



**SEAGOVILLE CITY COUNCIL
MEETING AGENDA
MONDAY, JULY 18, 2016**

WORK SESSION – 6:30 P.M.
Council Chambers, City Hall
702 N. Hwy 175

AGENDA

1. Staff updates
2. Discussion of agenda item(s)
3. Adjourn

REGULAR MEETING – 7:00 P.M.
Council Chambers, City Hall
702 N. Hwy 175

AGENDA

Invocation
Pledge of Allegiance
Mayor's Report
Recognition of Visitors / Proclamations / Presentations
Citizens Public Comment Period

[Each speaker will be allowed six (6) minutes to address the council on any item on the agenda except for Public Hearing items]

AGENDA (cont'd)

CONSENT AGENDA

- 1C. Approval of minutes.
- 2C. Approval of an Ordinance amending the City of Seagoville Home Rule Charter to the Code of Ordinances, adopted November 06, 2008, to correct scrivener's errors identified therein, and to include all amendments and revisions adopted up to and including those approved in the May 7, 2016 election and enacted by the City Council on June 20, 2016; providing for the printing thereof, authentication by the Mayor and Attestation by the City Secretary; providing for the repeal of any previously adopted Home Rule Charter; providing exceptions to repeal; providing penalties; and providing an effective date.
- 3C. Approval of a Resolution authorizing the City Manager as the authorized official for Grant Number 3101201 Body Camera Enhancement Program, and authorizing the submission of the grant application to the Office of the Governor, Criminal Justice Division; providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date.
- 4C. Approval of a Resolution authorizing the City Manager to execute an Interlocal Agreement with the City of Frisco for participation in the City of Frisco's Cooperative Purchasing Program.
- 5C. Approval of a Resolution declaring certain City property surplus and authorizing the City Manager to sell, trade or dispose of the property in accordance with the processes established in the Code of Ordinances; providing for repeal of any and all resolutions in conflict; providing for a severability clause; and providing for an effective date.
- 6C. Approval of a Resolution authorizing the City Manager to execute the Second Amendment to PCS Site Agreement and Memorandum of Lease Agreement by and between the City of Seagoville and Verizon Wireless for the purpose of laying a fiber optic line in the public right-of-way located along the 200 block of Ward Street and on property owned by the City at 203 and 207 N. Peck Street.
- 7C. Approval of a Resolution authorizing the City Manager to execute an Interlocal Agreement between the City of Seagoville and Dallas County Health and Human Services for food establishment inspections and environmental health services for Fiscal Year 2016-2017.

REPORTS/RECOMMENDATIONS/REQUESTS

8. Receive Councilmember Reports – Items of community interest regarding which no action will be taken, as authorized by Section 551.0415 of the Government Code.

AGENDA (cont'd)

9. Receive Citizen Comments – Citizens may speak 6 minutes each on any matter, other than personnel matters, or matters under litigation.
10. Receive Future Agenda Items – Items to be placed on a future agenda which no action or discussion will be taken at this meeting.
11. Adjourn.

Posted Thursday, July 14, 2016 by 5:00 P.M.



Dara Crabtree, City Secretary

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

The City of Seagoville does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. If you have a request for services that will make this program accessible to you, please contact the City of Seagoville at least 72 hours in advance at (972) 287-6819. (TDD access 1-800-RELAY-TX)

DATES TO REMEMBER

- Monday, July 25, 2016 @ 6:30 p.m., City Council budget workshop.
- Monday, August 1, 2016 @ 7:00 p.m., City Council meeting.
- Monday, August 8, 2016 @ 6:30 p.m., City Council budget workshop.
- Monday, August 15, 2016 @ 7:00 p.m., City Council meeting.

INVOCATION

PLEDGE OF ALLEGIANCE

MAYOR'S REPORT

***VISITOR RECOGNITIONS/
PROCLAMATIONS / PRESENTATIONS - Police and First Responders Month (July)***



Proclamation

WHEREAS, in every community, law enforcement officers and first responders stand watch over our citizens, selflessly risking their lives to protect individuals, families, neighborhoods, and serving the cause of justice; and

WHEREAS, all first responders, including members of the Seagoville Police and Fire Departments, accept a profound responsibility and work to uphold our laws, safeguard our rights and freedoms, and serve on the front lines in the fight against crime and terrorism; and

WHEREAS, we honor the heroism of all our law enforcement officers and first responders, especially those who have given their lives so that others might live, asking God's blessing for the families and friends they left behind; and

WHEREAS, the Seagoville Police and Fire Departments, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered dedicated service to the community;

NOW, THEREFORE, I, Dennis K. Childress, Mayor of the City of Seagoville, Texas do hereby proclaim July as

POLICE AND FIRST RESPONDERS MONTH

and ask the citizens of Seagoville to join us as we Honor the Standing and the Fallen. Further, we publicly salute the service of law enforcement officers and first responders in our community and across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seagoville, Texas to be affixed this 18th day of July, 2016.

A handwritten signature in blue ink, appearing to read "DK Childress", written over a horizontal blue line.

Mayor, The City of Seagoville, Texas



Agenda Item 1C

Approval of minutes.

BACKGROUND OF ISSUE:

Approval of minutes for meetings held on June 20, 2016, July 11, 2016 and July 12, 2016.

FINANCIAL IMPACT:

N/A

**CITY COUNCIL
WORK SESSION
JUNE 20, 2016**

The City Council held a work session on Monday, June 20, 2016 at 6:33 p.m. with a quorum present, to wit:

Dennis Childress	Mayor
Jose Hernandez	Mayor Pro Tem
Rick Howard	Councilmember
Harold Magill	Councilmember
Mike Fruin	Councilmember
Jon Epps	Councilmember

The following staff members were also present: City Manager Pat Stallings, Community Development Director Ladis Barr, HR Director/Risk Manager Cindy Brown, Library Director Liz Gant, City Attorney Alexis Allen and City Secretary Dara Crabtree.

ITEM 1. STAFF UPDATES.

- a. City Manager Stallings discussed developing a Regional Meeting protocol.

ITEM 2. DISCUSSION OF AGENDA ITEMS.

ITEM 3C. Discussion included: the cut span being the same as the current mower, 11'; plans for the current mower; repairing vs. surplus; anticipated arrival date, if approved; warranty and maintenance; and training will be provided.

ITEM 7. Discussion included: panhandling/soliciting allowed with proper authority of property providing written permission; and proposed ordinance pertains only to those specific sections not the entire ordinance; and door to door soliciting during election season is still allowed (not addressed in the proposed ordinance).

The work session was adjourned at 6:56 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**CITY COUNCIL
REGULAR MEETING
JUNE 20, 2016**

The City Council held a regular meeting on Monday, June 20, 2016 at 7:10 p.m. with a quorum present, to wit:

Dennis Childress	Mayor
Jose Hernandez	Mayor Pro Tem
Rick Howard	Councilmember
Harold Magill	Councilmember
Mike Fruin	Councilmember
Jon Epps	Councilmember

Dr. Don Cole provided the invocation and Mayor Childress led the Pledge of Allegiance.

MAYOR'S REPORT. Mayor Childress reported the Fireworks in the Park event will take place on Saturday, July 2nd; City Hall will be closed on July 4th in observance of the 4th of July; the next City Council meeting will be July 18th due to the 4th of July holiday; and introduced Kirk Clennan the new SEDC Executive Director.

CITIZENS PUBLIC COMMENT PERIOD (items on the agenda). No one spoke.

CONSENT AGENDA.

Councilmember Epps made a motion, seconded by Councilmember Magill, to approve Consent Agenda Items 1C through 3C. A vote was cast 5 in favor, 0 against.

ITEM 1C. Approve minutes for meetings held on June 6, 2016.

ITEM 2C. Approve Ordinance No. 20-16 amending the Home Rule Charter of the City of Seagoville, Texas, as authorized by a Special Election held on May 7, 2016; providing to amend Article II, "Powers of City", Section 2.06 'Street Improvements and Assessments Therefore', to provide that all street improvement projects be reviewed by a licensed civil engineer; providing to amend Article II, "Powers of City", Section 2.17 'Contracts', to provide that solid waste removal and public utilities contracts may not exceed five (5) years in duration; providing to amend Article III, "The City Council", Section 3.01 'Mayor and City Council Members' and Section 3.08 'Limitations of Authority', to provide that a current former, or retired city employee be ineligible to be elected to office of Mayor or the City Council within one (1) year of their separation; providing to amend Article III, "The City Council", Section 3.01 'Mayor and City Council Members', to provide term limits for the City Council, excluding the Mayor, to three (3) consecutive full terms; providing to amend Article III, "The City Council", Section 3.07 'Duties and Powers of the City Council', to provide that any

member of the City Council may request an item be placed on a duly convened regular meeting agenda; providing to amend Article III, “The City Council”, Section 3.07 ‘Duties and Powers of the City Council’ to provide for an annual and/or mid-year review of the City Manager, City Secretary, City Attorney and Municipal Court Judge; providing to amend Article III, “The City Council”, Section 3.19 ‘Boards and Commissions’, to provide a list of qualifications; providing to amend Article III, “The City Council”, Section 3.10 ‘Meeting of the City Council’, to provide for a notice of Special Meeting on the City’s website and City Hall entrances; providing to amend Article III, “The City Council”, Section 3.12 ‘Conflict of Interest’, to provide will verify with the City Attorney the existence of any Conflict of Interest and file the required forms with the City Secretary; providing to amend Article III, “The City Council”, Section 3.13 ‘Rules of Procedure’, to provide for the City Council to adopt the latest version of ‘Robert’s Rules of Order’ as a procedural guide for City Council meetings; providing to amend Article III, “The City Council”, Section 3.19 ‘Boards and Commissions’, to provide for the City Council by an affirmative vote of four (4) Council Members to waive the requirement that a person may serve on more than one (1) Board or Commission; providing to amend Article IV, “City Manager”, Section 4.03 ‘Qualifications of City Manager’, to provide to require a candidate for City Manager to have a background check; providing to amend Article IV, “City Manager”, Section 4.04 ‘Powers and Duties of City Manager’ to provide to require the City Council to hire an independent forensic audit firm to conduct an investigation into allegation(s) of misappropriations of municipal funds by a municipal employee; providing to amend Article IV, “City Manager”, Section 4.04 ‘Powers and Duties of City Manager’, to provide to require the City Manager to attend relevant State and Regional meetings on behalf of the City; and, to network with State organizations and Cities for and on behalf of the City; providing to amend Article VI, “Finance”, Section 6.02 ‘Payment of Taxes’, to provide to permit acceptance of alternate methods of payment by credit, debit or clearing house cards for taxes; providing to amend Article VII, “Recall”, Section 7.02 ‘Petitions for Recall’, to provide to reduce the percentage of persons to sign a petition for recall of the Mayor or Council Member from forty (40%) to thirty (30%) percent; providing to amend Article VII, “Recall”, Section 7.14 ‘Initiative and Referendum’, to provide to require an affidavit or petition to be provided to the City Secretary within three (3) business days instead of three (3) calendar days; providing to amend Article IX “General Provisions” section 9.03 ‘Nepotism’, to provide to prohibit the City from hiring any person who is related to another City employee by the third (3rd) degree of Affinity (marriage) or Consanguinity (blood); providing to amend Article IX “General Provisions” Section 9.05 ‘Amendments and Charter Review’, to provide to require the Mayor and each City Council Member to appoint two (2) members to a Charter Review Commission; providing a repealing clause; providing a severability clause; providing the City Secretary to certify and file with the Secretary of State; and providing an effective date.

ITEM 3C. Approve Resolution No. 38-R-16 awarding a bid for the purchase of a Toro Mower through BuyBoard Purchasing Cooperative for a total cost of Seventy-Two Thousand One Hundred Twenty-Four Dollars and Forty-Five Cents (\$72,124.45); authorizing the City Manager to execute any and all necessary documents; and providing an effective date.

ITEM 4. Received presentation from Community Development Director Ladis Barr regarding Community Development.

ITEM 5. Board and Commission interviews were conducted. The following five (5) individuals were interviewed: Judy Whitehead, Lorin Mullens, Mike Dupuis, Justin Harley and Stacy Epperson Wright.

ITEM 6. Mayor Pro Tem Hernandez made a motion, seconded by Councilmember Howard, to appoint each board as a whole with separate motions and votes. A vote was cast 5 for, 0 against.

Mayor Pro Tem Hernandez made a motion, seconded by Councilmember Epps, to appoint the following. A vote was cast 5 for, 0 against.

Planning and Zoning Commission

James Sudduth, Place 1 with a term expiring June 2018

Mike Dupuis, Place 2 with a term expiring June 2018

Catherine Braggs, Place 6 with a term expiring June 2018

Mayor Pro Tem Hernandez made a motion, seconded by Councilmember Fruin, to appoint the following. A vote was cast 5 for, 0 against.

Board of Adjustments

Sidney Sexton, Place 2 with a term expiring June 2018

Nancy Ashley, Place 4 with a term expiring June 2018

Lorin Mullens, Alt. #2 with a term expiring June 2018

Mayor Pro Tem Hernandez made a motion, seconded by Councilmember Howard, to appoint the following. A vote was cast 5 for, 0 against.

Park and Recreation Advisory Board

Stephen Bosma, Place 1 with a term expiring June 2018

Stacy Epperson Wright, Place 4 with a term expiring June 2018

Blanche Gattis, Place 6 with a term expiring June 2018

Mayor Pro Tem Hernandez made a motion, seconded by Councilmember Epps, to appoint the following. A vote was cast 5 for, 0 against.

Library Advisory Board

Reba Groblebe, Place 2 with a term expiring June 2018

Judy Whitehead, Place 4 with a term expiring June 2018

Anne Sexton, Place 6 with a term expiring June 2018

[Councilmember Epps recused himself and left the dais and the room.]

Mayor Pro Tem Hernandez made a motion, seconded by Councilmember Howard, to appoint the following. A vote was cast 5 for, 0 against.

Seagoville Economic Development Corporation

F.L. Stepper Sebastian, Place 2 with a term expiring June 2018

Martin Ashley, Place 3 with a term expiring June 2017

Dr. Don Cole, Place 4 with a term expiring June 2018

Mike Fruin, Place 6 with a term expiring June 2018

[Councilmember Epps returned to the dais.]

Mayor Pro Tem Hernandez made a motion, seconded by Councilmember Epps, to appoint the following. A vote was cast 5 for, 0 against.

Animal Shelter Oversight Committee

Bettye Baker, Place 3 with a term expiring June 2018

Justin Harley, Place 4 as Staff Representative

Mayor Pro Tem Hernandez made a motion, seconded by Councilmember Magill, to appoint the following. A vote was cast 5 for, 0 against.

Keep Seagoville Beautiful Board

Stacy Epperson Wright, Place 1 with a term expiring June 2018

Alexandria Perez, Place 3 with a term expiring June 2018

Kara Dodson, Place 6 with a term expiring June 2018

ITEM 7. Following a discussion, Councilmember Howard made a motion, seconded by Councilmember Magill, to approve Ordinance No. 21-16 amending Chapter 7, “Business Regulations”, Article 7.04 “Peddlers, Solicitors, and Itinerant Vendors”, Sections 7.04.001 through 7.04.004, to prohibit soliciting to occupants of vehicles stopped on a public roadway from the public right of way, and to prohibit soliciting at a private office building or commercial building or public building without permission of the person in charge of the building; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of a fine not to exceed the sum of Five Hundred Dollars (\$500.00); and providing for an effective date. Mayor Pro Tem Hernandez requested a friendly amendment to include a 30 day grace period before citations were issued for violation. Councilmember Magill rescinded his second, Councilmember Howard rescinded his motion. Discussion continued. Mayor Pro Tem Hernandez made a motion, seconded by Councilmember Howard, to approve Ordinance No. 21-16 amending Chapter 7, “Business Regulations”, Article 7.04 “Peddlers, Solicitors, and Itinerant Vendors”, Sections 7.04.001 through 7.04.004, to prohibit soliciting to occupants of vehicles stopped on a public roadway from the public right of way, and to prohibit soliciting at a private office building or commercial building or public building without permission of the person in charge of the building; providing a repealing clause; providing a severability clause; providing a savings clause; providing for a penalty of a fine not to exceed the sum of Five Hundred Dollars (\$500.00); and providing for a 30 day effective date following passage (July 20, 2016). A vote was cast 5 for, 0 against.

ITEM 8. COUNCILMEMBER REPORTS.

Mike Fruin – stated was proud of Staff and City Manager; short-handed and continues to work hard; and expressed his appreciation...thank you.

Rick Howard – welcomed board members.

Jose Hernandez – welcomed new and existing board members; thanked staff and new Economic Development Director Kirk Clennan.

ITEM 9. CITIZEN COMMENTS.

Manuel Rodriguez, 2706 Lynell Drive – commented on dogs marking on Dennis Circle to Lynell; owners not stopping or preventing; and cars parked on the right side of the street.

Alexandria Perez, 806 Brandon Drive – thanked Council for reappointment to Keep Seagoville Beautiful board; consider providing Planning & Zoning Commission report/update when City Council does not pass and/or makes changes to an item the Board has recommended; has requested this type of information in the past and not received; currently serves as Chair to the board; busy schedule; need better communication between the Staff and Board when there is no meeting due to no business items; consider an informational session on all boards and commissions; and desires communication between Chamber and boards and committees.

ITEM 10. FUTURE AGENDA ITEMS.

Councilmember Magill – cost of permits and ordinances regarding property improvement; and sewer problem on Kaufman Street.

Mayor Pro Tem Hernandez – removing term limits for service on boards and commissions; proclamation for Animal Shelter Volunteer(s); extend community evites to all board chairs from Chamber and SEDC.

ITEM 11. The meeting adjourned at 8:23 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

DRAFT

**CITY COUNCIL
WORKSHOP
JULY 11, 2016**

The City Council held a workshop on Monday, July 11, 2016 at 6:30 p.m. with a quorum present, to wit:

Dennis Childress	Mayor
Jose Hernandez	Mayor Pro Tem
Rick Howard	Councilmember, arrived at 6:48 p.m.
Harold Magill	Councilmember
Mike Fruin	Councilmember
Jon Epps	Councilmember

The following staff members were also present: City Manager Pat Stallings, Utilities Director Phil DeChant, Police Chief Ray Calverley, Finance Director Patrick Harvey, City Attorney Alexis Allen and City Secretary Dara Crabtree.

1. The City Council held a workshop to discuss the proposed water/wastewater budget with presentations received from Staff, Jim Forbes with Pipeline Analysis, LLC, Jayson Melcher with Halff Associates, Inc. and Chris Ekrut with NewGen Strategies and Solutions. Questions and answers followed the presentations.
2. Citizen comments were received from the following: Jerry Yearout, 710 E. Simonds Road; Tommy Lemond, 801 High School Drive; Rick Smith, 1700 N. Seagoville Road; and Phil Greenawalt, Seagoville Chamber of Commerce.

The work session was adjourned at 8:38 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**CITY COUNCIL
SEPCIAL MEETING
JULY 12, 2016**

The City Council held a Special Meeting on Monday, July 12, 2016 at 6:31 p.m. with a quorum present, to wit:

Dennis Childress	Mayor
Jose Hernandez	Mayor Pro Tem
Rick Howard	Councilmember, absent
Harold Magill	Councilmember
Mike Fruin	Councilmember, absent
Jon Epps	Councilmember

The following staff members were also present: City Manager Pat Stallings, Community Development Director Ladis Barr, Planning Technician Cindy Kintz, City Attorney Alexis Allen and City Secretary Dara Crabtree.

1. The City Council held a joint training session with the Planning & Zoning Commission, Board of Adjustments, and City Attorney to discuss their respective boards/commissions roles, duties and responsibilities. Questions and answers followed.

The work session was adjourned at 7:53 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

Agenda Item 2C

Approval of an Ordinance amending the City of Seagoville Home Rule Charter to the Code of Ordinances, adopted November 06, 2008, to correct scrivener's errors identified therein, and to include all amendments and revisions adopted up to and including those approved in the May 7, 2016 election and enacted by the City Council on June 20, 2016; providing for the printing thereof, authentication by the Mayor and Attestation by the City Secretary; providing for the repeal of any previously adopted Home Rule Charter; providing exceptions to repeal; providing penalties; and providing an effective date.

BACKGROUND OF ISSUE:

The City of Seagoville adopted a new Code of Ordinances on November 06, 2008. The Code book included all ordinances on or before February 21, 2008.

It is necessary to supplement the Code of Ordinances from time to time to include additional ordinances passed by the City Council.

The attached Home Rule Charter includes all amendments approved at the May 7, 2016 Special Election as well as cleans up scrivener errors. For your convenience, attached is a redline copy reflecting the typo and formatting corrections.

FINANCIAL IMPACT:

Funding for this expenditure is available in the City Secretary's budget.

