

Home Rule Charter for the City of Coppell

PREAMBLE

We, the citizens of the City of Coppell, Texas, in order to establish a home rule municipal government, provide for the future progress of our city and obtain more fully the benefits of local self government, and provide for the public welfare, hereby adopt this home rule charter in accordance with the statutes of the State of Texas; and do hereby declare the residents in the City of Coppell, Texas, living within the legally established boundaries of the said city, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the "City of Coppell" with such powers, rights, privileges, authorities, duties and immunities, as are herein provided.

ARTICLE 1

Form of Government and Boundaries

SECTION 1.01 FORM OF GOVERNMENT

The municipal government provided by this charter, shall be known as "Council Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this state and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the "City Council": which shall enact local legislation, adopt budgets, determine policies and appoint the city manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if not prescribed, then in such manner as may be prescribed by ordinance, by the state constitution or by the statutes of the State of Texas.

SECTION 1.02 THE BOUNDARIES

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

SECTION 1.03 EXTENSION OF BOUNDARIES

The boundaries of the City of Coppell, Texas, may be enlarged and extended by the annexation of additional territory in accordance with the provisions of State law.

- Extending Boundaries by Action of the City Council The City Council, by ordinance, shall have the power to annex additional territory adjacent to and contiguous with the city limits, with or without the consent of the residents and/or the owners of the territory annexed in accordance with the provisions of State law.

- **Annexation of Lands on Petition of Owners** The owner or owners of land contiguous with and adjacent to the city limits may, by petition in writing to the City Council, request said land be annexed into the city. The City Council may grant or refuse the petition. If the City Council grants the petition, it shall, by ordinance, annex said land as part of the corporate limits of the city in accordance with the provisions of State law. _
- **Annexation by any Other Method Provided by Law** Additional territory may also be annexed into the city in any manner and by procedure now or hereafter provided by law.

SECTION 1.04 CONTRACTION OF BOUNDARIES

The City Council may, when it deems appropriate or in the best interest of the city, dis-annex territory which has previously been a part of the incorporated city limits of the City of Coppell.

ARTICLE 2 Powers of The City

SECTION 2.01 GENERAL

- The City of Coppell may use a corporate seal; may sue and be sued; may contract and be contracted with; may implead and be impleaded in all courts in all matters whatsoever; may cooperate with the government of the State of Texas or any agency thereof, the federal government or any agency thereof, or any political subdivision of the State of Texas; and shall have all the powers granted to cities by the constitution and laws of the State of Texas together with all the implied powers necessary to carry into execution all the powers granted.
- The city may own or acquire property within and without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation; may sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside of the city limits, subject to the limitations hereinafter set out, and may construct, own, lease, operate and regulate public utilities; may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the city by the issuance and sale of bonds, warrants or notes of the city; may appropriate the money of the city for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the city, for the performance of the functions thereof, and for the order and security of its residents; may provide suitable penalties for the violations of any ordinance enacted by the City of Coppell; and, except as prohibited by the constitution and laws of this state, or as restricted by this charter, the city may exercise and shall have all municipal powers, functions, rights, privileges, authorities and immunities, of every name and nature whatsoever.

SECTION 2.02 GENERAL POWERS ADOPTED

The enumeration of the particular powers of this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the city shall have and may exercise all powers of local self-government

and all other powers which, under the constitution and laws of the State of Texas, it would be competent for this charter specifically to enumerate.

SECTION 2.03 EMINENT DOMAIN

The city shall have the full power, authority and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter, or by the constitution and laws of the State of Texas. The city may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the city to take the fee in land so condemned, and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess the right and power of condemnation for any and all municipal or public purposes even though not specifically enumerated in this charter.

ARTICLE 3 *The City Council*

SECTION 3.01 NUMBER, SELECTION AND TERM

The legislative and governing body of the city shall consist of a mayor and seven councilmembers and shall be known as the "City Council of the City of Coppell, Texas."

- The mayor and councilmembers shall be elected by the qualified voters of the city at large, each of whom, unless sooner removed by the provisions of this charter, shall serve for a term of three years or until their successors have been duly elected and qualified. All members of the City Council, other than the mayor, shall be elected under the place system, such positions being numbered as Places 1 through 7. (Amended August 2001)
- Commencing with the regular municipal election of 2002 councilmembers for Places 1, 3, 5, and 7 shall be elected for a term of three (3) years. Commencing with the regular municipal election of 2003 councilmembers for Places 2, 4, 6 and the mayor shall be elected for a term of three (3) years. (Amended August 2001)

SECTION 3.02 QUALIFICATION OF MEMBERS

In addition to any other qualifications prescribed by law, the mayor and each councilmember shall meet the conditions of this charter, while in office, and shall reside within the city limits while in office. Any member of the City Council ceasing to possess any of the qualifications specified in this section, or convicted of a felony while in office, shall immediately forfeit such position.

SECTION 3.03 JUDGE OF ELECTIONS AND QUALIFICATIONS

The City Council shall be the final judge of all elections and of qualifications of its members.

SECTION 3.04 COMPENSATION

The mayor and members of the City Council of Coppell shall serve without pay or compensation; provided, however, that they shall be entitled to reimbursement of and for necessary expenses incurred in the performance of their official duties.

SECTION 3.05 MAYOR AND MAYOR PRO TEM

The mayor shall be recognized as the official head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The mayor shall be the chairman and shall preside at all meetings of the City Council. The mayor shall vote only in a case of a tie on all propositions before the City Council, but shall have no power to veto. The city manager shall sign and execute for and on behalf of the city all contracts and agreements approved by the City Council and when the city manager is not available the acting city manager or mayor may sign and execute such contracts and agreements which have been approved by the City Council. The mayor shall, when authorized by the City Council, sign any official document such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds.

The mayor pro tem shall be a councilmember elected by the City Council at the first regular City Council meeting following either each regular city election or run-off election if such occurs. The mayor pro tem shall act as mayor during the disability or absence of the mayor and in this capacity shall have the rights conferred upon the mayor.

SECTION 3.06 VACANCIES, FORFEITURE AND FILLING OF VACANCIES

- **Vacancies**
The office of a councilmember or office of the mayor shall become vacant upon such person's death, acceptance of a resignation by the City Council, removal from office in any manner authorized by law or forfeiture of office.
- **Forfeiture**
A member of the City Council shall forfeit his or her office if such person:
 - During his or her term of office lacks any qualification at any time for the office prescribed by this charter or by law;
 - Violates any express prohibition of this charter;
 - Is convicted of a crime involving moral turpitude: or
 - Fails to attend three (3) consecutive regular City Council meetings without being excused by the City Council.

The City Council shall be the final judge in matters involving forfeiture of office.

- **Filling of Vacancies**
If one or more vacancies shall occur less than ninety (90) days before a regular city election, no special election shall be called, but the remaining members of the council by a majority vote shall appoint a qualified person or persons to fill such vacancy or vacancies to serve only until the regular city election when such vacancy or vacancies shall be filled for the remainder of the unexpired term. If one or more vacancies shall occur ninety (90) days or more before a regular city election, a special election shall be called for the next available uniform election date to fill the vacancy or vacancies, when such vacancy or vacancies shall be filled for the remainder of the unexpired term, if any. (Amended November, 1995) Any person appointed shall be qualified for the office as required by this charter. Notwithstanding the requirement that a quorum of the City Council consists of five (5) councilmembers, if at any time the membership of the City Council is reduced to less than five (5) councilmembers, the remaining members may, by majority action, appoint additional councilmembers to raise the membership to five (5). These appointees

shall serve until the positions can be filled at the next regular or special city election. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled.

