

HOME RULE CHARTER CITY OF DECATUR, TEXAS

ORIGINAL ADOPTION OF CHARTER – FEBRUARY 1, 2003
CHARTER AMENDMENT – NOVEMBER 4, 2025

ORIGINAL CHARTER

APPROVED BY VOTERS FEBRUARY 1, 2003

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FIRST CHARTER AMENDMENT

APPROVED BY VOTERS NOVEMBER 4, 2025

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CHAPTER I

INCORPORATION AND POWERS OF THE CITY

1.01 Incorporation, Corporate Name

All inhabitants of the City of Decatur, Wise County, Texas, within the boundaries of said City now established or as hereinafter established in the manner provided by law, shall constitute a municipal body politic incorporated under the name of "City of Decatur", hereinafter referred to as the "City", with such powers, rights, authority, privileges, obligations and immunities as are herein provided.

1.02 Corporate Boundaries

(a) The boundaries of the City shall be as they exist when this Charter is adopted, until changed by the City Council.

(b) The boundaries and limits of the City shall be those established on an official map duly adopted by the City Council by ordinance and amended from time to time to include annexations and disannexations from the corporate limits. The City Secretary shall at all times keep a correct and complete legal description and official map on file, with recent annexations and disannexations.

1.03 Annexation

(a) The Council shall have the power by ordinance to fix boundaries of the City and to provide for the alteration or the extension of said boundaries, pursuant to any laws of the State of Texas now or hereinafter enacted.

(b) The annexation ordinance shall describe the territory to be annexed. Notice shall be published and public hearings held as required by state law. Amendments not enlarging or extending the boundaries set forth in the proposed ordinance may be incorporated into the proposed ordinance without the necessity of republication of said notice. The additional annexed territory shall be a part of the City and the property situated therein shall bear its pro rata part of the taxes levied by the City as provided by state law. The inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City.

1.04 Disannexation

The Council may disannex any territory within the corporate boundaries of the City, if the Council determines the territory is not necessary or suitable for City purposes and may exchange territory with other municipalities. When the disannexation occurs, the disannexed territory shall cease to be a part of the City. Refund of taxes and fees, if any, shall be in accordance with state law.

1.05 Form of Government

The municipal government provided by this Charter shall be known as "Council-Manager Form of Government." Pursuant to the provisions of, and subject only to the limitations imposed by the Constitution and laws of the State of Texas and this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the "Council."

1.06 General Powers of the City

(a) The City shall have all powers, functions, rights, privileges, and immunities of every name and nature, that are now or hereafter may be granted to a Home Rule City by the Constitution and laws of the State of Texas, together with all implied powers necessary to carry into execution all such powers granted.

(b) Among such powers, the City shall have police powers, the power to adjust boundaries, the power to contract and to cooperate with the government of the State of Texas or any agency or subdivision thereof, and the power to contract and co-operate with the federal government or any agency thereof to accomplish any lawful purpose. The City may use a corporate seal. The City may acquire property within or without its corporate limits for any purpose in fee simple, or in any lesser interest or estate by purchase, gift, devise, lease, exchange, or condemnation, and subject to the provisions of this Charter, the City may sell, lease, mortgage, hold, manage, improve, exchange, and control property as may now or hereafter be owned by it; may access, levy, and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money and appropriate money for all lawful purposes; may furnish municipal services as provided by state law, both within and without its corporate limits; may provide for the expenditure of public funds for a retirement system, group health, life and accident insurance coverage, and surety bonds for City employees or officers; may pass ordinances, resolutions, and enact such regulations as may be expedient for the maintenance of good government, order and peace of the City and the interest, welfare, health, morals, comfort, safety, security and convenience of the City for its inhabitants consistent with the provisions of this Charter.

1.07 General Powers Adopted

The enumeration of the particular powers of this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all powers of local self-government and all other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate.

1.08 Eminent Domain

The City shall have the full right, power, and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution or laws of the State of Texas. The power of eminent domain hereby conferred shall include the right of the City to take fee title and easement interest in the lands so condemned, and such power and authority shall include the right to condemn public or private property for such purposes.

