



Home Rule Charter

City of Richland Hills, Texas

Adopted: August 11, 1986

Amended: May 3, 1993
May 9, 1995
November 5, 2013

RICHLAND HILLS CHARTER

ARTICLE I. CORPORATE NAME

Sec. 1.01. - Corporate name.

All the Citizens of the City of Richland Hills, Tarrant County, Texas, as the boundaries and limits of said City are herein established, shall be a body politic, incorporated under and to be known by the name and style of the City of "Richland Hills" with such powers, rights and duties as are herein provided.

ARTICLE II. BOUNDARIES AND LIMITS

Sec. 2.01. - Boundaries and limits.

The boundaries and limits of the City of Richland Hills, until changed in the manner herein provided, shall be the same as have heretofore been established and now exist on the Official City Map on file with the City Secretary.

ARTICLE III. FORM OF GOVERNMENT

Sec. 3.01. - Form of government.

The municipal government provided by this Charter shall be known as the "Council-Manager Government" pursuant to its provisions and subject only to the limitations imposed by the State Constitution and Statutes, all powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed then in such manner as may be prescribed by Ordinance.

ARTICLE IV. GENERAL POWERS

Sec. 4.01. - Enumerated powers.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have, and may exercise, all powers of local self-government, and all powers enumerated in Chapter 13, Title 28, Article 1175 of the Revised Civil Statutes of the State of Texas of 1925, and any amendments thereof, or any other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed herein, or when not prescribed herein, then in the manner provided by the laws of Texas relating to cities and towns. The City shall have the power to cooperate with the Federal Government and its agencies and with the State Government and its agencies, and with any political subdivision, or agency thereof.

ARTICLE V. CITY COUNCIL

Sec. 5.01. - City council.

The governing body of the City shall consist of a City Council composed of a Mayor and five (5) Councilmembers. The Mayor and Council shall be elected from the City at large.

Sec. 5.02. - Qualifications.

Each of the five Councilmembers and Mayor shall, on the date of the election, be at least twenty-one (21) years of age, a citizen of the United States of America and a registered, qualified voter of the State of Texas; shall reside and shall have resided for at least one year preceding the election at which he is a candidate, within the corporate limits of Richland Hills; and shall not be in arrears in the payment of any taxes or other liability due the City, or be disqualified by reason of any provision of any other section of this Charter. A person who does not possess each of the above qualifications at the time of his/her filing as a candidate shall not be eligible to be elected to the Council. A member of the Council ceasing to possess any of the qualifications specified in this section, or any other sections of this Charter, or convicted of a felony while in office, shall immediately forfeit his/her office. No Councilmember shall hold any other public office except that of Notary Public, member of the National Guard or any Military Reserve, or a retired member of the Armed Services.

Sec. 5.03. - Election.

The regular municipal elections of the City of Richland Hills shall be held on the May uniform election day of each year or as otherwise provided by state law and shall be conducted in accordance with state law.

Sec. 5.04. - Hours of election.

The polls shall open at each election from seven o'clock a.m. until seven o'clock p.m.

Sec. 5.05. - Official ballot.

The official ballot shall be drawn up by the City Secretary and approved by the City Attorney and will contain the names of all qualified candidates for office, except those who may have been withdrawn, deceased or become ineligible. Names will be placed on the ballot without party designation and position on the ballot will be determined by a drawing held by the City Secretary. Filing within time limits shall be as prescribed by State law.

Sec. 5.06. - Qualified voters.

A registered voter must live within the city limits for thirty (30) days in order to be eligible to vote (according to State Law).

Sec. 5.07. - Election judges and other election officials.

The election judges, and other election officials for conducting all city elections, shall be appointed by the City Council. The election judges shall conduct the elections, determine, record and report the results as provided by the election laws of Texas.

Sec. 5.08. - Judge of election.

The City Council shall be the judge of the election and qualification of its own members and of the Mayor, subject to the courts in the case of contest. The City Council shall, as soon as practical after the election, not to exceed fifteen (15) days, after each regular or special election, canvass the returns and declare the results of such election. The Council candidate receiving the greatest number of votes for an office shall be declared elected. If such election results in a Mayoral candidate not receiving a majority of votes cast for that office, it shall be the duty of the Mayor to order a runoff election for that office. Said election to be held not later than thirty (30) days from the date on which the City Council canvassed the returns and declared the result. In the second election, only the two Mayoral candidates receiving the most votes in the first election shall be eligible to run. In the event one of the candidates of the first election withdraws or dies, a second election shall not be held for that office, and the other candidate for such office shall be declared elected, and shall be seated.

Sec. 5.09. - Vacancies.

In case of a vacancy from any cause in the office of Mayor or Councilmember, the City Council shall order a special election to fill such vacancy, on the next election date, as authorized by the Texas Election Code, provided, however, in the case of only one (1) vacancy occurring nine (9) months or less but more than one hundred eighty (180) days before the expiration of the term of the office vacated, the Mayor, with the approval of a majority of the Council, shall appoint a person to fill such vacancy, and when there remains one hundred eighty (180) days or less until the expiration of the office to be filled, the Mayor, with the approval of a majority of the Council, may appoint a person to fill such vacancy.

Sec. 5.10. - City council meetings.

The City Council shall meet a minimum of one (1) time per month and more as needed.

Sec. 5.11. - Absence of mayor and councilmembers.

If any member of the City Council is absent from four (4) consecutive regular meetings, said member may be removed from office under the following procedure. Written charges stating the specific ground or grounds for such removal must be presented to the member whose removal is sought to initiate removal proceedings, and a copy thereof shall be filed with the City Secretary. A public hearing shall thereafter be set not less than ten (10) nor more than thirty (30) days from the date on which the written

charges were presented, at which the accused shall have the right to present evidence in his defense, however, such member shall be disqualified from voting upon the removal. At the conclusion of the evidence, a vote shall be taken, and upon the affirmative vote of three (3) Councilmembers (excluding the Mayor), the accused member shall be removed from office and the member's seat forthwith declared vacant. The Council shall have the power to subpoena witnesses and require the production of records in connection with such proceedings.