SECTION 3.07 POWERS OF THE CITY COUNCIL

All powers of the city shall be vested in the City Council, except as otherwise provided by law or this charter. The City Council shall provide for the exercise thereof and the performance of all duties and obligations imposed upon the city by law.

SECTION 3.08 PROHIBITIONS

- **Holding Other Office**
Except where authorized by law, members of the City Council shall not hold any other city office or city employment during their terms, and no former member of the City Council shall hold any compensated appointive city office or city employment until one (1) year after the expiration of his or her term as a member of the City Council.
- **Appointments and Removals** Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officer or employee that the city manager or any subordinates are empowered to appoint. (Amended November, 1995)
- **Interference with Administration**
Except for the purpose of inquiry and investigation as provided by this charter, the City Council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this charter.

SECTION 3.09 MEETINGS OF CITY COUNCIL

The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as it deems necessary to transact the business of the city. The City Council shall fix, by ordinance, the date and time of the regular meetings. Special meetings of the City Council shall be held on the call of the mayor or a majority of the city councilmembers.

SECTION 3.10 QUORUM

Five (5) councilmembers of the City Council shall constitute a quorum for the purpose of transaction of business, and no action of the City Council shall be valid or binding unless adopted by an affirmative vote of four (4) or more members of the City Council unless otherwise provided for by law.

SECTION 3.11 CONFLICT OF INTEREST AND ABSTENTION

- **Conflict of Interest** No member of the City Council, the mayor, or any other officer, whether elected, appointed, paid or unpaid, who exercises responsibilities beyond those that are advisory in nature, shall participate in a vote or decision on a matter involving a business entity in which such officer has a substantial interest if it is reasonably foreseeable that an action on the matter would confer an economic benefit on the business entity. If the officer or a person related to the officer within the second degree of affinity or consanguinity has

a substantial interest in the business entity that would be pecuniarily affected by an official action of the City Council, the officer, if a member of the City Council, shall file an affidavit with the city secretary stating the nature and extent of the interest and abstain from further participation in the matter. The terms used in this section shall be as defined in Chapter 171, Local Government Code. (Amended November, 1995)

- **Abstention** Should any member of the City Council choose to abstain from voting on any question before the City Council, where no declared conflict of interest exists, the abstention shall be recorded as an affirmative vote in favor of the motion pending before the City Council in the official minutes of the City of Coppell. (Amended November, 1995)

SECTION 3.12 RULES OF PROCEDURE

The City Council shall, by ordinance, determine its own rules and order of business, and the rules shall provide that citizens of the city shall have a reasonable opportunity to be heard at any regular City Council meeting. Such ordinance shall also provide a method by which a citizen may have an item placed on the City Council agenda. The rules established by the City Council for this procedure may include a provision which permits the City Council to set reasonable time limits to be adhered to by persons appearing before the City Council.

The City Council shall provide for written minutes to be taken of all meetings, except executive sessions authorized by law, and such minutes shall be a public record and shall be kept and maintained by the city secretary. Voting shall be recorded in the minutes. Except on procedural motions, voting shall be by roll call called by the city secretary or person serving as city secretary and shall be recorded in the minutes.

SECTION 3.13 PASSAGE OF ORDINANCES IN GENERAL

- **Form**
The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall be "Be it ordained by the City Council of the City of Coppell, Texas." Each proposed ordinance shall be introduced in the written or printed form required for adoption. An ordinance shall not be amended or repealed except by the adoption of another ordinance.
- **Procedure**
Any member of the City Council may offer any ordinance in writing that has been placed on the agenda at the regular City Council meeting. Copies of proposed ordinances, in the form required for adoption, shall be furnished to members of the City Council. The City Council shall adopt a rule which shall provide that no action be taken on any ordinance which has not been made available to the council and to the public concurrently. (Amended November, 1995)
- **Effective Date** Every ordinance shall become effective upon adoption, or at any later time specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become effective after publication of its caption once in the official newspaper of the city.
- **Reading**
The reading aloud of a title and caption of the ordinance shall suffice as a reading. If two (2) councilmembers request that the ordinance be read in its entirety it must be so read.

SECTION 3.14 AUTHENTICATION, RECORDING, CODIFICATION, PRINTING AND DISTRIBUTION

- **Authentication and Recording**
The city secretary shall record in a properly indexed book kept for that purpose, all ordinances and resolutions adopted by the City Council, and such ordinances and resolutions shall be open for public inspection. Ordinances shall be numbered consecutively in the order in which adopted. The city secretary shall attest the signature of the mayor or officer signing such ordinance.
- **Codification**
The codification of ordinances of the City of Coppell duly adopted by the governing body of the City of Coppell on the first day of April 1982, shall continue to be known as the Code of Ordinances of the City of Coppell, Texas, and every general ordinance enacted subsequent to such codification shall be enacted as an amendment to such code. General ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large. A copy of this charter shall be placed within the code book, and such codification shall be updated at least once each year. This compilation shall be known and cited officially as the Coppell City Code and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause and other formal parts of the ordinances of the city may be omitted without affecting the validity of such ordinances when they are published in the code.
- **Printing of Ordinances and Resolutions**
The City Council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be distributed free or sold to the public at reasonable prices to be fixed by the City Council. A copy of each ordinance and resolution may be placed in city offices and a copy of the city code, together with this charter, shall be furnished to the Coppell Public Library.

SECTION 3.15 INVESTIGATIONS BY THE CITY COUNCIL

The City Council shall have the power to inquire into the official conduct of any department, agency, office, officer or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers and other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt for failing or refusing to obey any such subpoenas or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

SECTION 3.16 BOND

The City Council shall require bonds of all municipal officers and employees who receive and/or pay out any monies of the city. The amount of such bonds shall be determined by the City Council and cost thereof shall be borne by the city.

ARTICLE 4

Administrative Services

SECTION 4.01 CITY MANAGER

- **Appointment and Qualifications**
The City Council shall appoint a city manager who shall be the chief administrative and executive officer of the city, and shall be responsible to the City Council for the administration of all the affairs of the city. The city manager shall be chosen by the City

Council solely on the basis of executive and administrative training, experience and ability and need not, when appointed, be a resident of the City of Coppell; but, each city manager chosen subsequent to the adoption of this charter must become a resident of the City of Coppell within a reasonable time. No member of the City Council shall, during the term for which elected or appointed and for one (1) year thereafter, be appointed city manager.

- **Compensation, Review and Authority to Execute Contracts and Agreements** The City Council shall fix the compensation to be received by the city manager, and the compensation may be amended from time to time in accordance with the city manager's experience, qualifications and performance. The city manager shall be reviewed at least once a year by the City Council. The city manager shall sign and execute for and on behalf of the city all contracts and agreements approved by the City Council and when the city manager is not available the acting city manager or mayor may sign and execute such contracts and agreements which have been approved by the City Council. (Amended May 1989) _
- **Term and Removal**
The city manager shall serve at the pleasure of the City Council and have no fixed term of office. The City Council shall have the sole authority to remove the city manager from office. (Amended November, 1995)
- **Duties** The city manager shall be empowered to:
 - Appoint, and when deemed necessary for the welfare of the city, suspend or remove any or all city employees and appointive administrative personnel provided for by this charter, and shall promulgate such rules and regulations deemed appropriate and necessary for the exercise of this authority;
 - Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by law or this charter;
 - See that all state laws and city ordinances are effectively enforced;
 - Attend all City Council meetings and have the right to take part in discussions, but shall not vote;
 - Prepare and accept items for inclusion in the official agenda of all City Council meetings and meetings of boards and commissions as established by this charter;
 - Prepare and submit to the City Council the annual budget and capital program, and administer the budget as adopted by the City Council;
 - Keep the City Council fully advised as to the financial condition and future needs of the city, and make such recommendations concerning the affairs of the city as the City Council deems desirable or necessary;
 - Make reports as necessary or as the City Council may require concerning the operations of the city departments, offices or agencies;
 - Perform such other duties as are specified in this charter or may be required by the City Council, and are not inconsistent with this charter; and
 - The City Council may by ordinance establish certain limitations within which the city manager may be authorized to sign and execute contracts for and on behalf of the city without specific City Council approval.

