

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 20-16

AN ORDINANCE OF THE CITY COUNCIL 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 IN 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 OF 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 CHAPTER 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 COUNCILMEMBER 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 FILED WITH THE SECRETARY OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, heretofore, the City Council of the City of Seagoville, Texas, called a special election to be held in the City on May 7, 2016, to amend the Home Rule Charter of the City of Seagoville as set forth in the Resolution No. 03-R-16.

WHEREAS, that on the 7th day of May, 2016, said election was held in accordance with state law; and,

WHEREAS, all of the Propositions were approved by majority vote and the results were canvassed and approved by Resolution No. 32-R-16.

WHEREAS, the Home Rule Charter should be amended to conform to the approve propositions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, THAT THE HOME RULE CHARTER OF THE CITY OF SEAGOVILLE IS HEREBY AMENDED AS FOLLOWS:

SECTION 1: That Proposition 1 for Special Election having been approved by a majority of votes cast in accordance with the canvass, of the Home Rule Charter, Article II Powers of the City, Section 2.06 Street Improvements and Assessments Therefore, shall herein after read as follows:

“Article II, Power of the City

.....

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: That Proposition 2 of the Special Election having been approved by a majority of votes cast in accordance with the canvass, the Home Rule Charter, Article II, Powers of the City, Section 2.17 Contracts, is amended to read as follows:

“Article II, Powers of the City

.....

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.
.....”

SECTION 3: That Proposition 3 of the Special Election having been approved by a majority of votes cast in accordance with the canvass, the Home Rule Charter, Article III, The City Council, Section 3.01 Mayor and City Councilmembers and Section 3.08 Limitations of Authority, are amended to read as follows:

“Article III, The City Council

Section 3.01 Mayor and City Councilmembers

.....

- (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 year prior to the appointment or election date.

.....

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 year prior to the appointment or election date.

.....”

SECTION 4: That Proposition 4 of the Special Election having been approved by a majority of votes cast in accordance with the canvass, the Home Rule Charter, Article III, The City Council, Section 3.01 Mayor and City Councilmembers is amended to add a new subsection (f) to read as follows:

“Article III, The City Council

Section 3.01 Mayor and City Councilmembers

.....

- (f) An individual shall serve no more than three (3) consecutive two 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 5: That Proposition 5 of the Special Election having been approved by a majority of votes cast in accordance with the canvass, the Home Rule Charter, Article III, The City Council, Section 3.07 (b) Duties and Powers of the City Council is amended to read as follows:

“Article III, The City Council

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Section 3.07 Duties and Powers of the City Council

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(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.
.....”

SECTION 6: That Proposition 6 of the Special Election having been approved by a majority of votes cast in accordance with the canvass, the Home Rule Charter, Article III, The City Council, Section 3.07 (c) Duties and Powers of the City Council is amended to read as follows:

“Article III, The City Council

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Section 3.07 Duties and Powers of the City Council

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(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.

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SECTION 7: That Proposition 7 of the Special Election having been approved by a majority of votes cast in accordance with the canvass, the Home Rule Charter, Article III, The City Council, Section 3.19 Boards and Commissions is amended to add a new subsection (f) to read as follows:

“Article III, The City Council

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Section 3.19 Boards and Commissions

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(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 8: That Proposition 8 of the Special Election having been approved by a majority of votes cast in accordance with the canvass, the Home Rule Charter, Article III, The City Council, Section 3.10 (b) Meetings of the City Council is amended to read as follows:

“Article III, The City Council

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Section 3.10 Meetings of the City Council

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(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.

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SECTION 9: That Proposition 9 of the Special Election having been approved by a majority of votes cast in accordance with the canvass, the Home Rule Charter, Article III, The City Council, Section 3.12 Conflict of interest is amended to read as follows:

“Article III, The City Council

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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.
.....”

SECTION 10: That Proposition 10 of the Special Election having been approved by a majority of votes cast in accordance with canvass, the Home Rule Charter, Article III, The City Council, Section 3.13 Rules of Procedure is amended to read as follows:

“Article III, The City Council

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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 11: That Proposition 11 of the Special Election having been approved by a majority of votes cast in accordance with canvass, the Home Rule Charter, Article III, The City Council, Section 3.19 (b) Boards and Commissions is amended to read as follows:

“Article III, The City Council

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Section 3.19 Boards and Commissions

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(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.

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SECTION 12: That Proposition 12 of the Special Election having been approved by a majority of votes cast in accordance with the canvass, the Home Rule Charter, Article IV, City Manager, Section 4.03 Qualifications of City Manager is amended to read as follows:

“Article IV, City Manager

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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 13: That Proposition 13 of the Special Election having been approved by a majority of votes cast in accordance with canvass, the Home Rule Charter, Article IV, City Manager, Section 4.04 Powers and Duties of City Manager is amended to add a new subsection (f) to read as follows:

“Article IV, City Manager

.....

Section 4.04 Powers and Duties of City Manager

.....

(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 14: That Proposition 14 of the Special Election having been approved by a majority of votes cast in accordance with canvass, the Home Rule Charter, Article IV, City Manager, Section 4.04 (b) Powers and Duties of City Manager is amended to read as follows:

“Article IV, City Manager

.....

Section 4.04 Powers and Duties of City Manager

(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.

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SECTION 15: That Proposition 15 of the Special Election having been approved by a majority of votes cast in accordance with canvass, the Home Rule Charter, Article VI Finance, Section 6.02 Payment of Taxes is amended to read as follows:

“Article VI, Finance

.....

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 16: That Proposition 16 of the Special Election having been approved by a majority of votes cast in accordance with canvass, the Home Rule Charter, Article VII Recall, Section 7.02 Petitions for Recall is amended to read as follows:

“Article VII, Recall

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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.

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SECTION 17: That Proposition 17 of the Special Election having been approved by a majority of votes cast in accordance with canvass, the Home Rule Charter, Article VII Recall, Section 7.14 Initiative and Referendum is amended to read as follows:

“Article VII, Recall

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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 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:

.....

- (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.
.....”

SECTION 18: That Proposition 18 of the Special Election having been approved by a majority of votes cast in accordance with canvass, the Home Rule Charter, Article IX General Provisions, Section 9.03 Nepotism is amended to read as follows:

“Article IX, General Provisions

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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 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 19: That Proposition 19 of the Special Election having been approved by a majority of votes cast in accordance with canvass, the Home Rule Charter, Article IX General Provisions, Section 9.05 (a) Amendments and Charter Review is amended to read as follows:

“Article IX, General Provisions

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Section 9.05 Amendments and Charter Review

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(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 members for appointment. Such commission shall review the Charter and make recommendation to the City Council as to any necessary amendments.

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SECTION 20. That all provisions of the ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 21. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 22. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 23. That the City Secretary shall certify and file with the Secretary of State a copy of this ordinance as provided by State Law.

SECTION 24. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, this the 20th day of June, 2016.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY



APPROVED AS TO FORM:



CITY ATTORNEY