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 22-16

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CITY OF SEAGOVILLE HOME RULE CHARTER TO THE CODE OF ORDINANCES, ADOPTED NOVEMBER 06, 2008, TO CORRECT SCRIVENER'S ERRORS IDENTIFIED THEREIN, AND TO INCLUDE ALL AMENDMENTS AND REVISIONS ADOPTED UP TO AND INCLUDING THOSE APPROVED IN THE MAY 7, 2016 ELECTION AND ENACTED BY THE CITY COUNCIL ON JUNE 20, 2016; PROVIDING FOR THE PRINTING THEREOF, AUTHENTICATION BY THE MAYOR AND ATTESTATION BY THE CITY SECRETARY; PROVIDING FOR THE REPEAL OF ANY PREVIOUSLY ADOPTED HOME RULE CHARTER; PROVIDING EXCEPTIONS TO REPEAL; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seagoville, Texas adopted a new Code of Ordinances for the City of Seagoville by Ordinance No. 23-08 on November 06, 2008, said Code to become effective November 06, 2008; and

WHEREAS, said Code included the Home Rule Charter and all ordinances passed on or before February 21, 2008; and

WHEREAS, the City Council has enacted additional ordinances amending the Home Rule Charter, and the Charter has been further amended through approval of amendments by the citizens of Seagoville in the May 7, 2016 election and enacted by the City Council on June 20, 2016; and

WHEREAS, several scrivener's errors have been identified in the Home Rule Charter, as amended; and

WHEREAS, it is necessary to supplement the Home Rule Charter to include the amendments up to and including the amendments approved in the May 7, 2016 election and enacted by the City Council on June 20, 2016, and to correct the previously identified scrivener's errors.

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

SECTION 1. That the amended Home Rule Charter, hereafter and herein referenced as Exhibit "A", will be codified to the Code of Ordinances of the City of Seagoville, heretofore enacted by Ordinance No. 23-08, as amended, and the same is hereby, adopted and shall hereafter constitute a Supplement to the Code of Ordinances.

SECTION 2. That Exhibit "A", a true and correct copy of which is attached hereto and, by this reference, incorporated herein, shall be printed and distributed to all holders of the Code of Ordinances in accordance with the current list kept for that purpose by the City Secretary.

SECTION 3. That said Code, as supplemented, shall be admitted in evidence without further proof, and the City Secretary shall record this Home Rule Charter, adopted as an amendment to said Code, in the ordinance records of the City, and thereafter such Code, as amended and supplemented, shall serve as a record of the ordinances so codified, and it shall not be necessary in establishing the content of any particular ordinance so codified to go beyond said record.

SECTION 4. That all provisions of such Code, as amended and supplemented hereby, shall be in full force and effect from and after the date of this ordinance, and all ordinances of a general and permanent nature of the City of Seagoville, enacted on final passage on June 20, 2016, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after June 20, 2016, except as hereinafter provided. No resolution of the City Council not specifically mentioned herein is hereby repealed.

SECTION 5. That the repeal provided for in Section 4 above shall not affect any of the following:

- A. Any offense or act committed or done or any penalty of forfeiture incurred or any contract or right established or accruing before the effective date of such Code;
- B. Any ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bond of the City or any evidence of the City's indebtedness;
- C. Any contract or obligation assumed by the City;
- D. Any right or franchise granted by the City;

- E. Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, or vacating any street or public way in the City;
- F. Any ordinance relating to municipal street maintenance agreements with the State of Texas;
- G. Any ordinance establishing or prescribing grades for streets in the City;
- H. Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget;
- I. Any ordinance relating to local improvements and assessments therefor;
- J. Any ordinance annexing territory to the City or discontinuing territory as a part of the City;
- K. Any ordinance dedicating or accepting any plat or subdivision in the City;
- L. Any ordinance prescribing the rates to be charged by public utilities or public service corporations;
- M. Any ordinance amending the Zoning Map or zoning or rezoning specific property;
- N. Any ordinance enacted after December 14, 2015 (Supplement No. 5).

SECTION 6. It is the intention of the City Council to make this Home Rule Charter and the amendments incorporated within it part of the Code of Ordinances when printed or reprinted in page form, distributed to and incorporated within the original Code of Ordinance books distributed by the City Secretary. A copy of such Code as supplemented hereby shall be available for all persons desiring to examine the same in the office of the City Secretary during regular business hours. Ordinances passed subsequent to the enactment of this Supplement shall be added to the body of the Code of Ordinances and incorporated within it by reference to the Code of Ordinances of the City of Seagoville shall be understood and intended to include such additions and amendments.

SECTION 7. Whenever in the Code of Ordinances an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of such provision of the Code by any person, firm or corporation shall be deemed to be a misdemeanor and, upon conviction in the Municipal Court of the City of Seagoville, such person, firm or corporation shall be punished by a penalty of fine not to

exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by state law for such offense, including traffic offenses under the Texas Transportation Code, in which case the penalty shall be that fixed by state law, and for any offense which is a violation of any provision that governs fire safety, zoning, public health and sanitation or dumping of litter or solid waste as those terms are defined by Section 365.001 of the Texas Litter Abatement Act, Texas Health & Safety Code, as amended, the penalty shall be a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. This ordinance shall take effect immediately after its passage and publication of the caption as the law and Charter in such cases provide.

DULY PASSED by the City Council of Seagoville, Texas on the 18th day of July, 2016.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY



HOME RULE CHARTER FOR
THE CITY OF SEAGOVILLE, TEXAS

AMENDED CHARTER

CHARTER ELECTION

ORDINANCE NO. 06-11; ORDINANCE NO. 05-11 AUGUST 1, 2011

ORDINANCE NO. 09-13 JUNE 17, 2013 (Scrivener's Error)

CHARTER ELECTION HELD ON MAY 7, 2016

ORDINANCE NO. 20-16 JUNE 20, 2016

EXHIBIT "A"

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CITY OF SEAGOVILLE

HOME RULE CHARTER

PREAMBLE

We, the citizens of Seagoville, 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 of the City of Seagoville, in Dallas and Kaufman County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the “City of Seagoville” with such powers, rights, privileges, authorities, duties and immunities, as are herein provided.

ARTICLE I

FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 Form of Government

(a) The municipal government provided by this Charter shall be known as the “Council-Manager Government”. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, 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 and such other officers as expressly provided herein. The City Manager shall be 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 the manner not be prescribed, then in such manner as may be prescribed by resolution, ordinance, the State Constitution or by the statutes of the State of Texas.

(b) After the City of Seagoville has elected, either by the voluntary act of the City Council or by vote of a majority at the election hereinafter prescribed, such plan or form of government may be abandoned only upon the filing of a petition with the City Secretary, signed by not less than twenty percent (20%) of the total number of legal qualified electors voting for Mayor at the last preceding City election, requesting the Mayor to call a special election for the abandonment of the City Manager form of government, whereupon it shall be the duty of the Mayor within ten (10) days after the filing of such petition to issue a proclamation calling a special election for

such purpose, and such election shall be held within thirty (30) days after the filing of such petition. Such proclamation shall state that the election is called in order to submit the question of the abandonment of the City Manager plan of government as previously adopted and instituted by the City. Such proclamation shall be published one time at least ten (10) days before the date of such election in a newspaper of general circulation within the City, and shall also be posted in at least five (5) conspicuous places within such City not less than ten (10) days preceding such election.

The ballots used for the submission of such questions shall be substantially as follows:

FOR abandoning the City Manager form of government in the City of Seagoville.

AGAINST abandoning the City Manager form of government in the City of Seagoville.

If a majority of all votes cast at such election shall be in favor of the abandonment of the City Manager plan, then governing body of the City of Seagoville shall within sixty (60) days after such election discharge the City Manager, and shall then assume the powers and duties delegated to such governing body under the terms of the Charter of the City of Seagoville, in the same manner and to the same extent as though the provisions of the article had never been instituted.

Section 1.02 Boundaries

The citizens of the City, Dallas and Kaufman County, 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 Seagoville" with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided.

Section 1.03 Extension of Boundaries

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, by the method hereinafter set forth:

- (1) The City Council shall have the power by ordinance to fix the boundary limits of the City and provide for the alteration and extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, in any manner provided by law.
- (2) When any additional territory has been so annexed, same shall be a part of the City and the property situated therein shall bear taxes levied by the City, and the citizens thereof shall be entitled to all the rights and privileges of the other citizens of said City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

**ARTICLE II
POWERS OF THE CITY**

Section 2.01 General Powers of the City

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

Section 2.02 General

(a) The City of Seagoville, as such body politic and corporate, shall have perpetual succession; may use a corporate seal; may sue and be sued; may contract and be contracted with; implead and be impleaded in all courts; may take, hold and purchase such lands, within or without the City limits, as may be needed for corporate purposes of said City, and may sell any real estate or personal property owned by it; perform and render all public service, and when deemed expedient, may condemn property for corporate use, and may hold, manage and control the same; and shall be subject to all duties and obligations now pertaining to or incumbent upon said City as a corporation, not in conflict with the provisions of this Charter; and shall enjoy all rights, immunities, powers, privileges and franchises now possessed by said City and hereinafter conferred and granted; and except as prohibited by the Constitution of the State of Texas or restricted by this Charter, the City of Seagoville shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. In addition to the powers herein otherwise granted, the City shall have all powers enumerated in State law, as hereafter amended, as though such State law were set forth herein.

(b) The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Seagoville shall have, and may exercise, all powers which under the Constitution and Statutes of the State of Texas it would be competent for this Charter specifically to enumerate. All powers of the city, whether expressed or implied, shall be exercised in the manner prescribed by this Charter or, if not prescribed therein, then in the manner provided by ordinance or resolution of the City Council.

Section 2.03 Public Improvements

The City shall have the power to, among others, construct and maintain, within or without its corporate limits, streets, flood control and sanitary facilities, water and storm drainage facilities, in, over, under or upon all public property or easements granted for the purpose and to levy assessments for the costs of such improvements. It shall have the power to cause liens and costs to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

Section 2.04 Real Estate

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

Section 2.05 Street Powers

The City of Seagoville shall have the power to lay out, establish, open, alter, widen, lower, extend, grade abandon, improve and maintain streets, alleys, sidewalks, squares, parks, public places and bridges and regulate the use thereof and require the removal and regulate such public property or places, all obstructions, when same constitutes a hazard to the public, encroachments of every nature or character upon any said public property, and to vacate and close private ways; and when a street or alley has been vacated or abandoned, the City shall have the right to sell the same as now provided by the general laws of the State of Texas.

Section 2.06 Street Improvements and Assessments Therefore

The City shall have the right under the Texas Transport Code, together with all amendments thereof, adopted and made a part of this Charter, to authorize the City Council to provide for the payment and costs of improvements to highways and streets, and provide for the proper assessment of any such improvement in accordance with law. Any street improvement project shall be reviewed by a civil engineer licensed under the laws of the State of Texas.

Section 2.07 Regulation of Vehicles Used for Hire

The City Council shall have the power, expressed or implied, by ordinance or otherwise, to license, operate and control the operation of all character of vehicles using public streets.

Section 2.08 Regulation of Public Utilities

The City Council shall have the power, by ordinance, to determine, fix and regulate the charges, fares or rates of compensation, by ordinance, to be charged by any person, firm or corporation enjoying a franchise in the City of Seagoville, and shall, in determining, fixing and regulating such charges or rates or compensation, base the same upon the fair rate of return upon the fair value of the property of such person, firm or corporation devoted to furnishing service to such

City of inhabitants thereof, as may be permitted by law. The City Council may prescribe the character, quality and extent of service to be rendered and shall have the power to regulate and require the extension of lines or services of such public utility.

Section 2.09 Municipal Owned Public Utilities

The City shall have the power to build, construct, purchase, own, lease, maintain and operate, as established under the Texas Local Government Code or general laws, within or without the City limits, light, and power systems, a sewer system, sanitary disposal equipment and appliances, natural gas systems and public services.

Section 2.10 Transportation

- (a) General: The City Council may grant franchises and the City may acquire, maintain and operate a transportation service and issue warrants, assignments of revenues and bonds and use public funds for such purpose.
- (b) Airports: The City Council shall have the power to establish, maintain and operate an airport(s), and heliport(s) or any other appropriate transportation facilities within or without the city limits, including landing fields, radio beams, beacons and other apparatus, buildings, equipment and appurtenances necessary or convenient therefor, and to make suitable charges for their use.

Section 2.11 Parks

The City shall have the right to acquire and have exclusive control of all City parks and playgrounds, whether within or without the City limits and the structures and apparatuses located therein; and to prevent any encroachments thereon; and, to provide for the improvement, construction and maintenance of such parks or facilities located therein.

Section 2.12 Underground Construction

The City may require the placing of all wires or overhead construction of public utilities within the business area or fire limits of the City under the surface of the ground under such regulations as may be prescribed by the City Council from time to time.

Section 2.13 Fires

The City Council shall have the power, by ordinance or otherwise, to provide for a fire rescue department and regulation thereof; and to provide, by ordinance or resolution, such regulation to protect the public against conflagrations or threat thereof within the City.

Section 2.14 Health

The City Council shall have the power to provide for a health and sanitation department and to establish all necessary rules and regulations, by ordinance or otherwise, to protect the health of the City and for the establishment of regulations to protect the public health to include, but not to the exclusion of other powers, the following:

- (1) To regulate, license and inspect persons, firms, corporations, common carriers or associations operating, managing or conducting any hotel or any other public sleeping or eating place, or any place or vehicle where food or drink or containers therefor, of any kind is manufactured, processed, prepared, stored or packed for sale or resale within the City; and shall have the power to prescribe health regulations with reference to any and all workers or employees hired or used in any of said places or vehicles, or about said places and vehicles; or who deliver products to and from said places and vehicles; and shall have the power to inspect, license and regulate the sanitary condition of said places and vehicles and to condemn all articles not wholesome or fit for human consumption, and to prohibit and summarily prevent the sale or dispensing of any such condemned articles.
- (2) To define all nuisances and prohibit the same within the City and outside the City limits for a distance of five thousand (5,000) feet; to police all parks or grounds, speedways, or boulevards owned by said City and lying both outside and inside said City; to prohibit the pollution of any stream, draw, drain or tributaries thereof, water deposit and reservoir, whether above or below the ground, which may constitute the source or storage of water supply, and to provide policing of same, to inspect, license and regulate dairies, slaughter pens and slaughterhouses inside or outside the limits of the City from which meat or milk is furnished to the inhabitants of the City; to require property owners to make connection to the sewer system, if and when available, with their premises, and to provide for fixing a lien against the property of owners who fail or refuse to make it a personal liability.
- (3) To provide for the fixing of penalties for failure of any person, firm or corporation or association to comply with any such rules and regulations so prescribed by the City Council under the provisions of this section; it being the intention to vest in the City Council not only the powers expressly numerated in this section but all other powers reasonably necessary for the protection of the health of the City of Seagoville and its inhabitants.

Section 2.15 Police Department

The City shall have the power, by ordinance, to establish and maintain a police department. The head of the police department of said City shall be known and designated as "Chief of Police"; and, the Council shall budget for the personnel and operation thereof.

Section 2.16 Power to Compromise and Settle Claims and Lawsuits

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

Section 2.17 Contracts

(a) The City may enter into a contract which may bind the City to pay for personal or professional services to be rendered for the performance of a specific act or for a specific period of time for a period of time not to exceed two (2) years, except municipal solid waste and public utilities which may not exceed five (5) years.

(b) The City or anyone authorized by Council may make any contract for goods, materials, services or supplies as authorized by State law, including a contract for the use or purchase or other acquisition of personal property by lease with an option to purchase, an installment purchase, or other form considered appropriate by the City Council, and subject only to applicable Constitutional restrictions, the City Council may obligate taxes or revenues for the full term of contract for the payment of the contract.

Section 2.18 Alcoholic Beverages

(a) No person shall be allowed to sell liquor in all or part of the residential sections of the City.

(b) The City Council may, by ordinance, prohibit the sale of beer in any residential area of the City and/or regulate the sale of beer and prescribe the hours when it may be sold as allowed by State law.

(c) The City Council may, by ordinance, regulate alcoholic beverages as permitted under the Constitution and laws of the state.

Section 2.19 Miscellaneous Powers

The City shall have the power to, among others, establish and maintain ordinances and regulations governing the use of lands within the City and to enforce by all lawful means these ordinances and regulations, within and without its corporate limits. The City shall have the power to authorize, regulate and inspect all construction and existing structures within or without its limits, consistent with State statutes, and to establish and enforce ordinances and regulations concerning their use, construction and reconstruction. The City shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade when authorized by State law. The City shall have all powers, expressed and implied, granted by any section of this Charter, and, under the Constitution laws of the State of Texas.

**ARTICLE III
THE CITY COUNCIL**

Section 3.01 Mayor and City Councilmembers

(a) Composition: The “City Council” shall be composed of a “Mayor” and five (5) at large places “Councilmembers”, and said City Council shall be elected at large by a majority vote. In reference to matters in this Charter that refer to the vote of the City Council, such reference does not include the Mayor unless the voting is permitted in Section 3.05 of this Charter.

(b) Eligibility: Only qualified voters of the City and residing within the respective district as provided herein shall be eligible to hold the office of Council for each district. Only qualified voters residing in the City, as provided herein, shall be eligible to hold the office of the Mayor. No person may be eligible, elected or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date.

(c) Date of Election: The regular election of Councilmembers and Mayor shall be held on the uniform election day in May or on a uniform date as provided by the Texas Election Code.

(d) Runoff: In the event no candidate for a given office shall have received the necessary majority, the City Council shall, at the first regular Council meeting following the completion of the official canvass, call a runoff election to be held in accordance with the requirements of the Texas Election Code, in accordance with the Texas Election Code. At the runoff election, the ballot shall list in that order the names of the two candidates receiving at the first election the first and second highest number of votes for given office. Should one of the candidates withdraw, die or become ineligible, a second election shall not be held and the other shall be declared elected to office.

(e) Term of Office: At the first election under this Charter, the Councilmembers from odd place being 1, 3 and 5 shall be elected for a two (2) year term, At the second election under this Charter, Councilmembers from even-numbered districts, being 2 and 4, and the Mayor shall be elected for a two (2) year term.

(f) An individual shall serve no more than three (3) consecutive two (2) year terms as a Councilmember, excluding the Mayor. If a person is elected to fill more than fifty percent (50%) of an unexpired term, the term shall be considered a full term for reason of calculating term limits.

Section 3.02 Qualifications of City Council

In addition to any other qualifications prescribed by law, the Mayor and each Councilmember shall:

- (1) be residents of the City of one (1) year; and
- (2) have resided in their district for a minimum of one (1) year prior to the date of the election and shall reside in that district during the term of office.

Section 3.03 Compensation

The City Council shall serve without compensation. The City Council shall be entitled to reimbursement for actual reasonable expenses incurred in the performance of official duties. The City Council may, by ordinance or resolution, adopt rules or regulations to govern the reimbursement of a Councilmember for such expenses under this section.

Section 3.04 Mayor and the City Councilmember; Qualifications; How Nominated and Elected; Official Ballot

The names of candidates for City Councilmember and Mayor shall be placed on the official ballot upon the filing of a petition, in accordance with the Texas Election Code, with the City Secretary stating the candidate has resided in the City of Seagoville for a period of at least one (1) year prior to such election. The petition shall be signed, in addition to the candidate, by twenty-five (25) qualified voters residing within the City which the candidate is seeking election. A qualified voter may sign more than one (1) petition of a candidate but in no event shall a qualified voter sign more than one (1) petition for one (1) place. Upon filing, such name shall be printed upon the official ballot. The order in which the names of the candidates for City Council shall appear on the ballot shall be determined by lot, in a drawing held under the supervision of the City Secretary.

Section 3.05 Mayor, Mayor Pro Tem and Deputy Mayor Pro Tem

- (a) The Mayor shall preside at all meetings of the City Council, and shall be recognized as head of the City Government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall not be entitled to vote as a member thereof on all legislative or any other matters except in order to break a tie vote of the City Council. He/she shall sign resolutions/ordinances and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter; and such other documents that he/she may be authorized by Council or by law. The Mayor shall not have power to veto any legislative or other matter.
- (b) The City Council shall elect a Mayor Pro Tem at the first meeting as provided herein.
- (c) The Mayor Pro Tem shall be a Councilmember elected by the City Council at the first regular meeting after each election of Councilmembers and/or Mayor. 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

In the event of a vacancy existing in the office of Mayor or City Council from any cause whatsoever, the remaining members of the City Council shall by a majority vote therefor at a regular meeting elect a member or members to fill the vacancy or vacancies thus existing, and such member or members so elected by the City Council shall serve in such position for the remainder of the unexpired term.

Section 3.07 Duties and Powers of the City Council

(a) The City Council shall have the powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all powers necessary to carry out the terms of this Charter; it being intended that the City Council and Mayor shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by this Charter, the Constitution or laws of the State of Texas.

(b) Any member of the City Council shall have the unabridged right to place an item on the agenda of a duly convened regular meeting of the Council; nothing contained in this Charter shall be construed to limit or circumscribe such right.

(c) During each calendar year, the City Council shall undertake at least one (1) annual and mid-year reviews of the performance of the City Manager, City Secretary, City Attorney and Municipal Court Judge. The City Council may from time to time conduct such additional review as it deems appropriate. The City Manager shall be responsible for implementing annual performance reviews for all other employees of the City, except the City Secretary and other Council appointed positions.

(d) All powers of the City and the determination for all matters of policy shall be vested in the City Council shall have all powers authorized to be exercised by the Constitution and laws of the State of Texas and as set forth in this Charter. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager;
- (2) Appoint and remove the Municipal Judge(s) of the Municipal Court;
- (3) Appoint and remove the City Attorney; and other special legal counsel;
- (4) In consultation with the City Manager; appoint and remove the City Secretary;

- (5) Establish administrative departments;
- (6) Establish an ad valorem tax levy and adopt the budget for the City;
- (7) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs through the City Manager;
- (8) Exercise, individually and collectively, all of the powers and authority as provided in Article II of this Charter.