Sec. 5.12. - Limitations on successive terms.

No person shall serve as Mayor or Councilmember, or Mayor and Councilmember, as the case may be, in the same or different numbered places for more than three (3) consecutive terms. A term of office, for the purposes of this section, shall only be for a period of two (2) full years. For the purpose of this limitation, only terms of office beginning in or after May 1996 will be counted.

Sec. 5.13. – Compensation.

The City Councilmembers and Mayor each shall be allowed, for incidental expenses, the sum of Ten (\$10.00) Dollars per month and such designated actual expenses supported in writing which shall have been presented to the City Council and received approval.

ARTICLE VI. POWERS AND DUTIES OF OFFICERS

Sec. 6.01. - Powers of the Council.

All powers and authority which are expressly or explicitly conferred on or possessed by the City shall be vested in and exercised by the City Council, provided however, that the Council shall have no power to exercise those powers which are expressly conferred upon other City officers by this Charter.

Sec. 6.02. - Duties of Mayor-Mayor Pro Tem.

- (a) The Mayor of the City of Richland Hills:
 - (1) Shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon him by this Charter and the ordinances and resolutions passed pursuant thereto.
 - (2) May participate in the discussion of all matters coming before the Council and shall be entitled to vote in the case of a tie, but shall have no veto power.
 - (3) Shall sign all contracts and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter.

- (4) Shall be the chief executive officer of the City.
- (5) Shall be recognized as the official head of the City by the court for the purpose of serving civil process, by the Governor for the purpose of enforcing military law, and for all ceremonial purposes.
- (6) May, in time of danger or emergency, in accordance with the Texas Disaster Act of 1975, V.T.C.A., Government Code ch. 418. take command of the police and other departments and govern the City by proclamation and maintain order and enforce all laws. The Mayor's actions may not be continued or renewed for a period in excess of seven days except by or with the consent of the City Council.

(b) The Mayor Pro Tem shall be elected from among the members of the five (5) Councilmembers; shall be elected at the first regular meeting following the general City election, and shall, in the absence or disability of the Mayor, perform all the Mayor's duties.

Sec. 6.03. - Powers and duties of City Council.

The powers and duties herein conferred upon the City Council shall include but shall not be limited to the following:

- (1) To appoint and remove the City Manager, City Attorney, Municipal Judge and relief Municipal Judges, and other such employees required by state law to be appointed by the City Council.
- (2) To establish other administrative departments and distribute the work of divisions and to abolish or consolidate said departments and divisions.
- (3) To adopt the budget of the City.
- (4) To authorize the issuance of:
 - A. Bonds by a bond ordinance;
 - B. Certificates of obligation subject to the notice, petition and election provisions as provided within V.T.C.A., Local Government Code § 271.041, the Certificate of Obligation Act.
- (5) To inquire into the conduct of any office, department, or agency of the City and make investigation as to municipal affairs.
- (6) To appoint all commissions, boards, committees, task forces and/or appointed groups to assist the Council in the performance of its duties and responsibilities, such powers subject to the restrictions of the Charter and

the laws of the State of Texas.

- (7) To adopt plats.
- (8) To adopt and modify the official map of the City.
- (9) To regulate, license, and fix the charges or fares made by any person owning, obtaining or controlling any vehicle of any character used for carrying of passengers for hire on the public streets and alleys of the City.
- (10) To provide for the establishment and designations of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (11) To fix the salaries and compensation for the non-elective City officers and employees.
- (12) To provide for sanitary sewer and water system.
- (13) May regulate burial grounds, cemeteries, and crematories and condemn and close any such burial grounds, cemeteries, and crematories in the thickly settled portions of the City when public interest or public health may demand, and may regulate interment of the deceased.

Sec. 6.04. - Appointment or removal by City Council.

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any Councilmember violating the provisions of this Section shall be guilty of a Class C misdemeanor and fined not in excess of \$200.00, and, if so convicted, shall cease to be a Councilmember. Whether convicted of a Class C misdemeanor or not, a Councilmember, found to be guilty of violating the provisions of this Section, by a three-fourths ($\frac{3}{4}$) vote of the remainder of the Council shall cease to be a Councilmember.

ARTICLE VII. ADMINISTRATION

Sec. 7.01. - City Manager.

- (a) *Appointments and qualifications.* The Council shall appoint a City Manager who

shall be the chief administrative officer of the City, and shall be responsible to the Council for the administration of all the affairs of the City. He shall be chosen by the Council solely on the basis of his executive and administrative training, education, experience, ability, and character, and need not, when appointed, be a resident of the City. No member of the City Council shall, during the time for which he is elected and for two (2) years thereafter, be appointed City Manager.

(b) *Term and salary.* The City Manager shall be appointed by the affirmative vote of four (4) members of the City Council, and may be removed at the will and pleasure of the Council by the affirmative vote of four (4) members of the Council. The action of the Council in suspending or removing the City Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the Council. In case of absence or disability to the City Manager, the Council may designate some qualified person other than an elected officer of the City to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the Council.

(c) *Powers and duties of the City Manager.* The powers herein conferred upon the City Manager shall include but shall not be limited to the following:

- (1) Appoint and remove any officer or employee of the City except those officers and employees whose appointment or election is otherwise provided for by law or this Charter.
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by law or this Charter.
- (3) See that all State laws and City ordinances are effectively enforced.
- (4) Prepare and submit the annual budget and a five (5) year capital improvement program to the Council as prescribed in Article XII of the Charter.
- (5) Submit to the Council monthly a report thereof on the finances and administrative activities of the City and a complete report at the end of each fiscal year.
- (6) Provide each department head with a financial report of his department monthly.
- (7) Attend all meetings of the Council except when excused by the Council.
- (8) Provide for employee grievance system as approved by the Council.
- (9) Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with provisions of this

Charter.

Sec. 7.02. - Appointment and removal of City Secretary.

