NOTICE OF A PUBLIC MEETING

AN AGENDA OF A REGULAR MEETING OF THE
2023 CHARTER REVIEW COMMISSION
CITY OF WHITE SETTLEMENT, TEXAS
6:00 PM – January 5, 2023
City Hall – Conference Room
214 Meadow Park Drive, White Settlement, TX 76108

CALL TO ORDER

PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the commission on items that are not listed on the agenda. Any person desiring to make a public comment must first fill out a speaker request form, and be recognized by the presiding officer. Individual comments are limited to three minutes. The commission has no obligation to respond in any manner to comments or questions from the public. Any response from a member of the commission to comments on items not listed on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future meeting.

AGENDA

1. Review of Charter Review Commission charge, guidelines and schedule.
2. Discuss procedures for review of the Charter.
3. Discuss and consider any recommended changes to the charter and/or move to review the next portion or subject matter of the Charter.

ADJOURNMENT

I certify that the above notice of meeting was posted in the bulletin board outside City Hall at 214 Meadow Park Drive, White Settlement, TX on December 16, 2022 before 5 PM.

_____
Amy Arnold, TRMC, CMC
City Secretary

Accessibility Statement: The City of White Settlement City Hall is accessible to persons with disabilities. Specially marked parking spaces are available at both Meadow Park and Hanon Drive. Accessible entry is available at the main entrance, which is located on the north side of the building. If additional assistance is needed to observe or comment, please notify the City Secretary at 817-246-4971 x203 at least 24 hours prior to the meeting.

ORDINANCE NO. 2022-11-021-01

AN ORDINANCE OF THE CITY OF WHITE SETTLEMENT, TEXAS, CREATING A CHARTER REVIEW COMMISSION; ESTABLISHING CHARTER REVIEW COMMISSION GUIDELINES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of White Settlement ("City") is a home rule city acting under its charter adopted by the electorate pursuant to article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Article VI Section 3 of the Home Rule Charter ("Charter") provides that the Charter may be amended by action of the City Council submitting proposed amendments to the voters for approval; and

WHEREAS, the City Council of the City of White Settlement ("City Council") desires to establish a Charter Review Commission to review the City Charter for the purpose of making recommendations to the City Council for appropriate amendments to cause the Charter to conform to federal and state law, where conflict or inconsistencies exist, and to improve the effectiveness of the Charter; and

WHEREAS, the City Council desires to establish guidelines to assist the Charter Review Commission in making appropriate Charter amendment recommendations to the City Council for consideration as to whether such amendments are appropriate to be submitted to the voters at an election called for such purpose to be held on November 7, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITE SETTLEMENT, TEXAS, THAT:

SECTION 1.

The City Council does hereby establish a Charter Review Commission to review the City Charter for the purpose of making recommendations to the City Council for appropriate amendments to be approved by the voters at an election called for such purpose to be held on November 7, 2023.

The Charter Review Commission shall consist of five (5) members, who shall be citizens of the City of White Settlement, and shall be appointed by the Mayor and City Council. The City Manager, City Secretary, and the City Attorney, or designee, shall be ex-officio, non-voting members of the Charter Review Commission. The Mayor and City Council shall select a chairperson and vice chairperson from among the Charter Review Commission members. A quorum of the Charter Review Commission shall consist of three (3) members; and a majority of

the entire membership of the Charter Review Commission is required to recommend any Charter amendment to the City Council.

SECTION 2.

The City Council does hereby establish the following charge, guidelines, and schedule for the Charter Review Commission.

1. Charge:

    1) To review the Charter for purposes of recommending amendments as necessary to cause the Charter to conform to federal and state law where conflict or inconsistencies exist;

    2) To review the Charter for purposes of recommending amendments as necessary to clarify and condense existing Charter sections to improve the effective application of the Charter;

    3) To review the Charter to determine whether any other Charter amendments are necessary.

2. Guidelines:

    1) The chairperson, and the vice chairperson in the absence of the chairperson, shall preside over the Charter Review Commission meetings;

    2) Meetings of the Charter Review Commission shall be conducted in compliance with the Texas Open Meetings Act, and shall be open to the public, except for authorized closed meetings to consult with the City Attorney;

    3) The Charter Review Commission shall prepare and submit a report to the City Council no later than June 6, 2023, consisting of recommendations in the form of proposed Charter amendments that the City Council shall review and determine which amendments are appropriate to be submitted to the voters at an election called for that purpose on November 7, 2023;

    4) The Charter Review Commission shall conduct its initial meeting for an orientation as soon as possible, at which time the Charter Review Commission shall:
        i. Review the Charter Review Commission charge, guidelines, and schedule;
        ii. Establish a meeting calendar that allows for the appropriate review schedule; and
        iii. Discuss how to proceed with the review of the Charter.