1.09 Power to Acquire Property Inside and Outside the City for Any Lawful Purposes

The City shall have the power to sell and to acquire by condemnation or purchase either private or public property located inside or outside of the corporate limits for any lawful purposes in accordance with state law.

1.10 Platting of Property

Should any property situated within the corporate limits of the City be hereafter platted into blocks and lots, the owner or owners of the property shall comply with the Comprehensive Master Plan of the City, all provisions of the ordinances, rules, and regulations of the City, and all provisions of the applicable state laws.

1.11 Street Powers

The City shall have exclusive domain, jurisdiction, and control over and under the public highways, streets, and alleys of the municipality in accordance with state law. The City may control, regulate, or remove an encroachment or obstruction on a public street or alley of the municipality; open, close, or change a public street or alley of the municipality; and improve a public highway, street, or alley of the municipality. Such exclusive domain, jurisdiction, and control shall include control over and under all gutters, sidewalks, squares, parks, public places, and bridges located within the City. Encroachments and obstructions shall include, but not be limited to, telephone or other utility poles. Such exclusive domain, control, and jurisdiction over and under the public highways, streets, and alleys of the City shall also

include the right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes, lines, wires, or other property of any sort.

1.12 Solid Waste Disposal

The City shall have the power to provide for and/or own a solid waste collection and disposal system as well as regulation of all sanitary landfills. The Council shall have the right by ordinance to adopt and prescribe rules and regulations for the handling of all garbage, trash, and rubbish in the City and shall further have the right to fix charges and compensation to be charged by the City for the removal of garbage, trash, and rubbish, and to provide rules and regulations for the collection thereof.

1.13 Sanitary Sewer System

The City shall have the power to provide for and/or own a sanitary sewer system and to require property owners to connect their premises with such sewer system; to prescribe rules, regulations, and restrictions with reference to use, consumption, waste, payment, cutoff, turn on, connections, and management of such system; to prescribe penalties for violation of such rules and regulations; and shall further have the right to fix charges, rates, and compensation to be charged by the City for sewage service, to provide rules and regulations for the collection thereof, and to provide for fixing a lien against the property of the owners of which fail or refuse to pay such charges and compensation.

1.14 Water System

The City shall have the power to provide for and/or own a water system and to require property owners to connect their premises with such water systems; to prescribe rules, regulations, and restrictions with reference to use, consumption, waste, payment, cutoff, turn on, connections, and management of such system; to prescribe penalties for violation of such rules and regulations; and shall further have the right to fix charges, rates, and compensation to be charged by the City for water service, to provide rules and regulations for the collection thereof, and to provide for fixing a lien against the property of the owners of which fail or refuse to pay such charges and compensation.

1.15 Parks, Playgrounds, and Public Places

The City shall have exclusive control of all City parks, playgrounds, public squares, and public places and buildings and shall have the power to control, regulate, and remove all obstructions and prevent all encroachments thereupon and to provide for raising, grading, filling, terracing, landscape gardening, erecting buildings, swimming pools and wading pools, tennis courts, organized sports facilities, and other structures including, but not limited to, museums, libraries, and art galleries. The right of control and use of all public parks, playgrounds, public squares, public places, and buildings is hereby declared inalienable to the City, except by ordinances not in direct conflict with this Charter.

1.16 Fire Protection and Hazardous Substances

The Council shall have the power, by ordinance or otherwise, to provide means for protection against conflagrations and for the establishment, maintenance, support, and regulation of a Fire Department and for guarding against fires.

1.17 Police

The Council shall, by ordinance or otherwise, provide means to preserve order within the City, to secure residents of said City from violence; to secure property therein from injury or loss; and for the establishment, maintenance, support, and regulation of a Police Department.

1.18 Health

The Council shall have the power to provide for a Health Department and establish all necessary rules

and regulations protecting the health of the City and for the establishment of quarantine stations, pest houses, emergency hospitals, and to provide for the adoption of necessary quarantine laws to protect the inhabitants against contagious or infectious diseases. Such general laws shall include the following powers, but not to the exclusion of other powers:

(a) The Council shall have the power, by ordinance or otherwise, 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 of any kind are manufactured, prepared, stored, packed, served, sold, or otherwise handled within the City limits; and shall have the power to prescribe health regulations with reference to any and all workers or employees hired or used in or about any of 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.