- **Acting City Manager**
The city manager shall, within thirty (30) days of taking office and at appropriate subsequent times, designate by letter filed with the city secretary, an alternate to perform the duties of the city manager in the case of absence or disability. The City Council shall ratify the city manager's designated alternate. During the absence or disability of the city manager, the City Council may revoke such designation and appoint another person to serve as acting city manager until the city manager shall return or disability shall cease. The acting city manager shall be a qualified administrative officer of the city at the time of the designation. No member of the City Council shall serve as acting city manager, unless the council shall deem the situation to be an emergency, in which case it shall require at least four (4) affirmative votes to declare such emergency.

SECTION 4.02 POLICE DEPARTMENT

- There shall be established and maintained a Department of Police to preserve order within the city and to secure the residents of said city from violence, and the property therein, from injury or loss.
- The chief of police shall be the chief administrative officer of the Department of Police, and shall, with the approval of the city manager, appoint and remove the employees of said department. The chief of police shall be appointed by the city manager for an indefinite term. The chief of police shall be fully responsible to the city manager for the administration of the department and for the carrying out and enforcement of the resolutions and ordinances of the City Council. The chief of police may be removed from office by the city manager.

SECTION 4.03 FIRE DEPARTMENT

- There shall be established and maintained a Fire Department to protect the city and the property of its citizens from destruction by fire and conflagration.
- The fire chief shall be the chief administrative officer of the Fire Department, and shall, with the approval of the city manager, appoint and remove the employees of said department. The fire chief shall be fully responsible for carrying out enforcement of the resolutions and ordinances of the City Council, and shall perform such other duties as may be required by the city manager. The fire chief may be removed from office by the city manager. (Amended November, 1995)

SECTION 4.04 FINANCE DEPARTMENT

- There shall be established and maintained a Department of Finance for the custody and disbursement of city funds and monies. _
- The director of finance shall be the chief administrative officer of the Department of Finance who shall render a complete and composite statement of receipts, deposits and disbursements as the City Council shall require; assist all departments with their budgetary functions and maintain a general accounting system; audit and approve all bills before payment; and shall serve as purchasing officer of the city unless allowed to delegate this function by the city manager. The director of finance shall appoint and remove the employees of said department, subject to the review of the city manager, and shall perform other duties as may be required by the city manager. The director of finance shall be appointed by the city manager for an indefinite term.

SECTION 4.05 CITY SECRETARY

The city manager shall appoint an officer of the city who shall have the title of city secretary. The city secretary shall give notice of the council meetings, shall keep minutes of its proceedings, shall authenticate by signature and record in full, all ordinances and resolutions in a book kept for that purpose, and shall perform such other duties as shall be required by this charter or by the city manager. The city secretary may be removed from office by the city manager. (Amended November, 1995)

SECTION 4.06 MUNICIPAL COURT

- **General**
There shall be established and maintained a court, designated as a "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be, prescribed by the laws of the State of Texas relative to municipal courts. The City Council may establish additional municipal courts as authorized by law.
- **Municipal Court Judge**
The City Council shall appoint a judge of the Municipal Court, who shall be a competent, duly qualified, licensed attorney in the State of Texas. The judge of the Municipal Court shall be appointed to a term of two (2) years, and may be appointed to additional and consecutive terms upon completion of the term of office. The appointment of the judge may be terminated by a majority vote of the City Council. The judge shall receive compensation as may be determined by the City Council. The compensation shall be fixed, and commensurate with the duties performed by the judge.
- **Clerk of the Court**
The city manager shall appoint a clerk, and may appoint deputies of the Municipal Court. The clerk and deputies shall be bonded at city expense, in an amount deemed adequate by the City Council, and shall receive compensation as may be determined by the city manager. The clerk and deputies, as employees of the city, may be removed by the city manager. The clerk of said court and the deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary to be performed by the clerks of courts in issuing process of said courts and conducting the business thereof.
- **Alternate Judge**
The City Council shall appoint an alternate judge who shall have the same qualifications of municipal judge who shall receive such salary as may be fixed by the City Council. In case of the disability or absence of the judge of the Municipal Court, the alternate judge shall have authority to act as judge of said court.
- **Costs, Fines and Penalties**
All costs, fines and penalties imposed by the Municipal Court shall be paid into the city treasury for the use and benefit of the city, as may be consistent with present and future state laws.

SECTION 4.07 CITY ATTORNEY

- **Appointment and Qualifications**
The City Council, in consultation with the city manager, shall appoint a competent, duly qualified, licensed and practicing attorney in the State of Texas, who shall serve as the city attorney.

- **Removal**
The city attorney shall serve at the pleasure of the City Council and as such shall have no property right to continued employment.
- **Duties**
The city attorney shall be required to:
 - Serve as a legal advisor to the City Council and city manager;
 - Represent the city in litigation and legal proceedings as directed by the City Council and city manager; and
 - Review and provide opinions as requested by the City Council or city manager on contracts, legal instruments and ordinances of the city;
- **Compensation** The city attorney shall receive compensation as may be determined by the City Council. _
- **Additional Attorneys**
The city attorney, with approval of the City Council, may select additional attorneys to act for the city attorney and the city in its representation and litigation.
- **Firm May Designate Individual To Serve as City Attorney**
The City Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm to serve as city attorney. (Amended November, 1995)

SECTION 4.08 DEPARTMENT OF HEALTH AND SANITATION

- **Appointment and Qualifications**
The City Council shall appoint a city health officer, who shall be a licensed physician qualified to practice medicine in the State of Texas, and may or may not be a resident of the City of Coppell.
- **Duties of Health Officer**
The city health officer shall have those duties and obligations as required by State law.

SECTION 4.09 PERSONNEL SYSTEM

- **Except for the purposes of inquiry, the City Council and its members shall deal with the city administrative services solely through the city manager. Neither the City Council nor its members shall give orders to any subordinates of the city manager, either publicly or privately, except as may be provided in this charter.**
- **Personnel rules shall be prepared by the city manager and presented to the City Council for approval; provided, however, that a rule or regulation which involves the expenditure or commitment of public funds must have the approval of the City Council. The adopted rules shall establish the city as an equal opportunity employer and shall govern the equitable administration of the personnel system of the city.**
- **The adopted rules shall provide for the following requirements, among others:**
 - **A pay and benefit plan for all city employment positions;**

- A plan for working hours, attendance policy and regulation, and provision for sick leave, vacation and designated holiday leave;
- Procedures providing due process for the hearing and adjudication of grievances;
- Additional practices and procedures necessary to the beneficial and equitable administration of the city's personnel system; and
- A plan for oral and written evaluation on an annual basis for all city employees by their immediate supervisors including evaluation of the city manager by the City Council.