    5) At the end of each meeting, the chairperson will ask for a vote and approval of recommended changes to the Charter, and/or to move the review to the next portion or subject matter of the Charter, as appropriate;

6) City staff shall provide clerical support to the Charter Review Commission and shall keep the minutes of each meeting, including any Charter Review Commission approved recommendations to the City Council;

7) At the conclusion of the review of the Charter, the Charter Review Commission should review all prior approved Charter Review Commission recommendations with the City Attorney to ensure that such recommendations are in proper form and legal. Following such review, the Charter Review Commission shall prepare and submit a report to the City Council; and

8) The City Council may accept, modify, or deny any amendment recommended by the Charter Review Commission.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the City of White Settlement, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or help to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5.

This ordinance shall be effective immediately upon adoption.

PASSED AND APPROVED THIS 1st DAY OF NOVEMBER, 2022.

Ronald A. White

Ronald A. White, Mayor

Attest:

Amy Arnold

Amy Arnold, TRMC, CMC
City Secretary

APPROVED AS TO FORM AND LEGALITY:

Drew Larkin, City Attorney

City Charter

City of White Settlement

As amended November 3, 2015

City Charter

Amended November 3, 2015

City of White Settlement

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Article I. Corporate Name

Section. 1 Corporate Name

The inhabitants of the City of White Settlement, with the boundaries as herein established, or as hereafter established in the manner provided in this Charter, shall continue to be and are hereby constituted to be a body politic, incorporated and to be known by the name of "**City of White Settlement**".

Article II. Municipal Boundaries

Section. 1 Municipal Boundaries

The boundaries of the City of White Settlement are here established as follows:

> BEGINNING at a point in the north line of the L. W. Simpson Survey, Abstract No. 1444, Tarrant County, Texas, said point lying 95.0 feet east of the most northerly northwest corner of the said L. W. Simpson Survey and said point also being the northwest corner of the West Worth Village city limits:
>
> THENCE west along the north line of the L. W. Simpson Survey a distance of 95.0 feet to the said northwest corner of said L. W. Simpson Survey;

THENCE south 89°41′ west along the south line of U.S. Government property a distance of 1,286 feet more or less to the southwest corner of said U.S. Government property, said corner also being a common corner for the city limits line of the City of Fort Worth and the City of White Settlement, and also being in the west right-of-way line of W. Bomber Road and in the north right-of-way line of Clifford Street;

THENCE north 88° 30′ west a distance of 268.13 feet to a point;

THENCE south 89°41′ west a distance of 2,866.01 feet to the west right-of-way line of W. Bomber Road, also being the common city limits line of the City of Fort Worth and the City of White Settlement;

THENCE northerly and northeasterly along the west right-of-way line of W. Bomber Road and the common city limits of the City of Fort Worth and the City of White Settlement with their meanders a distance of 4,485.1 feet, more or less, to a point for corner in the north line of the John J. Reese Survey, Abstract No. 1308;

THENCE west along the north line of the said Reese Survey, a distance of 2,490 feet, more or less to a point in the east line of the William M. Robinson Survey, Abstract No. 1291, said point also being the northwest corner of the said Reese Survey;

THENCE north in the east line of the said Robinson Survey a distance of 200 feet, more or less, to the northeast corner of the said Robinson Survey, said corner also being in the south line of the D. E. Norton Survey, Abstract No. 1174;

THENCE north 0º30′ west a distance of 365.3 feet to a point for corner, said point also being the northeast corner of the Meadowview Addition to the City of White Settlement also being the southeast corner of the tract of land described in the deed to the City of White Settlement recorded in Volume 15161, Page 426, Deed Records of Tarrant County, Texas;

THENCE with the easterly line of said City of White Settlement tract North 26º 11′18″ West a distance of 684.66 feet to the southerly right-of-way line of Shore Drive;

THENCE with the southerly right-of-way line of Shore Drive the following:

South 37º 02′ West a distance of 112.9 feet;

South 58º 11′ West a distance of 190.8 feet;

South 73º 20′ West a distance of 311.2 feet;

South 60º 27′ West a distance of 242.7 feet;

North 72º 01′ West a distance of 212.2 feet;

South 85º 35′ West a distance of 135.2 feet;

South 76º 25′ West a distance of 165.5 feet;

North 81º 51′ West a distance of 109.1 feet;

THENCE departing the southerly right-of-way line of Shore Drive, South 00º 28′ West a distance of 233.0 feet to the northerly line of the Revision of Blocks 7, 8, 9 & 10 and a portion of Blocks 1, 4 & 6, Meadowview Addition, an addition to the City of White Settlement according to the plat recorded in Volume 388-13, Page 21, Plat Records of Tarrant County, Texas;

THENCE north 89º33′ west along the north line of the said Block 4, Meadowview Addition a distance of 20.8 feet to a point for corner in the east right-of-way line of Las Vegas Trail;

THENCE north 0º28′ east a distance of 150 feet, more or less, to a point for corner;

THENCE north 44º32′ west a distance of 300 feet to a point for corner;

THENCE north 44º28′ east a distance of 316 feet to a point for corner;

THENCE north 0º28′ east a distance of 292.2 feet to a point for corner;

THENCE south 89°42′ east a distance of 1,111 feet, more or less, to the southeast corner of the G. W. Hazelwood Survey, Abstract No. 727;

THENCE north along the east line of the said Hazelwood Survey a distance of 1,880 feet, more or less, to a point on the southeasterly right-of-way line of Interstate Highway No. 820;