The Mayor shall appoint the City Secretary and such Assistant City Secretaries as deemed advisable with approval of a majority of the Council. The Mayor may remove such employees with approval of four-fifths (4/5) of the Council. The City Secretary, or an Assistant City Secretary, shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his/her signature and record in full, in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the City Council shall assign to him/her and those elsewhere provided for in this Charter, and shall keep and affix the City seal to all official documents.

Sec. 7.03. - Appointment and removal of City Attorney.

The City Attorney shall be appointed by a majority vote of the City Council. The City Council may remove the City Attorney at any time upon the affirmative vote of four-fifths (4/5) of all its members. The City Attorney shall be a competent attorney, duly licensed and admitted to the practice of law by the State of Texas. The City Attorney shall be legal advisor of and attorney for all officers of the City and shall represent the City in all litigation and legal proceedings. He shall approve the legality of every ordinance before it is acted upon by the Council.

Sec. 7.04. – Departments.

The City Council may create or establish, abolish or consolidate, as many departments or offices as it may deem necessary for the best interest of the City. It may divide the administration of such departments or offices as it may deem advisable.

ARTICLE VII(A) MUNICIPAL COURT

Sec. 7(a).01. - Municipal Court of Record.

There shall be a court known as the Richland Hills Municipal Court of Record, with such jurisdiction, powers and duties as are given and prescribed by the laws of the State of Texas for municipal courts of record. The City Council shall be empowered to create by ordinance additional municipal courts of record if it finds that such additional courts are necessary to dispose properly of the cases arising in the city.

- (1) *Judge of the Municipal Court of Record.* The Municipal Court of Record shall be presided over by a Magistrate who shall be known as the Municipal Judge. The Municipal Judge shall be a competent and duly licensed attorney in good standing who practices law in Tarrant County, Texas. The Municipal Judge may not serve as such while holding any other office or employment with [the] City of Richland Hills, Texas. The

Municipal Judge shall be appointed by the City Council for a two-year term.

- (2) *Vacancies: Temporary replacement; removal.*
 - A. If a vacancy occurs in the office of Municipal Judge of the Richland Hills Municipal Court of Record, the City Council shall appoint a qualified person to fill the office for the remainder of the unexpired term.
 - B. The City Council may appoint persons as relief Municipal Judges. A relief judge must meet the qualifications prescribed for the Municipal Judge. The Municipal Judge may assign a relief judge to act for the Municipal Judge if he is temporarily unable to act for any reason. A relief judge has all the powers and duties of the office while so acting.
 - C. The Municipal Judge may be removed after written notice and an opportunity to be heard before the Council.
- (3) *Clerk of the Municipal Court of Record.* There shall be a Clerk of the Municipal Court of Record who shall be appointed by a majority vote of the City Council, and who shall be known as the municipal clerk. The municipal clerk may be removed upon a four-fifths (4/5) vote of the City Council. The clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of the Richland Hills Municipal Court of Record and conducting business thereof. The municipal clerk shall also perform such duties as are specified to be performed by the municipal clerk under the general laws of the State of Texas governing municipal courts or, more specifically, municipal courts of record. The municipal clerk shall perform any other duties as specified by the City Manager or City Council. With the consent of the City Council, the clerk may appoint one or more deputy clerks to act for the clerk. The City Council shall provide the courts with other municipal court personnel that the City Council determines necessary for the proper operation of the court. Those persons shall perform their duties under the direction and control of the clerk or the Municipal Judge to whom assigned.
- (4) *Procedure in the Municipal Court of Record.* All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, punishment for contempt, bail and taking of bonds shall be governed by the Code of Criminal Procedure and the general laws of the State of Texas applicable to municipal courts or, more specifically, to municipal courts of record.

ARTICLE VIII. PUBLIC UTILITIES

Sec. 8.01. - City ownership and operation thereof.

(a) *General.* The City shall have power to build, construct, purchase, own, lease, maintain and operate, within or without the City limits, light and power systems, water systems, sewer systems or sanitary disposal equipment and appliances, natural gas systems, park and swimming pools, fertilizer plants, and any other public service or utility; power to mortgage and encumber such system or systems in the manner provided in Article 1111 to 1118, inclusive, of the 1925 Revised Civil Statutes of Texas, as amended, and any other laws of the State of Texas applicable thereto; and all the powers which the City might exercise in connection with such public utilities and public services under Article 1175 of the 1925 Revised Civil Statutes of Texas, and any amendment thereto, now or hereafter in effect, as well as under any other general laws of the State of Texas pertinent or applicable thereto, including the power to demand and receive compensation for service furnished for private purposes, or otherwise, and with full and complete power and right of eminent domain proper and necessary to efficiently carry out said objects.

(b) *Power to contract for public utilities.* The City is authorized to enter into contracts or leases with individuals, corporations, partnerships, or other municipal corporations, for furnishing in whole or in part any public utility or portions of public utility systems that might be needed by the City or the citizens of the City. The consideration for such contracts or leases may in the discretion of the City Council be paid by the City or prorated to the individual users of the utility covered by such contract or lease; or to permit individuals, corporations, partnerships or other municipal corporations to furnish in whole or in part any public utility or portion of any public utility direct to the citizens of the City on such terms as the City may direct.

(c) *Right to purchase commodities or services essential to the city or its citizens.* The City shall have the power to purchase electricity, gas, oil, or any other article, commodity or service essential to a proper conduct of all the affairs of the City, and of its inhabitants on such terms as the City Council may deem proper, for sale and distribution to the inhabitants of the City or adjacent territory.

Sec. 8.02. - Regulation of public utilities.