Section 3.08 Limitations of Authority

(a) Except where authorized by law or by this Charter, Mayor or Councilmember shall not hold any other City office or City employment during his or her term as Mayor or Councilmember. No former Mayor or Councilmember shall hold any compensated appointive office, receive any appointment or City employment with the City until one (1) year after the expiration of the term for which they were elected or appointed to the City Council. No person may be eligible, or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date.

(b) Members of the City Council shall not in any way dictate the appointment or removal of the City administrative officers or employees whom the City Manager or any of the City Manager's subordinates are empowered to appoint. The City Council, at a meeting called for that purpose, may express its views fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(c) Except for the purpose of inquiries and investigations as provided by this Charter, the City Council shall deal with the City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. The City Council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this Charter.

Section 3.09 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. For that purpose, the City Council shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt for failing or refusing to obey any such subpoena 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 the ordinance.

Section 3.10 Meetings of the City Council

- (a) Regular Meetings: 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 meeting.
- (b) Special Meetings: Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Councilmembers upon provision of public notice in accordance with State law. Notice of any special call meeting of the City Council shall be posted at City Hall, City website and otherwise comply with State law.
- (c) Open Meetings: All meetings of the City Council shall be held in public as provided State law.
- (d) Quorum: Three (3) Councilmember shall constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present. In no event shall any ordinance, resolution or official action be approved except by an affirmative vote of at least three (3) Councilmembers.
- (e) Minutes, Resolutions, Ordinance and Records: Minutes of all proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. All adopted ordinances or resolutions, shall be kept in the archives of the City and shall be authenticated by the signature of the presiding officer and the City Secretary.

Section 3.11 Disaster Clause

In case of disaster when a legal quorum of the City Council cannot be assembled due to multiple deaths or injuries, the surviving members of the City Council, or the highest surviving city official if no elected official remains, must, within twenty-four (24) hours of such disaster, or as soon as practicable, take such action as to ensure the basic health, safety and welfare of the citizens and undertake whatever action is necessary under the laws of the State of Texas to call for a special election. Until such election is held and Council qualified, the remaining members or highest ranking officer if no elected official remains, shall only undertake those actions necessary to protect the basic health, safety and welfare of the citizens which such action may be subsequently ratified by the full City Council.

Section 3.12 Conflict of Interest

- (a) Should any person on the City Council have a conflict of interest, pursuant to any State laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the City Council, he or she shall openly declare same before discussion proceeds, and he or she is thereby prohibited from discussing the item or voting on the question, and it is not considered as present and voting for the purposes of the tally, and must file

appropriate conflict of interest statement with the City Secretary. The City Secretary shall verify with the City Attorney to ensure the required disclosure and/or conflict forms are executed and filed.

(b) The City Council shall adopt rules concerning ethical standards of conduct for governance of meetings and actions as councilmembers.

Section 3.13 Rules of Procedure

The City Council shall adopt, every two (2) years; the latest version of Robert's Rules of Order, and any other rules of order and business; and, the Council may adopt rules to compel attendance of its members. The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be public record and shall be kept and maintained by the person performing the duties of the City Secretary.

Section 3.14 Abstention

All Councilmembers shall vote on any and all matters properly placed on a posted agenda unless there is a conflict of interest under state or local law. A councilmember may remove themselves from consideration of an agenda after disclosure and statement of reason in an open meeting prior to deliberation and voting. Councilmember shall vote on all matters brought before the City Council for determination unless there is a valid conflict of interest or ethical prohibition.

Section 3.15 Passage of Ordinance in General

(a) 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 Seagoville...". Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title. General appropriation ordinances, or ordinances authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of any proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for the City Council meeting; and if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

(b) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become

effective only after having been published once in its entirety or by caption form after adoption, in a newspaper designed as the official newspaper of the City.

Section 3.16 Emergency Ordinances

(a) The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter or by State law.

(b) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms.

(c) An emergency ordinance may be introduced at any City Council meetings and can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of at least three (3) Councilmembers shall be required for adoption.

(d) Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists or otherwise in accordance with this Charter or by State law.

Section 3.17 Authentication, Recording, Codification

(a) All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(b) The City Council shall maintain the codification of ordinances of the City. This codification shall be known and cited as "The Seagoville 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 codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the code shall be furnished to City Officers, placed in City offices and made available for purchase by the public at a reasonable price to be fixed by the City Council.

(c) The City Council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be fixed by the City Council.

Section 3.18 Bond

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

Section 3.19 Boards and Commissions

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

(b) The City Council may appoint persons to serve on any boards, commissions or committees. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation but may be reimbursed for actual expenses as approved by the City Council. The City Council may, by an affirmative vote of four (4) council members, waive any requirement that a person may only serve on one (1) board or commission.

(c) All boards, commissions or committees of the City shall keep and maintain minutes if any proceedings held and shall file the minutes or any written report of such proceedings with the City Secretary no more than three weeks following each meeting.

(d) No officer or employee of the City or any person who holds a compensated appointive position or other elective office shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity to that board, commission or committee, except and unless such appointment is provided for in state statute.

(e) No Councilmember shall serve on any board or commission, except the City Council may appoint no more than two (2) members of the City Council to serve on the Seagoville Economic Development Corporation.

(f) No person shall be eligible to serve on any Board or Commission that does not meet the following qualifications:

1. Be a qualified voter within the City at the time of appointment.
2. Not be in arrears on City taxes, utility service charges, or other obligations owed to the City.
3. Have not been convicted of a felony or class A misdemeanor.
4. Not be adverse party to pending litigation against the City.

Section 3.20 Ordinance Now in Effect

All ordinances of the City of Seagoville now in existence and not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the City Council.

Section 3.21 Ordinances; Pleadings of and Admissibility, as Evidence

It shall be sufficient in all judicial proceedings to plead any ordinance of the City by caption without embodying the entire ordinance in the pleadings, and all pleaded 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 the ordinances may also be used in evidence in lieu of original ordinances.

**ARTICLE IV
CITY MANAGER**

Section 4.01 City Manager

The City Council shall appoint, upon an affirmative vote of four (4) Councilmembers, a City Manager who shall be the Chief Executive Officer of the municipal government and shall be responsible for the efficient administration of all departments.

Section 4.02 Compensation

The City Manager, when so appointed, shall receive a salary and other compensation as set by the City Council.

Section 4.03 Qualifications of City Manager

The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practices with respect to the duties of his office as hereinafter outlined. No person elected to membership on the Council shall, subsequent to such election, be eligible for appointment as City Manager until (1) year has elapsed following the expiration of the term for which he was elected. Prior to consideration for appointment, the City Council shall first obtain a thorough background review.

Section 4.04 Powers and Duties of City Manager

(a) The City Manager shall hold his office for an indefinite period and shall be suspended or removed at the will and pleasure of the City Council upon an affirmative vote of four (4) members of the full City Council. The action of the Council in suspending or removing the City Manager shall be final, since it is the intention of this section to vest all authority and fix all responsibility for such suspension or removal wholly in the City Council. In no event shall a City Manager be terminated within ninety (90) days after a general election, except for misconduct, malfeasance, or misfeasance.

(b) It shall be the duty of the City Manager to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that the ordinances of the City and the laws of the state are enforced; to make such recommendations to the Council concerning the affairs of the City as may seem to him/her desirable; to execute all contracts as authorized by Council; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate; to prepare and submit to the Council such reports as may be required by that body; attend relevant State and Regional meetings on behalf of the City; and, to network with State organizations and cities for and on behalf of the City and perform such other duties as may be prescribed by this section or required of him by ordinance or resolution of the Council not inconsistent with this section.

(c) The City Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his/her charge, and to that end he/she shall have the power to appoint and remove all officers and employees, unless otherwise provided in this Charter; but the City Manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Appointments made by, or under the authority of, the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in work which they are to perform. All such appointments shall be without definite term unless for provisional, temporary, or emergency service not to exceed the maximum periods prescribed by such regulations as may be imposed under the authority of the Charter.

(d) Any officer or employee appointed by the City Manager, or a head of a department or office, may be removed by the City Manager or other appointing officer at any time and except as otherwise provided herein, the decision of the City Manager or other appointing officer shall be final.

(e) The City Manager shall attend all meetings of the Council, except where excused by the Council, and shall have the right to take part in all discussions, but shall have not vote.

(f) The City Manager may with the advice and consent of the City Council, obtain an independent forensic audit firm to conduct an appropriate inquiry or investigation into allegations of misappropriation of municipal funds by a City employee.

Section 4.05 Official Bond

The City Manager shall give an official bond as established by City Council, payable to the City of Seagoville, conditioned as may be prescribed by resolution or ordinance of the Council. Such bond shall be procured from some regularly accredited surety company, authorized to do business under the laws of the State of Texas, and the premiums to such surety company shall be paid by the City of Seagoville.

**ARTICLE V
OTHER OFFICERS**

Section 5.01 City Secretary

(a) Upon consultation with the City Manager, the City Council, by majority vote, may appoint and remove a City Secretary. He/she shall serve at the pleasure of the City Council and receive such compensation as determined by the City Council. Unless excused by the City Council for good cause, he/she shall attend all meeting of the City Council and keep accurate minutes of its proceedings; he/she shall preserve and keep in order all books, papers, documents, records and files of the City Council of the executive departments. He/she shall keep a record of all commissions and licenses issued and shall countersign the same. He/she shall appoint such assistants and staff as may be approved in the adopted budget of the City. He/she shall have custody of the seal of the City and shall affix sample to such documents and, obligations of the City as he/she may be legally authorized to do. The City Council may adopt such ordinances or resolutions as are necessary to administer and govern such offices.

(b) In no event shall a City Secretary be terminated within ninety (90) days after a general election, except for misconduct, malfeasance or misfeasance.

Section 5.02 City Finance Director

The Finance Director of the City shall be appointed by the City Manager and shall perform the duties of the City Treasurer as imposed by State law or obligation of the City. He/she shall receive for his/her services such compensation as the City Council may fix. He/she shall sign all checks or vouchers given by the City and perform any other duties required by the general laws of the State of Texas and by ordinance adopted by City Council.

Section 5.03 Municipal Court, Creation and Jurisdiction; Fines

(a) The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as are now, or as may be, prescribed by the laws of the State of Texas.

(b) The City Council shall appoint by majority vote of its full membership such Municipal Judges of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. In the event a duly qualified attorney is not available, the City Council shall then select a qualified person to the Municipal Judge. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of his/her term(s) of office. The appointment of the Municipal Judge(s) may be terminated, for cause, at any time by a majority vote of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.

(c) The Clerk and Deputy Clerks of the Municipal Court(s) shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court, and perform all usual and necessary clerical acts in conducting the business of the Court(s) including but not limited to, the keeping of records and accounts of the Municipal Court(s).

(d) All special expenses and fines imposed by the Municipal Court(s) shall be paid into the City Treasury for the use and benefit of the City, as may be consistent with present and future laws.

Section 5.04 City Attorney

(a) Appointment and Qualification: 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. In no event shall a City Attorney be terminated within ninety (90) days after a general election, except for misconduct, malfeasance or misfeasance.

(b) Removal: The City Attorney shall serve at the pleasure of the City Council and as such shall have no property right to continued employment.

(c) Duties: The City Attorney shall be required to:

- (1) Serve as a legal advisor to the City Council and City Manager.
- (2) Represent the City in litigation and legal proceedings as directed by the City Council and City Manager.
- (3) Review and provide opinions as requested by the City Council and/or City Manager on contracts, legal instruments and ordinances of the City.

(d) Compensation: The City Attorney shall receive compensation as may be determined by the City Council.

(e) Additional Attorneys: The City Attorney, with approval of the City Council, may select additional attorneys to act for and on behalf of the City as its legal counsel for representation and litigation.

(f) 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.

ARTICLE VI FINANCE

Section 6.01 Powers of Taxation

(a) The Council shall have the power to levy, for general purposes, and ad valorem tax on real, personal, and mixed property within the territory of the City of Seagoville, not exempt from taxation by the Constitution, and laws of the State of Texas, based upon its true value as provided by law to the extent of the constitutional limit permitted by the State of Texas to cities.

(b) The Council may levy taxes on all property, privileges and franchises of every kind of description within the City limits or having its situs therein on January first of each year, and from any other local source. The place, time and manner of payment thereof, with costs and penalties, shall be established by the Council as it determines, not in violation of the laws of this State.

Section 6.02 Payment of Taxes

The taxes herein and hereby authorized to be levied shall become due and payable October first of the year assessed, and same shall be payable in cash, credit, debit or clearing house funds, at the office of the Assessor and Collection of Taxes or such other office as the City may, by ordinance, prescribe.

Section 6.03 Delinquent Taxes

(a) Taxes shall be deemed and become delinquent if not paid prior to February first of the year following assessment, and such delinquent taxes shall be subject to the penalties and collection procedures authorized by State law.

(b) Such delinquent taxpayer shall be subject to the payment of all costs and expenses incurred in the advertisement of such delinquent property and the collection of such taxes through any method provided by this Charter and/or the laws of the State of Texas. Such penalties and interest shall be an obligation of the taxpayer and be secured by the same lien and collected in the same manner as other taxes.

Section 6.04 Tax Lien and Liability

(a) A special lien is hereby created on all real, personal and mixed property, located in the City of Seagoville, in favor of the City of Seagoville, for all taxes, ad valorem, occupational or otherwise. Said lien shall exist from the date of delinquency in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, of judicial writ of any kind, can ever defeat such lien, but the Assessor and Collector of Taxes can pursue such property, and whenever found may, by judicial writ, seize and sell enough thereof to satisfy such taxes.

(b) All persons or corporations owning real, personal or mixed property on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year.

Section 6.05 Budget

The City Manager, as the Budget Officer, shall, in accordance with State law, prepare each year a municipal budget to cover the proposed expenditures of the City for the succeeding fiscal year. Such budget shall be prepared in conformity with the provisions of State law, together with any amendments thereto enacted. No public money shall ever be spent or appropriated, except in case of an emergency or public calamity, unless funds are currently in the possession of the City to cover said expenditures or appropriations. No expenditures shall ever be made by the City except upon checks drawn upon the account, for which a previous appropriation shall have been made, signed by the Mayor and City Manager or designee. Such budget shall, upon and after presentation, be presented to the Council and the public, in an open, called meeting for the purpose in accordance with State law. A proposed or preliminary budget shall be filed with the City Secretary and City Council for public review on a date established by State law and by rules adopted by the City Council. If, by the first day of October, the City Council has not adopted a budget, the budget from the preceding year shall remain in effect until such time as the Council adopts a budget, but such adoption shall be no later than the second regular meeting in October.

Section 6.06 Audit and Examination of the City Books and Accounts

The City Council shall cause audits annually to be made of the books of accounts of each and every department of the City. Such audits shall be made by a competent public accountant who shall be selected by the City Council, and a contract entered into from year to year; and such contract shall provide that the books of the City shall be audited at least annually and such auditor's report to the City Council shall be available to the public or for publication.

Section 6.07 Emergency Measures Defined

An emergency measure is an ordinance for the immediate preservation of the public business, property, health or safety, or providing for the usual daily operation of municipal departments, in which the emergency is set forth in such ordinance.

Section 6.08 Depository

The City Council is authorized to select a depository for City funds in accordance with Chapter 105 of the TEXAS LOCAL GOVERNMENT CODE, as amended, not to follow all the terms and provisions of the same.

Section 6.09 Occupation Tax

The City Council shall have the power to levy and collect taxes upon trades, professions, callings or other business carried on to the full extent permitted by the general laws of the State of Texas, to prescribe penalties for nonpayment thereof, and to regulate the operation of any business, trade or calling or profession.

Section 6.10 Contract for Collection of Delinquent Taxes

The City Council shall have the power to contract with any attorney-at-law for the collection of delinquent taxes owing the City.

**ARTICLE VII
RECALL**

Section 7.01 Scope of Recall

Any elected City official shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetency, misconduct, misfeasance or malfeasance. The following definitions shall apply:

Incompetent. Lack of ability, legal qualifications or fitness to discharge the required duty.

Malfeasance. The commission of some act which is positively unlawful or wholly wrongful.

Misconduct. A transgression of an established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior, willful in character, which is improper or wrong behavior; it being [sic] synonyms being misdeed, misbehavior, delinquency, impropriety, mismanagement but not negligence or carelessness.

Misfeasance. The wrongful and injurious exercise of lawful authority by which another person is injured.

Section 7.02 Petitions for Recall

The Mayor or any other member of the City Council may be removed from office in the following manner by the electors qualified to vote for a successor of such incumbent:

- (1) When an affidavit, signed by one or more qualified voters, naming the member being recalled, and stating specific grounds for the recall, is presented to the City Secretary, he/she shall mark the affidavit with the date received and retain it for office files.
- (2) Within three (3) days after receiving the affidavit for recall, the City Secretary shall prepare and have available at City Hall for delivery to persons signing the affidavit petition forms which shall be addressed to the City Council and bear the seal of the City Secretary. The petition form shall name the member intended to be recalled, set forth the grounds for the recall as they appear on the affidavit, and provide space for the printed names, addresses, dates of birth and signature. The City Secretary may provide space for any other information or format helpful in certifying a person as a qualified voter, but the absence of said information shall not invalidate the petition. Persons accepting delivery of the petition forms shall acknowledge delivery by signing a receipt bearing the date of delivery. Said receipt shall be retained by the City Secretary for office files. Petitioners must take delivery of the prepared petition forms within three (3) working days of notification that they are available.
- (3) The petition must be signed by persons entitled to vote for a successor to each member sought to be removed as follows:
 - (a) Thirty (30%) percent of the persons that actually voted in the municipal election for Mayor, if the recall petition be for the Mayor; and
 - (b) Thirty (30%) percent of the persons that actually voted in the municipal election of the Councilmember sought to be recalled.
- (4) Within thirty (30) days of the delivery date, the signed petition must be filed with the City Secretary for verification. If the petition is not filed within the prescribed delivery period, it shall be invalid. Petitions on forms other than those provided by the City Secretary shall be invalid. If a request is made within the original thirty (30) day period, the City Secretary shall provide additional petition forms promptly on request of the initiators of the recall.
- (5) Each signer of a recall petition shall sign his/her name in ink or indelible pencil, shall print his/her name, and shall provide such other information as may be required on the petition form to verify voter eligibility.

Section 7.03 Form of Recall Petition

The recall petition mentioned above must be addressed to the Council of the City of Seagoville, must, as provided for in the Affidavit for recall, distinctly and specifically point out the factual basis and grounds upon which such petition for removal is predicated, and, if there be more than one ground, shall specifically state each ground with such detail and certainty as to give the

officer sought to be removed notice of the matters and things with which he/she is charged. Signatures on the petition shall be verified by oath in the following form:

We, the undersigned qualified voters of the City of Seagoville hereby demand that the question of removing _____ from the City Council be submitted to a vote of the qualified voters.

Name (printed)

Residence of Address (street and number)

Voter Registration Certificate Number (optional)

Signature

Date

STATE OF TEXAS
COUNTY OF DALLAS

_____ being duly sworn, deposes and says that he is the circulator of the foregoing petition paper and that the signatures that were made in his presence and are genuine signatures of the persons whose names they purport to be.

Signed _____

Subscribed and sworn before me this _____, day of 20__.

Notary Public in and for State of Texas

Section 7.04 Various Papers Constituting Petition

The petition may consist of one or more copies, circulated separately, but the signatures thereto shall be upon the paper or papers containing the form of petition. Verifications provided for in Section 7.03 of this Article may be made by one or more petitioners. All papers comprising a recall petition shall be assembled and filed with the City Secretary as one (1) instrument on the same day, and said City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his/her Seagoville address. Within ten (10) days of the date of filing of a recall petition, the City Secretary shall determine the sufficiency thereof and attached thereto a certificate showing the result of his examination. If he/she shall certify that the petition is insufficient he/she shall set forth in the certificate the particulars in which it is defective and shall at once notify the petitioners of the original affidavit for recall by registered mail at his/her Seagoville address. The finding of the insufficiency of a recall petition shall not prejudice the filing of a new petition for the same purpose subject to the provisions of Section 7.11 of this Article.

Section 7.05 Presentation of Petition to the Council

Within fourteen (14) business days after the date of the finding of sufficiency of the papers constituting the recall petition, the person performing the duties of the City Secretary shall place on the agenda such petition for presentation at the next regularly convened meeting of the City Council

Section 7.06 Public Hearing to be Held

The officer whose removal is sought may, upon presentation of such petition at a convened meeting of the City Council, request that a public hearing be held to permit him/her to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall thereafter order such public hearing to be held, not less than five (5) business days but not more than ten (10) business days after receiving such request for public hearing.

Section 7.07 Election to be Held

If officer whose removal is sought does not resign within five (5) business days after the presentation of the petition at a convened meeting of the City Council, or in the event of a public hearing, within five (5) business days after the closing of the public hearing, then it shall become the duty of the Council to order an election and fix a date for holding such recall election in accordance with the uniform election dates as provided in the Texas Election Code, as amended.