THENCE southwesterly with the southeasterly right-of-way line of Interstate Highway No. 820 a distance of 20,860 feet, more or less, to a point on the north right-of-way line of Interstate Highway No. 30;

THENCE east with the north right-of-way line of said interstate Highway No. 30 a distance of 9,770 feet, more or less, to a point, said point being the beginning of a curve to the left, and the beginning of the west right-of-way line of General Dynamics Boulevard, and said point also lying approximately 1,525 feet east and 1,710 feet south of the northwest corner of the J. Nugent Survey, Abstract No. 1173;

THENCE south 82° east a distance of 845 feet, more or less, to a point for corner in the right-of-way line of said Highway No. 30, said point lying approximately 2,375 feet east and 1,820 feet south of the northwest corner of the J. Nugent Survey, Abstract No. 1173;

THENCE northeasterly and northerly along the said Interstate Highway No. 30 right-of-way line, a distance of 1,250 feet, more or less, to a point for corner, said point lying approximately 3,040 feet east and 975 feet south of the northwest corner of the said Nugent Survey;

THENCE east a distance of 190 feet to a point for corner;

THENCE northerly with a curve to the right having a radius of 2,864.8 feet a distance of 1,075 feet, more or less, to a point in the west right-of-way line of State Highway No. 183, said point also being the southeast corner of a tract of land owned by the Texas Department of Highways and Public Transportation;

THENCE northeasterly along the west right-of-way line of State Highway No. 183 a distance of 5,000 feet to a point for corner, said point being in the south city limits line of West Worth Village and said point also being at the point of intersection of the northwest right-of-way line of State Highway No. 183 and the westward extension of the north line of Tract 4-A of the C.C. Connelly Survey;

THENCE west and along the south line of West Worth Village approximately 1,600 feet to a point for corner, said point lying approximately 2,975 feet east and 416 feet south of the northwest corner of the John Collett Survey Abstract No. 262;

THENCE south 500 feet more or less to a point for corner, said point also being a southeast corner of the West Worth Village city limits;

THENCE west approximately 2,730 feet to a point lying 444.44 feet west and 916.64 feet south of the northwest corner of the John Collett Survey, Abstract No. 262;

THENCE north a distance of approximately 2,800 feet to a point for corner, said point lying 608.38 feet east and 251.69 feet north of the southeast corner of the W. Ray Survey, Abstract No. 1298;

THENCE north 0º05′ east a distance of 512.96 feet;

THENCE north a distance of 1,877.61 feet;

THENCE west a distance of 512.73 feet to the POINT OF BEGINNING.

Section. 2 Extension of Boundaries

The City Council shall have power by ordinance to fix the boundary limits of the City of White Settlement and to provide for the alteration and the extension of said boundary limits and the annexation of additional territory lying adjacent to the city, with our without the consent of the territory and the inhabitants annexed. Upon the introduction of any such ordinance in the City Council, it shall be

published in a newspaper of general circulation in the City of White Settlement, at least one time, and said ordinance shall not thereafter be finally acted upon until at least thirty (30) days have elapsed after the first publication thereof. Upon the final passage of any such ordinance in its original or amended form, as the City Council may determine, the boundary limits of the city shall thereafter be as fixed in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of White Settlement and the inhabitants shall be entitled to all the rights and privileges of all the other citizens, and shall be bound by the acts, ordinances, resolutions and regulations of said city.

Article III. Corporate Power

Section. 1 General

The City of White Settlement, made a body politic and corporate by the adoption of this Charter, shall have and may exercise all the powers, functions, rights, privileges and immunities of every name and nature whatsoever now or hereafter 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, functions, rights, privileges and immunities granted.

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 hereby, or appropriate to the exercises of such powers, it is intended that the City of White Settlement shall have , and may exercise, all powers of local self-government, and all powers granted to home rule municipalities under state law, 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.

Section. 2 Special Provisions for Damage Suits

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 Mayor or the City Secretary notice in writing duly verified within thirty (30) days after the occurring 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 Mayor or City Secretary. The City of White Settlement will be required to act upon all claims within sixty (60) days from receipt of the claim. After the expiration of the sixty (60) days

aforementioned, the complainant may then have two (2) years in which to bring an action of law.

Section. 3 Police Department

The City of White Settlement shall have power by ordinance to establish and maintain a police department and to prescribe the duties of the members of said department, and regulate their conduct and fix their salaries. The head of the police department of said city shall be known and designated as "Chief of Police" and the other members thereof shall be known as "Police Officers".

Article IV. Officers and Elections

Section. 1 Governing Body

The governing body and lawmaking body of the City of White Settlement shall consist of five (5) council members and a mayor, and said body shall be known as the "City Council of the City of White Settlement".

Section. 2 Elective Officers

The members of the City Council of the City of White Settlement, which includes the five (5) councilmembers and a mayor, shall be the only elective officers of the city, and they shall be elected and hold office and be compensated as herein provided. Said councilmembers and mayor shall be elected from the city at large.

