charges against the city government and with advice of the city attorney determine the regularity, legality, and correctness of such claims, demands, or charges;
- (4) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department, or agency of the city government apart from or subsidiary to the accounts kept in his office.

### **§ 5. Lapse of appropriations.**

All appropriations, other than those designated for capital expenditures, shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

### **§ 6. Fees paid to city.**

All fees for city services received by an officer or employee shall belong to the city government and shall be paid to the department of finance at such times as required by the director of finance.

### **§§ 7—9. Reserved.**

### **§ 10. Sale of city property.**

Personal property of the City of Stephenville shall be offered for sale in open competition under such rules and regulation as the city council may prescribe. Real property of the City of Stephenville shall be sold in accordance with the Texas Local Government Code. The city council shall have the power to reject any and all bids and advertise again.

### **§ 11. Disbursement of funds.**

All checks, vouchers or warrants for the withdrawal of money from the city depository shall be signed by the director of finance, or his deputy, and countersigned by a person designated by the council.

## **§ 12. Borrowing in anticipation of property taxes, other revenues.**

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "tax anticipation note for the year of —" (stating the budget year). Such notes shall mature and be payable not later than the end of the fiscal year in which the original note or notes shall have been issued.

In any budget year, in anticipation of the collection or receipt of other revenues of that budget year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "special revenue note for the year -" (stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.

## **§ 13. City depository.**

At the beginning of each fiscal year, the city council shall designate a bank in the City of Stephenville as the city depository which shall be selected for a period of two years. The bank that shall bid the highest bid for the city's depository accounts and which is acceptable to the city council shall be selected. The council shall have the right to reject any and all bids offered as city depository. The bank selected as such depository shall give adequate bond.

# **ARTICLE VIII. THE BUDGET**

## **§ 1. Fiscal year.**

The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this charter the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

## **§ 2. Preparation, submission; content of budget.**

A budget shall be submitted to the council by the City Manager at least forty-five (45) days prior to the beginning of each budget year. The budget shall provide a complete financial plan for the fiscal year, and shall contain the following:

- (1) A budget message, explanatory of the budget, which message shall contain an outline of the financial policies of the city for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditures and revenue items, and shall explain any major changes in the financial policy;
- (2) A consolidated statement of receipts and expenditures for all funds;
- (3) An analysis of property valuation;
- (4) An analysis of tax rate;
- (5) Tax levies and tax collections by years for at least five (5) years or for the number of years for which records are available;
- (6) General fund resources in detail;
- (7) Summary of proposed expenditures by fund, department and activity;
- (8) Summary of proposed expenditures by character and object;

- (9) Detailed estimates of expenditures shown separately for each activity to support the summaries No. (7) and (8) above. Such estimates of expenditures are to include an itemization of positions showing the number of persons having each title and the rate of pay;
- (10) A revenue and expense statement for all types of bonds;
- (11) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued, and amount outstanding;
- (12) A schedule of requirements for the principal and interest on each issue of bonds;
- (13) A special fund section;
- (14) The appropriation ordinance;
- (15) The tax levying ordinance;
- (16) A capital improvement program for the budget year and proposed method of financing;
- (17) A summary of the condition of machinery, equipment, and buildings;
- (18) A suggested legislative program and the highlights of the proposed administrative program.

### **§ 3. Comparison—Anticipated revenues, proposed expenditures.**

The budget shall show in parallel columns opposite the various properly classified items of revenues and expenditures the actual amount of such items for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing fiscal year.

### **§ 4. Budget a public record.**

The budget and all supporting schedules shall be a public record in the office of the city secretary, open to inspection by anyone.

### **§ 5. Budget, public hearing.**

At the meeting of the council at which the budget is submitted the council shall fix the time and place of a public hearing on the budget and shall cause to be published a notice of the hearing, setting forth the time and place thereof and presenting a condensed summary of the budget, at least seven (7) days before the date of the hearing.

At the time and place set forth in the notice, or at any time and place to which public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item herein contained.