SECTION 4.10 CITY ENGINEER

- **Appointment and Qualifications**
The city manager shall appoint or hire a competent, duly qualified, registered and practicing professional engineer in the State of Texas who shall serve as city engineer. The city engineer shall have a principal area of knowledge in civil engineering.
- **Removal**
The city engineer shall serve at the pleasure of the city manager and shall not have a property right to continued employment.
- **Duties**
The city engineer shall be required to serve as engineering advisor to the city manager and City Council, and perform such other duties as may be required by the city manager or City Council.
- **Special Engineering Services**
The city manager, with the approval of the City Council, shall have the right to retain special engineering services at any time deemed necessary and appropriate.
- **Compensation**
The city engineer shall receive compensation as may be determined by the city manager. (Amended May 1989)
- **Term City Engineer**
The term "city engineer" may refer to an individual or firm.

SECTION 4.11 OTHER DEPARTMENTS

The city manager may create new departments, abolish or consolidate offices and departments, may divide and subdivide the administration of any department, except those specifically established by this charter. (Amended November, 1995)

SECTION 5.01 CITY ELECTIONS

ARTICLE 5 *Nominations and Elections*

- **Election Schedule**
The regular city election will be held annually on the first Saturday in May. The City

Council shall be responsible for selection of places for holding such elections. (Amended May 1989)

- **Special Elections**
The City Council may order a special election under conditions specified elsewhere in this charter, or for ordinances, bond issues, charter amendments, recall or other purposes deemed appropriate by the City Council. The City Council will fix the time and place for such special elections and provide all means for holding same.
- **Voter Eligibility List**
A certified list of voter registrants within the city, as prepared by the county, shall be held by the city secretary. Any organization, group or person may request a list of qualified voters of the city. Permission to copy the current list shall be granted by the city secretary.
- **Conduct and Regulations of Elections**
All city elections shall be governed by the constitution of the State of Texas, general law of the state, this charter and by ordinance of the city in the order named. Municipal elections shall be conducted by election officials appointed and approved by the City Council.
- **Publicizing City Elections**
All municipal elections shall be publicized in a manner consistent with the requirements of the present and all future amended editions of the Texas Election Code.

SECTION 5.02 FILING FOR OFFICE AND ELIGIBILITY TO FILE

- Each candidate for an elective office shall meet the following qualifications:
 - Shall be a qualified voter of the city;
 - Shall have resided, for at least twelve (12) months next preceding the date of the election, within the corporate limits of the city, or within territory annexed into the city prior to the filing deadline; and
 - Shall not, after notice of any delinquency, be in arrears in the payment of any taxes or other liabilities due the city. "In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date and has not been protested under the same provisions as provided for in this charter.
- An incumbent city councilmember seeking re-election must file for the same place position number currently being served.
- No candidate may file in a single election for more than one (1) office or place position as provided by this charter.
- No employee of this city shall continue in such position after filing for an elective office provided for in this charter.

SECTION 5.03 OFFICIAL BALLOTS

- **Names on Ballot**
The name of each candidate seeking an elective office, except those who have withdrawn, died or become ineligible, shall be printed on the official ballot in the form designated by the candidate in accordance with the Texas Election Code.

- **Order of Listing**
The order on the ballot of the names of the candidates shall be determined by lot in a public drawing to be held under the supervision of the city secretary in accordance with the Texas Election Code.
- **Early Ballots**
Procedure for voting by early ballot shall be consistent with the Texas Election Code.
- **Ballots for Ordinances, Bond Issues and Charter Amendments**
Ballots for ordinances, bond issues and charter amendments shall be consistent with the Texas Election Code.
- **Write-in Votes**
Procedure for write-in votes shall be consistent with the Texas Election Code.

SECTION 5.04 WATCHERS AND CHALLENGERS

A regularly nominated candidate shall be entitled, upon written application to the election authorities, to appoint the number of persons as authorized by the Texas Election Code to represent such person as watchers and challengers at each polling place where voters may cast their ballots. A person so appointed shall have all the rights and privileges prescribed for watchers and challengers by or under the general election laws of the State of Texas. The watchers and challengers may exercise their rights throughout the voting and until the ballots have been counted.

SECTION 5.05 CANVASSING

The returns of every municipal election shall be delivered from the election judges to the city secretary at city hall as soon as practical. One (1) extra copy shall be delivered to the mayor at this time. The City Council shall canvass the returns in sufficient time but not later than the time provided for in the Texas Election Code, and declare the official results of the election at the next City Council meeting after the closing of the polls. The returns of every municipal election shall be recorded in the minutes of the City Council by totals for each candidate or for and against each issue submitted.

SECTION 5.06 ELECTION BY MAJORITY

A majority vote for an elective office is that number of votes which is greater than one-half (1/2) of the total number of valid ballots cast for the office concerned. The candidate for elective office who receives a majority vote shall be declared elected. If no candidate for any elective position receives a majority vote, a run-off election shall be called.

SECTION 5.07 RUN-OFF ELECTION

In the event no candidate for an elective office receives a majority of the votes cast for that position in a regular or special election or if there is a tie for first place, a run-off election shall be held pursuant to the Texas Election Code.

SECTION 5.08 OATH OF OFFICE

Every officer of the City shall, before entering upon the duties of the office, take and subscribe to the following oath or affirmation to be filed and kept in the office of the city secretary:

"I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of of the City of Coppell, State of Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State so help me God."

SECTION 5.09 EXCEPTION OF ELECTION CODE

In the event there is a conflict between any of the provisions of this article and the Texas Election Code or an omission of any elements or provisions necessary for conduct of an election, then those provisions of the Texas Election Code then existing shall prevail. (Section Number Amended May 1989)

ARTICLE 6

Legislation by the People: Initiative, Referendum and Recall

SECTION 6.01 GENERAL AUTHORITY

The qualified voters of the City of Coppell shall, by following the procedures set out in this charter, have the power to propose ordinances to the City Council, to require reconsideration by the City Council of any adopted ordinances, and to revoke the office of any elected city official.

Initiative power may be used to enact a new ordinance or to repeal or amend sections of an existing ordinance, except an ordinance appropriating money or levying of taxes or ordinances repealing the appropriation of money or levying of taxes, not in conflict with this charter, the state constitution or the state laws; provided however, this section shall not be construed to prevent the use of initiative power to place limits on the maximum tax rate of the city.

Referendum power shall not extend to the budget or capital program, to any ordinance or ordinances pertaining to appropriation of money or levying of taxes, or to bonds issued pursuant to the authority of an election or elections previously held.

Grounds for removal of any member of the City Council shall be incompetency, non-compliance with this charter, misconduct or malfeasance in office. (Amended November, 1995)

SECTION 6.02 PETITIONERS' COMMITTEE

Any group of not less than twenty-five (25) qualified voters may commence proceedings contemplated by this article by filing with the city secretary an affidavit stating that they will constitute the petitioners' committee; they will be responsible for preparing, printing and circulating the petition; they will file it in proper form; and they will specify the address to which all notices to the committee are to be sent. The affidavit shall set out in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered, or in the case of recall, provide a statement of the grounds for removal. (Amended November, 1995)

In the case of recall, the city secretary shall immediately notify in writing the officer(s) sought to be removed, that the affidavit has been filed and shall inform the officer(s) of its statement of grounds.

SECTION 6.03 PETITION CIRCULATION

All petition blanks used for circulation by the members of the petitioners' committee or their designees shall be numbered, dated and bear the signature of the city secretary. The city secretary shall enter in a record to be kept in the office of the city secretary the name of the qualified voters to whom the numbered petitions were assigned. Petition circulators must be qualified voters in the City of Coppell.