Section. 3 Candidates; Application for Place on Ballot and Qualification

3.01 Application for Place on Ballot

Each candidate for an elective office shall meet the qualifications set forth in Section 3.02.

Any person so qualified who desires to become a candidate for election shall file an application with the City Secretary, in accordance with the Texas Election Code.

Application must be signed and sworn to by candidate per Election Code 141.031(a); however applicant may submit an "unsworn declaration" as required in substantially the following form as an alternate method of swearing to the contents of the application:

"My name is _____ _____ _____, my
(First) (Middle) (Last)
date of birth is _____, and my address is
_____, _____, ____, _____, and
(street) (city) (state) (Zip)
_____. I declare under penalty of perjury that the
(country)
foregoing is true and correct.
Executed in _____ County, State of _____, on the
_____ day of _____, _____.

_____
(Declarant)"

The City Secretary shall determine qualifications of candidates for election to the City Council by reviewing the application as to form, content and procedure.

The City Council may provide for or require a filing fee to be paid by each candidate who desires to be placed on a ballot for election in an amount not to exceed the total cost of the election or an amount established by state law, whichever is less. Instead of paying any fee that may be set, a candidate may present the City Secretary with a written petition signed by registered voters who are residents of the City. The minimum number of signatories on the petition shall be that amount set out by state laws for municipal elections.

3.02 Qualifications

Each member of the City Council shall be:

(a) A resident of the City of White Settlement and the State of Texas and shall have been a resident for a period of not less than twelve (12) months immediately preceding his election;

(b) A qualified voter of the State of Texas and Tarrant County;

(c) Shall not be employed by the City of White Settlement;

(d) Shall not hold another elective governmental office;

(e) Shall be eighteen (18) years of age or older at the time of filing for a and/or assuming office;

(f) Shall not have been determined to be mentally incompetent by a final judgment of a court;

(g) Shall have not been finally convicted of a felony or misdemeanor offense involving moral turpitude from which the person had not been pardoned or otherwise released from the resulting disability. For purposes of this Home Rule Charter, a crime or moral turpitude shall mean a criminal offense involving fraud, deceit, dishonesty or a criminal offense that is inherently immoral.

A member of the Council ceasing to possess any of the qualifications specified in this section or any other section of the Charter, or convicted of a felony while in office, shall immediately forfeit the member's office

Section. 4 Candidates: To Run for Places: Places Designated

Candidates for City Council shall run for Place No. 1, Place No. 2, Place No. 3, Place No.4, and Place No. 5 or for mayor, as the case may be, and shall be voted on and elected accordingly.

Section. 5 Candidates: How Elected

The candidates receiving a majority of all the votes cast for the office for which he or she is a candidate shall be elected to such office. In the event any candidate for either of said offices fails to receive a majority of all votes cast for all the candidates for such office at such election, the mayor of said city shall call for a Runoff Election to be held in said

city. The Runoff Election shall be called to be held on the date agreed upon and established by the Election Contract with Tarrant County Elections and in accordance with State Law and The Election Code. At said Runoff Election the two- (2) candidates receiving the highest number of votes for any such office in the first election at which no one was elected by receiving a majority of all votes cast for all candidates for such office, shall again be voted for.

The official ballot to be used at said Runoff Election shall be prepared by the city secretary and the name of no person shall appear thereon unless he was a candidate for the office designated at said first election. The two (2) candidates receiving the first and second highest number of votes cast for such office at the first election shall have their names printed on said official ballot in the order of their standing in the computation of the votes cast. In the event any person who was a candidate at said first election and who shall be entitled to become a candidate at said Runoff Election request, in writing, his name not appear on the ballot; the candidate standing next highest in computation of votes for such office shall have his name appear on the ballot at the Runoff Election.

In the event of a of a tie in the vote for two (2) leading candidates for any office at said first election, said office shall be filled at a runoff election as herein provided for, at which such candidates so tied in said first election may again become candidates. The candidates shall

have their names printed on said official ballot in the order in which they were printed in the first election.

In the event of a tie between the two (2) candidates for any office at said second election, they shall cast lots to determine who shall be elected to such office.

Section. 6 Official Canvass

The City Council shall convene to conduct the local canvass of election results in compliance with state law requirements.

Section. 7 Date of Election

The regular municipal elections of the City of White Settlement shall be held on dates specified by state law, and the same shall be conducted and the results canvassed and announced by the election authorities prescribed by the general election laws of the State of Texas, and said general election laws shall control in all municipal elections except as otherwise herein provided.

Section. 8 Officers: Oath and Bonds

All officers of the city, whether elective or appointive, shall qualify by taking the oath prescribed by the Constitution of this State and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the city.

Section. 9 Terms for Mayor and City Council members'

Regular municipal elections were held in April each year; superseded by state law in 1988; providing for May elections with terms of office to begin in May. In 2011 H.B. 100 allowed for municipalities to adopt the November uniform election date with the passage of a Resolution; and without the requirement of a charter amendment election. White Settlement City Council unanimously adopted Resolution No. 987-11 selecting the November Uniform Election date as the municipality's regular municipal election date to begin in 2012; making terms of office being in November as listed below:

At the regular municipal election held in November of 2014, a Mayor and a council member for Place 1 were elected for a term of three (3) years and in November of every third year thereafter shall be elected for a term of three (3) years.