### **§ 6. Budget final adoption; failure to adopt.**

The budget shall be adopted in original or amended form by the favorable votes of at least a majority of all members of the whole council and shall be finally adopted not later than seven (7) days prior to the beginning of the fiscal year.

Should the council take no final action on or prior to such date, the budget as submitted shall be deemed to have been finally adopted by the council.

Upon final adoption the budget shall be in effect for the stated fiscal year.

### **§ 7. Reserved.**

## **§ 8. Amendments to final adopted budget.**

In case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions which could not, by reasonable diligent thought and attention, have been included in the original budget may from time to time be authorized by the affirmative vote of at least six (6) members of the entire council, as amendments or supplements to the original budget. Such supplements or amendments shall be filed with the original budget.

## **ARTICLE IX. TAXATION**

### **§ 1. Division of assessment.**

The appraisal and assessment of city taxes is governed by the Tax Code of the State of Texas and is vested in the Erath County Central Appraisal District. The city may contract with the Central Appraisal District and Tax Collector of Erath County, Texas, for the collection of city taxes and issuance of receipts therefor, and the city may contract with attorneys for the collection of delinquent taxes due the city.

### **§ 2. Property subject to tax; method of assessment.**

All real and personal property within the city not expressly exempted by law shall be subject to annual taxation, but never to exceed its true market value. Each person, partnership, and corporation owning property within the city limits of the City of Stephenville, shall between the first day January and the thirtieth day of April of each year, hand to the city assessor-collector a full and complete sworn inventory of the property possessed or controlled by him, or her, or them, within said limits on the first day of January of the current year. In all cases of failure to obtain a statement of real and personal property from any cause, the assessor-collector shall ascertain the amount and value of such property and assess the same, and such assessment shall be valid and binding as if such property had been rendered by the owner thereof.

### **§§ 3—6. Reserved.**

### **§ 7. Taxes, when due and payable.**

All taxes due the City of Stephenville shall be payable at the office of the city assessor-collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October first. Taxes shall be paid before February first, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as the city council may provide by ordinance, except the city council may by ordinance provide that all taxes, either current or delinquent, due the city may be paid in installments.

### **§ 8. Seizure and sale of personal property.**

The assessor-collector of taxes shall, by virtue of his tax rolls, have power and authority to seize and levy upon all personal property and sell the same to satisfy all taxes, together with all penalty, interest, and costs due on said property by said delinquent to the city. When he seizes property for such purposes he shall keep the same at the expense of the owner until the sale is made, and shall give notice of the time and place of sale of same by posting a written notice at the courthouse door and one at another public place within the City of Stephenville at least ten (10) days before the date of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, cost, and expense of caring for said property, and shall make an entry in the book of sales of the amount realized. All such sales shall be made at the front door of the city hall. A sale of property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same. This section shall be complied with so long as it does not conflict with the constitution or any laws of the State of Texas.

## **§ 9. Tax liens.**

The tax levied by the city is hereby declared to be a lien, charge, or encumbrance upon the property upon which the tax is due, which lien, charge, or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge, and encumbrance on the property in favor of the city, for the amount of the taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction.

## **§ 10. Power to tax.**

The city council shall have the power and is hereby authorized to levy, assess, and collect such taxes as may be authorized by the constitution and laws of the State of Texas.

# **ARTICLE X. FRANCHISES AND PUBLIC UTILITIES**

## **§ 1 Powers of the city.**

In addition to the city's power to buy, own, construct, maintain, and operate utilities and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public, the city shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

## **§ 2. Franchises—Power of the council.**

The city council shall have power by ordinance to grant, amend, renew, and extend all franchises of all public utilities of every character operating within the City of Stephenville, and for such purposes is granted full power. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at three (3) separate regular meetings of the city council, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until thirty (30) days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four (4) consecutive weeks in a newspaper of general circulation in the City of Stephenville, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferable except with the approval of the council expressed by ordinance.

Cross reference(s)—Franchises, see T.S.O. Table I

## **§ 3. Franchise value not to be allowed.**

In fixing reasonable rates and charges for utility service within the city and in determining the just compensation to be paid by the city for public utility property which the city may acquire by condemnation or otherwise, nothing shall be included as to the value of any franchise granted by the city under this charter.