Section 7.08 Ballots in Recall Election

Ballots used at recall elections shall conform to the requirement of the Texas Election Code, as amended, in substantially the following form:

“[] For the recall of (name of Mayor or Councilmember)”

“[] Against the recall of (name of Mayor or Councilmember)”

The voter, by striking out either of these propositions, may indicate his vote for the one not so stricken out. Under the propositions shall appear the word “candidates” and the direction “vote for one,” and beneath this the names of the candidates nominated as herein provided. The person whose recall is sought shall not have his name printed on the ballot as a candidate. Except that the space left for the names and dates shall be filled by the correct names and date, the ballots used in a recall election shall be in a form substantially as follows:

RECALL ELECTION

City of Seagoville

(Month and Day of Month)

For the recall of _____

Against the recall of _____

CANDIDATES

Vote for One

Except as provided in the section, ballots used in recall elections shall comply with the provisions of this Charter regarding ballots for a regular municipal election.

Section 7.09 Result of Recall Election

If a majority of the votes cast at a recall election shall be “No,” that is, against the recall of the person named on the ballot, he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before. If a majority of the votes cast at such an election be “Yes,” that is, for the recall of the person named on the ballot, he/she shall be deemed removed from office and the vacancy created be filled as vacancies in the Council are filled due to disqualification’s or death as provided in this Charter.

Section 7.10 Multiple Recalls Allowed at Same Election

The question of recalling any number of members of said City Council may be submitted at the same election, but as to each member whose removal is sought, a separation petition shall be filed and there shall be an entirely separate ballot.

Section 7.11 Recall, Restrictions Thereon

No recall petition shall be filed against any officer of the City within six (6) months after his/her election, nor within six (6) months after the filing of a previous petition for recall, nor within six (6) months of the end of the term for the officer sought to be recalled.

Section 7.12 Failure of the Council to Call an Election

In case all the requirements of this Charter shall have been met and the Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said Council by the provisions of this Charter with reference to such recall, then the County Judge of Dallas, County, Texas, shall discharge any such duties herein provided to be discharged by the person performing the duties of the City Secretary or by the Council.

Section 7.13 General Power of Initiative and Referendum

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

- (a) Initiative. Such power shall not extend to the budget or capital program or any ordinance not subject to initiative as provided by State law, relating to appropriation of money, issuing of bonds, levying of taxes or salaries of City officers or employees.
- (b) Referendum. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance no subject to referendum as provided by State law, relating to appropriation of money, issuing of bonds or levying of taxes.

Section 7.14 Initiative and Referendum

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate or, if within thirty (30) days after final passage, repeal legislation through referendum by submitting an affidavit which requests the submission of a proposed ordinance or resolution, or an ordinance or resolution repealing any such ordinance or resolution, as set forth below:

- (1) When an affidavit, signed by one or more qualified voters, outlining and stating a specific ordinance or resolution being sought or repealed, is presented to the City Secretary, he/she shall mark the affidavit with the date received and retain it for office files.
- (2) Within three (3) business days after receiving the affidavit for initiative or referendum, the City Secretary shall prepare and have available at City Hall for delivery to persons signing the affidavit petition forms which shall be addressed to the City Council and bear the seal of the City Secretary. The petition form shall provide space for the printed names, addresses, dates of birth

and signatures. The City Secretary may provide space for any other information or format helpful in certifying a person as a qualified voter, but the absence of said information shall not invalidate the petition. Persons accepting delivery of the petition forms shall acknowledge delivery by signing a receipt bearing the date of delivery. Said receipt shall be retained by the City Secretary for office files. Petitioners must take delivery of the prepared petition forms within three (3) business days of notification that they are available.

(3) Said petition must be signed by thirty percent (30%) of the number of votes cast at the last regular Mayoral election, and each copy of the petition shall have attached to it a copy of the legislation being proposed or repealed. The petition shall be signed in the same manner as recall petitions are signed, as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Within ten (10) days of the date of filing of a recall petition, the City Secretary shall determine the sufficiency thereof and attach thereto a certificate showing the result of his examination. If he/she shall certify that the petition is insufficient he/she shall set forth in the certificate the particulars in which it is defective and shall at once notify the petitions of the original affidavit for recall by registered mail at his/her Seagoville address.

(4) Within thirty (30) days of the delivery date, the signed petition must be filed with the City Secretary for verification. If the petition is not filed within the prescribed delivery period, it shall be invalid. Petitions on forms other than those provided by the City Secretary shall be invalid. If a request is made within the original thirty (30) day period, the City Secretary shall provide additional petition forms promptly on request of the initiators of the recall.

(5) Within fourteen (14) days after the date of the finding of sufficiency of the papers constituting the petition for initiative or referendum, the person performing the duties of the City Secretary shall place on the agenda such petition for presentation at the next regularly convened meeting of the City Council.

(6) Upon presentation to the City Council, it shall become the duty of the City Council within two (2) regularly scheduled City Council meetings after the receipt thereof, to adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to repeal, if that be the case, the ordinance or resolution. If the City Council does not adopt or repeal, whichever the case, the ordinance or resolution, then it shall be the duty of the City Council to order an election and fix a date for holding such election in accordance with the uniform election dates as provided in the TEXAS ELECTION CODE, as amended. Unless otherwise provided by law, any election for an initiative or referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

Section 7.15 Suspension of Ordinances or Resolutions While Subject to Referendum

Pending the holding of such election as provided for in the Article, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

Section 7.16 Voluntary Submission of Legislation by the City Council

The City Council, upon its own motion and by the vote of three-fourth (3/4) of the full membership of the City Council, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, or resolution, or measure, in the same manner and with the same force and effect as provided in this Article for submission of petition, and may at its discretion call a special election for this purpose.

Section 7.17 Form of Ballots

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

“For the Ordinance” or

“Against the Ordinance” or

“For the Resolution” or

“Against the Resolution”

Section 7.18 Publication of Proposed and Referred Ordinances

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

Section 7.19 Adoption of Ordinances

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

Section 7.20 Inconsistent Ordinances

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes “For the Ordinance” or “For the Resolution” shall prevail.

Section 7.21 Ordinances Passed by Popular Vote, Repeal or Amendment

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided by Section 7.15 of this Charter.

Section 7.22 Further Regulations by the City Council

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article consistent herewith.

Section 7.23 Franchise Ordinances

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

Section 7.24 Failure of the City Council to Call an Election-Initiative or Referendum

In case that all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the initiative or referendum petition, or order such initiative or referendum election, or discharge any other duties imposed on the City Council by provisions of this Charter with reference to such initiative or referendum, then the District Judge of Dallas County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the City Secretary or by the City Council.

**ARTICLE VIII
BONDS, WARRANTS AND OTHER EVIDENCE OF INDEBTEDNESS**

Section 8.01 Right to Issue Bonds, Etc.

In keeping with the Constitution of Texas, and not contrary thereto, the City of Seagoville shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidence of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the general laws of the State of Texas.

Section 8.02 General Laws of Texas

Bonds and warrants of the City of Seagoville shall be issued in the manner provided by the general laws of Texas applicable to cities and towns.

**ARTICLE IX
GENERAL PROVISIONS**

Section 9.01 Qualified Voter

A “qualified voter” means a person who is qualified under the provisions of Section 11.002 of the Texas Election Code, except as herein elsewhere defined within the meaning of the terms of this Charter.

Section 9.02 Jurors

In any action or proceeding in which the City of Seagoville may be party at interest, no person shall be an incompetent judge, justice, witness or juror by reason of his/her being an inhabitant, freeholder or taxpayer of the City of Seagoville.

Section 9.03 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager or other City employee shall be employed by or contracted with for the City. This shall not apply to the following:

- (1) Any person continuously employed or contracted six (6) months prior to election or appointment of Mayor, Councilmember or City Manager, or
- (2) Any person who is a seasonal employee or intern of the City.

Section 9.04 Public Act

This Charter shall be deemed a public act and judicial notice shall be taken thereof in all courts.

Section 9.05 Amendments and Charter Review

(a) This Charter may be amended at any time in accordance with the provisions applicable thereto contained in Chapter 9 of the TEXAS LOCAL GOVERNMENT CODE or any amendment thereto or any amendments in that may be made hereafter thereto. This Charter may be amended no more than once every two (2) years as provided by the laws of the State of Texas.

(b) The City Council shall appoint a Citizens Charter Review Commission not less than every six (6) years, with the Mayor and each Councilmember selecting two (2) members for appointment. Such Commission shall review the Charter and make recommendation to the City Council as to any necessary amendments.

Section 9.06 Effect of Any Provisions Hereof Being Declared Invalid

If any provision of this Charter violates any statutes of the Constitution of the State of Texas, or if any court holds such provisions for naught for any reason, the remaining provisions shall not be affected thereby and shall continue in effect.

**ARTICLE X
FRANCHISES, PRIVILEGES AND LICENSES**

Section 10.01 Franchises

(a) The right to control, easement, use and ownership of and title to the streets, highways, public thoroughfares and property of the City, its avenues, parks, bridges and all other public places and property, are hereby declared to inalienable except by ordinance duly passed by a majority of all members of the City Council, and no grant of any franchise or lease, or right to use the same, either on, through, along, across, under or over the same, by any private corporation, association or individual shall be granted by ordinances by the City Council for a longer period than twenty (20) years unless submitted to the vote of the legally qualified voters of the City; provided, however, that when any application is made for any greater grant of franchise, lease, right or privilege by any person or corporation, the Council shall submit it, at an election called for that purpose, the expense of which shall be borne by the applicant, and if the majority of the votes cast at said election shall be in favor of making the grant as applied for, said grant shall be made for a term of years as specified in the ordinance calling said election.

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

(c) No franchise shall ever be granted until it has been approved by a majority of the City Council, after having been read in full at two (2) regular meetings of the City Council, nor shall any such franchise, grant or privilege ever be made unless it provided for adequate compensation or consideration therefor to be paid to the City.

(d) The City Council may, by ordinance or resolution passed by a majority vote, grant such other licenses or permits or privileges for use such property as it deems to be in the public interest and benefit.

Section 10.02 Obligations of Franchisee

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

Section 10.03 Exclusivity Prohibited

No franchise grant shall ever be exclusive.

Section 10.04 Forms, Method of Accounting Prescribed

The City Council may prescribe the forms and methods of the keeping of accounts of any grantees under franchise, provided that the forms and methods of keeping such accounts have not already been prescribed by a state or federal agency.

**ARTICLE XI
MISCELLANEOUS**

Section 11.01 Acquisition of Property

The City of Seagoville shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation or otherwise, any character of property authorized by law to be used for public purposes, within or without its municipal boundaries, including any charitable or trust funds.

Section 11.02 Public Property Exempt for Execution

No public property or any other character of property owned or held by the City of Seagoville shall be subject to any execution or attachment of any kind or nature.

Section 11.03 City Funds Not Subject to Garnishment

No funds of the City of Seagoville shall be subject to garnishment, and the City of Seagoville shall never be required to answer to a garnishment proceeding.

Section 11.04 Liability for Negligence

(a) The City of Seagoville shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts or sidewalks being out of repair because of negligence of said corporation unless the same shall have remained so for ten (10) days after special notice in writing is given to the Mayor and City Council.

(b) The City of Seagoville shall not be liable to any person for damages sustained in any park, playground or public building belonging to said City or because of any apparatus, furnishings, fixtures or improvements thereon or thereupon situated being defective or out of repair unless the same shall have remained so for ten (10) days after special notice in writing is given to the Mayor and City Council.

(c) Before the City of Seagoville 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 his/her 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 damaged occurred, the full extent thereof, the amount of damages claimed or asserted, and the basis of liability on the part of the City. The person giving notice under this section shall give the address of every place that he/she has resided during the last six (6) months prior to the injury, death or damage and shall subscribe his/her name thereto. Neither the Mayor, City Councilmember, City Manager, City Secretary, City Attorney nor any other officer or employee of the City shall have authority to waive any or the provisions of this section, but the same may be waived by unanimous vote of the City Council made and passed before the expiration of said six (6) month period.

Section 11.05 Not Required to Give Bond

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

Section 11.06 Right of Eminent Domain

The City of Seagoville shall have the right of eminent domain for public purposes whenever the governing authority, shall deem it necessary; and to take any private property, within or without the City for any municipal purposes that may be authorized by law. The power herein granted for the purpose of acquiring private property shall include, but not exclusively, the power of improvement and enlargement of water works, including water supply, riparian rights, standpipes, water sheds, dams, the construction of supply reservoirs, wells, parks, squares, pleasure grounds, and airports, and for the purpose of strengthening or improving the channel of any stream, branch, draw or drain, or the straightening or widening or extension of any street, alley, avenue, boulevard or other public highway. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of this State or in the manner and form that may be provided by ordinance of the City Council. The power of eminent domain hereby conferred shall include, the right of the governing authority of the City, when so expressed,

to take the fee in the land so condemned, and such power or authority shall include the right to condemn public property for such purpose.

ARTICLE XII CONSTRUCTION

Section 12.01 Interpretation

In interpreting the provisions of this Charter, the same should be construed as broadly as permitted under State law and the TEXAS CONSTITUTION to grant authority and not to limit authority.

Section 12.02 Use of Words

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

Section 12.03 Codification and Organization

The City Council may by Ordinance provide for the codifying, organizing, arranging and numbering of any sections not approved by the voters, provided that such codifying, organizing, arranging and numbering in no way alters the wording or intent of those sections.

REDLINE



HOME RULE CHARTER FOR
THE CITY OF SEAGOVILLE, TEXAS

AMENDED CHARTER

CHARTER ELECTION

ORDINANCE NO. 06-11; ORDINANCE NO. 05-11 AUGUST 1, 2011

ORDINANCE NO. 09-13 JUNE 17, 2013 (Scrivener's Error)

CHARTER ELECTION HELD ON MAY 7, 2016

ORDINANCE NO. 20-16 JUNE 20, 2016

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CITY OF SEAGOVILLE

HOME RULE CHARTER

PREAMBLE

We, the citizens of Seagoville, 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 of the City of Seagoville, in Dallas and Kaufman County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the “City of Seagoville” with such powers, rights, privileges, authorities, duties and immunities, as are herein provided.

ARTICLE I

FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 Form of Government

(a) The municipal government provided by this Charter shall be known as the “Council-Manager Government”. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, 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 and such other officers as expressly provided herein. The City Manager shall be 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 the manner not be prescribed, then in such manner as may be prescribed by resolution, ordinance, the State Constitution or by the statutes of the State of Texas.

(b) After the City of Seagoville has elected, either by the voluntary act of the City Council or by vote of a majority at the election hereinafter prescribed, such plan or form of government may be abandoned only upon the filing of a petition with the City Secretary, signed by not less than twenty percent (20%) of the total number of legal qualified electors voting for Mayor at the last preceding City election, requesting the Mayor to call a special election for the abandonment of the City Manager form of government, whereupon it shall be the duty of the Mayor within ten (10) days after the filing of such petition to issue a proclamation calling a special election for

such purpose, and such election shall be held within thirty (30) days after the filing of such petition. Such proclamations shall state that the election is called in order to submit the question of the abandonment of the City ~~manager-Manager~~ plan of government as previously adopted and instituted by the City. Such proclamation shall be published one time at least ten (10) days before the date of such election in a newspaper of general circulation within the City, and shall also be posted in at least five (5) conspicuous places within such City not less than ten (10) days preceding such election.

The ballots used for the submission of such questions shall be substantially as follows:

FOR abandoning the City Manager form of government in the City of Seagoville.

AGAINST abandoning the City Manager form of government in the City of Seagoville.

If a majority of all votes cast at such election shall be in favor of the abandonment of the City Manager plan, then governing body of the City of Seagoville shall within sixty (60) days after such election discharge the City Manager, and shall then assume the powers and duties delegated to such governing body under the terms of the Charter of the City of Seagoville, in the same manner and to the same extent as though the provisions of the article had never been instituted.

Section 1.02 Boundaries

The citizens of the City, Dallas and Kaufman County, 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 Seagoville" with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided.

Section 1.03 Extension of Boundaries

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, by the method hereinafter set forth:

- (1) The City Council shall have the power by ordinance to fix the boundary limits of the City and provide for the alteration and extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, in any manner provided by law.
- (2) When any additional territory has been so annexed, same shall be a part of the City and the property situated therein shall bear taxes levied by the City, and the citizens thereof shall be entitled to all the rights and privileges of the other citizens of said City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

**ARTICLE II
POWERS OF THE CITY**

Section 2.01 General Powers of the City

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

Section 2.02 General

(a) The City of Seagoville, as such body politic and corporate, shall have perpetual succession; may use a corporate seal; may sue and be sued; may contract and be contracted with; implead and be impleaded in all courts; may take, hold and purchase such lands, within or without the City limits, as may be needed for corporate purposes of said City, and may sell any real estate or personal property owned by it; perform and render all public service, and when deemed expedient, may condemn property for corporate use, and may hold, manage and control the same; and shall be subject to all duties and obligations now pertaining to or incumbent upon said City as a corporation, not in conflict with the provisions of this Charter; and shall enjoy all rights, immunities, powers, privileges and franchises now possessed by said City and hereinafter conferred and granted; and except as prohibited by the Constitution of the State of Texas or restricted by this Charter, the City of Seagoville shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. In addition to the powers herein otherwise granted, the City shall have all powers enumerated in State law, as hereafter amended, as though such State law were set forth herein.

(b) The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Seagoville shall have, and may exercise, all powers which under the Constitution and Statutes of the State of Texas it would be competent for this Charter specifically to enumerate. All powers of the city, whether expressed or implied, shall be exercised in the manner prescribed by this Charter or, if not prescribed therein, then in the manner provided by ordinance or resolution of the City Council.

Section 2.03 Public Improvements

The City shall have the power to, among others, construct and maintain, within or without its corporate limits, streets, flood control and sanitary facilities, water and storm drainage facilities, in, over, under or upon all public property or easements granted for the purpose and to levy assessments for the costs of such improvements. It shall have the power to cause liens and costs to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

Section 2.04 Real Estate

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

Section 2.05 Street Powers

The City of Seagoville shall have the power to lay out, establish, open, alter, widen, lower, extend, grade abandon, improve and maintain streets, alleys, sidewalks, squares, parks, public places and bridges and regulate the use thereof and require the removal and regulate such public property or places, all obstructions, when same constitutes a hazard to the public, encroachments of every nature or character upon any said public property, and to vacate and close private ways; and when a street or alley has been vacated or abandoned, the City shall have the right to sell the same as now provided by the general laws of the State of Texas.

Section 2.06 Street Improvements and Assessments Therefore

The City shall have the right under the Texas Transport Code, together with all amendments thereof, adopted and made a part of this Charter, to authorize the City Council to provide for the payment and costs of improvements to highways and streets, and provide for the proper assessment of any such improvement in accordance with law. Any street improvement project shall be reviewed by a civil engineer licensed under the laws of the State of Texas.

Section 2.07 Regulation of Vehicles Used for Hire

The City Council shall have the power, expressed or implied, by ordinance or otherwise, to license, operate and control the operation of all character of vehicles using public streets.

Section 2.08 Regulation of Public Utilities

The City Council shall have the power, by ordinance, to determine, fix and regulate the charges, fares or rates of compensation, by ordinance, to be charged by any person, firm or corporation enjoying a franchise in the City of Seagoville, and shall, in determining, fixing and regulating such charges or rates or compensation, base the same upon the fair rate of return upon the fair value of the property of such person, firm or corporation devoted to furnishing service to such

City of inhabitants thereof, as may be permitted by law. The City Council may prescribe the character, quality and extent of service to be rendered and shall have the power to regulate and require the extension of lines or services of such public utility.

Section 2.09 Municipal Owned Public Utilities

The City shall have the power to build, construct, purchase, own, lease, maintain and operate, as established under the Texas Local Government Code or general laws, within or without the City limits, light, and power systems, a sewer system, sanitary disposal equipment and appliances, natural gas systems and public services.

Section 2.10 Transportation

- (a) General: The City Council may grant franchises and the City may acquire, maintain and operate a transportation service and issue warrants, assignments of revenues and bonds and use public funds for such purpose.
- (b) Airports: The City Council shall have the power to establish, maintain and operate an airport(s), and heliport(s) or any other appropriate transportation facilities within or without the city limits, including landing fields, radio beams, beacons and other apparatus, buildings, equipment and appurtenances necessary or convenient therefor, and to make suitable charges for their use.

Section 2.11 Parks

The City shall have the right to acquire and have exclusive control of all City parks and playgrounds, whether within or without the City limits and the structures and apparatuses located therein; and to prevent any encroachments thereon; and, to provide for the improvement, construction and maintenance of such parks or facilities located therein.

Section 2.12 Underground Construction

The City may require the placing of all wires or overhead construction of public utilities within the business area or fire limits of the City under the surface of the ground under such regulations as may be prescribed by the City Council from time to time.

Section 2.13 Fires

The City Council shall have the power, by ordinance or otherwise, to provide for a fire rescue department and regulation thereof; and to provide, by ordinance or resolution, such regulation to protect the public against conflagrations or threat thereof within the City.