At the regular municipal election held in November of 2013, a council member for Place 2 and a council member for Place 3 were elected for a term of three (3) years and in November of every third year thereafter shall be elected for a term of three (3) years.

At the regular municipal election held in November of 2012, a council member for Place 4 and a council member for Place 5 were elected for a term of three (3) years and in November of every third year thereafter shall be elected for a term of three (3) years.

Section. 10 Vacancies; Forfeiture of Office

The office of a council member shall become vacant upon his death, written resignation submitted to the City Secretary, removal from office by recall, expulsion or forfeiture of his office.

A council member shall forfeit his office if he (1) lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law, (2) willfully violates any express prohibition of this Charter, (3) is convicted of a felony or crime involving moral turpitude, or (4) fails to attend any three (3) consecutive regularly scheduled meetings of the City Council without being excused only for reasons of personal emergency, incapacitation, or personal vacation. A Notification of Intent to be Absent for Reason of Personal Vacation shall be provided in writing to the City Secretary prior to the meeting at which the council member will not be in attendance. Excusal, recall, expulsion, or forfeiture proceedings shall be initiated at the next regularly scheduled meeting of the City Council following the absences, a recall election, or the act constituting the basis for expulsion or forfeiture, if established and proven beyond a reasonable doubt, and shall be approved by a majority vote of the remaining members of the City Council in open session, who shall then immediately begin proceedings, if necessary, for election of a successor.

For purposes of this section, determination of what shall constitute a sufficient "personal emergency" shall be in the discretion of the

remaining members of the City Council by majority vote in open session.

The remaining members shall call for a special election within one hundred twenty (120) days after the vacancy or vacancies occur in order that such vacancy or vacancies can be filled by majority vote of the qualified voters.

The City Council shall be the sole judge of all elections and of qualifications of its members and for such purposes shall have the power to subpoena witnesses and require the production of records.

Section. 11 Mayor Pro Tem

The Mayor Pro Tem shall be selected from among the members of the council and shall perform all duties of the Mayor in his absence. The Mayor Pro Tem must have at least one (1) year prior experience as a City of White Settlement Council Member.

Section. 12 Compensation of Mayor and Council members

The City Council may allow the mayor a salary, but the amount of such salary shall in no event be more than one hundred fifty dollars ($150.00) per month.

The City Council may allow each council member the sum of twenty-five dollars ($25.00) for each meeting actually attended by him or her

or when they are in an official capacity representing the city at the time of the meeting, provided that no council member shall be allowed a greater compensation than one hundred fifty dollars ($150.00) per month.

Section. 13 Duties of the Mayor

The Mayor of the City of White Settlement shall preside over the meetings of said City 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 thereof. The mayor may participate in the discussion of all matters coming before the council. The mayor shall not be entitled to vote as a member thereof, on legislative or other matters, except in case of a tie, when the mayor shall have the right to cast the deciding vote.

Section. 14 Adoption of Council-Manager Form of Government and Allocation of Responsibilities and Duties Thereunder:

The City of White Settlement shall be governed by the City Council – City Manager form of government and the respective areas of responsibilities shall be as follows:

A. **Selection of City Manager:** The City Manager shall be appointed by the city council at a rate of compensation fixed by the city council. Such selection shall be based upon executive and administrative training, experience and ability. No member

of the city council shall be eligible to serve as the city manager for a period of two (2) years after having been a city council member.

B. Duties, Responsibilities and Authority of the City Manager: The City Manager shall be the chief executive officer and the head of the administrative branch of the city government. The City Manager shall be responsible to the city council for the proper administration of the affairs of the city under the city manager's supervision and to that end, shall have the power to:

1) Appoint and remove all the heads of each department except city secretary, city attorney, municipal court judge and city auditors;
2) Appoint and, when necessary for the good of the city, remove all other employees of the city except as otherwise provided by this Charter and except as the City Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office;
3) Prepare the annual budget, present it to the City Council and be responsible for its administration after adoption.
4) Prepare and submit to the City Council, at the end of the fiscal year, a complete report of the finances and administrative actives of the city for the preceding year.

5) Keep the council advised of the financial condition and future needs of the city and make such recommendations to the council as may seem to the City Manager desirable.
6) Enforce the Performance of contracts and franchises to which the city is a party and supervise the administration and implementation of capital improvement programs.
7) Perform such other duties as may be prescribed by this Charter or required of the City Manager by the council not inconsistent with this Charter or other provision of the State Law.

C. **Duties of the City Council:** The City Council shall have all powers enumerated by this Charter and granted to Home Rule Cities and General Law Cities by the Constitution and the Laws of the State of Texas as well as those powers that may be reasonably implied therefrom or that may hereinafter be granted to municipalities by the Constitution or the Laws of the State of Texas, save and except those powers which by this Charter are expressly vested elsewhere.