(a) The City Council shall have the power by ordinance, after notice to the utility and hearing before the Council, to fix and regulate charges, fares or rates of compensation to be charged by any person, firm or corporation enjoying a franchise in the City, or engaged in furnishing a public utility service in the City, including cable television and shall in determining, finding and regulating such charges, fares or rates of compensation, base the same upon the fair value of the property of such person, firm or corporation devoted to furnishing service to such City or the inhabitants thereof. The City Council may prescribe the character, quality and efficiency of service to be rendered, and shall have the power to regulate and require the extension of adequate

lines or service of such public utility within such City by such person, firm or corporation, taking into consideration the cost to the utility, and from time to time may alter or change such rules, regulations, and compensation, provided that, in adopting such regulations and in fixing or changing such compensation, or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying such franchise shall be considered unless on proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received in accordance with the laws and Constitution of this State applicable thereto. In order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate of regulation, the City Council shall have full power to inspect the books of any such utility serving the inhabitants of the City and compel production of records and the attendance of witnesses for such purpose.

(b) Any company, corporation or person engaged in furnishing to the inhabitants of the City any light, power, gas, telephone, transit, cable television, or other public utility services, may be required at any time by ordinance or resolution of the City Council to file with the City Council written reports pertaining to operations and business within the City, and such report shall contain such data, facts and information as may be required by such ordinance or resolution, under the same standards and rules of the State Public Utility Commission and other rules not inconsistent therewith.

In addition to the foregoing powers the City shall have all the powers and privileges provided for by Article 1175 of the Revised Civil Statutes of Texas in regulating public utilities.

ARTICLE IX. CONTRACTS

Sec. 9.01. - General.

All contracts that the City has at the time of the adoption of this Charter shall remain in full force and effect. This provision shall include, but not be limited to, all bonded indebtedness, franchises, contracts for professional services, contracts for improvements, lease contracts, or any other agreement binding upon the City of Richland Hills, Texas, immediately prior to the adoption of this Charter.

Sec. 9.02. - Personal services.

No contract shall ever be made which binds the City for personal services, except for professional or City Manager services to be rendered for any stated period of time, but all appointive employees shall be subject to discharge after a hearing, and when discharged shall only be entitled to compensation up to and, including the date of their discharge, any provision to the contrary in this Charter notwithstanding. Contracts for professional or City Manager services shall be of a term of no longer than five (5) years, and shall contain express language providing for termination without compensation beyond the date of occurrence of any of the following: conviction of a felony or other

crime involving moral turpitude; violations of the provisions of the Charter or of any ordinance, rule, or of special orders applicable to such person.

Sec. 9.03. - Goods, materials, services or supplies.

(a) The City Council may, by ordinance, give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance.

(b) All contracts for expenditures or purchases involving more than the set limits must be expressly approved in advance by the City Council.

(c) All contracts or purchases involving more than the limits set by Council shall be awarded by the City Council in accordance with state law.

Sec. 9.04. - Franchises and special privileges.

(a) The right to control, easement, use and ownership and title to the streets, highways, public thoroughfares and property of the City, its avenues, parks, bridges and all other public places and property, are hereby declared to be inalienable except by ordinance duly passed by four-fifths (4/5) affirmative votes of the entire City Council, and no grant of any franchise or lease, or right to use the same, either on, through, along, across, under or over the same, by any private corporation, association or individual shall be granted by the City Council for a longer period than twenty-five (25) years unless submitted to the vote of the legally qualified voters of the City in the manner provided for in Articles 1181 and 1182 of the Revised Civil Statutes of Texas, the expense of such election to be borne by the applicant.

(b) The City Council may, of its own motion, submit all of such applications, to an election at which the people shall vote upon the proposition therein submitted, the expense of such election in all cases to be borne by the applicant.

(c) No franchise shall ever be granted until it has been approved by four-fifths (4/5) of the entire City Council, after having its essential terms summarized at two (2) regular meetings of the City Council, nor shall any such franchise, grant or privilege ever be made unless it provides for adequate compensation or consideration therefor to be paid to the City.

(d) Every such franchise or grant shall make adequate provision, by way of forfeiture of the grant or otherwise, to secure efficiency of public service at reasonable rate and to maintain the property devoted to the public service in good repair throughout the term of grant of said franchise.

(e) No franchise grant shall ever be exclusive.

(f) The City Council may prescribe the forms and methods of the keeping of

accounts of any grantees under franchise, provided that the forms and methods of keeping such accounts have not already been prescribed by a State or Federal law or agency.

SECTION X. OWNERSHIP OF REAL OR PERSONAL PROPERTY

Sec. 10.01. - Acquisition of property.

(a) The City shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation, or otherwise, any character or property, within or without its municipal boundaries, including any charitable or trust funds.

(b) Specifically, but without limitation of the foregoing, the City shall have full power and authority to acquire through the exercise of eminent domain, or by purchase, or otherwise, and maintain and operate, any part or all of any water works system, sewerage system or other public utility used in serving citizens of the City. Such power and authority shall include that specified in Vernon's Ann. Civ. St. art. 1175, Subdivisions 11, 13, 15, and any other Subdivisions thereof, as now existing or as hereafter amended, and any common law or other statutory law applicable thereto, and such power and authority shall not be limited by any such specific statutory provisions. Such power and authority shall include the right to acquire by eminent domain or purchase from any person, firm, or corporation any part or all of the physical properties, easements, franchises, and other tangible and intangible properties and rights which may be in use as an operating utility business. Such power and authority shall include the right to acquire by eminent domain or purchase an undivided interest in any easements or facilities which may be in use to serve any other community and shall also include the right to acquire by eminent domain or purchase any properties located outside of the corporate boundaries of the City if needed by the City in operation of such utility system.

Sec. 10.02. - Real estate, etc., owned by the city.

All real estate owned in fee simple title, or held by lease, sufferance, easement, or otherwise; all public buildings, fire stations, parks, streets and alleys, and all property, whether real or personal, of whatever kind, character or description, now owned or controlled by the City, shall vest in, inure to, remain, and be the property of said City under this Charter; and all causes of action, chooses in action, rights or privileges of every kind and character, and all property of whatsoever character or description which may have been held, and is now held, controlled or used by said City for public uses, or in trust for the public, shall vest in and remain and inure to the City under this Charter, and all contracts, suits and pending actions to which the City heretofore was or now is a party, plaintiff or defendant, shall in no way be affected or terminated by the adoption of this Charter, but shall continue unabated.