## **§ 4. Right of regulation.**

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

- (1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing;



- (2) To require an adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency;
- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service and rates;
- (4) To prescribe the form of accounts kept by each such utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, or the Railroad Commission of Texas, their successor, or successors, this shall be deemed sufficient compliance with this paragraph. At any time the city may examine and audit the accounts and other records of any such utility and require annual and other reports, including certified reports on local operations by each such public utility;
- (5) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public;
- (6) To require such compensation and rental as may be permitted by the laws of the State of Texas.

### **§ 5. Consent of property owners.**

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

### **§ 6. Extensions.**

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminated as provided in Section 4, Article X. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

### **§ 7. Other condition.**

All franchises heretofore granted are recognized as contracts between the City of Stephenville and the grantee, and the contractual right as contained in any such franchises shall not be impaired by the provisions of this charter, except that the power of the City of Stephenville to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the city heretofore existing and herein provided for to regulate the rates and services of grantee which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this charter whether or not such terms are specifically mentioned in the franchise. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the council or the electors of the city in imposing terms and conditions as may be reasonable in connection with any franchise granted.

### **§ 8. Franchise records.**

Within six (6) months after this charter takes effect every public utility franchise owner shall file with the city, as may be prescribed by ordinance, certified copies of all franchises owned or claimed, or under which such utility

is operated in the City of Stephenville. The city shall compile and maintain a public record of public utility franchises.

### **§ 9. Accounts of municipally owned utilities.**

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including all assets, appropriately subdivided into different classes, all liabilities subdivided by classes, depreciation reserve, other reserves, and surplus; also revenues, operating expenses including depreciation, interest payments, rental, and other disposition of annual income. The account shall show the actual capital cost of the city of each public utility owned, also the cost of all extensions, additions and improvements, and the source of the fund expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The council shall annually cause to be made by a public accountant and shall publish a report showing the financial results of such city ownership and operation, giving the information specified in this section or such data as the council may deem expedient.

### **§ 10. Regulation of rates and service.**

The city council shall have full power, to regulate by ordinance the rates and service of every public utility operating in the City of Stephenville except as such regulations are given by state law to the Public Utility Commission of the State of Texas.

## **ARTICLE XI CITY MANAGER**

### **§ 1. Qualifications, Appointment and Removal; Duties; Compensation; Residency Requirement.**

The City Manager shall be the chief administrative and executive officer of the City. The City Manager is appointed by a 2/3 majority vote of the City Council for an indefinite period of time. The City Manager serves at the will of the City Council. The City Manager shall be appointed solely on the basis of the City Manager's administrative ability, experience, and training. The City Manager shall administer the business of the City, and the City Council shall ensure that such administration is efficient. The City Council may by ordinance delegate to the City Manager any additional powers or duties it considers proper for the efficient administration of City affairs. The City Manager shall execute a bond conditioned that he/she will faithfully perform the duties of City Manager. The amount of such bond shall be as prescribed by ordinance adopted by the City Council. The City Manager need not be a resident of the City at the time of appointment, but shall become a resident of Stephenville within ninety (90) days of acceptance of an offer of employment. Failure to become a resident of the City within the prescribed time will result in a forfeiture of the position and the position shall be declared vacant by the Mayor at the next regularly scheduled meeting of the City Council. The City Council shall be authorized to enter into a Contract of Employment with the City Manager and to prescribe such compensation therein as it may fix. The action of the City Council in suspending or removing the City Manager shall be by at least a 2/3 majority of the full council and shall be final, it being the intention of this Charter to vest all authority and responsibility for such suspension or removal in the City Council.

### **§ 2. Direction and Supervision of Employees, Noninterference By Council; Appointments and Removal of Department Heads.**

Except for the purpose of inquiries and investigations as provided by this Charter or otherwise by law, the City Council or its 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 no Member of the City Council shall give orders to any subordinate of the City Manager, either publicly or privately. Neither the City Council nor any of its Members shall direct or request the appointment of any person to, or his or her removal from, office by the City

Manager or by any of the City Manager's subordinates. Except as otherwise provided for in this Charter, the City Manager shall be responsible for, and have the power to appoint, suspend, and/or remove all or any one of the directors of the departments of the City with the consultation of the City Council.