(b) The Council shall have the power to license, require occupation fees or taxes, and prescribe health regulations with respect to places of business, their persons, and their workers and employees, and shall have the power to prescribe all necessary health regulations.

(c) The Council shall have the power to define all nuisances and prohibit the same within the City and outside the City limits to the extent allowed by state law to protect the citizens of the City; to have power to police all parks or grounds owned by the City and lying both outside and inside the 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 of storage of water supply, and to provide for policing the same, as well as to provide for the protection of any watersheds and the policing of same; to inspect, license, and regulate dairies, slaughter pens, and slaughter houses inside or outside the limits of the City.

(d) The Council shall have the power to provide for fixing of penalties for failure of any person, firm, corporation, or association to comply with any such rules and regulations so prescribed by the Council under the provisions of this section; it being the intention to vest in the Council not only powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health of the City and its inhabitants.

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CHAPTER II

CITY COUNCIL AND MAYOR

2.01 Governing Body

The governing and lawmaking body of the City shall consist of the Mayor and six (6) Councilmembers and shall be known as the City Council or the Council.

2.02 Elective Officers

The Mayor and the members of the Council shall be elected and hold office as herein provided:

(a) Each Councilperson shall be elected to and occupy a place on the Council, such places being numbered one (1), two (2), three (3), four (4), five (5), and six (6).

(b) Four (4) members of the Council whose positions shall be places one (1), two (2), three (3), and four (4), shall be residents of and elected by the qualified voters of single-member geographical districts of the City, known as districts one (1), two (2), three (3), and four (4), as such districts may from time to time be determined by the City Council in accordance with Section 2.02(d), and created and described by ordinance. Two (2) members of the Council and the Mayor shall be elected by the qualified voters of the entire City, commonly known as at large. The two at-large members of the Council shall occupy places five(5) and six (6).

(c) All members of the Council and the Mayor shall be elected for terms as follows:

- (1) The Mayor shall be elected at large for a two (2) year term at the regular city election held in May of 2026 and thereafter shall be elected at large to terms of three (3) years.
- (2) The Councilmember term for the single-member district of Place 1 expiring in 2026 shall be elected to a term of two (2) years at the regular city election held in May of 2026, and, should the person holding the seat of Place 1 on November 4, 2025 become re-elected in May of 2026, that person shall be eligible to run for one additional term of two (2) years at the regular city election held in May of 2028; thereafter, Place 1 shall be elected to three-year terms. If the person holding the seat of Place 1 on November 4, 2025, does not become re-elected in May of 2026, thereafter, Place 1 shall be elected for three-year terms.
- (3) The Councilmember term for the single-member district of Place 2 expiring in 2027 shall be elected for a term of three (3) years at the regular city election held in May of 2027 and shall thereafter be elected for terms of three (3) years.
- (4) The Councilmember term for the single-member district of Place 3 expiring in 2026 shall be elected to a term of two (2) years at the regular city election held in May of 2026 and shall thereafter be elected for terms of three (3) years beginning with the regular city election held in May of 2028.
- (5) The Councilmember term for the single-member district of Place 4 expiring in 2027 shall be elected for a term of two (2) years beginning in May of 2027 and shall thereafter be elected for terms of three (3) years beginning with the regular city election held in 2030.
- (6) The Councilmember term at large of Place 5 expiring in 2026 shall be elected for a term of three (3) years at the regular city election held in May of 2026 and shall thereafter be elected at large for terms of three (3) years.

- (7) The Councilmember term at large of Place 6 expiring in 2027 shall be elected for terms of three (3) year terms at the regular city election held in May of 2027 and shall thereafter be elected for three (3) year terms.

(d) The Council shall from time to time create and describe by ordinance election districts known as districts one (1), two (2), three (3), and four (4). Such districts shall be created so that each will contain, as nearly as possible, a population equivalent to the others according to the latest available census data.