SECTION 6.04 FORM OF PETITION

All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signer of a petition shall be a qualified voter of the City of Coppell. Signers shall personally sign their own names thereto in ink or indelible pencil, and shall write after their names their places of residence within the boundaries of the City of Coppell, giving the name of the street and number, or place of residence, and shall also write their voter registration numbers and the day, the month and the year their signatures were affixed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered, or in the case of a recall petition, a statement which distinctly and specifically states each ground with such certainty as to give the officer(s) sought to be removed notice of such matters and things with which such officer(s) is charged.

Each paper of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating that such person personally circulated the paper, the number of signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing, to read the full text of the ordinance or matter proposed or sought to be reconsidered.

Locations for twenty (20) and no more than twenty (20) signatures shall be provided on each blank petition.

SECTION 6.05 PRESENTATION OF PETITIONS

- A petition to the City Council for recall containing the signatures of qualified voters equal in number to no fewer than fifteen percent (15%) of the qualified voters on the date of the last regular municipal election shall be presented to the city secretary not later than thirty (30) days following the filing of the affidavit by the petitioners' committee. (Amended November, 1995)
- A petition to the City Council for initiative or referendum containing the signatures of qualified voters equal in number to no fewer than ten percent (10%) of the qualified voters on the date of the last regular municipal election shall be presented to the city secretary not later than thirty (30) days following the filing of the affidavit by the petitioners' committee. (Amended November, 1995)

SECTION 6.06 CERTIFICATION OF PETITIONS AND PRESENTATION TO CITY COUNCIL

Within ten (10) days after the petition is filed, the city secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, wherein it is defective and shall immediately upon completion of certification, send a copy of the certificate to the petitioners' committee by registered mail.

If the petition is certified sufficient, the city secretary shall present the certificate to the City Council by the next regular City Council meeting which shall be a final determination of the sufficiency of the petition. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, the committee may, within five (5) working days after receiving the copy of such certificate, file a request that it be reviewed by the City

Council. The City Council shall review the certificate at its next regular meeting following such a request and approve or disapprove it, and the City Council's determination shall then be a final determination.

If a petition is certified insufficient for lack of required number of valid signatures, it may be amended once if the petitioners' committee files a notice of intention to amend it with the city secretary within five (5) working days after having received the copy of the certificate. A supplementary petition with additional names must be filed within two (2) weeks after receiving the copy of the certificate. Such supplementary petition shall comply with all the requirements of this article.

Within five (5) working days after the amended petition is filed, the city secretary shall complete a certificate of sufficiency of the petition, as amended, and shall send a copy of such sufficiency to the petitioners' committee by registered mail as in the case of an original petition. The final determination as to the sufficiency of an amended petition shall be determined in the same manner as prescribed for original petitions in this section above, except that no petition, once amended, may be amended again.

A final determination as to the sufficiency of a petition shall be subject to review in a court of competent jurisdiction. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

SECTION 6.07 PUBLIC HEARING ON RECALL OF OFFICERS

An elected official whose removal is sought by recall may, within five (5) working days after such recall petition has been presented to the City Council, request that a public hearing be held to permit such person to present facts pertinent to the charges specified in the petition. Should such a request be made, the City Council shall order that a public hearing be held not less than five (5) working days nor more than fifteen (15) days after receiving such request for a public hearing.

SECTION 6.08 ACTION ON INITIATIVE AND REFERENDUM PETITIONS

When an initiative or referendum petition has been finally determined sufficient, the City Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the City Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, the City Council shall submit the proposed or referred ordinance to the voters of the City of Coppell at the first date permitted by law for holding said election after thirty (30) days following the failure of the City Council to act as specified herein.

Said called election may coincide with a regular city election should such city election fall within the specified period. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance substantially the same as an initiated ordinance which has been defeated or one substantially the same as a referred ordinance which has been approved at any election may be initiated by the voters within two (2) years from the date of such election. Copies of the proposed or referred ordinance shall be made available at the polls and shall be published at least once in the official newspaper of the City of Coppell not more than fifteen (15) days immediately preceding the date of the election.

SECTION 6.09 CALLING OF RECALL ELECTION

If the officer whose removal is sought does not resign then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be the first date permitted by law for holding said election after thirty (30) days after the date

the petition was presented to the City Council, or from the date of the public hearing, if one was held. Any election order so issued shall comply fully with the Texas Election Code.

SECTION 6.10 WITHDRAWAL OF PETITION

- **Withdrawal of Initiative and Referendum Petitions**
In order to respect the qualified voters already having affixed their signatures to petitions, no procedure for withdrawal of petitions is allowed once a petition has been finally determined sufficient except where:
 - Prior to being determined sufficient, a petition may be withdrawn by filing with the city secretary a request for withdrawal, signed by at least fifty percent (50%) of the members of the petitioners' committee; and _
 - The total number of signatures on the circulated petitions is less than fifty percent (50%) of the required number of signatures as provided in this article. For the purposes of withdrawal procedures only, any registered petition not returned to the city secretary will be considered to contain the signature of twenty (20) qualified voters, but in no event shall the total number of signatures thus determined exceed ninety-nine percent (99%) of the number of signatures required for determination of sufficiency.

- **Withdrawal of Recall Petitions**
In order to respect qualified voters already having affixed their signatures to petitions for recall no withdrawal from recall proceedings shall be allowed except where:
 - Such withdrawal is agreed to by an affidavit by at least fifty percent (50%) of the members of the petitioners' committee; and
 - The total number of signatures on the circulated petition is less than fifty percent (50%) of the required number of signatures as provided in this article.

For the purposes of withdrawal procedures only, any registered petition not returned to the city secretary will be considered to contain the signatures of twenty (20) qualified voters, but in no event shall the total number of signatures thus determined exceed ninety-nine percent (99%) of the number of signatures required for determination of sufficiency.

For the purposes of consideration of limitations as specified in this article, recall procedures successfully withdrawn shall be considered as never having been initiated.

SECTION 6.11 FORM OF BALLOTS

Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and it shall be a clear, concise statement without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two (2) statements, one (1) above the other, in the order:

_ "For adoption of the ordinance"

"Against adoption of the ordinance"

Immediately to the left of such statement shall appear a square in which the voter may cast a vote by making a mark.

Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the question:

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

Immediately below each such question there shall be printed the two (2) following statements, one (1) above the other, in the order:

"For the removal of _____ by recall"

"Against the removal of _____ by recall"

Immediately to the left of such statement shall appear a square in which the voter may cast a vote by making a mark.

In the event voting machines are used at the election, the form of the ballot as above stated may be modified to permit use of such voting machines.

SECTION 6.12 RESULTS OF ELECTION

If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two (2) years. (Amended November, 1995)

If a majority of the qualified electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified electors voting on a referred ordinance vote for the ordinance, the ordinance shall be considered in effect.

_ An ordinance repealed by referendum may be re-enacted at any time after the expiration of two (2) years. (Amended November, 1995)

If a majority of the votes cast on the question of recall at the recall election shall be against the removal of the elected official named on the ballot, such person shall continue in office for the remainder of the unexpired term, subject to recall as before within the limitations of this article. If a majority of the votes cast on the question of recall at a recall election shall be for the removal of the elected official named on the ballot such person shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled in accordance with the provisions of this charter for the filling of vacancies.

SECTION 6.13 LIMITATIONS AND RESTRICTIONS

No recall petition shall be filed against any officer of the City of Coppell within ninety (90) days after the election or appointment, nor within ninety (90) days of such a petition being filed and found insufficient, nor within one (1) year after an election for such officer's recall.

In no instance shall an officer removed from office by recall election succeed in office, nor shall such person's name appear on a ballot for elective office of the City of Coppell within a period of five (5) years following the date of the election at which such person was removed from office.