ARTICLE XI. STREETS AND ALLEYS

Sec. 11.01. - Street powers.

The City shall have exclusive control of all alleys, streets, gutters, and sidewalks situated within the City, and the power to lay out, establish, open, alter, extend, widen, straighten, abandon and close, lower, grade, narrow, care for, supervise, maintain and improve any public street, alley, avenue, or boulevard, and for any such purposes to acquire the necessary lands and to appropriate the same under the power of eminent domain. The City shall also have the power to name or rename, vacate and abandon and sell and convey in fee that portion of any street, alley, avenue, boulevard or other public thoroughfare or public grounds, and to convey in fee the same in exchange for other lands, over which any street, alley, avenue or boulevard may be laid out, established and opened; and the City's right to sell and dispose of in fee any part of a street, alley, avenue or boulevard so vacated and abandoned, or the City's right to convey same in exchange for other lands to be used in laying out, opening, widening and straightening any street, shall never be questioned in any of the Courts of this State. The procedure for closing streets and alleys shall be in conformity with due process of law and shall be particularly prescribed and provided for by ordinance passed in the usual manner by the City Council.

ARTICLE XII. FINANCE: BUDGET

Sec. 12.01. - Preparation and submission.

In January, the City Council will hold a Public Forum for the express purpose of obtaining citizen comments on items they would like to see included or considered in the budget for the upcoming year. At least 60, but not more than 90, days prior to the beginning of the budget year, October 1, the City Manager will submit his proposed city budget for the ensuing year to the City Council. From its date of submission, the proposed budget shall be a public record.

Sec. 12.02. - Hearing.

The City Council will hold a Town Hall Meeting on the Budget a minimum of 15 days prior to the State mandated Public Hearing on the budget to allow for consideration of any changes. The City Council shall hold a public hearing on the proposed budget at least 14 days before the beginning of the budget year. At least 10 days notice of such public hearing will be given by notice in the official newspaper.

Sec. 12.03. - Adoption.

After hearing, the City Council may make such changes [as] it deems proper in the proposed budget and adopt a final budget prior to the beginning of the budget year. All budget hearings and action on the budget shall be open to the public. If a final budget is not adopted by the beginning of the budget year, the proposed budget of the City

Manager shall be deemed to have been approved.

Sec. 12.04. - Effective date.

The budget shall go into effect on the first day of the budget year. Expenditures in an amount in excess of the budgeted total shall not be made. The budget may be amended during the year only after complying with the notice procedure called for above for adoption of the budget.

Sec. 12.05. - Capital improvement plan.

The City Manager shall include in his original budget message a general five year plan for capital improvement expenditures. Such plan, upon approval by the Council, shall serve as a guide for capital improvements of the City.

Sec. 12.06. - Independent audit.

The Council shall cause an independent audit to be made of books and records of the City once yearly. The auditor shall be chosen by the City Council. The audit report will be open to inspection by any citizen and the original copy shall be kept as a permanent record of the City.

ARTICLE XIII. TAXATION

Sec. 13.01. - Property subject to taxation.

All property, real, personal or mixed, lying and being within the corporate limits of the City of Richland Hills on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas.

Sec. 13.02. - Power to tax.

The governing body of the City shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under the Charter, and is hereby authorized, and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and shall make such rules and regulations and ordain and pass all ordinances deemed necessary to the levying, laying, imposing, assessing and collection of any taxes provided for in the Charter.

Sec. 13.03. - Exempt property.

There shall be exempt from taxation all property made exempt by the Constitution and laws of the State and the ordinances of the City.

Sec. 13.04. - Taxation of franchise.

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

Sec. 13.05. - Limitation of tax rate.

The maximum tax rate shall not exceed \$1.50 on the One Hundred Dollars (\$100.00) valuation of taxable property within the City.

Sec. 13.06. - Procedures.

The procedure for assessment, levying, rendition, penalties and collection of taxes shall be governed by the laws of the State of Texas.

ARTICLE XIV. PLANNING AND BUILDING REGULATIONS

Sec. 14.01. - The Planning and Zoning Commission.

There shall be established a Planning and Zoning Commission which shall consist of five (5) citizens from the City of Richland Hills who own real property within said City. The members of said Commission shall be appointed by the City Council for a term of two (2) years. Three (3) members of the Planning and Zoning Commission shall be so appointed each odd-numbered year and two (2) members shall be so appointed each even-numbered year. The Commission shall elect a Chairman from its membership and shall meet not less than once each month. Vacancies and unexpired terms shall be filled by the Council for the remainder of the term. A majority of all the members shall constitute a quorum. Members of the Commission may be removed by Council after a public hearing and for cause set forth in writing. The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation.

Sec. 14.02. - Planning and Zoning Commission powers and duties.

The Planning and Zoning Commission shall:

- (1) Recommend a City plan for the physical development of the City;
- (2) Recommend to the City Council approval or disapproval of proposed changes in the Zoning Plan; and
- (3) Recommend to the City Council approval or disapproval of proposed platting or subdividing land within the corporate limits of the City to the

extent authorized by law. The Commission shall be responsible to and act as an advisory body to the Council and shall have and perform such additional duties as may be prescribed by ordinance.

Sec. 14.03. - Master plan.

The Master Plan for the City shall contain the Planning and Zoning Commission's recommendations for the growth, development and beautification of the City. Amendments thereto will be approved by the said Commission. The Master Plan shall serve as a general guide for the development of the City.

Sec. 14.04. - Legal effect of the master plan.

Upon the adoption of a Master Plan by the City Council, no subdivision, street, park or any public way, ground or space, public building or structure, or public utility whether publicly or privately owned, which is in conflict with the Master Plan shall be constructed or authorized by the City Council until and unless the location and extent thereof shall have been submitted to and approved by the Commission. In case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval, and upon such overruling, the Council shall have the power to proceed. The widening, narrowing, relocating, vacating or change in the use of any street, alley or public way, or ground or the sale of any public building, if real property, shall be subject to similar submission and approval by the Planning and Zoning Commission, and failure to approve may be similarly overruled by the City Council.