### **§ 3. Specific Powers and Duties.**

The City Manager shall be responsible to the City Council for the proper administration of the affairs of the City and shall have the power and duty to:

- 1) Exercise control over all departments and subdivisions thereof created by this Charter or by ordinance.
- 2) Prepare and recommend items for inclusion in the official agenda of all City Council meetings and meetings of the Boards and Commissions as established by this Charter or ordinance.
- 3) Prepare and submit to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council.
- 4) Be responsible for the proper administration of all City affairs placed in his or her hands.
- 5) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed.
- 6) See that all laws and ordinances are enforced.
- 7) Keep the City Council at all times fully advised as to the financial condition and needs of the City, and prepare and submit to the City Council an annual report on the finances and administrative activities of the City, including the report of the annual audit required by state law.
- 8) Appoint, suspend, and/or remove employees not otherwise provided for in this Charter. Appointments made by the City Manager shall be on the basis of executive and administrative experience and ability, and of training fitness and efficiency of such appointees in the work which they are to administer.
- 9) Attend all City Council meetings and take part in the discussion of any City business.
- 10) Recommend to the City Council for adoption such measures as the City Manager may deem necessary or expedient; to execute deeds, deeds of trust, easements, releases, contracts, and all other legal instruments on behalf of the City when authorized by ordinance or resolution of the City Council.
- 11) Perform such other duties as are specified in this Charter, or as may be required by the City Council by ordinance or resolution, not inconsistent with this Charter.

## **ARTICLE XII. GENERAL PROVISIONS**

### **§ 1. Damage suits, claims, etc.**

Before the city shall be liable to damage claim or suit for personal injury or damage to property, the person who is injured or whose property is damaged, or someone in his behalf, shall give the city secretary notice in writing within thirty (30) days after the occurrence of the alleged injury or damage, stating specifically in such notice when, where, and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses upon whose testimony such person is relying to establish the injury or damage. No action at law for damages shall be brought against the city for personal injury or damage to property prior to the expiration of sixty (60) days after the notice hereinbefore described has been filed with the city secretary.

After the expiration of the sixty (60) days aforementioned, the complainant may have two (2) years in which to bring an action of law. In case of injuries resulting in death, before the city shall be liable in damages therefor, the person or persons claiming such damages shall within thirty (30) days after the death of the injured person give notice as above required in case of personal injury.

The city council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the city, including suits by the city to recover delinquent taxes.

Legal process against the city shall be served upon the mayor or mayor pro tem.

It shall not be necessary in any action, suit, or proceeding in which the City of Stephenville is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of the city in any of the state courts; but in all such actions, suits, appeals or proceedings, the same shall be conducted in the same manner as if such bond, undertaking, or security had been given as required by law, and the city shall be just as liable as if security of bond had been duly executed.

Property, real and/or personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors.

## **§ 2. Amendments to charter.**

This charter may be amended at any time in accordance with the provisions prescribed thereto in the general laws of the State of Texas, or any amendment thereto or any amendment that may be made hereafter thereto.

## **§ 3. Effect of charter on existing law.**

All ordinances, resolutions, rules, and regulations now in force under the city government and not in conflict with any provisions of this charter shall remain in force under this charter until altered, amended, or repealed by the council after this charter takes effect.

## **§ 4. Records open for inspection.**

The city council shall make all records and accounts of the city open for inspection at all reasonable times.

## **§ 5. Oath of office.**

Every officer of the city shall, before entering upon the duties of his office, take and subscribe the oath of office as prescribed by the Secretary of State of the State of Texas.

## **§ 6. Separability clause.**

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

## **§ 7. Funds not subject to garnishment.**

No fund of the city or within the custody of the city or any of its officials in any official capacity shall be subject to garnishment and the city shall never be required to answer in any garnishment proceedings.