Unless successfully withdrawn, no petition shall again be filed on a proposed or referred ordinance of substantially the same content within a period of six (6) months of such a petition being filed and found insufficient or within a period of two (2) years of the failure of the petition at the city election.

SECTION 6.14 FAILURE OF CITY COUNCIL TO CALL AN ELECTION

In case all of the requirements of this charter have been met and the City Council shall fail or refuse to receive an initiative, referendum or recall petition, or order such initiative, referendum or recall election, or discharge other duties imposed upon said City Council by the provisions of this charter with reference to initiative, referendum or recall, then the county judge of Dallas County, Texas, shall discharge any such duties herein provided to be discharged by the city secretary or by the City Council. In addition, any qualified voter in the City of Coppell may seek judicial relief in the District Court of Dallas County, Texas, to have any of the provisions of this charter pertaining to initiative, referendum or recall carried out by the proper official.

ARTICLE 7 *Municipal Finance*

SECTION 7.01 FISCAL YEAR

The fiscal year of the city shall begin on the first day of each October and end on the last day of September of the succeeding year. All funds collected by the city during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year, and, except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the city, may be applied to the payment of expenses incurred during such fiscal year, except as provided in this charter. Any revenues uncollected at the end of any fiscal year and any unencumbered funds actually on hand shall become resources of the next succeeding fiscal year.

SECTION 7.02 SUBMISSION OF BUDGET

On or before the fifth day of August of each year, unless the City Council has granted an extension, the city manager shall file with the city secretary and submit to the City Council a proposed budget for the ensuing fiscal year and the budget message. The City Council shall hold the required public hearings on and review the proposed budget and make any appropriate changes prior to adopting the final budget.

SECTION 7.03 BUDGET

- **Content**
The budget shall provide a complete financial plan of all city funds and activities and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the City Council may require. A budget message explaining the budget both in fiscal year and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the city for the ensuing fiscal year; describe the important features of the budget; and indicate any major changes from the current year in financial policies, expenditures and revenues, with reasons for such changes. It shall also summarize the city's debt position and include such other material as the city manager deems desirable. The budget shall begin with a clear, general summary of its contents; and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated income and unencumbered funds from previous years. The budget message shall be so arranged as to

show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year, compared to the estimate for the budgeted year. The budget shall include in separate sections:

- A clear, general summary of contents;
 - A consolidated statement of receipts and expenditures of all funds listed and itemized individually;
 - An analysis and itemization of all estimated income of the city from surplus, miscellaneous income and taxes, with miscellaneous income sub-classified by source;
 - Tax levies, rates and collections for the preceding three (3) years;
 - An itemized statement for pending and proposed new capital projects, including but not limited to the amounts to be appropriated from the budget, the amounts to be raised by the issuance of bonds, and the amount required for the operation and maintenance of the new projects;
 - The amount required for interest on the city's debts, for sinking funds and for maturing serial bonds;
 - The total amount of the city's outstanding debts, with a schedule of maturity on bond issues in an attachment;
 - An itemized estimate of the expenses of operating each department, division, and office or agency;
 - Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition, and subsidiary budgets for each such utility giving detailed income and expenditure information attached as appendices to the budget;
 - A reserve/contingency fund not less than ten percent (10%) of the proposed expenditures for the major operating funds (Amended November, 1995); and
 - Such other information as is required by City Council or deemed desirable by the city manager.
- **Public Notice and Hearing**
The City Council shall provide for a public hearing on the proposed budget and publish in the official newspaper a general summary of the proposed budget and a notice stating:
 - The times and places where copies of the budget are available for inspection by the public; and
 - The time and place for a public hearing on the budget, as required by law.
 - **City Council Action**
 - The City Council shall hold a public hearing on the budget as submitted at the time and place so advertised or at another time and place with proper notification. All interested persons shall be given an opportunity to be heard, either for or against, any item of the proposed budget.

- At a regular or special meeting the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase any programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.
- The City Council shall adopt the budget by ordinance. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.
- **Failure to Adopt**
If the City Council fails to adopt the budget by the last day of September, the amounts appropriated for operation during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the City Council adopts a budget for the ensuing fiscal year.

SECTION 7.04 AMENDMENTS AFTER ADOPTION

- **Supplemental Appropriations**
If, during the fiscal year, the city manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the City Council may make supplemental appropriations to fund other appropriations as desired.
- **Emergency Appropriations**
At any time in any fiscal year the City Council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than regular or recurring requirements, affecting life, health, property or the public peace.
- **Reduction of Appropriations**
If, at any time during the fiscal year, it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, the city manager shall report to the City Council the estimated amount of deficit, any remedial action taken and recommendations as to any other steps to be taken. The City Council shall then take such further action that it deems necessary to prevent or minimize any deficit.
- **Transfer of Appropriations**
At any time during the fiscal year, the city manager may transfer part or all of any unencumbered appropriation balance among departments, offices or agencies of the city. (Amended August 2001)
- **Limitations**
No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance.
- **Effective Date**
The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section shall be made effective immediately upon adoption of the appropriate ordinance or budget amendments.

SECTION 7.05 CAPITAL PROGRAM

The city manager shall submit a five-year capital program as an attachment to the annual budget. The program, as submitted, shall include:

- A clear, general summary of its contents;
- A list of all capital improvements which are proposed for the five (5) fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements;
- Cost estimates, method of financing and recommended time schedules for each such improvement; and
- The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

SECTION 7.06 PUBLIC RECORDS

Copies of the budget and the capital program, as adopted and amended shall be made available at the public library for on-site inspection and use.

SECTION 7.07 LAPSE OF APPROPRIATIONS

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

SECTION 7.08 BORROWING

- **The Right to Borrow**
The city shall have the right and power, except as prohibited by law or this charter, to borrow money by whatever method it may deem to be in the public interest.
- **General Obligation Bonds**
The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by law and this charter and to issue refunding bonds to refund outstanding bonds previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for purposes for which they were issued. Any bond, excluding refunding bonds, to be issued under the provisions of this section shall not be issued without an election. In all cases when the City Council shall order an election for the issuance of bonds of the city, it shall, at the same time, state whether or not a tax rate increase is anticipated for the purpose of paying the principal and interest on the bonds and to create a sinking fund for their redemption.
- **Revenue Bonds**
The city shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing public utilities, recreational facilities or any

other self-liquidating municipal function not prohibited by the constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such shall be a charge upon and payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.

SECTION 7.09 PURCHASING

The City Council may, by ordinance, confer upon 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. All contracts for expenditures involving more than the set limit must be expressly approved in advance by the council. All contracts or purchases involving more than the limits set by the City Council shall be awarded to the lowest bidder whose submittal is among those most responsive to the needs of the city after there has been opportunity for competitive bidding as provided by law or ordinance; provided that the City Council, or city manager, when authorized to contract for the city, shall have the right to reject any and all bids. Emergency contracts as authorized by law and this charter, may be negotiated by the City Council, or city manager, if given authority by the City Council, without competitive bidding. Such emergency shall be declared by the city manager and approved by the City Council or may be declared by the City Council.

SECTION 7.10 ADMINISTRATION OF BUDGET

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the city manager or the city manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriations, and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter will be void and any payment so made, illegal. Such action shall be the cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations and such person shall also be liable to the city for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

SECTION 7.11 DEPOSITORY

All monies received by any person, department or agency of the city for, or in connection with, the affairs of the city shall be deposited promptly in the city depository or depositories, which shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance and law. Procedures for the withdrawal of money or the disbursement of funds from the city depositories shall be prescribed by ordinance.