Sec. 14.05. - General building regulations.

The City may regulate the erection, building, placing, moving or repairing of buildings or other structures, within such limits of the City as it may designate and prescribe, in order to guard against the calamities of fire, flood, or windstorm and may within said limits prohibit the moving or putting up of any building or other structure without said limits, and may also prohibit the removal of any building or other structure from one place to another within said limits, and may direct that all buildings or other structures within the limit so designated as aforesaid shall be made or constructed of fire-resistant materials, and may declare any dilapidated building or structure to be a nuisance and direct the same to be repaired, removed or abated in such manner as they shall direct; to declare all buildings and other structures in the fire limits which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed in such manner as they shall prescribe.

Sec. 14.06. - Building lines.

The City shall have the power, for the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, acting through its governing body, under the public power, to provide by suitable ordinance building lines on any street or

streets, or any block of any street or streets, and to require their observance by suitable penalties.

ARTICLE XV. RECALL OF OFFICERS

Sec. 15.01. - Scope of Recall.

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

Sec. 15.02. - Petition for Recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least twenty-five percent (25%) of the number of votes cast at the last regular municipal election of the City, but in no event, less than 250 such petitioners. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, shall give voter registration number, shall print his name, and shall write after his name his place of residence, giving name of street and number, and shall also write thereon the day, the month and year his signature was affixed and give any other information required by law, including V.T.C.A., Election Code ch. 277, as same may hereafter be amended.

Sec. 15.03. - Form of recall petition.

The recall petition mentioned in Section 15.02 of this Article must be addressed to the City Council of the City of Richland Hills, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and shall specifically state the facts supporting each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he is charged. Each signature page shall be verified by oath in the following form at the bottom of said page:

STATE OF TEXAS X
COUNTY OF TARRANT X

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 thereto 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 whose name it purports to be. Sworn and subscribed to before me this _____ day of _____, 20____.

Notary Public, STATE OF TEXAS

Sec. 15.04. - Various papers constituting petition.

The petition may consist of one or more copies, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition. Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts or copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day and the said Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his Richland Hills address.

Sec. 15.05. - Presentation of petition to council.

Within fifteen (15) days after the date of the filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City of Richland Hills at the first regular Council meeting held within said 15 day period. If no Council meeting is scheduled, there shall be a Special meeting called to receive said petition.

Sec. 15.06. - Public hearing to be held.

The officer whose removal is sought may, within fifteen (15) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him to present 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.

Sec. 15.07. - Election to be called.

If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be not less than forty-five (45) nor more than sixty (60) days from the date such petition was presented to the City Council, or from the date of the public hearing if one was held, subject to restrictions of the Texas Election Code.

Sec. 15.08. - Ballots in recall election.

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

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

"Shall (name of person) be removed from the office of (name of

office) by recall?"

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

"FOR the removal of (name of person) from office by recall"

"AGAINST the removal of (name of person) from office by recall"

Sec. 15.09. - Result of recall election.

If a majority of the votes cast concerning the recall of an individual officer at a recall election shall be against the recall of that officer, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast concerning the recall of an individual officer at such an election be for the recall of that officer, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as vacancies in the City Council are filled.

Sec. 15.10. - Recall, restriction thereon.

No recall petition shall be filed against any officer of the City of Richland Hills within six (6) months after his/her election, nor within six (6) months after an election for such officer's recall.

Sec. 15.11. - Failure of city council to act.

In case 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 upon said City Council by the provision of this Charter with reference to such recall, then the County Judge of Tarrant County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the City Secretary or by the City Council. Any qualified voter of the City may seek judicial relief in the district court of Tarrant County in the event the Council fails to act when presented with a recall petition meeting the requirements of this Article.

ARTICLE XVI. INITIATIVE AND REFERNDUM

Sec. 16.01. - General power.

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

Sec. 16.02. - [Procedure.]

- (a) *Initiative.* Initiative power may be used to enact a new ordinance or to repeal or

amend sections of an existing ordinance. Qualified voters of the City of Richland Hills may initiate legislation, (except levying taxes, setting rates for services, adoption of a budget, or any subject where State Law requires a public hearing) by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to 25% of the number of votes cast at the last regular municipal election of the City, or 250, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same manner as recall petitions are signed in this Charter, and shall be verified by oath in the manner and form provided for recall petitions in this Charter. The petition may consist of one or more copies as permitted for recall petitions in this Charter. Such petitions shall be filed with the persons performing the duties of City Secretary, who, within five (5) days, shall present said petition and proposed ordinance or resolution to the City Council. Upon presentation to it of the petition, and draft of the proposed ordinance or resolution, it shall become the duty of the City Council, within the ten (10) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition or to call a special election as soon as possible, subject to the Texas Election Code, which the qualified voters of the City of Richland Hills shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty (60) days after the filing of the petition, the question may be voted on at such election.

(b) *Referendum.* Registered, qualified voters of the City of Richland Hills may require that any ordinance or resolution passed by the City Council be submitted to the voters of the City for approval or disapproval, (except levying taxes, setting rates for services, adoption of a budget, or any subject where State Law requires a public hearing) by submitting a petition for this purpose within forty-five (45) days after final passage of said resolution or within thirty (30) days after publication of such ordinance. Said petition shall be addressed, prepared, signed and verified by oath in the manner and form provided for recall petitions as provided in Sections 15.02 and 15.03, Article XV of this Charter, provided, however, the names on such petition shall also be of registered voters and shall be submitted to the person performing the duties of City Secretary. Within five (5) days upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon the City Council shall, within ten (10) days, reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote at a special election as soon as possible, subject to the Texas Election Code, at which time the registered, qualified voters of the City of Richland Hills shall vote on the question of adopting or rejecting the proposed question. However, if any other municipal election is to be held within sixty (60) days of the filing of the petition, the question may be voted on at such election. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the registered, qualified voters voting thereon at such election shall vote in favor thereof.