## **§ 8. Police force.**

The City of Stephenville shall have the power to maintain a city police force, prescribe the duties, powers, and compensation of policemen and regulate their conduct; to appoint watchmen, prescribe their duties, powers, and compensation; to suppress and prevent any riot, affray, disturbance, or disorderly assembly within the city; to prevent, prohibit and suppress immoderate riding and driving in the streets; to police all parks, grounds,

speedways, boulevards, and other property or places owned by the city and lying either within or without the city limits and used for municipal purposes.

**§ 9. Nuisances.**

The City of Stephenville shall have the power to define and regulate any nuisance which may be created or occur within five thousand (5,000) feet of the city limits.

**§ 10. [Rules of construction.]**

The use of the singular number includes the plural, and the plural the singular, and words used in the masculine gender include the feminine also, unless by reasonable construction, it appears that such was not the intention of the language of this Charter.

**§ 11. Recall of an Elected Official.**

**SCOPE OF RECALL**

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

**PETITIONS FOR RECALL**

Before the question of recall of such officer shall be submitted to the qualified voters of the City of Stephenville, a petition demanding such questions to be submitted shall first be filed with the City Secretary. If recall is sought for the Mayor or a Council Member the petition must be signed by qualified voters of the City equal to ten (10%) percent of the qualified voters in the City, or sixty five (65%) percent of the votes cast at the last general election for such office, whichever is greater. Each signer of such recall petition shall personally sign his or her name thereto in ink or indelible pencil, and shall write after signer's name his or her place of residence, giving the name of the street and number, or place of residence, and shall also write thereon the day, the month, and the year his or her signature was affixed.

**FORM OF RECALL PETITION**

The recall petition mentioned above must be addressed to the Council of the City of Stephenville, must be distinctly and specifically pointed to the grounds upon which such petition for removal is predicated, and, if there is more than one ground, said petition shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which the officer is charged. The signature shall be verified by oath in the following form:

"State of Texas"

County of \_\_\_\_\_

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

Signature

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

Signed \_\_\_\_\_

Notary Public in and for the State of Texas

**VARIOUS PAPERS CONSTITUTING PETITION**

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other paper attached thereto. Verifications provided for in the preceding section of this Chapter may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons, but no signatures to such petition shall remain effective to be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the City Secretary. All papers comprising a recall petition shall be filed with the City Secretary who shall immediately notify, in writing, the officer sought to be removed, by mailing such notice to the officer's Stephenville address, by both regular mail and certified mail.

**PRESENTATION OF PETITION TO THE COUNCIL**

Within seven (7) days after the date of the filing of the papers constituting the recall petition, the City Secretary shall present such petition to the Council of the City of Stephenville.

**PUBLIC HEARING TO BE HELD**

The officer whose removal is sought may, within seven (7) days after such recall petition has been presented to the Council, request that a public hearing be held to permit the officer to present the facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

#### CALLING OF RECALL ELECTION

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 a recall election. The date selected for the recall election shall be in accordance with the Texas Election Code. If after the recall election is established, the officer vacates his or her position, the election shall be cancelled. Any election order so issued shall comply fully with the Texas Election Code.

#### BALLOTS IN RECALL ELECTION

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

(A) With respect to each person whose removal is sought, the question shall be submitted:

"Shall \_\_\_\_\_ be removed from the office of \_\_\_\_\_ by recall?"

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

"Yes"

"No"

#### RESULT OF RECALL ELECTION

If a majority of the votes cast at a recall election shall be "No," that is against the recall of the person named on the ballot, the officer shall continue in office for the remainder of the officer's unexpired term, subject to recall as before. If a majority of the votes cast at such election be "Yes," that is for the recall of the person named on the ballot, the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy be filled by the City Council as provided in this Charter.

#### RECALL, RESTRICTIONS THEREON

No recall petition shall be filed against any officer of the City of Stephenville within three (3) months after the officer's election, no more than twice within an officer's term, and not within three (3) months after an election for such officer's recall.

#### FAILURE OF THE COUNCIL TO CALL AN ELECTION-RECALL

If all the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed on the City Council by the provisions of this Charter with reference to such recall, then any petitioning citizen may file with the appropriate court for a writ of mandamus to force the City to call the election.