SECTION 7.12 FINANCIAL REPORT

The city manager shall submit to the City Council at its first formal meeting each month the financial condition of the city by budget item, budget estimate versus accruals for the preceding month and for the fiscal year to date. The financial records of the city will be maintained on an accrual basis to support this type of financial management.

SECTION 7.13 INDEPENDENT AUDIT

At the close of each fiscal year, and at such other times as it may be deemed necessary, the City Council shall cause an independent audit to be made of all accounts of the city by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. Upon completion of the audit the summary thereof shall be published immediately in the official newspaper of the city and copies of the audit placed on file in the city secretary's office as public record. A copy of the comprehensive financial annual report shall be available at the public library.

ARTICLE 8 *Boards, Commissions and Committees*

SECTION 8.01 AUTHORITY

The City Council shall create, establish or appoint, as may be required by the laws of the State of Texas, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the city. The City Council shall, by ordinance, prescribe the purpose, composition, functions, duties, accountability and tenure of each board, commission and committee, where such are not prescribed by law. (Amended August 2001).

Individuals may be appointed to serve on more than one (1) board, commission or committee. The City Council may, by ordinance, consolidate the functions of the various boards, commissions or committees of the city. (Amended August 2001)

The City Council may appoint certain ad hoc committees by resolution. (Amended November 1991)

SECTION 8.02 QUALIFICATIONS

Members of all boards, commissions and committees must be qualified voters and be residents of the City of Coppell for at least twelve (12) months preceding the date of appointment, be knowledgeable in the affairs of the city and be knowledgeable in the functions and activities provided for in this article. (Amended November, 1995)

SECTION 8.03 GENERAL

- **Open Meetings**
All meetings of any board, commission or committee created, established or appointed by this charter or the City Council shall be open to the public, unless otherwise permitted by law and shall be subject to both current and future laws of the State of Texas concerning public meetings.
- **Appeals to City Council**
An appeal may be taken to the City Council from any decision of any board, commission, committee or other body except from decisions of the Board of Adjustment and other such boards where the appeal is otherwise prescribed by law. Such appeals shall be perfected by filing a sworn notice of appeal with the city secretary within thirty (30) days from the rendition of the decision of the board, committee or other body. Prior to the institution of any appeal in a court of law by an aggrieved person from a decision of such board, commission, committee or other body, the appeal first must be perfected to the City Council. (Amended November 1991)

- **Compensation**
Subject to the provisions of any law of the State of Texas or this charter to the contrary, all members of any board, commission, committee or other body will serve without compensation but may be reimbursed for any necessary expenses as a result of their work.
- **Minutes**
All boards, commissions or committees of the city shall keep and maintain minutes of any proceedings held and shall submit a written report of such proceedings to the City Council at least once each month.
- **Exclusion of City Officers and Employees**
No officer of the city nor any person who holds a compensated appointive position with the city shall be appointed to any board, commission or committee created or established by this charter other than in an advisory capacity.
- **Rules and Regulations**
All boards, commissions and committees established or created by this charter shall set out their own rules and regulations as approved by City Council for operation thereof unless specifically prescribed by the laws of the State of Texas, this charter or ordinance. Except as provided by State law, ordinances creating any board, commission or committee shall provide that if any member is absent from three consecutive regular meetings, such position shall be declared vacant and the vacancy may be filled for the remainder of the unexpired term by the City Council within 30 days after the vacancy occurs. (Amended November 1995)

ARTICLE 9

Planning

SECTION 9.01 POWERS OF THE CITY

The city shall have the power to adopt and enforce:

- A master plan to be used as a guide in considering passage of ordinances for the orderly growth and development of the city;
- Ordinances for the regulation of plats and subdivisions within the city and its extraterritorial jurisdiction;
- Ordinances to establish development performance standards and land use regulations in general within the city, and any valid additions thereto, or within any part thereof, in any manner that does not conflict with the constitution or present or future laws of the State of Texas;
- Ordinances to promote safe and reasonable building standards and to establish emergency administrative measures to be applied in the time of natural disaster;
- Ordinances to regulate the collection and disposal of solid and other wastes in a manner so as to protect the general health, safety and welfare of the citizens, and to protect the environmental quality in accordance with present laws of the State of Texas and the United States;

- Ordinances to provide for the acquisition of lands within the city limits and extraterritorial jurisdiction for public purposes not in conflict with the laws of the State of Texas; and
- Ordinances to provide for capital improvements of the city with or without the required financial participation or approval of property owners adjacent to the improvements.

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ARTICLE 10

Public Utilities, Franchises and Licenses

SECTION 10.01 POWERS OF THE CITY

The city has the power to buy, own, sell, construct, lease, maintain, operate and regulate public services and utilities and to manufacture, distribute and sell the output of such services and utility operations. The city shall have such regulatory and other powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

SECTION 10.02 POWER TO GRANT FRANCHISE

The City Council has the power to grant, renew and extend all franchises of a public service operating within the city and, with the consent of the franchisee, to amend the same. No franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension.

SECTION 10.03 ORDINANCE GRANTING FRANCHISE

Any ordinance granting, renewing, extending or amending a public service franchise shall not take effect until thirty (30) days after adoption of the ordinance granting the franchise. A summary of the ordinance shall be published one time in the official newspaper of the city at least 15 days prior to adoption of the ordinance. No franchise shall be exclusive. (Amended November 1991)

SECTION 10.04 TRANSFER OF FRANCHISE

No public service franchise is transferable, except with the approval of the City Council; however, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

SECTION 10.05 FRANCHISE VALUE NOT TO BE ALLOWED

Franchises granted by the city are of no value in fixing rates and charges for public utility service within the city and in determining just compensation to be paid by the city for public utility property which the city may acquire by condemnation or otherwise.

SECTION 10.06 RIGHT OF REGULATION

In granting, amending, renewing and extending public service and utility franchises, the city has the following rights:

- To repeal the franchise by ordinance, only after due notice and hearing, for failure to begin construction or operation within the time prescribed or for failure to comply with terms of the franchise;

- To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;
- To require reasonable standards of service and quality of product and prevent unjust rate discrimination;
- To impose reasonable regulations and restrictions to ensure the safety and welfare of the public;
- To require each utility to keep accounts in accordance with the accounting system prescribed by the appropriate state or federal regulatory agency;
- To examine and audit accounts and records, and to require annual reports on local operations of public service companies and to require annual reports on operations of a utility in the form prescribed by the appropriate state or other regulatory agency;
- To require that procedural rules and regulations dealing with public utilities conform to the requirements of the appropriate state or other regulatory agency;
- To require franchisee to restore, at franchisee's expense, all public or private property to a condition as good or better than before disturbed by the franchisee for construction, repair or removal;
- To require every franchisee to furnish within a reasonable time to the city, at the franchisee's expense, a general map outlining current location, character, size, length and terminal of all facilities, over the underground of city property and additional information on request;
- To require every franchisee and public service utilities operator within the city, within six (6) months after the charter takes effect, to file certified copies of all franchises owned or claimed or under which such utility is operated in the city, and the city shall maintain a public record of public service franchises;
- To require such compensation and rental as may be permitted by the laws of the State of Texas; _
- To require City Council approval of all rates, rate schedules and amendments thereto of utilities franchised in the City of Coppell; and
- To require all extensions of services within the city limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this charter. This extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grants.

SECTION 10.07 CITY OWNED PUBLIC SERVICES

The City Council shall have the following rights:

- To set rates of city-owned public services; and
- To require all city-owned public services to keep accounts to show complete financial operations. Accounts must show actual cost of each service to the city, including costs of extensions and improvements and sources of funds expended for these purposes. Costs

of and revenues of services furnished to other cities or government agencies must also be included.