(c) Any qualified voter of the City may seek judicial relief in the district court of

Tarrant County in the event the Council fails to act on an initiative or referendum petition meeting the requirements of this Article.

Sec. 16.03. - Voluntary submission of legislation by the Council.

The City Council, upon its own motion and by majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, resolution or measure in the same manner and within the same force and effect as provided in Sections 16.02 (a) and (b) of this Article, and may, at its discretion, call a special election for this purpose.

Sec. 16.04. - Form of ballots.

The ballots used when voting upon such referred ordinances, resolutions or measures, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

"FOR the ORDINANCE," and "AGAINST the ORDINANCE," or

"FOR the RESOLUTION," and "AGAINST the RESOLUTION."

Sec. 16.05. - Publication of proposed or referred ordinances.

The person performing the duties of City Secretary shall publish at least once in the official newspaper of the City the proposed or referred ordinance or resolution within fifteen (15) days before the date of the election, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

Sec. 16.06. - Adoption of ordinances.

If a majority of the registered, qualified voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective as a law or as a mandatory order of the City Council.

Sec. 16.07. - Inconsistent ordinances.

If the provisions of two or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

Sec. 16.08. - Further regulations by City Council.

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article not inconsistent herewith.

Sec. 16.09. - Franchise ordinances.

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of Article IX, Section 9.04 of the Charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

ARTICLE XVII. GENERAL PROVISIONS

Sec. 17.01. - Continuity in Government.

Any ordinance in effect at the time this Charter is adopted, and not otherwise in conflict with this Charter, which refers to some office or employment of the City which ceases to exist under this Charter, shall continue in force and the powers and duties therein prescribed shall be the powers and duties of the office of employment which under this Charter, succeeds to the same general powers and duties of such office or employment under some ordinance.

Sec. 17.02. - Effect of Charter on existing law.

All ordinances, resolutions, rules and regulations in force in the City on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of beginning of such proceedings or under the law after the adoption of this Charter.

Sec. 17.03. - Official oath.

All officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed in the Constitution of the State of Texas. Oath of office shall be administered by the Mayor, Mayor Pro Tem, or any other person authorized by law to administer oaths.

Sec. 17.04. - Public meetings.

All meetings of the Council and all Boards or Commissions appointed by the Council shall be open to the public, except those authorized by law to be closed. Minutes of all public meetings shall be kept and such minutes shall constitute public records.

Sec. 17.05. - Public records.

All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that such police records, vital statistics records, or any other records which are closed to the public by law shall not be considered public records for the purpose of this section.

Sec. 17.06. - Official newspaper.

The Council shall have the power to designate by resolution a newspaper of general circulation in the City as the official newspaper, and shall cause to be published therein all captions and necessary notices.

Sec. 17.07. - Notice of injury or damage.

Recognizing that cities and other public entities whose operations are not motivated by profit, but rather by service, are unique in turnover of personnel, and that in order to adequately defend the interests of the public the officials must have timely notice of claims against the city, these reasonable rules are adopted. Any person, firm or corporation who has a claim for property damage, personal injury or death against this City must give the City written notice of the claim within six months from the date of occurrence. Such written claim notice must be given to the Mayor or City Manager and must contain the following information:

- (1) Name and address of claimant;
- (2) Date of occurrence;
- (3) Place of occurrence;
- (4) Extent of injury;
- (5) Names and addresses of witnesses;
- (6) How the injury occurred.

If such notice is not timely given, no action will lie against the City. The notice called for in this section need not be sworn to or verified but must be signed by the claimant or his attorney and delivered to the Mayor or City Manager, either in person or by certified or registered mail. It shall not suffice to give oral notice nor shall it suffice to deliver or mail the notice to some other employee of the City. The provisions of this Section shall apply to persons seeking a money judgment against the City for any type of damages whether the claim involves personal injury or damages arising from some other cause. The written notice required herein must be given to one of the officials set out above within six months from the time when the cause of action arose, or the action shall not lie.

Sec. 17.08. - Execution, garnishment and assignment.

Property, real or personal, belonging to the City, shall not be liable for sale or appropriation under any writ of execution or cost bill. Funds belonging to the City, in the hands of any person, firm or corporation shall not be liable to garnishment, attachment or sequestration, nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the

City, nor any of its officers or agents, shall be required to answer any writ of garnishment or any account whatsoever. The City shall not be liable to the assignee of any wages of any officer, agent or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City such assignment shall be absolutely void.

Sec. 17.09. - Bond or security not required.

It shall not be necessary in any action, suit or proceeding in which the City is a party, for any bond, undertaking or security to be executed in behalf of said City but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if each bond, undertaking or security had been given, and said City shall be liable as if such obligation had been duly given and executed.

Sec. 17.10. - Judicial scrutiny.

This Charter shall be deemed a public act and shall have the force and effect of a general law; it may be read in evidence without pleading or proof, and judicial notice shall be taken thereof by all courts and places without further proof.

Sec. 17.11. - Offset to Debts.

The City shall be entitled to counterclaim and offset against any debt, claim, demand or account owed by the City to any person, firm or corporation in arrears to the City for any debt, claim, demand or account or [of] any nature whatsoever including taxes, penalty and interest. No assignment or transfer of any such debt, claim, demand or account owed by the City shall affect the right of the City to offset the sum owed to the City.

Sec. 17.12. - Nepotism.

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor, or member of the Council or the City Manager shall be appointed to any paid office, position, clerkship or other service of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City at least one year prior to the time of the election of the Mayor or Councilmember, or the appointment of the City Manager.

Sec. 17.13. - Ethics.

(a) No elected or appointed officer or employee of the City shall benefit unduly by reason of his/her holding public office.