2.03 Term Limits for Elected Officials

(a) A person who has served as Mayor for four (4) consecutive two-year terms or for three (3) consecutive three-year terms shall not again be eligible to become a candidate for, or to serve in the office of, Mayor until the general election held in the third year after that Mayor's final consecutive full two- or three-year term (as applicable) has expired.

(b) A person who has served as Councilmember (whether at large or by single member district) for four (4) consecutive two-year terms or for three (3) consecutive three-year terms shall not again be eligible to become a candidate for, or to serve in the office of, Councilmember until the general election held in the third year after that Councilmember's final consecutive full two- or three-year term (as applicable) has expired.

(c) A person who has served as Mayor for any combination of two and three year terms that total nine (9) or more years of service shall not again be eligible to become a candidate for or serve in the office of Mayor until the general election held in the third year after their last consecutive two or three year term (as applicable) has expired.

(d) A person who has served as Councilmember for any combination of two- and three-year terms that total nine (9) years or more of service shall not again be eligible to become a candidate for, or serve in the office of, Councilmember until the general election held in the third year after their last consecutive two- or three-year term (as applicable) as Councilmember has expired.

(e) A Councilmember shall be considered to serve consecutive terms if serving in different places consecutively; however, it shall not be considered a consecutive term when a councilmember is elected to the office of Mayor. Provided, however:

- (1) A person who has served eight consecutive 2-year terms as both Mayor and Councilmember shall not again be eligible to serve in either capacity until the general election held in the third year after their eighth consecutive full 2-year term as Mayor and/or Councilmember has expired; and
- (2) A person who has served six consecutive 3-year terms as both Mayor and Councilmember shall not again be eligible to serve in either capacity until the general election held in the third year after their sixth consecutive full 3-year term as Mayor and/or Councilmember has expired; and
- (3) Regardless of term length, a person who was elected as Councilmember in 2024 or 2025 and serves seven consecutive terms as both Mayor and Councilmember shall not again be eligible to serve in either capacity until the general election held in the third year after their seventh consecutive full term (regardless of term length) as Mayor and/or Councilmember has expired; and
- (4) For the purposes of this section, a Term of Office and the length of a term of office shall be defined as an elected period of two (2) or three (3) years, as applicable (defined as from general election date to general election date). A person elected or appointed to fill an unexpired term after the date this Charter takes effect may serve three additional consecutive 3-year terms.

(f) In the event that any Councilmember holding office on November 4, 2025, in Places 1, 3, and 5 is re-elected to any of those places in the 2026 election and then resigns to run for Mayor in 2028 and is elected Mayor, their terms as Councilmember shall still be considered to have run consecutively for the purposes of term limits under this section.

2.04 Qualifications

(a) Candidates. Each person who becomes a candidate for Mayor or Councilmember shall meet the following qualifications:

- (1) be at least twenty-one (21) years of age on the day of election or appointment;
- (2) be a citizen of the United States;
- (3) be a registered and qualified voter of the City;
- (4) reside and have resided for at least twelve (12) months preceding the election within the corporate limits of the City;
- (5) no candidate may file for more than one office or position number per election;
- (6) no employee of the City shall continue in such position after becoming a candidate for a City elective office;
- (7) no candidate shall, at the time of filing or while in office, be arrears in payment of taxes or other liabilities due to the City after the expiration of thirty (30) days following the providing of notice of any delinquency; and
- (8) shall comply with all other City ordinances and/or resolutions that may be applicable.

(b) When any member of the Council no longer possesses all of the qualifications specified in this section or is convicted of a felony or any offense involving moral turpitude while in office, the office shall immediately and automatically become vacant. The Council shall be the judge of the qualifications of its members in accordance with Section 2.08(b) and for these purposes and shall have the power to subpoena witnesses and require the production of records.

2.05 Compensation

The City Council shall set the compensation of its members.