SECTION 10.08 REGULATION OF RATES

- The City Council shall have the power, by ordinance, to fix and regulate the rates and charges of all public utilities and public service companies and fix the fares of all public transportation of every kind operating within the corporate limits of Coppell.
- Upon receiving a request from a public service company or utility company requesting a change in rates, the City Council shall call a public hearing for consideration of the change.
- Any public utility regulated by the public utility regulatory act shall be governed by such act in regard to any request for revision of rates. Public service companies not regulated by said action shall show the necessity for any revision of rates by evidence required by the City Council.

SECTION 10.09 EXISTING FRANCHISES AND OTHER CONDITIONS

All franchises heretofore granted are recognized as contracts between the city and the franchisee, and the contractual rights as contained in such franchises shall not be impaired by the provisions of this charter.

ARTICLE 11

General and Transitional Provisions

SECTION 11.01 PUBLICITY

All records of the city shall be open to inspection except for those that are closed to the public by law. The records shall be open for inspection and duplication in the city offices during normal office hours. The City Council may set reasonable rates and fees for copying.

SECTION 11.02 OFFICIAL NEWSPAPER

The City Council shall designate an official newspaper of general circulation as defined by the laws of the State of Texas. All ordinances, captions of ordinances, notices and other matters required to be published by this charter, by city ordinances or by the constitution and laws of the State of Texas, shall be published in this official newspaper.

SECTION 11.03 NEPOTISM

No person related within the second degree by affinity or within the third degree by consanguinity to the mayor, city councilmember or the city manager shall be appointed to any office, position or clerkship or other service of the city, except, if the individual is employed in the position immediately before the election or appointment of the mayor, councilmember or city manager to whom the individual is related in a prohibited degree and that prior employment is continuous for at least thirty (30) days if the mayor, city councilmember or city manager is appointed or six (6) months if the mayor or city councilmember is elected, this section shall not apply, provided that the mayor, city councilmember or city manager to whom the individual is related in a prohibited degree may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or 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. (Amended November 1995)

SECTION 11.04 OATH

All elected and appointed officers of the city shall take and sign the oath of office prescribed for state elective and appointive offices, respectively, by the constitution of the State of Texas.

SECTION 11.05 PERSONAL FINANCIAL INTEREST

No officer or employee of the city shall have a financial interest, direct or indirect in any contract with the city, nor shall he be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or service, except on behalf of the city as an officer or employee. The provisions of this section shall not apply to the officers named in Section 3.11A of this charter. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall be subject to removal from his office or position. Any violation of this section shall render the contract voidable at the discretion of the City Council. (Amended November 1995)

SECTION 11.06 CONFLICT OF INTEREST

A professional consultant of the city shall not:

- Accept other employment or engage in outside activities incompatible with the proper discharge of the duties and responsibilities with the city, or which might impair his independent judgment in the performance of the duty to the city.

SECTION 11.07 ASSIGNMENT, EXECUTION AND GARNISHMENT

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill. The 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 such writ of garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors, unless otherwise mandated by state and federal laws.

SECTION 11.08 SECURITY AND BOND

It is not necessary in any action, suit or proceeding in which the city is a party for any bond, undertaking or security to be demanded or executed by or on behalf of said city in any of the state courts. All such actions shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

SECTION 11.09 DAMAGE SUITS

Before the City of Coppel shall be liable for any personal injury or death or for claims for damages or injury to real or personal property alleged to have been caused by the negligent act or omission of any officer, agent or employee of the city, the person who has been injured, the person who may have a cause of action under the law by reason of such death or injury, the person whose property has been injured or damaged, or someone on their behalf, shall file a claim in writing with the city secretary within six (6) months after said injury, death or damage has occurred, stating specifically when, where and how the injury, death or damage occurred, the full

extent thereof, the amount of damages claimed or asserted, and the basis for liability on the part of the city. The person giving notice under this section shall give the address of every place that he or she has resided during the last six (6) months prior to the injury, death or damage and shall subscribe his or her name thereto. Neither the mayor, city councilmember, city manager, city secretary, city attorney or any other officer or employee of the city shall have authority to waive any of the provisions of this section, but the same may be waived only by resolution of the City Council made and passed before the expiration of said six (6) month period. (Amended November 1995)

SECTION 11.10 POWER TO SETTLE CLAIMS

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

SECTION 11.11 SERVICES OF PROCESS

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

SECTION 11.12 PLEADING ORDINANCES

It shall be sufficient in all judicial proceedings to plead any ordinance of the city by caption without embodying the entire ordinance in the pleading, and all printed ordinances or codes of ordinances shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. Certified copies of ordinances may also be used in evidence.

SECTION 11.13 CONSTRUCTION OF CHARTER

This charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and not as a limitation of power on the government of the City of Coppell in the same manner as the Constitution of Texas is construed as a limitation on the powers of the legislature. Except where expressly prohibited by this charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Coppell to expressly grant to the city shall be construed to be granted to the city by this charter.

SECTION 11.14 JUDICIAL NOTICE

This charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

SECTION 11.15 PERSONS INDEBTED TO THE CITY SHALL NOT HOLD OFFICE OR EMPLOYMENT

No person shall be qualified to hold a municipal office or serve the city in any other capacity for which compensation is paid who is, or may become while in service, in arrears in the payment of taxes or other debts due the city, provided he has received actual notice of the same and, after reasonable notice, has intentionally refused to pay the tax or debt due the city. The provision shall not apply to any tax or debt:

- During the time the validity of such tax or debt is involved in litigation: or
- Involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or

- Held invalid by a final judgment of a court of competent jurisdiction.

SECTION 11.16 LIBRARY

The City Council has the authority to establish and maintain a public library and to cooperate with other governmental entities for the establishment of such library.

SECTION 11.17 PARKS AND RECREATIONAL FACILITIES

The city has the authority, alone or with any governmental agency, or any non-profit organization incorporated under the laws of the State of Texas, to acquire, establish and own all property that may be useful and necessary for the purpose of establishing and maintaining parks and recreational facilities as authorized by law.

SECTION 11.18 EMERGENCY POWERS OF THE MAYOR

Whenever it shall come to the knowledge of the mayor that any malignant, infectious or contagious disease or epidemic is prevalent in the city or probably will become so, or in case of public calamity arising by reason of flood, hurricane, tornado, fire or other disaster, the mayor shall have the power to take all steps and use all measures necessary to avoid, suppress or mitigate such disease and relieve distress caused by flood or resulting from tornado, hurricane, fire or other disaster.

SECTION 11.19 SEVERABILITY

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

SECTION 11.20 EFFECT ON EXISTING LAWS

All ordinances, portions thereof, resolutions, contracts, bonds, obligations, rules and regulations now in force under the city government of Coppell, and not in conflict with the provisions of this charter, shall remain in force under this charter until altered, amended or repealed by the City Council after the charter takes effect.

SECTION 11.21 CITY DEFINED

The use of the word "city" in this charter shall mean the City of Coppell, Texas.

SECTION 11.22 RESERVED

SECTION 11.23 AMENDMENT OF CHARTER

Amendments to this charter may be framed and submitted to the qualified voters of the city in the manner provided by State law.

SECTION 11.24 RESERVED

SECTION 11.25 REARRANGING AND RENUMBERING

The City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of this charter or any amendments thereto as it shall deem appropriate,

and upon the passage of any such ordinance a copy thereof, certified by the city secretary, shall be forwarded to the secretary of state for filing.