Section 2.14 Health

The City Council shall have the power to provide for a health and sanitation department and to establish all necessary rules and regulations, by ordinance or otherwise, to protect the health of the City and for the establishment of regulations to protect the public health to include, but not to the exclusion of other powers, the following:

- (1) To regulate, license and inspect persons, firms, corporations, common carriers or associations operating, managing or conducting any hotel or any other public sleeping or eating place, or any place or vehicle where food or drink or containers therefor, of any kind is manufactured, processed, prepared, stored or packed for sale or resale within the City; and shall have the power to prescribe health regulations with reference to any and all workers or employees hired or used in any of said places or vehicles, or about said places and vehicles; or who deliver products to and from said places and vehicles; and shall have the power to inspect, license and regulate the sanitary condition of said places and vehicles and to condemn all articles not wholesome or fit for human consumption, and to prohibit and summarily prevent the sale or dispensing of any such condemned articles.
- (2) To define all nuisances and prohibit the same within the City and outside the City limits for a distance of five thousand (5,000) feet; to police all parks or grounds, speedways, or boulevards owned by said City and lying both outside and inside said City; to prohibit the pollution of any stream, draw, drain or tributaries thereof, water deposit and reservoir, whether above or below the ground, which may constitute the source or storage of water supply, and to provide policing of same, to inspect, license and regulate dairies, slaughter pens and slaughterhouses inside or outside the limits of the City from which meat or milk is furnished to the inhabitants of the City; to require property owners to make connection to the sewer system, if and when available, with their premises, and to provide for fixing a lien against the property of owners who fail or refuse to make it a personal liability.
- (3) To provide for the fixing of penalties for failure of any person, firm or corporation or association to comply with any such rules and regulations so prescribed by the City Council under the provisions of this section; it being the intention to vest in the City Council not only the powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health of the City of Seagoville and its inhabitants.

Section 2.15 Police Department

The eCity shall have the power, by ordinance, to establish and maintain a police department. The head of the police department of said eCity shall be known and designated as “Chief of pPolice”; and, the Council shall budget for the personnel and operation thereof.

Section 2.16 Power to Compromise and Settle Claims and Lawsuits

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

Section 2.17 Contracts

(a) The City may enter into a contract which may bind the City to pay for personal or professional services to be rendered for the performance of a specific act or for a specific period of time for a period of time not to exceed two (2) years, except municipal solid waste and public utilities which may not exceed five (5) years.

(b) The City or anyone authorized by Council may make any contract for goods, materials, services or supplies as authorized by State law, including a contract for the use or purchase or other acquisition of personal property by lease with an option to purchase, an installment purchase, or other form considered appropriate by the City Council, and subject only to applicable Constitutional restrictions, the City Council may obligate taxes or revenues for the full term of contract for the payment of the contract.

Section 2.18 Alcoholic Beverages

(a) No person shall be allowed to sell liquor in all or part of the residential sections of the City.

(b) The City Council may, by ordinance, prohibit the sale of beer in any residential area of the City and/or regulate the sale of beer and prescribe the hours when it may be sold as allowed by State law.

(c) The City Council may, by ordinance, regulate alcoholic beverages as permitted under the Constitution and laws of the state.

Section 2.19 Miscellaneous Powers

The City shall have the power to, among others, establish and maintain ordinances and regulations governing the use of lands within the City and to enforce by all lawful means these ordinances and regulations, within and without its corporate limits. The City shall have the power to authorize, regulate and inspect all construction and existing structures within or without its limits, consistent with State statutes, and to establish and enforce ordinances and regulations concerning their use, construction and reconstruction. The City shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade when authorized by State law. The City shall have all powers, expressed and implied, granted by any section of this Charter, and, under the Constitution laws of the State of Texas.

**ARTICLE III
THE CITY COUNCIL**

Section 3.01 Mayor and City Councilmembers

(a) Composition: The “City Council” shall be composed of a “Mayor” and five (5) at large places “Councilmembers,” and said City Council shall be elected at large by a majority vote. In reference to matters in this Charter that refer to the vote of the City Council, such reference does not include the Mayor unless the voting is permitted in Section 3.05 of this Charter.

(b) Eligibility: Only qualified voters of the City and residing within the respective district as provided herein shall be eligible to hold the office of Council for each district. Only qualified voters residing in the City, as provided herein, shall be eligible to hold the office of the Mayor. No person may be eligible, elected or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date.

(c) Date of Election: The regular election of Councilmembers and Mayor shall be held on the uniform election day in May or on a uniform date as provided by the Texas Election Code.

(d) Run-Off: In the event no candidate for a given office shall have received the necessary majority, the City Council shall, at the first regular Council meeting following the completion of the official canvass, call a runoff election to be held in accordance with the requirements of the Texas Election Code, in accordance with the Texas Election Code. At the runoff election, the ballot shall list in that order the names of the two candidates receiving at the first election the first and second highest number of votes for given office. Should one of the candidates withdraw, die or become ineligible, a second election shall not be held and the other shall be declared elected to office.

(e) Term of Office: At the first election under this Charter, the Councilmembers from odd place being 1, 3 and 5 shall be elected for a two (2) year term, At the second election under this Charter, Councilmembers from even-numbered districts, being 2 and 4, and the Mayor shall be elected for a two (2) year term.

(f) An individual shall serve no more than three (3) consecutive two (2) year terms as a Councilmember, excluding the Mayor. If a person is elected to fill more than fifty percent (50%) of an unexpired term, the term shall be considered a full term for reason of calculating term limits.

Section 3.02 Qualifications of City Council

In addition to any other qualifications prescribed by law, the ~~m~~Mayor and each Councilmember shall:

- (1) be residents of the City of one (1) year; and
- (2) have resided in their district for a minimum of one (1) year prior to the date of the election and shall reside in that district during the term of office.

Section 3.03 Compensation

The City Council shall serve without compensation. The City Council shall be entitled to reimbursement for actual reasonable expenses incurred in the performance of official duties. The City Council may, by ordinance or resolution, adopt rules or regulations to govern the reimbursement of a eCouncilmember for such expenses under this section.

Section 3.04 Mayor and the City Councilmember; Qualifications; How Nominated and Elected; Official Ballot

The names of candidates for City Councilmember and Mayor shall be placed on the official ballot upon the filing of a petition, in accordance with the Texas Election Code, with the City Secretary stating the candidate has resided in the City of Seagoville for a period of at least one (1) year prior to such election. The petition shall be signed, in addition to the candidate, by twenty-five (25) qualified voters residing within the City which the candidate is seeking election. A qualified voter may sign more than one (1) petition of a candidate but in no event shall a qualified voter sign more than one (1) petition for one (1) place. Upon filing, such name shall be printed upon the official ballot. The order in which the names of the candidates for City Council shall appear on the ballot shall be determined by lot, in a drawing held under the supervision of the City Secretary.

Section 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

(a) The Mayor shall preside at all meetings of the City Council, and shall be recognized as head of the City Government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall not be entitled to vote as a member thereof on all legislative or any other matters except in order to break a tie vote of the City Council. He/she shall sign resolutions/ordinances and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter; and such other documents that he/she may be authorized by Council or by law. The Mayor shall not have power to veto any legislative or other matter.

(b) The City Council shall elect a Mayor Pro-Tem at the first meeting as provided herein.

(c) The Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular meeting after each election of Councilmembers and/or Mayor. 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

In the event of a vacancy existing in the office of Mayor or City Council from any cause whatsoever, the remaining members of the City Council shall by a majority vote therefor at a regular meeting elect a member or members to fill the vacancy or vacancies thus existing, and such member or members so elected by the City Council shall serve in such position for the remainder of the unexpired term.

Section 3.07 Duties and Powers of the City Council

(a) The City Council shall have the powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all powers necessary to carry out the terms of this Charter; it being intended that the eCity Council and Mayor shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by this Charter, the Constitution or laws of the State of Texas.

(b) Any member of the City Council shall have the unabridged right to place an item on the agenda of a duly convened regular meeting of the Council; nothing contained in this Charter shall be construed to limit or circumscribe such right.

(c) During each calendar year, the City Council shall undertake at least one (1) annual and mid-year reviews of the performance of the City Manager³, City Secretary, City Attorney and Municipal Court Judge. The City Council may from time to time conduct such additional review as it deems appropriate. The City Manager shall be responsible for implementing annual performance reviews for all other employees of the City, except the City Secretary and other Council appointed positions.

(d) All powers of the City and the determination for all matters of policy shall be vested in the City Council shall have all powers authorized to be exercised by the Constitution and laws of the State of Texas and as set forth in this Charter. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the City Manager;
- (2) Appoint and remove the Municipal Judge(s) of the Municipal Court;
- (3) Appoint and remove the City Attorney; and other special legal counsel;
- (4) In consultation with the City Manager; appoint and remove the City Secretary;

- (5) Establish administrative departments;
- (6) Establish an ad valorem tax levy and adopt the budget for the City;
- (7) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs through the City Manager;
- (8) Exercise, individually and collectively, all of the powers and authority as provided in Article II of this Charter.

Section 3.08 Limitations of Authority

(a) Except where authorized by law or by this Charter, Mayor or Councilmember shall not hold any other City office or City employment during his or her term as Mayor or Councilmember. No former Mayor or Councilmember shall hold any compensated appointive office, receive any appointment or City employment with the City until one (1) year after the expiration of the term for which they were elected or appointed to the City Council. No person may be eligible, or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date.

(b) Members of the City Council shall not in any way dictate the appointment or removal of the City administrative officers or employees whom the City Manager or any of the City Manager's subordinates are empowered to appoint. The City Council, at a meeting called for that purpose, may express its views fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(c) Except for the purpose of inquiries and investigations as provided by this Charter, the City Council shall deal with the City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. The City Council shall not give orders to any such officer or employee either publicly or privately except as otherwise provided in this Charter.

Section 3.09 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. For that purpose, the City Council shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers or other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt for failing or refusing to obey any such subpoena 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 the ordinance.

Section 3.10 Meetings of the City Council

- (a) Regular Meetings: 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 meeting.
- (b) Special Meetings: Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Councilmembers upon provision of public notice in accordance with State law. Notice of any special call meeting of the City Council shall be posted at City Hall, City website and otherwise comply with State law.
- (c) Open Meetings: All meetings of the City Council shall be held in public as provided State law.
- (d) Quorum: Three (3) Councilmember shall constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present. In no event shall any ordinance, resolution or official action be approved except by an affirmative vote of at least three (3) Councilmembers.
- (e) Minutes, Resolutions, Ordinance and Records: Minutes of all proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. All adopted ordinances or resolutions, shall be kept in the archives of the City and shall be authenticated by the signature of the presiding officer and the City Secretary.

Section 3.11 Disaster Clause

In case of disaster when a legal quorum of the City Council cannot be assembled due to multiple deaths or injuries, the surviving members of the City Council, or the highest surviving city official if no elected official remains, must, within twenty-four (24) hours of such disaster, or as soon as practicable, take such action as to ensure the basic health, safety and welfare of the citizens and undertake whatever action is necessary under the laws of the State of Texas to call for a special election. Until such election is held and Council qualified, the remaining members or highest ranking officer if no elected official remains, shall only undertake those actions necessary to protect the basic health, safety and welfare of the citizens which such action may be subsequently ratified by the full City Council.

Section 3.12 Conflict of Interest

- (a) Should any person on the City Council have a conflict of interest, pursuant to any State laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the City Council, he or she shall openly declare same before discussion proceeds, and he or she is thereby prohibited from discussing the item or voting on the question, and it is not considered as present and voting for the purposes of the tally, and must file

appropriate conflict of interest statement with the City Secretary. The City Secretary shall verify with the City Attorney to ensure the required disclosure and/or conflict forms are executed and filed.

(b) The City Council shall adopt rules concerning ethical standards of conduct for governance of meetings and actions as councilmembers.

Section 3.13 Rules of Procedure

The City Council shall adopt, every two (2) years; the latest version of Robert's Rules of Order, and any other rules of order and business; and, the Council may adopt rules to compel attendance of its members. The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be public record and shall be kept and maintained by the person performing the duties of the City Secretary.

Section 3.14 Abstention

All Councilmembers shall vote on any and all matters properly placed on a posted agenda unless there is a conflict of interest under state or local law. A councilmember may remove themselves from consideration of an agenda after disclosure and statement of reason in an open meeting prior to deliberation and voting. Councilmember shall vote on all matters brought before the City Council for determination unless there is a valid conflict of interest or ethical prohibition.

Section 3.15 Passage of Ordinance in General

(a) 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 Seagoville...". Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title. General appropriation ordinances, or ordinances authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness may contain various subjects and accounts for which monies are to be appropriated. After adoption, an ordinance shall not be amended or repealed except by the adoption of another ordinance amending or repealing the original ordinance. Copies of any proposed ordinance, in the form required for adoption, shall be available at the City offices and shall be furnished to citizens upon request to the City Secretary from and after the date on which such proposed ordinance is posted as an agenda item for the City Council meeting; and if amended, shall be available and furnished in amended form for as long as the proposed ordinance is before the City Council.

(b) Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every ordinance imposing any penalty, fine or forfeiture shall become

effective only after having been published once in its entirety or by caption form after adoption, in a newspaper designed as the official newspaper of the City.

Section 3.16 Emergency Ordinances

(a) The City Council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money except as provided elsewhere in this Charter or by sState law.

(b) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms.

(c) An emergency ordinance may be introduced at any City Council meetings and can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of at least three (3) Councilmembers shall be required for adoption.

(d) Emergency ordinances shall become effective upon adoption and shall be published as soon thereafter as practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. The ordinance may be re-enacted if the emergency still exists or otherwise in accordance with this Charter or by sState law.

Section 3.17 Authentication, Recording, Codification

(a) All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.

(b) The City Council shall maintain the codification of ordinances of the City. This codification shall be known and cited as "The Seagoville 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 codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the code shall be furnished to City Officers, placed in City offices and made available for purchase by the public at a reasonable price to be fixed by the City Council.

(c) The City Council shall cause all ordinances and amendments to this Charter to be printed promptly following their adoption. A copy of each ordinance and amendment shall be placed in appropriate City offices for public reference. Printed ordinances and Charter amendments shall be sold to the public at a reasonable price to be fixed by the City Council.

Section 3.18 Bond

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

Section 3.19 Boards and Commissions

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

(b) The City Council may appoint persons to serve on any boards, commissions or committees. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation but may be reimbursed for actual expenses as approved by the City Council. The City Council may, by an affirmative vote of four (4) council members, waive any requirement that a person may only serve on one (1) board or commission.

(c) All boards, commissions or committees of the City shall keep and maintain minutes if any proceedings held and shall file the minutes or any written report of such proceedings with the City Secretary no more than three weeks following each meeting.

(d) No officer or employee of the City or any person who holds a compensated appointive position or other elective office shall be appointed to any board, commission or committee created or established by this Charter other than in an advisory capacity to that board, commission, or committee, except and unless such appointment is provided for in state statute.

(e) No ~~C~~eouncilmember shall serve on any board or commission, except the City ~~e~~Council may appoint no more than two (2) members of the ~~city-City eouncil-Council~~ to serve on the Seagoville Economic Development Corporation.

(f) No person shall be eligible to serve on any Board or Commission that does not meet the following qualifications:

1. Be a qualified voter within the City at the time of appointment.
2. Not be in arrears on City taxes, utility service charges, or other obligations owed to the City.
3. Have not been convicted of a felony or class A misdemeanor.
4. Not be adverse party to pending litigation against the City.

Section 3.20 Ordinance Now in Effect

All ordinances of the City of Seagoville now in existence and not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the City Council.

Section 3.21 Ordinances; Pleadings of and Admissibility, as Evidence

It shall be sufficient in all judicial proceedings to plead any ordinance of the City by caption without embodying the entire ordinance in the pleadings, and all pleaded 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 the ordinances may also be used in evidence in lieu of original ordinances.

**ARTICLE IV
CITY MANAGER**

Section 4.01 City Manager

The City Council shall appoint, upon an affirmative vote of four (4) eCouncilmembers, a City Manager who shall be the eChief eExecutive eOfficer of the municipal government and shall be responsible for the efficient administration of all departments.

Section 4.02 Compensation

The City Manager, when so appointed, shall receive a salary and other compensation as set by the City Council.

Section 4.03 Qualifications of City Manager

The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practices with respect to the duties of his office as hereinafter outlined. No person elected to membership on the Council shall, subsequent to such election, be eligible for appointment as City Manager until (1) year has elapsed following the expiration of the term for which he was elected. Prior to consideration for appointment, the City Council shall first obtain a thorough background review.

Section 4.04 Powers and Duties of City Manager

(a) The City Manager shall hold his office for an indefinite period and shall be suspended or removed at the will and pleasure of the City Council upon an affirmative vote of four (4) members of the full City Council. The action of the Council in suspending or removing the City Manager shall be final, since it is the intention of this section to vest all authority and fix all responsibility for such suspension or removal wholly in the City Council. In no event shall a City Manager be terminated within ninety (90) days after a general election, except for misconduct, malfeasance, or misfeasance.

(b) It shall be the duty of the City Manager to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that the ordinances of the City and the laws of the state are enforced; to make such recommendations to the Council concerning the affairs of the City as may seem to him/her desirable; to execute all contracts as authorized by Council; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate; to prepare and submit to the Council such reports as may be required by that body; attend relevant State and Regional meetings on behalf of the City; and, to network with State organizations and cities for and on behalf of the City and perform such other duties as may be prescribed by this section or required of him by ordinance or resolution of the Council not inconsistent with this section.

(c) The City Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his/her charge, and to that end he/she shall have the power to appoint and remove all officers and employees, unless otherwise provided in this Charter; but the City mManager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Appointments made by, or under the authority of, the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in work which they are to perform. All such appointments shall be without definite term unless for provisional, temporary, or emergency service not to exceed the maximum periods prescribed by such regulations as may be imposed under the authority of the Charter.

(d) Any officer or employee appointed by the City Manager, or a head of a department or office, may be removed by the City mManager or other appointing officer at any time and except as otherwise provided herein, the decision of the City mManager or other appointing officer shall be final.

(e) The City Manager shall attend all meetings of the Council, except where excused by the Council, and shall have the right to take part in all discussions, but shall have not vote.

(f) The City Manager may with the advice and consent of the City Council, obtain an independent forensic audit firm to conduct an appropriate inquiry or investigation into allegations of misappropriation of municipal funds by a City employee.

Section 4.05 Official Bond

The City Manager shall give an official bond as established by City Council, payable to the City of Seagoville, conditioned as may be prescribed by resolution or ordinance of the Council. Such bond shall be procured from some regularly accredited surety company, authorized to do business under the laws of the State of Texas, and the premiums to such surety company shall be paid by the City of Seagoville.

ARTICLE V OTHER OFFICERS

Section 5.01 City Secretary

(a) Upon consultation with the City Manager, the City Council, by majority vote, may appoint and remove a City Secretary. He/she shall serve at the pleasure of the City Council and receive such compensation as determined by the City Council. Unless excused by the City Council for good cause, he/she shall attend all meeting of the City Council and keep accurate minutes of its proceedings; he/she shall preserve and keep in order all books, papers, documents, records and files of the City Council of the executive departments. He/she shall keep a record of all commissions and licenses issued and shall countersign the same. He/she shall appoint such assistants and staff as may be approved in the adopted budget of the City. He/she shall have custody of the seal of the City and shall affix sample to such documents and, obligations of the City as he/she may be legally authorized to do. The City Council may adopt such ordinances or resolutions as are necessary to administer and govern such offices.

(b) In no event shall a City Secretary be terminated within ninety (90) days after a general election, except for misconduct, malfeasance; or misfeasance.

Section 5.02 City Finance Director

The ~~f~~inance ~~d~~irector of the ~~e~~City shall be appointed by the City Manager and shall perform the duties of the ~~e~~City ~~t~~reasurer as imposed by State law or obligation of the City. He/she shall receive for his/her services such compensation as the City Council may fix. He/she shall sign all checks or vouchers given by the ~~e~~City and perform any other duties required by the general laws of the State of Texas and by ordinance adopted by City Council.

Section 5.03 Municipal Court, Creation and Jurisdiction; Fines

(a) The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as are now, or as may be, prescribed by the laws of the State of Texas.

(b) The City Council shall appoint by majority vote of its full membership such Municipal Judges of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State of Texas. In the event a duly qualified attorney is not available, the City Council shall then select a qualified person to the Municipal Judge. The Municipal Judge(s) of the Municipal Court(s) shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of his/her term(s) of office. The appointment of the Municipal Judge(s) maybe terminated, for cause, at any time by a majority vote of the full membership of the City Council. The Municipal Judge(s) shall receive compensation as may be determined by the City Council.

(c) The Clerk and Deputy Clerks of the Municipal Court(s) shall have the power to administer oaths, certify affidavits, make certificates, affix the seal of the Court, and perform all usual and necessary clerical acts in conducting the business of the Court(s) including but not limited to, the keeping of records and accounts of the Municipal Court(s).

(d) All special expenses and fines imposed by the Municipal Court(s) shall be paid into the City Treasury for the use and benefit of the City, as may be consistent with present and future laws.

Section 5.04 City Attorney

(a) Appointment and Qualification: 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. In no event shall a City Attorney be terminated within ninety (90) days after a general election, except for misconduct, malfeasance, or misfeasance.

(b) Removal: The City Attorney shall serve at the pleasure of the City Council and as such shall have no property right to continued employment.

(c) Duties: The City Attorney shall be required to:

(1) Serve as a legal advisor to the City Council and City Manager.

(2) Represent the City in litigation and legal proceedings as directed by the City Council and City Manager.

(3) Review and provide opinions as requested by the City Council and/or City Manager on contracts, legal instruments and ordinances of the City.

(d) Compensation: The City Attorney shall receive compensation as may be determined by the City Council.

(e) Additional Attorneys: The City Attorney, with approval of the City Council, may select additional attorneys to act for and on behalf of the City as its legal counsel for representation and litigation.

(f) 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.

ARTICLE VI FINANCE

Section 6.01 Powers of Taxation

(a) The Council shall have the power to levy, for general purposes, and ad valorem tax on real, personal, and mixed property within the territory of the City of Seagoville, not exempt from taxation by the Constitution, and laws of the State of Texas, based upon its true value as provided by law to the extent of the constitutional limit permitted by the State of Texas to cities.