(b) No officer or employee having a direct or indirect interest in any proposed or existing contract, purchase, work, sale or service to or by the City shall vote or render a decision, or use his/her position, authority or influence in a manner that would result in his/her financial betterment to any degree. Further, any elected officer shall publicly

disclose any such interest upon assumption of office or prior to consideration of any such matters. This provision is cumulative to all other applicable laws in regard to elected officers.

(c) Failure to comply with any provisions of the foregoing Section 17.13 (a) or 17.13

(b) shall constitute malfeasance in office and any officer or employee failing to so comply shall immediately be suspended with pay, pending an outcome of an investigation of the charges. Within five (5) days of said suspension the officer or employee shall receive written notice detailing the specific charges brought against him. A Public Hearing will be held within fifteen (15) days after the written notice to determine whether the charges are well founded and whether said officer or employee shall be reinstated or shall be terminated and the position declared vacant.

(d) Any violation of the foregoing Sections 17.13 (a) or 17.13 (b) with the knowledge, express or implied, or persons or corporations contracting with the City shall render the contract voidable by the Council.

Sec. 17.14. - Political and religious discrimination.

No person in the service of the City or seeking admission thereto shall be employed, promoted, demoted, discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious beliefs, provided that such opinions, affiliations or beliefs do not advocate the overthrow of the government of the United States of America by force or violence.

Sec. 17.15. - Political activity.

(a) No appointed or hired employee on the payroll of the City shall make a contribution to the campaign fund of any person seeking election to a City office or to any political party supporting a candidate for election to a City office, nor shall he/she be solicited for this purpose; nor shall he/she take active part in any political campaign relating to an election to a City office.

(b) No person seeking appointment to or promotion in the administrative service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his/her appointment or promotion or any examination conducted therefor.

(c) Any person who either by himself/herself, or with others, willfully violates any provision of the foregoing Sections 17.15 (a) or 17.15 (b) shall be ineligible for appointment or election to a position in the City for a period of four (4) years, and if he/she is an officer or employee of the City at the time of such violation he/she shall immediately forfeit the office or position he/she holds.

Sec. 17.16. - Building permits.

The City of Richland Hills shall have power to prohibit the erection or construction of any building or structure of any kind within the City of Richland Hills without a permit first having been issued by the City for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority may authorize the inspection by the City of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building code which exists in said City or shall hereafter be passed.

Sec. 17.17. - Pools, ponds and lakes.

The City of Richland Hills shall have power to control or prohibit the construction of pools, ponds, or lakes, receiving water from a recognizable stream, creek, branch or natural drainage. The City may control location, construction, height of structure, depth and size of body of water to be impounded. No pool, pond or lake, receiving water from recognizable stream, creek, branch or natural drainage, shall be constructed without first obtaining a permit issued by the City.

Sec. 17.18. - Bonds of city officials, employees or department directors.

In addition to any bonding provision herein provided, the Council may require any City official, department director or City employee, before entering upon his duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the Council, as surety thereon, said bond to be in such amounts as the Council may demand, payable to the City of Richland Hills, and conditioned for the faithful performance of the duties of his/her office; premium of such bond to be paid by the City.

Sec. 17.19. - Bonds of contractors.

The governing body of the City of Richland Hills shall require good and sufficient bonds of all contractors, with a good corporate surety thereon, acceptable to the governing body of the City of Richland Hills.

Sec. 17.20. - Amendment of Charter.

This Charter may be amended no more than once every two (2) years as provided by the laws of the State of Texas.

Sec. 17.21. - Construction of the Charter.

In wording of this Charter, the use of the singular number shall include the plural, and the plural shall include the singular. Words used in the masculine gender shall include the feminine also, unless by reasonable construction, it appears that such was not the

intention of this Charter.

Sec. 17.22. - Rearrangement and renumbering.

The Council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of the Charter or any amendments thereto, as it shall deem appropriate, and upon passage of any such ordinance, a copy thereof certified by the City Secretary shall be forwarded to Secretary of State for filing.

ARTICLE XVIII. SAVINGS CLAUSE, ETC.

Sec. 18.01. - Savings clause, etc.

All powers granted heretofore to cities are hereby preserved. In case of any irreconcilable conflict between the provisions of this Charter and any superior law, the powers of the City and its officers shall be as defined in such superior laws. In case any insufficiency or omission may be supplied by reference to the general laws, such provisions of the general laws are hereby adopted, and the City shall have and exercise all of the powers that it could have acquired by expressly adopting and incorporating into this Charter all of the provisions of such superior and general laws; it being the intent of this Charter that no lawful power of the City shall fall because of any omission, insufficiency or invalidity of any portion or portions of this Charter, the same shall not in any way affect the remainder of the Charter, but shall be construed as if adopted with such portion and/or portions so found invalid or impotent.

ARTICLE XIX. VOTE ON PROPOSED CHARTER

Sec. 19.01. - Vote on proposed changes.

(a) This Charter shall be submitted to the qualified voters of the City for adoption or rejection on August 9, 1986, at which election if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the Charter and governing law of the City until amended or repealed.

(b) It being impracticable to submit this Charter by sections, it is hereby prescribed that the form of ballot to be used in such election shall be as follows, to wit:

"FOR THE ADOPTION OF THE CHARTER"
"AGAINST THE ADOPTION OF THE CHARTER."

(c) The present City Council of the City shall call an election in accordance with the provisions of the general laws of the State governing elections, and the same shall be conducted and the returns made and results declared as provided by the laws of the State of Texas governing municipal elections, and in case a majority of the votes cast at such election shall be in favor of the adoption of such Charter, then an official order

shall be entered upon the records of said City by the City Council, declaring the same adopted, and the City Secretary shall record at length upon the records of the City in a separate book to be kept in his/her office for such purpose, such Charter as adopted, and such Secretary shall furnish to the Mayor a of the Charter, which copy of the Charter shall be forwarded by the Mayor as soon as practical to the Secretary of State under the seal of the City, together with a certificate showing the approval of the qualified voters of such Charter.