Neither the city council nor any of its members shall direct the appointment of any person to office by the city manager or by any of his subordinates. Except for the purpose of inquiry, the city council and its members shall deal with the administrative services solely through the city manager and neither the city

council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately, save and except those positions specifically enumerated in the next preceding paragraph.

The city council shall have the power, right and authority to employ, terminate and set the compensation for:

1) The City Manager;
2) The City Secretary;
3) The City Attorney
4) The Municipal Court Judge, and;
5) The City Auditor or the person, firm or corporation employed to conduct periodic audits for the city's financial position and related transactions.
6) One or more City Prosecutors

The city manager and the city secretary may be dismissed only after a written notification, including specific charges, if any, is provided to the party whose dismissal is sought. Such charges shall be presented at least ten (10) days prior to the effective date. A public hearing, if requested by the affected party, shall be held not less than ten (10) days after the written notification is presented to the affected party. Actual dismissal shall be at a regularly scheduled city council meeting.

Section. 15 Meetings of the City Council

The City Council shall hold at least one (1) regular meeting per month and so many special meetings as the Council may deem necessary.

Section. 16 Enactment of Ordinances

Each proposed ordinance or resolution shall be introduced in written or printed form, and the enacting clause of all ordinances shall be, **"BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITE SETTLEMENT,"** but such enacting clause may be omitted when the ordinances of the city are codified and published in book or pamphlet form by the City of White Settlement. No ordinance, unless it is declared an emergency measure, shall ever be passed at a called meeting, but may be passed at any regular meeting of the council unless otherwise provided. All resolutions or orders may be passed at any regular meeting or may be passed at any special or called meeting called for that purpose.

Section. 17 (None)

Section. 18 Ordinances Now in Effect

All ordinances of the City of White Settlement now in existence and not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the city council. If parts of ordinances now in existence are inconsistent with the provisions of this Charter, then such parts are hereby repealed, but the

remaining parts of such ordinances shall remain in full force and effect until altered, amended or repealed by the city council.

Section. 19 Publication of Ordinances

The descriptive caption or title, stating in summary the purpose of each ordinance imposing any penalty, fine or forfeiture, and stating the penalty for violation of such ordinance, shall be published in every issue of the official newspaper of the city for ten (10) days, if the city shall designate as its official paper a daily newspaper. If the official paper is published weekly or semi-weekly, the publication shall be made in one (1) issue thereof. Ordinances published by the city in pamphlet or book form need not be republished if the same have been previously published, all such ordinances where printed and published by authority of the city council shall be admitted and received in all courts without further proof.

Section. 20 City Secretary

The city council shall appoint a city secretary. The city secretary shall be a qualified voter residing in the city for at least one (1) year preceding his/her appointment. The city secretary shall receive compensation as the city council may fix. The city secretary shall perform such duties as are assigned by the city council or required by the laws of the State of Texas.

Section. 21 Municipal Court

There shall be a municipal court of the city, which shall have such jurisdiction, powers and duties as are prescribed by this Charter, by ordinance of this city, and by the laws and Constitution of the State of Texas. The jurisdiction of the Court shall be both criminal and civil as set out by law.

The city council may, if it chooses, and if so allowed by law, establish a municipal court of record, to have and exercise all powers of a Municipal Court.

The Judge of the Municipal Court shall be appointed by the City council. The person appointed Judge shall have such qualifications as may be imposed by law for the Municipal Court judge. The Judge shall hold office at the pleasure of the council. The council may appoint one or more substitute persons to act as Judge if the Judge is absent or unable or unwilling to act for any reason.

There shall be a clerk of the municipal court appointed by the City Manager to be designated as the Court Clerk. The Court Clerk and any deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court, and generally do and perform any and all acts usually and necessarily performed by clerks and deputies of courts and as are assigned and required by law. The Court Clerk may hold other positions of city employment concurrent with, but secondary to and not in conflict with, the position of Court Clerk."

Section. 22 Municipal Court – State Laws Controlling

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 the taking of bonds shall be governed by the provisions of state laws applicable to municipal courts.

Section. 23 Municipal Court - Appeals

Appeals from conviction in the municipal court shall lie to the County Criminal Court of Tarrant County, Texas, or to such courts as may be given criminal jurisdiction under the Constitution and Laws of this State. Such appeal shall be governed by the same rules of practice and procedure, as are provided by law in cases of appeal from the justice court, as far as the rules are applicable.

Article V. Taxation

Section. 1 Tax Levy

The city council shall have the power under the provisions of State Law to levy, assess and collect an annual tax upon taxable property within the city, the tax not to exceed a total of one dollar and fifty cents ($1.50) on the one hundred dollars ($100.00) assessed valuation of said property. If for any cause the city council shall fail, neglect or refuse to pass a tax ordinance for any one year, levying taxes for that year, then and in that event the tax levying ordinances last passed shall and will

be considered in force and effect as the tax levying ordinance for the year for which the city council failed, neglected or refused to pass such ordinance, and the failure so to pass such ordinance for any year shall in no wise invalidate the tax collections for that year.

Article VI. Miscellaneous Provisions

Section. 1 Official Newspaper

The city council shall designate as the "Official Newspaper" of the city a newspaper published; daily, semi-weekly, or weekly, and of general circulation in the City of White Settlement.