(b) The Council may levy taxes on all property, privileges and franchises of every kind of description within the City limits or having its situs therein on January first of each year, and from any other local source. The place, time and manner of payment thereof, with costs and penalties, shall be established by the Council as it determines, not in violation of the laws of this State.

Section 6.02 Payment of Taxes

The taxes herein and hereby authorized to be levied shall become due and payable October first of the year assessed, and same shall be payable in cash, credit, debit or clearing house funds, at the office of the Assessor and Collection of Taxes or such other office as the City may, by ordinance, prescribe.

Section 6.03 Delinquent Taxes

(a) Taxes shall be deemed and become delinquent if not paid prior to February first of the year following assessment, and such delinquent taxes shall be subject to the penalties and collection procedures authorized by State law.

(b) Such delinquent taxpayer shall be subject to the payment of all costs and expenses incurred in the advertisement of such delinquent property and the collection of such taxes through any method provided by this Charter and/or the laws of the State of Texas. Such penalties and interest shall be an obligation of the taxpayer and be secured by the same lien and collected in the same manner as other taxes.

Section 6.04 Tax Lien and Liability

(a) A special lien is hereby created on all real, personal and mixed property, located in the City of Seagoville, in favor of the City of Seagoville, for all taxes, ad valorem, occupational or otherwise. Said lien shall exist from the date of delinquency in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, of judicial writ of any kind, can ever defeat such lien, but the Assessor and Collector of Taxes can pursue such property, and whenever found may, by judicial writ, seize and sell enough thereof to satisfy such taxes.

(b) All persons or corporations owning real, personal or mixed property on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year.

Section 6.05 Budget

The City Manager, as the ~~b~~Budget ~~e~~Officer, shall, in accordance with State law, prepare each year a municipal budget to cover the proposed expenditures of the City for the succeeding fiscal year. Such budget shall be prepared in conformity with the provisions of State law, together with any amendments thereto enacted. No public money shall ever be spent or appropriated, except in case of an emergency or public calamity, unless funds are currently in the possession of the City to cover said expenditures or appropriations. No expenditures shall ever be made by the City except upon checks drawn upon the account, for which a previous appropriation shall have been made, signed by the Mayor and City Manager or designee. Such budget shall, upon and after presentation, be presented to the Council and the public, in an open, called meeting for the purpose in accordance with State law. A proposed or preliminary budget shall be filed with the City Secretary and City Council for public review on a date established by State law and by rules adopted by the City Council, ~~f~~. If, by the first day of October, the City Council has not adopted a budget, the budget from the preceding year shall remain in effect until such time as the Council adopts a budget, but such adoption shall be no later than the second regular meeting in October.

Section 6.06 Audit and Examination of the City Books and Accounts

The City Council shall cause audits annually to be made of the books of accounts of each and every department of the City. Such audits shall be made by a competent public accountant who shall be selected by the City Council, and a contract entered into from year to year; and such contract shall provide that the books of the City shall be audited at least annually and such auditor's report to the City Council shall be available to the public or for publication.

Section 6.07 Emergency Measures Defined

An emergency measure is an ordinance for the immediate preservation of the public business, property, health or safety, or providing for the usual daily operation of municipal departments, in which the emergency is set forth in such ordinance.

Section 6.08 Depository

The City Council is authorized to select a depository for City funds in accordance with Chapter 105 of the TEXAS LOCAL GOVERNMENT CODE, as amended, not to follow all the terms and provisions of the same.

Section 6.09 Occupation Tax

The City Council shall have the power to levy and collect taxes upon trades, professions, callings or other business carried on to the full extent permitted by the general laws of the State of Texas, to prescribe penalties for nonpayment thereof, and to regulate the operation of any business, trade or calling or profession.

Section 6.10 Contract for Collection of Delinquent Taxes

The City Council shall have the power to contract with any attorney-at-law for the collection of delinquent taxes owing the City.

**ARTICLE VII
RECALL**

Section 7.01 Scope of Recall

Any elected City official shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetency, misconduct, misfeasance or malfeasance. The following definitions shall apply:

Incompetent. Lack of ability, legal qualifications, or fitness to discharge the required duty.

Malfeasance. The commission of some act which is positively unlawful or wholly wrongful.

Misconduct. A transgression of an established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior, willful in character, which is improper or wrong behavior; it being [sic] synonyms being misdeed, misbehavior, delinquency, impropriety, mismanagement but not negligence or carelessness.

Misfeasance. The wrongful and injurious exercise of lawful authority by which another person is injured.

Section 7.02 Petitions for Recall

The Mayor or any other member of the City Council may be removed from office in the following manner by the electors qualified to vote for a successor of such incumbent:

- (1) When an affidavit, signed by one or more qualified voters, naming the member being recalled, and stating specific grounds for the recall, is presented to the City Secretary, he/she shall mark the affidavit with the date received and retain it for office files.
- (2) Within three (3) days after receiving the affidavit for recall, the City Secretary shall prepare and have available at City Hall for delivery to persons signing the affidavit petition forms which shall be addressed to the City Council and bear the seal of the City Secretary. The petition form shall name the member intended to be recalled, set forth the grounds for the recall as they appear on the affidavit, and provide space for the printed names, addresses, dates of birth and signature. The City Secretary may provide space for any other information or format helpful in certifying a person as a qualified voter, but the absence of said information shall not invalidate the petition. Persons accepting delivery of the petition forms shall acknowledge delivery by signing a receipt bearing the date of delivery. Said receipt shall be retained by the City Secretary for office files. Petitioners must take delivery of the prepared petition forms within three (3) working days of notification that they are available.
- (3) The petition must be signed by persons entitled to vote for a successor to each member sought to be removed as follows:
 - (a) Thirty (30%) percent of the persons that actually voted in the municipal election for Mayor, if the recall petition be for the Mayor; and
 - (b) Thirty (30%) percent of the persons that actually voted in the municipal election of the Councilmember sought to be recalled.
- (4) Within thirty (30) days of the delivery date, the signed petition must be filed with the City Secretary for verification. If the petition is not filed within the prescribed delivery period, it shall be invalid. Petitions on forms other than those provided by the City Secretary shall be invalid. If a request is made within the original thirty- (30) day period, the City Secretary shall provide additional petition forms promptly on request of the initiators of the recall.
- (5) Each signer of a recall petition shall sign his/her name in ink or indelible pencil, shall print his/her name, and shall provide such other information as may be required on the petition form to verify voter eligibility.

Section 7.03 Form of Recall Petition

The recall petition mentioned above must be addressed to the Council of the City of Seagoville, must, as provided for in the Affidavit for recall, distinctly and specifically point out the factual basis and grounds upon which such petition for removal is predicated, and, if there be more than one ground, shall specifically state each ground with such detail and certainty as to give the

officer sought to be removed notice of the matters and things with which he/she is charged. Signatures on the petition shall be verified by oath in the following form:

We, the undersigned qualified voters of the City of Seagoville hereby demand that the question of removing _____ from the City Council be submitted to a vote of the qualified voters.

Name (printed)

Residence of Address (street and number)

Voter Registration Certificate Number (optional)

Signature

Date

STATE OF TEXAS
COUNTY OF DALLAS

_____ being duly sworn, deposes and says that he is the circulator of the foregoing petition paper and that the signatures that were made in his presence and are genuine signatures of the persons whose names they purport to be.

Signed _____

Subscribed and sworn ~~and-subscribed~~ before me this _____, day of 20__.

Notary Public in and for State of Texas

Section 7.04 Various Papers Constituting Petition

The petition may consist of one or more copies, circulated separately, but the signatures thereto shall be upon the paper or papers containing the form of petition. Verifications provided for in Section 7.03 of this Article may be made by one or more petitioners. All papers comprising a recall petition shall be assembled and filed with the City Secretary as one (1) instrument on the same day, and said City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his/her Seagoville address. Within ten (10) days of the date of filing of a recall petition, the City sSecretary shall determine the sufficiency thereof and attached thereto a certificate showing the result of his examination. If he/she shall certify that the petition is insufficient he/she shall set forth in the certificate the particulars in which it is defective and shall at once notify the petitioners of the original affidavit for recall by registered mail at his/her Seagoville address. The finding of the insufficiency of a recall petition shall not prejudice the filing of a new petition for the same purpose subject to the provisions of Section 7.11 of this Article.

Section 7.05 Presentation of Petition to the Council

Within fourteen (14) business days after the date of the finding of sufficiency of the papers constituting the recall petition, the person performing the duties of the City Secretary shall place on the agenda such petition for presentation at the next regularly convened meeting of the City Council

Section 7.06 Public Hearing to be Held

The officer whose removal is sought may, upon presentation of such petition at a convened meeting of the City Council, request that a public hearing be held to permit him/her to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall thereafter order such public hearing to be held, not less than five (5) business days but not more than ten (10) business days after receiving such request for public hearing.

Section 7.07 Election to be Held

If officer whose removal is sought does not resign within five (5) business days after the presentation of the petition at a convened meeting of the City Council, or in the event of a public hearing, within five (5) business days after the closing of the public hearing, then it shall become the duty of the Council to order an election and fix a date for holding such recall election in accordance with the uniform election dates as provided in the Texas Election Code, as amended.

Section 7.08 Ballots in Recall Election

Ballots used at recall elections shall conform to the requirement of the Texas Election Code, as amended, in substantially the following form:

“[] For the recall of (name of Mayor or Councilmember)”

“[] Against the recall of (name of Mayor or Councilmember)”

The voter, by striking out either of these propositions, may indicate his vote for the one not so stricken out. Under the propositions shall appear the word “candidates” and the direction “vote for one,” and beneath this the names of the candidates nominated as herein provided. The person whose recall is sought shall not have his name printed on the ballot as a candidate. Except that the space left for the names and dates shall be filled by the correct names and date, the ballots used in a recall election shall be in a form substantially as follows:

RECALL ELECTION

City of Seagoville

(Month and ~~d~~Day of ~~m~~Month)

~~f~~For the recall of _____

~~a~~Against the recall of _____

CANDIDATES

Vote for One

Except as provided in the section, ballots used in recall elections shall comply with the provisions of this Charter regarding ballots for a regular municipal election.

Section 7.09 Result of Recall Election

If a majority of the votes cast at a recall election shall be “No,” that is, against the recall of the person named on the ballot, he/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before. If a majority of the votes cast at such an election be “Yes,” that is, for the recall of the person named on the ballot, he/she shall be deemed removed from office and the vacancy created be filled as vacancies in the Council are filled due to disqualification’s or death as provided in this Charter.

Section 7.10 Multiple Recalls Allowed at Same Election

The question of recalling any number of members of said City Council may be submitted at the same election, but as to each member whose removal is sought, a separation petition shall be filed and there shall be an entirely separate ballot.

Section 7.11 Recall, Restrictions Thereon

No recall petition shall be filed against any officer of the City within six (6) months after his/her election, nor within six (6) months after the filing of a previous petition for recall, nor within six (6) months of the end of the term for the officer sought to be recalled.

Section 7.12 Failure of the Council to Call an Election

In case all the requirements of this Charter shall have been met and the Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said Council by the provisions of this Charter with reference to such recall, then the County Judge of Dallas, County, Texas, shall discharge any such duties herein provided to be discharged by the person performing the duties of the City Secretary or by the Council.

Section 7.13 General Power of Initiative and Referendum

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

(a) Initiative. Such power shall not extend to the budget or capital program or any ordinance not subject to initiative as provided by State law, relating to appropriation of money, issuing of bonds, levying of taxes or salaries of City officers or employees.

(b) Referendum. Such power shall not extend to the budget or capital program or any emergency ordinance or ordinance no subject to referendum as provided by State law, relating to appropriation of money, issuing of bonds, or levying of taxes.

Section 7.14 Initiative and Referendum

Following a review by the City Attorney for enforceability and legality, qualified voters of the City may initiate or, if within thirty (30) days after final passage, repeal legislation through referendum by submitting an affidavit which requests the submission of a proposed ordinance or resolution, or an ordinance or resolution repealing any such ordinance or resolution, as set forth below:

(1) When an affidavit, signed by one or more qualified voters, outlining and stating a specific ordinance or resolution being sought or repealed, is presented to the City Secretary, he/she shall mark the affidavit with the date received and retain it for office files.

(2) Within three (3) business days after receiving the affidavit for initiative or referendum, the City Secretary shall prepare and have available at City Hall for delivery to persons signing the affidavit petition forms which shall be addressed to the City Council and bear the seal of the City Secretary. The petition form shall provide space for the printed names, addresses, dates of birth

and signatures. The City Secretary may provide space for any other information or format helpful in certifying a person as a qualified voter, but the absence of said information shall not invalidate the petition. Persons accepting delivery of the petition forms shall acknowledge delivery by signing a receipt bearing the date of delivery. Said receipt shall be retained by the City Secretary for office files. Petitioners must take delivery of the prepared petition forms within three (3) business days of notification that they are available.

(3) Said petition must be signed by thirty percent (30%) of the number of votes cast at the last regular Mayoral election, and each copy of the petition shall have attached to it a copy of the legislation being proposed or repealed. The petition shall be signed in the same manner as recall petitions are signed, as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. Within ten (10) days of the date of filing of a recall petition, the City Secretary shall determine the sufficiency thereof and attach thereto a certificate showing the result of his examination. If he/she shall certify that the petition is insufficient he/she shall set forth in the certificate the particulars in which it is defective and shall at once notify the petitions of the original affidavit for recall by registered mail at his/her Seagoville address.

(4) Within thirty (30) days of the delivery date, the signed petition must be filed with the City Secretary for verification. If the petition is not filed within the prescribed delivery period, it shall be invalid. Petitions on forms other than those provided by the City Secretary shall be invalid. If a request is made within the original thirty- (30) day period, the City Secretary shall provide additional petition forms promptly on request of the initiators of the recall.

(5) Within fourteen (14) days after the date of the finding of sufficiency of the papers constituting the petition for initiative or referendum, the person performing the duties of the City Secretary shall place on the agenda such petition for presentation at the next regularly convened meeting of the City Council.

(6) Upon presentation to the City Council, it shall become the duty of the City Council within two (2) regularly scheduled City Council meetings after the receipt thereof, to adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to repeal, if that be the case, the ordinance or resolution. If the City Council does not adopt or repeal, whichever the case, the ordinance or resolution, then it shall be the duty of the City Council to order an election and fix a date for holding such election in accordance with the uniform election dates as provided in the TEXAS ELECTION CODE, as amended. Unless otherwise provided by law, any election for an initiative or referendum under this Charter shall be held on the first authorized uniform election date that occurs after the sixty-fifth (65th) day after the petition was presented to the City Council.

Section 7.15 Suspension of Ordinances or Resolutions While Subject to Referendum

Pending the holding of such election as provided for in the Article, each ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

Section 7.16 Voluntary Submission of Legislation by the City Council

The City Council, upon its own motion and by the vote of three-fourth (3/4) of the full membership of the City Council, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, or resolution, or measure, in the same manner and with the same force and effect as provided in this Article for submission of petition, and may at its discretion call a special election for this purpose.

Section 7.17 Form of Ballots

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

“For the Ordinance” or

“Against the Ordinance” or

“For the Resolution” or

“Against the Resolution”

Section 7.18 Publication of Proposed and Referred Ordinances

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

Section 7.19 Adoption of Ordinances

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

Section 7.20 Inconsistent Ordinances

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes “For the Ordinance” or “For the Resolution” shall prevail.

Section 7.21 Ordinances Passed by Popular Vote, Repeal or Amendment

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided by Section 7.15 of this Charter.

Section 7.22 Further Regulations by the City Council

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article consistent herewith.

Section 7.23 Franchise Ordinances

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

Section 7.24 Failure of the City Council to Call an Election-Initiative or Referendum

In case that all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the initiative or referendum petition, or order such initiative or referendum election, or discharge any other duties imposed on the City Council by provisions of this Charter with reference to such initiative or referendum, then the District Judge of Dallas County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the City Secretary or by the City Council.

**ARTICLE VIII
BONDS, WARRANTS AND OTHER EVIDENCE OF INDEBTEDNESS**

Section 8.01 Right to Issue Bonds, Etc.

In keeping with the Constitution of Texas, and not contrary thereto, the City of Seagoville shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidence of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the general laws of the State of Texas.

Section 8.02 General Laws of Texas

Bonds and warrants of the City of Seagoville shall be issued in the manner provided by the general laws of Texas applicable to cities and towns.

**ARTICLE IX
GENERAL PROVISIONS**

Section 9.01 Qualified Voter

A “qualified voter” means a person who is qualified under the provisions of Section 11.002 of the Texas Election Code, except as herein elsewhere defined within the meaning of the terms of this Charter.

Section 9.02 Jurors

In any action or proceeding in which the City of Seagoville may be party at interest, no person shall be an incompetent judge, justice, witness or juror by reason of his/her being an inhabitant, freeholder or taxpayer of the City of Seagoville.

Section 9.03 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager or other City employee shall be employed by or contracted with for the City. This shall not apply to the following:

- (1) Any person continuously employed or contracted six (6) months prior to election or appointment of Mayor, Councilmember or City Manager, or
- (2) Any person who is a seasonal employee or intern of the City.

Section 9.04 Public Act

This Charter shall be deemed a public act and judicial notice shall be taken thereof in all courts.

Section 9.05 Amendments and Charter Review

(a) This Charter may be amended at any time in accordance with the provisions applicable thereto contained in Chapter 9 of the TEXAS LOCAL GOVERNMENT CODE or any amendment thereto or any amendments in that may be made hereafter thereto. This Charter may be amended no more than once every two (2) years as provided by the laws of the State of Texas.

(b) The City Council shall appoint a Citizens Charter Review eCommission not less than every six (6) years, with the Mayor and each Councilmember selecting two (2) members for appointment. Such eCommission shall review the Charter and make recommendation to the City Council as to any necessary amendments.

Section 9.06 Effect of Any Provisions Hereof Being Declared Invalid

If any provision of this Charter violates any statutes of the Constitution of the State of Texas, or if any court holds such provisions for naught for any reason, the remaining provisions shall not be affected thereby and shall continue in effect.

ARTICLE X FRANCHISES, PRIVILEGES AND LICENSES

Section 10.01 Franchises

(a) The right to control, easement, use and ownership of and title to the streets, highways, public thoroughfares and property of the City, its avenues, parks, bridges and all other public places and property, are hereby declared to inalienable except by ordinance duly passed by a majority of all members of the City Council, and no grant of any franchise or lease, or right to use the same, either on, through, along, across, under or over the same, by any private corporation, association or individual shall be granted by ordinances by the City Council for a longer period than twenty (20) years unless submitted to the vote of the legally qualified voters of the City; provided, however, that when any application is made for any greater grant of franchise, lease, right or privilege by any person or corporation, the Council shall submit it, at an election called for that purpose, the expense of which shall be borne by the applicant, and if the majority of the votes cast at said election shall be in favor of making the grant as applied for, said grant shall be made for a term of years as specified in the ordinance calling said election.

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

(c) No franchise shall ever be granted until it has been approved by a majority of the City Council, after having been read in full at two (2) regular meetings of the City Council, nor shall any such franchise, grant or privilege ever be made unless it provided for adequate compensation or consideration therefor to be paid to the City.

(d) The City Council may, by ordinance or resolution passed by a majority vote, grant such other licenses or permits or privileges for use such property as it deems to be in the public interest and benefit.

Section 10.02 Obligations of Franchisee

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

Section 10.03 Exclusivity Prohibited

No franchise grant shall ever be exclusive.

Section 10.04 Forms, Method of Accounting Prescribed

The City Council may prescribe the forms and methods of the keeping of accounts of any grantees under franchise, provided that the forms and methods of keeping such accounts have not already been prescribed by a state or federal agency.

**ARTICLE XI
MISCELLANEOUS**

Section 11.01 Acquisition of Property

The City of Seagoville shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation or otherwise, any character of property authorized by law to be used for public purposes, within or without its municipal boundaries, including any charitable or trust funds.

Section 11.02 Public Property Exempt for Execution

No public property or any other character of property owned or held by the City of Seagoville shall be subject to any execution or attachment of any kind or nature.

Section 11.03 City Funds Not Subject to Garnishment

No funds of the City of Seagoville shall be subject to garnishment, and the City of Seagoville shall never be required to answer to a garnishment proceeding.

Section 11.04 Liability for Negligence

(a) The City of Seagoville shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts or sidewalks being out of repair because of negligence of said corporation unless the same shall have remained so for ten (10) days after special notice in writing is given to the Mayor and City Council.

(b) The City of Seagoville shall not be liable to any person for damages sustained in any park, playground or public building belonging to said City or because of any apparatus, furnishings, fixtures or improvements thereon or thereupon situated being defective or out of repair unless the same shall have remained so for ten (10) days after special notice in writing is given to the Mayor and City Council.

(c) Before the City of Seagoville 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 his/her 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 damaged occurred, the full extent thereof, the amount of damages claimed or asserted, and the basis of liability on the part of the City. The person giving notice under this section shall give the address of every place that he/she has resided during the last six (6) months prior to the injury, death or damage and shall subscribe his/her name thereto. Neither the Mayor, City Councilmember, City Manager, City Secretary, City Attorney nor any other officer or employee of the City shall have authority to waive any or the provisions of this section, but the same may be waived by unanimous vote of the City Council made and passed before the expiration of said six (6) month period.