2.06 Presiding Officer - Duties of the Mayor

The Mayor shall preside over the meetings of the Council and perform such other duties consistent with the office as may be imposed upon him by this Charter and by ordinances and resolutions passed in pursuance thereof. The Mayor shall participate in the discussion of all matters coming before the Council and shall have a vote on all matters before the Council. The Mayor shall be recognized as the official head of the City by the courts, for purposes of exercising disaster and emergency powers, and for all ceremonial purposes.

2.07 Mayor Pro Tem and Deputy Mayor Pro Tem

At the first meeting after each general election or general election run-off, if any, or as soon thereafter as practicable, the City Council shall appoint one of the Councilmembers as Mayor Pro Tem who shall hold office for one (1) year. The Mayor Pro Tem shall perform the duties of Mayor in case of the absence or disability of the Mayor. Additionally, the Council shall have the authority to appoint a Deputy Mayor Pro

Tem who shall perform the duties of Mayor in the case of the absence or disability of the Mayor and Mayor Pro Tem.

2.08 Vacancies and Forfeiture of Office: Filling of Vacancies

(a) Vacancies. The office of the Mayor or a Councilmember shall become vacant upon the Mayor or Councilmember's death, resignation, removal from office (in any manner authorized by law), or forfeiture of office.

(b) Forfeiture of Office. The Mayor or a Councilmember shall forfeit their office if, during a term of office, the Mayor or Councilmember:

- (1) lacks any qualification for the office prescribed by this Charter or by other law;
- (2) violates any expressed prohibition of this Charter;
- (3) is convicted of a felony crime or is convicted of a crime involving moral turpitude; or
- (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council.

(c) Forfeiture of Office shall be determined by the Council upon an affirmative 3/4 vote of the entire membership. The Council's decision shall be final in matters involving Forfeiture of Office by a Councilmember or the Mayor. As used in this section only, the term "entire membership" shall mean the six council members who are not the subject of the forfeiture vote.

(d) Filling of Vacancies. If one vacancy occurs on the Council then the remaining members shall fill the vacancy for the unexpired term and may do so by appointment or by calling a special election. If two or more simultaneous vacancies occur, then the remaining members of the Council shall call a special election to fill the vacancies for the unexpired terms. Vacancies shall be filled by a majority vote of the Council.

2.09 Meetings of the City Council

The Council shall hold at least two (2) regular meetings each month at a time to be fixed by ordinance, unless the dates fall on a regularly observed City holiday, provided that the Council may establish as many additional regular meetings during the month as may be necessary for the transaction of the business of the City and its citizens. By a 3/4 vote of all council members present, a regular meeting date may be canceled. All meetings of the Council shall be open in accordance with and except as provided by the Texas Open Meetings Act, and shall be held at the City Hall, except that the Council may designate another place for the meetings.

2.10 Special Meetings

The Mayor or a majority of the other members of the Council may call special meetings by giving notice to the City Secretary who shall notify each member of the Council of the time of the meeting and its purpose.

2.11 Rules of the Council: Minutes and Procedures

(a) The City Council shall determine its own rules of procedure and may compel the attendance of its members. Minutes of the proceedings of the City Council 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. The vote upon the passage of all ordinances shall be by roll call and entered upon the minutes, and the full caption of every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose. Each ordinance and resolution shall be authenticated by the signature of the presiding officer and the

person performing the duties of the City Secretary and maintained in the office of the City Secretary.

(b) Any item requested by one (1) or more members of the Council, the Mayor, the City Manager, or the City Attorney shall be placed on the agenda by the City Secretary. The Mayor will establish the order of the agenda for each Council meeting. The City Secretary shall prepare the agenda, which shall be publicly posted at City Hall in accordance with the Texas Open Meetings Act.

2.12 Quorum and Voting

A majority of the Council shall constitute a quorum and a vote of a majority of those present shall be necessary for any action of the Council, except as otherwise provided by law or this Charter.

2.13 Code of Ethics and Conduct

The City Council shall adopt by ordinance a code of ethics and conduct that is consistent with the provisions of this Charter and applicable to elected officers, appointed board, commission, and committee members, and employees of the City.