Section. 2 Singular Includes Plural and Masculine, Feminine

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.

Section. 3 Amendments

This Charter may be amended at any time in accordance with the provisions applicable, thereto contained in Chapter 9, Local Government Code, Vernon's Texas Codes Annotated, or any amendments thereto, or any amendments that may be made hereafter thereto. The qualified voters of the city shall have the opportunity of voting on any such amendments.

Section. 4 Severability Clause

If any section or part of section of this Charter shall be held invalid by the 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.

Section. 5 Continuance of Contracts, Rights and Privileges

All contracts entered into by the City of White Settlement, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. All rights, immunities, powers, privileges and franchises now possessed by said city shall also continue in full force and effect.

Section. 6 Ethics

No elected or appointed officer or employee of the City of White Settlement, Texas, may participate in any contract or award made by the city nor shall any such official or employee have any ownership or financial interest in the land, materials, supplies or services sold to the city, nor shall they or any of them have any personal financial interest in city work or business. A failure to abide by the ethical standards

contained herein shall result in a forfeiture of office to that officer or employee so involved and the voiding of any such contract related thereto.

Section. 7 Initiative, Referendum and Recall

A. **Initiative:** The voters of the City of White Settlement, Texas, shall have the power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, or one repealing such an ordinance, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the council by a petition signed by qualified voters of the city equal in number to at least fifteen (15) percent of the qualified voters of the City of White Settlement, Texas, or fifty-one (51) percent of the number of qualified votes cast at the most recent regular municipal election, whichever is greater. Such ordinances may be passed by the council without change or submitted to the voters at an election called for that purpose.

B. **Referendum:** The voters of the City of White Settlement, Texas, shall have the power to approve or reject at the polls any ordinance passed by the city council which would have been the proper subject of any initiative election under this Charter, except that ordinances authorizing the issuance of either tax revenue bonds, whether original or refunding, shall not be

subject to referendum. The petition for referendum shall require the same number and qualification of signers thereto as required by this Charter for an initiative petition, except that referendum petitions must be filed with the city secretary within sixty (60) days after the final passage of the ordinance which is the subject of the referendum, or the petition shall be barred by the lapse of time. When such petition has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or if it has gone into effect then further enforcement of action thereunder shall be suspended unless and until such ordinance is approved by the voters as herein provided.

C. **Recall:** The voters of the City of White Settlement, Texas, shall have the power to recall any elected officer of this city and may exercise such power by filing with the city secretary a petition which shall be signed and verified by at least thirty (30) percent of the qualified voters of the City of White Settlement, Texas, or fifty-one (51) percent of the number of qualified votes cast at the most recent regular municipal election whichever is greater

D. **Results of Recall Election:** If the majority of the legal votes cast at a recall election be for the recall of the officer named on the ballot, the council shall immediately declare such office vacant and such vacancy shall be filled in accordance with the

provisions of this Charter. An officer thus removed shall not be eligible to hold office again in the city within a period of four (4) years from the date of such officer's recall.

E. **Limitation on Recall:** No recall petition shall be filed against an officer within six (6) months after he takes office and no officer shall be subjected to more than one (1) recall election during a term of office.

F. **Form of Petitions:** All papers for any particular petition circulated for the purpose of an initiative, referendum, or recall shall be uniform in size and style. An initiative petition shall contain the full text or the proposed ordinance, and referendum papers shall contain sufficient description of the ordinance sought to be repealed to positively identify it. The signatures to initiative, referendum or recall petitions need not be appended to one paper, but all petition papers comprising a single petition shall be assembled and filed with the city secretary as one instrument with an affidavit made by the person so filing such petition that it bears a stated number of signatures and that all the signatures appended thereto are, in his belief, the genuine signatures of the persons whose names they purport to be. For a petition signature to be valid, a petition must contain in addition to the signatures:

a. The signer's printed name;

b. The signer's

i. Date of birth; or

ii. Voter registration number;

c. The signer's residence address; and

d. The date of signing;

e. And comply with any other applicable requirements prescribed by law.

G. **Petitions for Initiative, Referendum or Recall shall be filed with the City Secretary:** Within twenty (20) days after a petition is filed, the city secretary shall determine whether such petition is signed by a sufficient number of qualified voters and whether it has a proper affidavit attached of the person filing same. After completing examination of such petition, the city secretary shall certify the results thereof to the council at its next regular meeting. If such petition is insufficient, the city secretary shall set forth in her certificate the particulars in which it is defective and shall at once notify the person who filed it of such findings.

H. **Amendments of Petitions:** An initiative, referendum or recall petition may be amended at any time within ten (10) days after

the notice of insufficiency has been sent by the city secretary, by filing a supplemental petition signed and filed as provided in case of an original petition, and the same procedure shall then be followed by the city secretary and council as in the case of an original petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

I. **Consideration of Initiative or Referendum Petition by the Council:** Whenever the council receives a certified initiative or referendum petition from the city secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provisions shall be made for a public hearing upon the proposed ordinance. The council shall take final action on such ordinance not later than thirty, (30) days after the date on which it was submitted to the council by the city secretary. A referred ordinance shall be reconsidered by the council and its final vote upon such consideration shall be upon the question "shall the ordinance specified in the referendum petition be repealed?"