Section 11.05 Not Required to Give Bond

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

Section 11.06 Right of Eminent Domain

The City of Seagoville shall have the right of eminent domain for public purposes whenever the governing authority, shall deem it necessary; and to take any private property, within or without the City for any municipal purposes that may be authorized by law. The power herein granted for the purpose of acquiring private property shall include, but not exclusively, the power of improvement and enlargement of water works, including water supply, riparian rights, standpipes, water sheds, dams, the construction of supply reservoirs, wells, parks, squares, pleasure grounds, and airports, and for the purpose of strengthening or improving the channel of any stream, branch, draw or drain, or the straightening or widening or extension of any street, alley, avenue, boulevard or other public highway. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of this State or in the manner and form that may be provided by ordinance of the City Council. The power of eminent domain hereby conferred shall include, the right of the governing authority of the City, when so expressed,

to take the fee in the land so condemned, and such power or authority shall include the right to condemn public property for such purpose.

ARTICLE XII CONSTRUCTION

Section 12.01 Interpretation

In interpreting the provisions of this Charter, the same should be construed as broadly as permitted under State law and the TEXAS CONSTITUTION to grant authority and not to limit authority.

Section 12.02 Use of Words

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

Section 12.03 Codification and Organization

| The City Council may by Ordinance provide for the codifying, organizing, arranging, and numbering of any sections not approved by the voters, provided that such codifying, organizing, | arranging, and numbering in no way alters the wording or intent of those sections.

Agenda Item 3C

Approval of a Resolution authorizing the City Manager as the authorized official for Grant Number 3101201 Body Camera Enhancement Program, and authorizing the submission of the grant application to the Office of the Governor, Criminal Justice Division; providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date.

BACKGROUND OF ISSUE:

The Police Department is in need of enhancing its body worn cameras (B.W.C.) for all front line uniformed officers. Our current B.W.C. work well; however they do not allow the officer to visually see any record time, battery life, or memory as there are no data displays on these units. Secondly and should it be granted, the new B.W.C.'s will be able to link events recorded to them with footage recorded to our in-car video / audio uploads. When a same event is recognized by time and date stamp from each device after upload into the server the two events will automatically merge into one file within the server and storage platform. This technology will save time for officers investigating offenses from having to search two different video storage servers for recorded footage of one event. Another advantage to this new technology is the upload and charge capabilities. Currently it requires about fifteen to thirty minutes to upload footage and charge one of the current B.W.C., with this new technology it requires about five to ten minutes to complete the same task.

FINANCIAL IMPACT:

There is a matching funds requirement for this grant project listed as follows, the Criminal Justice Division of the Governor's office (C.J.D.) pays 75 %, the City of Seagoville will be required to pay 25%.

With the Body Worn Camera grant being administered by the Governor's Office, it is required that the applicant agency, City of Seagoville pay 25% of the allotted amount awarded by the Governor's Office. The Police Department is asking to purchase (20) twenty new body worn camera units that will integrate with our in-car video and audio recording systems.

Financial and Match Fund Breakdown:

- The total cost of this project which includes (20) Watch Guard Vista BWC's, required licensing and software packages numbering (20), and two extra docking / charging stations comes to a total of **\$19,090.00**
- The City's portion of the 25% match is **\$3,318.50**; plus **\$2,497.50** for cameras that will integrate with our in-car video / audio systems; total City contribution of **\$5,816.00**

To fund this project, extra funds will be moved from our Fuel and Lubricants line item to our Minor Equipment line item to cover the cost of this expenditure. This transfer will not affect the department's bottom line budget.

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 39-R-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE CITY MANAGER AS THE AUTHORIZED OFFICIAL FOR GRANT NUMBER 3101201 BODY CAMERA ENHANCEMENT PROGRAM, AND AUTHORIZING THE SUBMISSION OF THE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION; PROVIDING FOR THE REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seagoville, Texas finds it in the best interest of the citizens of Seagoville, that the Body Camera Enhancement Project be operated for 2016; and

WHEREAS, the City Council of the City of Seagoville, Texas agrees to provide applicable matching funds for the said project as required by the Justice Assistance Grant Application; and

WHEREAS, the City Council of the City of Seagoville, Texas, agrees that in the event of loss or misuse of the Criminal Justice Division Funds, the City Council of the City of Seagoville, Texas assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the City Council of the City of Seagoville, Texas designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THAT:

SECTION 1. The City Council of the City of Seagoville, Texas, approves the submission of the grant application for the Body Camera Enhancement Project to the Office of the Governor, Criminal Justice Division.

SECTION 2. If any article, paragraph, subdivision, clause or provision of this Resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this Resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 3. That this Resolution shall take effect immediately from and after its passage as the law and Charter in such cases provide.

DULY ORDERED by the City Council of the City of Seagoville, Texas on the 18th day of July, 2016.

Grant Number: 3101201

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

Agenda Item 4C

Approval of a Resolution authorizing the City Manager to execute an Interlocal Agreement with the City of Frisco for participation in the City of Frisco's Cooperative Purchasing Program.

BACKGROUND OF ISSUE:

City of Frisco offers a Cooperative Purchasing Program to numerous governmental bodies for free. City of Frisco's Purchasing Department conducts annual bids and quotes in compliance with State purchasing laws and allows municipalities and other governmental bodies to piggy back onto their bids.

Currently the City of Seagoville is a member of three other cooperative purchasing programs, the Houston Galveston Area Cooperative Purchasing Program, Buy Board, TIPS along with several municipalities and counties including but not limited to Red Oak, Midlothian, Duncanville, DeSoto, Lancaster, Grand Prairie, Tarrant County and Dallas County. All of these programs allow governmental bodies to piggy-back off of their existing bids in compliance with state purchasing laws.

The addition of the City of Frisco's Cooperative Purchasing Program to the existing cooperative purchasing programs will offer a wider variety of items that the City may purchase. City staff will be able to search all four cooperative purchasing programs for the best pricing of items their needing to purchase.

FINANCIAL IMPACT:

There is no financial impact to the City of Seagoville outside of cost savings.

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 40-R-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF FRISCO, TEXAS, FOR PARTICIPATION IN CITY OF FRISCO'S COOPERATIVE PURCHASING PROGRAM.

WHEREAS, the City Council of the City of Seagoville, Texas recognizes the mutual benefits of cooperative agreements between counties and municipalities; and

WHEREAS, pursuant to the authority granted by the "Texas Interlocal Cooperation Act," Chapter 791 of the Texas Government Code, the City Council of the City of Seagoville desires to enter into an Interlocal Agreement with the City of Frisco for participation in City of Frisco's Cooperative Purchasing Program; and

WHEREAS, the City Council of the City of Seagoville, Texas, authorizes the City Manager to execute an Interlocal Agreement with the City of Frisco, for inclusion in the City of Frisco's Cooperative Purchasing Program.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THAT:

SECTION 1. That the City Council of the City of Seagoville, Texas hereby supports entering into an Interlocal Agreement with the City of Frisco, a copy of which is attached hereto and incorporated herein as Exhibit "A", for inclusion in the City of Frisco's Cooperative Purchasing Program.

SECTION 2. That any prior Resolution of the City Council of the City of Seagoville, Texas in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 3. If any article, paragraph, subdivision, clause or provision of this Resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this Resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 4. This Resolution shall take effect immediately from and after its passage in accordance with the provision of the Charter of the City of Seagoville, Texas, and it is accordingly resolved.

DULY PASSED AND APPROVED by the City Council of the City of Seagoville,
Texas, this the 18th day of July, 2016.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is made and entered into this ____ day of _____, 2016, by and between the CITY OF FRISCO, Texas (hereinafter called "FRISCO"), and the CITY OF SEAGOVILLE, Texas (hereinafter called "SEAGOVILLE"), each acting by and through its duly authorized officials:

WHEREAS, FRISCO and SEAGOVILLE are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, FRISCO and SEAGOVILLE wish to enter into this Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which FRISCO and SEAGOVILLE may purchase various goods and services commonly utilized by each party;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of FRISCO and SEAGOVILLE through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, FRISCO and SEAGOVILLE have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; FRISCO and SEAGOVILLE agree as follows:

1. FRISCO and SEAGOVILLE may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from vendors under present and future contracts.
2. FRISCO and SEAGOVILLE shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts. FRISCO and SEAGOVILLE shall each make their respective payments from current revenues available to the paying party.
3. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by any party upon thirty (30) days written notice to the other participating party(ies).
4. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto.
5. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

6. This Agreement shall become effective on the day and year first written above (the "Effective Date"). The primary term of this Agreement shall be for one (1) year, commencing on the Effective Date and terminating on June 1, 2017, and shall thereafter automatically renew for successive one-year terms, unless terminated according to the terms set forth in Paragraph 3.

7. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

8 The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement.

9. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

10. This Agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

11. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

12. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

13. The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

EXECUTED hereto on the day and year first above written.

CITY OF FRISCO

CITY OF SEAGOVILLE

George Purefoy
City Manager

Patrick Stallings
City Manager

STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the __ day of July, 2016, by George Purefoy, City Manager of the **CITY OF FRISCO, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the
State of Texas

STATE OF TEXAS §

COUNTY OF DALLAS §

This instrument was acknowledged before me on the ____ day of July, 2016, by Patrick Stallings, City Manager of the **CITY OF SEAGOVILLE, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the
State of Texas

Agenda Item 5C

Approval of a Resolution declaring certain City property surplus and authorizing the City Manager to sell, trade or dispose of the property in accordance with the processes established in the Code of Ordinances; providing for repeal of any and all resolutions in conflict; providing for a severability clause; and providing for an effective date.

BACKGROUND OF ISSUE:

City staff have identified multiple aged computers, and computer components that have out lived their useful value, or are no longer technically supportable. City Ordinance requires that Council declare these items as surplus property before the City Manager may dispose, sell, or trade these items in accordance with established city ordinance guidelines.

Staff proposes to sell and/or auction the computer related items through an on-line auction company known as (Propertyroom.com). Propertyroom.com will take physical possession of these items that have been stripped of their hard-drives and any informational storage links. Propertyroom.com will dispose of these items through the online auction process, and a portion of the proceeds will be forwarded to the City.

For your convenience a spreadsheet list of the computer related items we are asking to dispose is attached.

FINANCIAL IMPACT:

The City of Seagoville has an existing agreement with Propertyroom.com for their services. Propertyroom.com charges 12.5% for their service and remits 87.5% of the sale back to the City.

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 41-R-16

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, DECLARING CERTAIN CITY PROPERTY SURPLUS AND AUTHORIZING THE CITY MANAGER TO SELL, TRADE AND/OR DISPOSE OF IT IN ACCORDANCE WITH THE PROCESS ESTABLISHED IN THE CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes that in the normal course of providing municipal services, the various Departments will exhaust the useful life of its capital equipment, and other property that does not meet the capital equipment threshold, to the point where it is no longer cost effective to maintain and operate; and

WHEREAS, the above categories of property and equipment do not contribute to providing municipal services and need to be removed from City inventories and storage; and

WHEREAS, the City Council, according to the Code of Ordinances, declares the property more specifically described in Exhibit "A" as surplus property; and

WHEREAS, the City Secretary shall maintain inventory records of each item of surplus property sold or disposed of and the sale price of or destination of each item; and

WHEREAS, the City Council has determined that declaring this property as surplus is in the best interest of the City of Seagoville; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. The City Council declares the property specifically outlined in Exhibit "A", copies of which are attached hereto and made a part hereof for all purposes, as surplus property and authorizes the City Manager to sell, trade and/or dispose of the property according to law.

SECTION 2. All resolutions of the City of Seagoville heretofore adopted which are in conflict with the provisions of this Resolution be, and the same are hereby repealed, and all resolutions of the City of Seagoville not in conflict with the provisions hereof shall remain in full force and effect.

SECTION 3. If any article, paragraph, subdivision, clause or provision of this Resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this Resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 4. This Resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY ORDERED by the City Council of the City of Seagoville, Texas, this the 18th day of July, 2016

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit - A

Brand	Model	S/N	Color	Location	Item	Disposition
Datacard		534000-112	White/Blue	Chief Room	printer ribbon for ID maker	antiquated
Datacard		534000-002	White/Blue	Chief Room	printer ribbon for ID maker	antiquated
Datacard		534000-112	White/Blue	Chief Room	printer ribbon for ID maker	antiquated
Dell	DCSM	GV1CQH1	Blk/Gry	Chief Room	Desktop	antiquated
U.S. Robotics	5686	64-005686-05	Black/White	Dispatch	phone hardware	antiquated
Longwell	65000071	CA1004020310310	Black	Dispatch	USB Cable	antiquated
HP	0957-2269	1.30025E+11	Black	Dispatch	AC Adapter	antiquated
Office Connect	3C16702		White/Silver	Dispatch	Serial number scratched out/faded	antiquated
Cisco	47-18790-04	JMX1219201K	Blue/Black	Dispatch	Old server	antiquated
HP	9737RF	C4557-60004	White	Dispatch	phone hardware	antiquated
American Dynamics	AD1571P	702654-016	Black/Silver/Grey	Dispatch	phone hardware	antiquated
Labtech	AD-4	BUB6V400TR	Beige	Dispatch	phone hardware	antiquated
Nortel	AD-9362	A0678121	Black	Dispatch	phone hardware	antiquated
Herwell	AK016	E301305	Black	Dispatch	AC Adapter	antiquated
Cavalry	CAXB37500	WCANU1806771	Black	Dispatch	phone hardware	antiquated
Hon-Kwang	D12-10-1000-07	69NOE97199	Black	Dispatch	phone hardware	antiquated
Hon-Kwang	D12-1A-950	E202402	Black	Dispatch	phone hardware	antiquated
Ambit	DSA-12R-12AU5	1201205	Black	Dispatch	Switching Adapter	antiquated
Gateway	FPD1530	LIC30470717	Black	Dispatch	monitor	antiquated
Gateway	FPD1565	ME35790L05482	Black	Dispatch	monitor	antiquated
I-Sheng	LL81924	E88265-K	Black	Dispatch	Chord	antiquated
Bogen	MCP 35A	9760000296	Green/Black	Dispatch	Intercom hardware	antiquated
Nortel	Norstar	NNTM040AJVAH	Grey	Dispatch	Phone server	antiquated
Cavalry	PSS1201	10061400432	Black	Dispatch	AC Adapter	antiquated
ZHONGSHAN Fwfil Tech	S11121C00002	130911H0301125	Black/Silver	Dispatch	phone hardware	antiquated
HSING	SJT	LL110850	Black	Dispatch	Chord	antiquated
		830808-00102	Black/Brown	Dispatch	with 2 silver outlets on the brown part	antiquated
Thinkcentre	A1U	MJRDLFY	Black	Records Dept.	Desktop	antiquated
Panasonic	CF-30	0AKYA09454	Silver/Black	Records Dept.	laptop	antiquated
Gateway	FPD1530	LIC30470720	Black	Records Dept.	monitor	antiquated
HP	HP 500B MT	MXL102125N	Black	Records Dept.	monitor	antiquated

Exhibit - A Continuation

Samsung	Rugby 2	A847UCJK2	Black	Records Dept.	cell phone	antiquated
Pelco	TK-C6000	13232181	White	Records Dept.	Camera	antiquated
Pelco	TK-C6000	16138984	White	Records Dept.	Camera	antiquated
HP		CD946FN#140	Green/Black	Records Dept.	Printer Ink 21 and 22 pack	antiquated
Siemens	5950717	E5340	Beige	Storage Room	Phone server	antiquated
Panasonic	CF-29	6CKYB16666	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-29	5HKYA49188	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-29	6CKYB18124	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-29	6CKYB16224	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-29	6BKYB09524	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-29	6CKYB18157	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-29	61KSA66760	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-29	6CKYB16221	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-29	6CKYB16688	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-29	6BKYB09706	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-30	9EKYA54498	Silver/Black	Storage Room	laptop	antiquated
Panasonic	CF-30	9EKYA54298	Silver/Black	Storage Room	laptop	antiquated
Dell	DCSM	GV1CQH1	Black	Storage Room	Desktop	antiquated
HP	Desk Jet 960C	MX1651Z2BK	Grey/White	Storage Room	Printer	antiquated
Casio	DL-220L	1266289	Grey	Storage Room	Adding Machine	antiquated
Gateway	E2000	30041854	Black	Storage Room	Desktop	antiquated
Gateway	E2000	30041855	Black	Storage Room	Desktop	antiquated
Gateway	E4300	35770672	Black	Storage Room	Desktop	antiquated
Gateway	E4300	35770679	Black	Storage Room	Desktop	antiquated
Gateway	E4300	35770675	Black	Storage Room	Desktop	antiquated
Gateway	M465-E	38581245	Silver/Black	Storage Room	Desktop	antiquated
Gateway	M465-E	38581248	Silver/Black	Storage Room	Desktop	antiquated
Datacard	SP25	GDI-Q10035	White/Blue	Storage Room	printer cartridge	antiquated
Eventide	VR725	70000410	Silver/Black	Storage Room	DVR Voice Recorder	antiquated

Agenda Item 6C

Approval of a Resolution authorizing the City Manager to execute the Second Amendment to PCS Site Agreement and Memorandum of Lease Agreement by and between the City of Seagoville and Verizon Wireless for the purpose of laying a fiber optic line in the public right-of-way located along the 200 block of Ward Street and on property owned by the City at 203 and 207 N. Peck Street.

BACKGROUND OF ISSUE:

Verizon Wireless desires to run a fiber optic line from a junction box located at 203 and 207 N. Peck Street to a Verizon MMPB located 2' outside the northeast corner of 200 block of Ward Street and has also requested a five (5') foot wide easement for said purpose.

Verizon Wireless will be solely responsible for the maintenance and/or replacement of the fiber optic cable and junction boxes.

Staff recommends approval of said Resolution and Agreement, if the City Council should so desire.

FINANCIAL IMPACT:

N/A

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 42-R-16

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT TO PCS SITE AGREEMENT AND MEMORANDUM OF LEASE AGREEMENT BY AND BETWEEN THE CITY OF SEAGOVILLE AND VERIZON WIRELESS FOR THE PURPOSE OF LAYING A FIBER OPTIC LINE IN THE PUBLIC RIGHT-OF-WAY LOCATED ALONG THE 200 BLOCK OF WARD STREET AND ON PROPERTY OWNED BY THE CITY AT 203 AND 207 N. PECK STREET.

WHEREAS, Verizon Wireless desires to lay an additional fiber optic line in the City of Seagoville; and

WHEREAS, Verizon Wireless is requesting the use of public right-of-way located along the 200 block of Ward Street and property owned by the City located at 203 and 207 N. Peck Street being more particularly described as Block 6, Lot 11 and 12 of the Original Town of Seagoville, Seagoville, Texas, Dallas County; and

WHEREAS, the City Council for the City of Seagoville, Texas has reviewed the Agreement and has determined it to be in the best interest of the City of Seagoville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. The City Manager is hereby authorized, on behalf of the City of Seagoville, Texas, to execute the Second Amendment Agreement, a copy of which is attached hereto and incorporated herein as Attachment "A", with Verizon Wireless for the purpose of laying a fiber optic line.

SECTION 2. All resolutions of the City of Seagoville heretofore adopted which are in conflict with the provisions of this resolution be, and the same are hereby repealed, and all resolutions of the City of Seagoville not in conflict with the provisions hereof shall remain in full force and effect.

SECTION 3. If any article, paragraph, subdivision, clause or provision of this resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 4. This resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY ORDERED by the City Council of the City of Seagoville, Texas, this the 18th
day of July, 2016.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SECOND AMENDMENT TO PCS SITE AGREEMENT
AND MEMORANDUM OF LEASE AGREEMENT

WHEREAS, the City of Seagoville ("Owner") and Dallas MTA, L.P. d/b/a Verizon Wireless ("Tenant") entered into a PCS Site Agreement (as later amended, the "Agreement") dated May 13, 1997, covering property ("Property") located in Dallas County, Texas; and

WHEREAS, Owner and Tenant executed that certain Memorandum of Lease Agreement dated May 13, 1997 (the "Memorandum") and recorded in Volume 97218, Page 165, Real Property Records of Dallas County, Texas; and

WHEREAS, Owner and Tenant executed that certain Amendment No. 1 to PCS Site Agreement and Amended Memorandum of Lease Agreement dated October 29, 2009 (the "First Amendment"); and

WHEREAS, Owner and Tenant now desire to amend the Agreement and Memorandum as herein set forth.

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree to the following:

1. To amend the Agreement and the Memorandum by (a) allowing the installation of a MMPB and a pull box on the Owner's property, and adding an additional fiber easement measuring five feet by approximately four hundred and thirty feet (5' x 430') (the "Fiber Easement") connecting Tenant's equipment to the MMPB, as depicted and described in Exhibits A2-2 and A3-2, attached hereto, and (b) providing for Tenant to maintain same, and (c) requiring that Tenant pay rent on a monthly basis (rather than on an annual basis) at the current rental rate commencing upon the next month where a rental payment is due.
2. Exhibits A2-2 and A3-2 are hereby adopted and are incorporated herein in their entirety, and are made a part of this Amendment No. 2 to the Agreement for all purposes. Exhibits A2-2 and A3-2 are not intended to replace Exhibits A2-1 and A3-1 of the Agreement but are intended to indicate the location of the Fiber Easement described above.
3. Except as hereby amended, all other provisions of the Agreement will remain in full force and effect as originally written and is hereby confirmed as to all provisions contained therein. In the event of any conflict between the terms of this Second Amendment and the terms of the Agreement, this Second Amendment shall control.