2.14 Anti-Nepotism

No person related within the second degree of affinity (by marriage) or within the third degree of consanguinity (by blood) to the Mayor or any City Councilmember or the City Manager shall be employed by or contracted with the City. This prohibition shall not apply to a person who has been continuously employed by or contracted with the City for two (2) or more years prior to the election of the Mayor, City Councilmember, or the appointment of the City Manager to whom the employee or contractor is so related.

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CHAPTER III

RESPONSIBILITIES OF THE CITY COUNCIL

A. GENERAL

3.01 Powers of the Council

All powers and authority, including determination of all matters of policy, which are expressly or by implication conferred on or possessed by the City, shall be vested in and exercised by the Council; provided, however, that the Council shall have no authority to exercise those powers which are expressly conferred upon other City officers by this Charter.

3.02 Appointment of Members of Boards

The members of all boards created by this Charter or by the Council shall be appointed by the Council.

3.03 Investigative Powers of the Council

The Council as a whole shall have the power to inquire into or investigate the official conduct of any department, agency, officer, or employee of the City and for that purpose shall have the power to administer oaths, subpoena witnesses, and compel the production of books, papers, records or other evidence. The Council shall provide by Ordinance punishment and penalties for contempt for failure or refusal to obey any such subpoena or to produce any such books, papers, records, or other evidence. All powers granted by this section shall be exercised only in a meeting of a quorum of the Council held in compliance with the Texas Open Meetings Act.

3.04 Depository of City Funds

The Council is authorized to select a depository, according to state law, for the City funds.

3.05 Interference in Administrative Matters

The City Manager shall be the chief administrative officer and the head of the administrative branch of the City. Except for the purpose of inquiry or investigation, the Council and its members shall deal with the administrative departments and personnel solely through the City Manager, and no member of the Council shall give orders to any subordinate of the City Manager, either publicly or privately.

3.06 Appointive Offices

In addition to the elected officers, the other officers of the City shall be the City Manager, City Attorney, and such other officers as the Council may from time to time direct. The Council may abolish or consolidate such offices and positions as it may deem to be in the best interest of the City and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions, and discontinue any office or position at its discretion, except the offices of City Manager, City Secretary, and City Attorney. Removal of officers appointed by the City Council shall be at the discretion of the Council, by vote of the majority of the entire Council.

3.07 State of Emergency

(a) A state of emergency shall be deemed to exist during periods of impending or actual public crisis or disaster. A state of emergency may be declared by the vote of the Council, or by order of the Mayor, or, in the Mayor's absence or disability, the Mayor Pro Tem, or Deputy Mayor Pro Tem, in the absence or disability of the Mayor and Mayor Pro Tem, if a meeting of the Council cannot be called within the time

available, whenever conditions threaten to render inadequate the normal procedures of the City for protection of persons or property. During a state of emergency, the Mayor, or, in the Mayor's absence or disability, the Mayor Pro Tem shall have all the powers which would be vested in the Council by state law to the extent the Mayor Pro Tem considers reasonable or necessary for the protection of people or property.

(b) The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency.

(c) The Mayor, or person authorized by this Charter to carry out the duties of the Mayor, or the Council by a majority vote, shall be authorized to declare the emergency terminated.

B. ORDINANCES

3.08 Validation of all Ordinances, Rules, and Regulations

All ordinances, resolutions, rules, and regulations of the City heretofore ordained, passed, adopted, or enacted, that are in force at the time this Charter of Charter Amendment, as applicable, becomes effective or amended, and which are not in conflict with such Charter, shall remain in full force until altered, amended, or repealed by the Council after such Charter of amended Charter takes effect.

3.09 Action Requiring an Ordinance

(a) The Council shall legislate by ordinance. In addition to other acts required by law or by a specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which:

- (1) adopt, amend, or establish an administrative code;
- (2) alter or abolish any City board, department, office, or agency;
- (3) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (4) levy taxes, except as otherwise provided in Chapter 9 of this Charter with respect to the property tax levied by adoption of the budget;
- (5) grant, renew, or extend a franchise;
- (6) regulate the rate charged for services by a public utility;
- (7) authorize the borrowing of money that cannot be repaid within the current fiscal year;
- (8) convey, lease, or authorize the conveyance or lease of any lands of the City;
- (9) adopt, with or without amendment, ordinances proposed under the initiative power; and
- (10) amend or repeal any ordinance previously adopted, except as otherwise provided in Chapter 8 of this Charter with respect to the repeal of ordinances reconsidered under the referendum power.