J. **Submission of Proposed or Referred Ordinance to Voters:** If the council shall fail to pass an ordinance proposed by initiative petition in the exact form proposed, or it fails to repeal a referred ordinance, the proposed or referred ordinance shall be

submitted to the voters at an election to be held in compliance with state law requirements.

K. Results of Initiative or Referendum Election: If a majority of those voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance, which is not approved by a majority of the voters voting thereon, shall be deemed repealed. If conflicting ordinances are approved by the voters at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such content

Section. 8 Nepotism

A. No person shall hereafter be appointed to a compensated office, position, clerkship or other paid position, permanent or temporary who is related to any member of the city council, the Mayor or the City Manager within the second degree of affinity or the third degree of consanguinity. This provision shall not apply to volunteer services to the city.

B. No person who is related to the head of a department within the second degree of affinity or the third degree of consanguinity shall hereafter be employed in that same department.

C. The prohibition as to the city council, Mayor and City Manager shall not apply to an appointment, confirmation of an appointment or vote for an appointment or confirmation of an appointment of an individual to a position if:

1) the individual is employed in the position immediately before the election or appointment of the public official to whom the individual is related in a prohibited degree; and

2) the individual has held the position continuously for at least:
   i. 30 days, if the public official is appointed;
   ii. six (6) months, if the public official is elected.

D. If an individual continues in a position because of the exception set out above, the public official to whom the individual is related in a prohibited degree may not participate in any deliberation or voting on the appointment, reappointment, employment, reemployment, change in status, compensation or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees or other paid positions.

Section. 9 Emergency Management

The Mayor, or Mayor Pro Tem in the absence of the Mayor, shall, as the Presiding Officer of the governing body, be designated as the Emergency Management Director that reports to the governor, for the City of White Settlement, Texas.

The Mayor shall designate, by Resolution, an Emergency Management Coordinator who shall report to the Governing Body all concerns of Emergency Management, and whose duties include:

1) To provide and/or arrange for any and all "Civil Defense Measures" and "Public Shelter Measures" for the City of White Settlement, Texas, and for the citizens thereof, deemed necessary for the public welfare.
2) To exercise, or delegate to the Mayor, or Mayor Pro Tem, in the absence of the Mayor from the City , extraordinary and total executive powers (on a temporary basis) during the existence and duration of any major public disaster, for the public welfare.

In case of a disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving member of members of the City Council, or highest surviving City official, if no elected official remains, shall within twenty-four (24) hours of such disaster, request the County Judge of Tarrant County, Texas to appoint a commission to act during the emergency and call a City election within fifteen (15) days of such

disaster for election of a required quorum, if sufficient cause exists to believe that a quorum of the present Council will never again meet.

The succession of authority in the event of disaster, multiple deaths, or injuries shall be as follows: Mayor and/or Mayor Pro Tem along with the Emergency Management Coordinator, members with the longest continuous service on the City Council by place number, and most senior administrative official in the City."

Article VII. Vote on Proposed Charter

This Charter shall be submitted to the qualified voters of the City of White Settlement for adoption or rejection on April 6, 1954, at a special election called for such purpose, 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 of White Settlement until amended or repealed.

It being impractical 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

The present city council of the City of White Settlement shall call such election in accordance with the provisions of the general laws of the State governing such 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 of White Settlement 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 office for such purpose, such Charter as adopted, and such secretary shall furnish to the mayor a copy 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.

CHARTER AMENDMENTS

The original Charter was approved and adopted by Ordinance No. 98 on April 13, 1954. Charter amendments included herein were adopted as follows:

Ordinance No. 130, February 26, 1957

Ordinance No. 253, April 27, 1965

Ordinance No. 396, November 12, 1968

Ordinance No.709, April 14, 1981

Ordinance No. 979-91, August 13, 1991

Ordinance No. 2278-05, November 8, 2005

Ordinance No. 2435-12, November 6, 2012 [Art. IV §3, §10, §11, §15 and Art. VI §9]

Ordinance No. 2015-2516, November 3, 2015 [Art. IV §5, §6, §9, and Art VI §7(F), (J)]

CERTIFICATION OF AMENDMENTS FORWARDED TO SECRETARY OF STATE

CITY OF WHITE SETTLEMENT)(

COUNTY OF TARRANT)(

THE STATE OF TEXAS)(CERTIFICATION TO COPY OF

CITY CHARTER

My name is Amy Arnold. I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated.

I certify that, in the performance of my office as direct by the Mayor of White Settlement in accordance with Ordinance No. 2015-2516, a certified copy of City Charter Amendments, including the vote of all charter amendments, was forwarded to the Secretary of State on November 19, 2015, by City Secretary Amy Arnold, for official filing by the Secretary of State.

In witness whereof, I have hereunto set my hand and affixed the official seal of said office this the 20th day of November, 2015.

Amy Arnold, TRMC

City Secretary

City of White Settlement

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