IN WITNESS WHEREOF, hereunto and to a duplicate hereof, Owner and Tenant have caused this Second Amendment to be duly executed on the date first written hereinabove.

OWNER: City of Seagoville

By: _____
Patrick Stallings
City Manager

Date: _____

TENANT: Dallas MTA, L.P. d/b/a Verizon Wireless
By: Verizon Wireless Texas, LLC, its General Partner

By: _____
Aparna Khurjekar
Vice President – Field Network

Date: _____

NOTARY ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by Patrick Stallings, City Manager of the City of Seagoville. He is personally known to me or has produced a driver's license as identification.

(AFFIX NOTARIAL SEAL)

(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC — STATE OF _____

My commission expires:

(PRINTED, TYPED OR STAMPED NAME OF NOTARY)

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by Aparna Khurjekar, Vice President – Field Network, of Verizon Wireless Texas, LLC, General Partner of Dallas MTA, L.P. d/b/a Verizon Wireless, on behalf of said partnership. She is personally known to me.

(AFFIX NOTARIAL SEAL)

(OFFICIAL NOTARY SIGNATURE)
NOTARY PUBLIC — STATE OF NORTH CAROLINA

My commission expires:

(PRINTED, TYPED OR STAMPED NAME OF NOTARY)

Exhibit A2-2

See attached Metes and Bounds Description and Survey

Exhibit A3-2

See attached Site Plan

DA 4119-7-1-133181-
SEAGOVILLE_WT_REPL
101 Watson
Seagoville TX 75159
32.6388 -96.5412
3/3/16

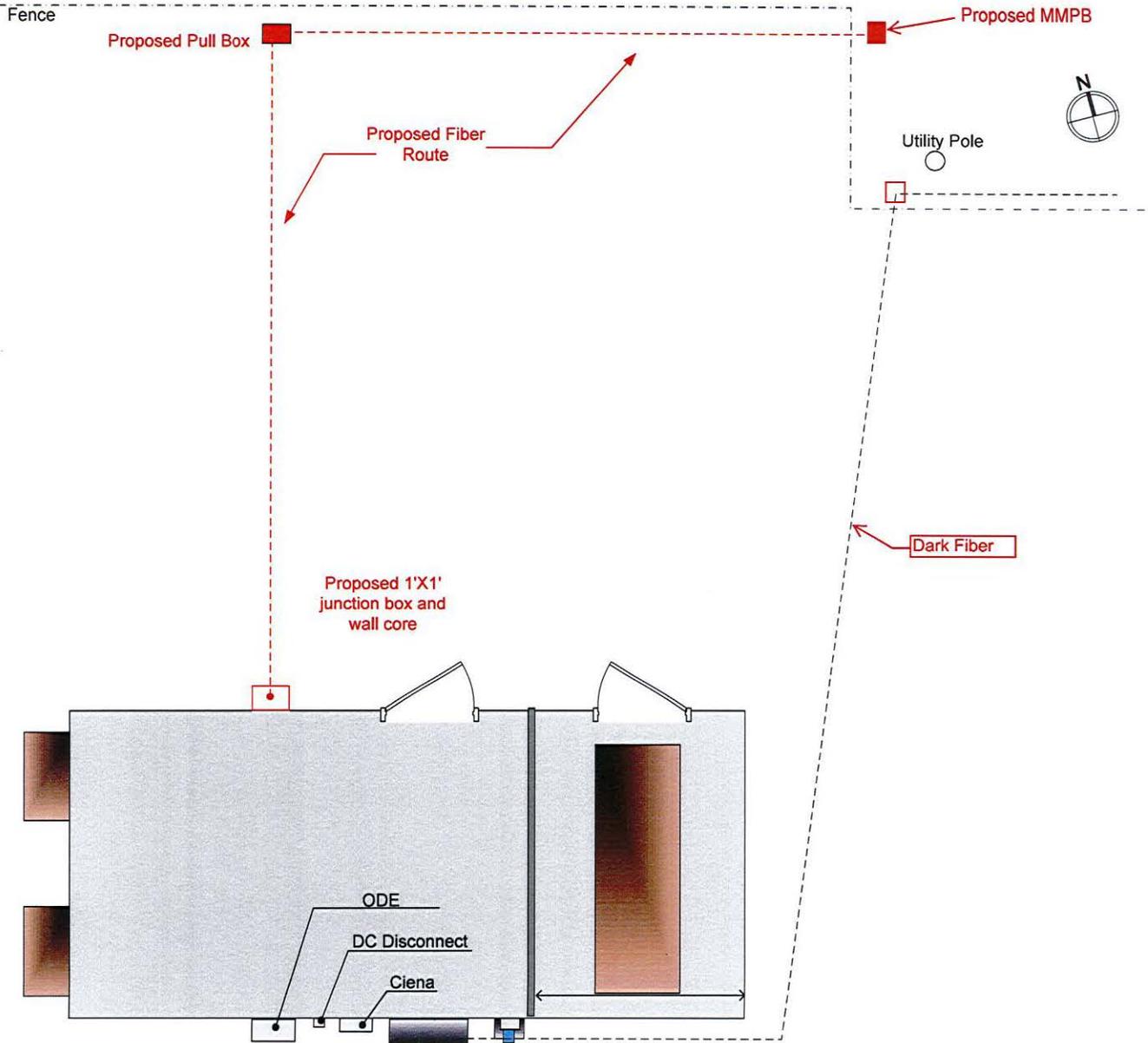
Polygon
DALLAS_SEAGOVILLE

Revised 5/9/2016

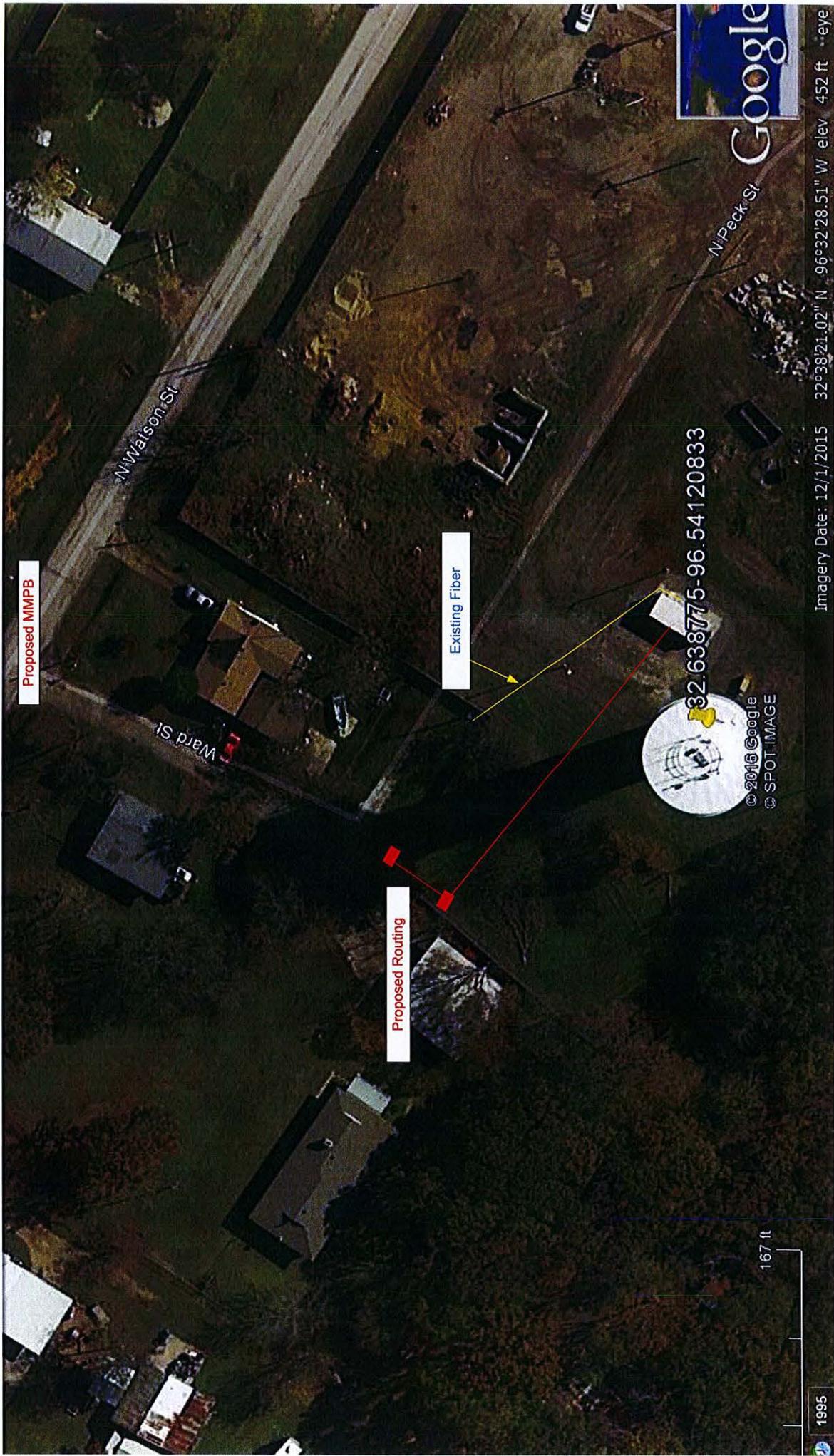
Water Tower

SOW
Obtain a 5' X +/- 430' easement
Install the MMPB 2' outside the NE corner as
shown. Install a pull box at the turning point
on route. Core a 4" hole through the north
wall of the shelter and cover with the 1'X1'
junction box. Connect all with a 4" buried
conduit. Install mule tape from end point to
end point.

Larry Fowler 214-475-1475



DA 4119-7-1-133181-SEAGOVILLE_WT_REPL



Proposed MMPB

Proposed Routing

Existing Fiber

32.638775-96.54120833

© 2016 Google
© SPOT IMAGE

N Peck St

N Watson St

Ward St



Imagery Date: 12/1/2015 32°38'21.02" N 96°32'28.51" W elev 452 ft eye

167 ft

1995

Agenda Item 7C

Approval of a Resolution authorizing the City Manager to execute an Interlocal Agreement between the City of Seagoville and Dallas County Health and Human Services for food establishment inspections and environmental health services for Fiscal Year 2016-2017.

BACKGROUND OF ISSUE:

Attached is the agreement between Dallas County and the City of Seagoville for food establishment inspections effective for FY 2016-2017.

Dallas County will perform two (2) inspections annually of each food establishment for \$150.00 per contract term and any other inspections requested for \$75.00 per inspection. This fee is the same as last year.

Dallas County will respond to Vector and/or mosquito control complaints on an as-needed basis at no additional cost.

In the event aerial spraying is needed to control St. Louis Encephalitis or West Nile Virus throughout the County, the City will have the option to participate in the County's emergency aerial mosquito spraying plan. Should the City agree to participate in the plan, the City will have to agree to pay the City's proportioned share of the cost.

FINANICIAL IMPACT:

This expenditure is included in the FY 2017 budget.

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 43-R-16

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SEAGOVILLE AND DALLAS COUNTY HEALTH AND HUMAN SERVICES FOR FOOD ESTABLISHMENT INSPECTIONS AND ENVIRONMENTAL HEALTH SERVICES FOR FISCAL YEAR 2016-2017; PROVIDING FOR THE REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Seagoville, Texas desires to enter into an Interlocal Agreement with Dallas County for Food Establishment Inspections and Environmental Health Services; and

WHEREAS, Dallas County will perform two inspections annually of each food establishment for one hundred fifty dollars (\$150.00) per contract term and any other inspections requested by the City for seventy-five dollars (\$75.00) per inspection; and

WHEREAS, all inspections will be made by a Registered Professional Sanitarian employed by DCHHS, in compliance with all state laws and regulations promulgated by the Texas Board of Health; and

WHEREAS, Dallas County will respond to Vector and/or mosquito control complaints on an as-needed basis at no additional cost; and

WHEREAS, in the event aerial spraying is needed to control St. Louis Encephalitis or West Nile Virus throughout the County, the City will have the option to participate in the County's emergency aerial mosquito spraying plan; and

WHEREAS, the City Council for the City of Seagoville, Texas has reviewed the Interlocal Agreement and has determined it to be in the best interest of the City of Seagoville to enter into said Agreement for Health Services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. The City Manager is hereby authorized, on behalf of the City of Seagoville, Texas to sign an Interlocal Agreement, a copy of which is attached hereto and incorporated herein as Exhibit "A", with Dallas County for Food Establishment Inspections and Environmental Health Services.

SECTION 2. All resolutions of the City of Seagoville heretofore adopted which are in conflict with the provisions of this resolution, and the same are hereby repealed, and all resolutions of the City of Seagoville not in conflict with the provisions hereof shall remain in full force and effect.

SECTION 3. If any article, paragraph, subdivision, clause or provision of this resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 4. This resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY RESOLVED by the City Council of the City of Seagoville, Texas, this the 18th day July, 2016.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

and 00/100 Dollars (\$75.00) fee for each additional inspection requested by City.

- C. City will collect Seventy Five and 00/100 Dollars (\$75.00) to be paid to the County for a re-opening or inspection fee of a food establishment that has been closed due to non-compliance of Chapter 437 of the Texas Health and Safety Code, or any other state rules and regulations.
- D. The fees are subject to change, upon prior written notice to City, if additional cost is associated with the services under this Agreement
- E. City shall pay County the stipulated fees within thirty (30) days of the monthly request for payment, or if County fails to make the payment request, then City shall pay the stipulated fees no later than the last date of this Agreement Term. Any payment not made within thirty (30) days of its due date shall bear interest in accordance with Chapter 2251 of the Texas Government Code.

5. OTHER ENVIRONMENTAL HEALTH SERVICES

- A. Upon written request from City, County will respond to Vector and/or Mosquito Control complaints. Ground application services will include spraying for adult mosquitoes ("adulticiding"), and treating standing water ("larvaciding") services.
- B. In the event aerial spraying is needed to control St. Louis Encephalitis or West Nile virus throughout the County, City will have the option to participate in the County's emergency aerial mosquito spraying plan. Should City agree to participate in the plan, City must provide written notice to County and agree to the following:
 - 1) Indicate the areas and amount of acres to be sprayed; and
 - 2) Pay City's proportioned share of the cost based upon the number of acres to be sprayed multiplied by the per-acre spraying cost.

6. RECORDS

City shall have the sole responsibility of responding to requests for records of food inspection results produced under this Agreement. County will make its best effort to forward any requests for such records that it received to City within three business days after County's receipt of such requests.

7. TERMINATION

- A. Without Cause: This Agreement may be terminated in writing, without cause, by either party upon thirty (30) days prior written notice to the other party;
- B. With Cause: The County reserves the right to terminate the Agreement immediately, in whole or in part, at its sole discretion, for the following reasons:
 - 1) Lack of, or reduction in, funding or resources;
 - 2) Non-performance;
 - 3) City's improper, misuse or inept use of funds or resources; and/or

- 4) City's submission of data, statements and/or reports that are incorrect, incomplete and/or false in any way.

8. CITY ORDINANCE

In order for this Agreement to be valid, the City must have or adopt a City ordinance that provides for the inspection of food establishments by a Registered Professional Sanitarian. City must require the payment of a fee(s) by each food establishment. Ordinance enforcement shall be the responsibility of the City.

9. INDEMNIFICATION

County and City, including their respective employees and elected officials, agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any governmental immunity available to County or City under Texas and other applicable laws, and without waiving any available defenses under Texas and other applicable laws. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.

10. INSURANCE

City agrees that it will at all times during the term of this Agreement maintain in full force and effect insurance, or self-insurance, to the extent permitted by applicable law under a plan of self-insurance, that is also maintained in accordance with sound accounting practices. It is expressly agreed that City will be solely responsible for all cost of such insurance; any and all deductible amounts in any policy; and in the event that the insurance company should deny coverage.

11. NOTICE

Any notice or certification required or permitted to be delivered under this Agreement shall be deemed to have been given when personally delivered, or if mailed, seventy-two (72) hours after deposit of the same in the United States Mail, postage prepaid, certified, or registered, return receipt requested, properly addressed to the contact person shown at the respective addresses set forth below, or at such other addresses as shall be specified by written notice delivered in accordance herewith:

COUNTY

Zachary Thompson, Director
Dallas County Health & Human Svcs.
2377 N. Stemmons Frwy., Suite 600
Dallas, Texas 75207-2710

CITY OF SEAGOVILLE

Patrick Stallings, City Manager
City of Seagoville
Attn: Dara Crabtree, City Secretary
702 North Highway 175
Seagoville, TX 75159

12. ENTIRE AGREEMENT AND AMENDMENT

This Agreement, including any Exhibits and Attachments, constitutes the entire agreement between the parties and supersedes any other agreements concerning the subject matter of this transaction,

whether oral or written. No modification, amendment, novation, renewal or other alteration of this Agreement shall be effective unless mutually agreed upon in writing and executed by the parties.

13. COUNTERPARTS, NUMBER/GENDER AND HEADINGS

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Words of any gender used in this Agreement shall be held and construed to include any other gender. Any words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise. Headings are for the convenience of reference only and shall not be considered in any interpretation of this Agreement.

14. SEVERABILITY

If any provision of this Agreement is construed to be illegal, invalid, void or unenforceable, this construction will not affect the legality or validity or any of the remaining provisions. The unenforceable or illegal provision will be deemed stricken and deleted, but the remaining provisions shall not be affected or impaired, and such remaining provisions shall remain in full force and effect.

15. FISCAL FUNDING CLAUSE

Notwithstanding any provisions contained in this Agreement, the obligations of the County under this Agreement are expressly contingent upon the availability of funding for each item and obligation for the term of the Agreement and any pertinent extensions. City shall not have a right of action against County in the event County is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding for any item or obligation from any source utilized to fund this Agreement or failure to budget or authorize funding for this Agreement during the current or future fiscal years. In the event that County is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding, or if funds become unavailable, County, at its sole discretion, may provide funds from a separate source or may terminate this Agreement by written notice to City at the earliest possible time prior to the end of its fiscal year.

16. DEFAULT/CUMULATIVE RIGHTS/MITIGATION

It is not a waiver of default if the non-defaulting party fails to immediately declare a default or delays in taking any action. The rights and remedies provided by this Agreement are cumulative, and either party's use of any right or remedy will not preclude or waive its right to use any other remedy. These rights and remedies are in addition to any other rights the parties may have by law, statute, ordinance or otherwise. Both parties have a duty to mitigate damages.

17. IMMUNITY

This Agreement is expressly made subject to City's and County's Governmental Immunity, including, without limitation, Title 5 of the Texas Civil Practice and Remedies Code and all applicable State and federal laws. The parties expressly agree that no provision of this Agreement is in any way intended to constitute a waiver of any immunities from suit or from liability, or a waiver of any tort limitation, that City or County has by operation of law, or otherwise. Nothing in this Agreement is intended to benefit any third party beneficiary.

18. COMPLIANCE OF LAWS AND VENUE

In providing services required by this Agreement, City and County must observe and comply with all licenses, legal certifications, or inspections required for the services, facilities, equipment, or materials, and all applicable federal, State, and local statutes, ordinances, rules, and regulations. Texas law shall govern this Agreement and venue shall lie exclusively in Dallas County, Texas.

19. RELATIONSHIP OF PARTIES

City is an independent contractor and not an agent, servant, joint enterpriser, joint venturer or employee of County. City and County agree and acknowledge that each entity shall be responsible for its own acts, forbearance, negligence and deeds, and for those of its agents or employees in conjunction with the performance of work covered under this Agreement.

20. SIGNATORY WARRANTY

City and County represent that each has the full right, power and authority to enter and perform this Agreement in accordance with all of the terms and conditions, and that the execution and delivery of Agreement have been made by authorized representatives of the parties to validly and legally bind the respective parties to all terms, performances and provisions set forth in this Agreement.

<signatures appear on following page>

COUNTY:

CITY:

BY: Clay Lewis Jenkins
County Judge

BY: Patrick Stallings
City Manager

DATE: _____

DATE: _____

Recommended:

BY: Zachary Thompson
Director, DCHHS

BY: Ladis Barr
Community Development Director

Approved as to Form*:

Approved as to Form:

SUSAN HAWK
DISTRICT ATTORNEY

BY: Melanie Barton
Assistant District Attorney

BY: Alexis Allen
City Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

Agenda Item 8

Receive Councilmember Reports.

BACKGROUND OF ISSUE:

Items of community interest regarding which no action will be taken, as authorized by Section 551.0415 of the Government Code.

FINANCIAL IMPACT:

N/A

Agenda Item 9

Receive Citizen Comments.

BACKGROUND OF ISSUE:

Citizens may speak 6 minutes each on any matter, other than personnel matters, or matters under litigation.

FINANCIAL IMPACT:

N/A

Agenda Item 10

Receive Future Agenda Items.

BACKGROUND OF ISSUE:

If a Councilmember should wish for an item to be placed on a future agenda it may be requested at this time. Please keep in mind, there **CANNOT** be a discussion amongst the City Council regarding this item because it is not listed on the posted agenda.

FINANCIAL IMPACT:

N/A

Agenda Item 11

Adjourn.

BACKGROUND OF ISSUE:

At this time, the Mayor may adjourn the meeting if there is no further business to conduct.

FINANCIAL IMPACT:

N/A