(b) Acts other than those referred to in the preceding sentence may be done either by ordinance, resolution, or minute order.

3.10 Form of Ordinances

Every proposed ordinance shall be introduced in writing and in substantially the form required for final adoption. The subject of the ordinance shall be clearly expressed in its title except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. The enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of Decatur, Texas," but the same shall be omitted when the ordinances of the City are codified and published in a book, electronically, or in pamphlet form by the City. Any ordinance which repeals or amends an existing ordinance or part of the City code shall clearly set forth the provision or provisions being repealed or amended and, if amended, shall further clearly set forth the amendment being made.

3.11 Procedure for Enacting Ordinances and Resolutions; Publications

(a) Ordinances and resolutions may be passed at any regular meeting or special meeting called for that purpose provided notice has been given in accordance with the Texas Open Meetings Act.

(b) All ordinances exclusive of emergency ordinances defined by Section 3.12 of this Charter shall be considered and passed in open meetings of the Council at two separate Council meetings. On second presentation the Council may consider and approve any changes it deems necessary from the ordinance presented at first reading, unless otherwise provided by state law. Every ordinance, resolution, or motion shall require on passage the affirmative vote of a majority of the members present unless more is required by state law or this Charter.

(c) The descriptive caption or title of an ordinance that imposes a penalty, fine, or forfeiture and the penalty for violating the ordinance shall be published at least once in the official newspaper of the City or as otherwise provided in state law.

(d) An ordinance required to be published takes effect when the publication requirement is satisfied, unless the ordinance provides otherwise, and an ordinance that is not required to be published takes effect when adopted unless the ordinance provides otherwise.

(e) All ordinances and resolutions may be admitted and received in all courts subject to the rules of evidence and laws of jurisdictions where proof of such ordinances and resolutions are tendered, without further proof.

3.12 Emergency Ordinances

The Council may adopt emergency ordinances only to meet public emergencies affecting the life, health, property, or the public peace in accordance with state law. 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. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it 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 describe the emergency in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting at which it was introduced. The affirmative vote of four (4) members of the Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances but may become effective immediately upon enactment.

3.13 Codification of Ordinances

The City Manager, as soon as practical after the adoption of this Charter or any Charter amendments, may cause to be codified and properly entered and published for public distribution. The City Manager may cause the codification of the ordinances of the City, which codification may be revised and updated annually. Publications as addressed in this provision include electronic publications.

CHAPTER IV CITY ADMINISTRATION

A. GENERAL

4.01 Administrative Departments

(a) There shall be such administrative departments as are established by this Charter and may be established by ordinance, and excepting as otherwise provided in this Charter, these administrative departments shall be under the direction of the City Manager. The Council shall have power by ordinance to establish administrative departments or offices not herein provided by this Charter. The Council may discontinue, re-designate, or combine any of the departments and/or administrative offices. No changes shall be made by the Council in the organization of the administrative service of the City until the recommendations of the City Manager thereon shall have been given an opportunity to be heard by the Council.

(b) The head of each department shall be a chief, director, superintendent, or coordinator who shall be appointed by the City Manager, and such chief, director, superintendent, or coordinator shall have supervision and control over their department. Two or more departments may be headed by the same individual, and the City Manager may act as City Secretary and may head one or more departments.

B. CITY MANAGER

4.02 Appointment and Qualifications

(a) The Council, by majority vote of the entire Council qualified and serving, shall appoint a City Manager, who shall be the chief administrative officer of the City.

(b) The method of selection shall be left to the discretion of the Council so long as the method ensures orderly, non-partisan action toward securing a competent and qualified person to fill the position. The City Manager shall be chosen solely upon the basis of the person's administrative training, experience, ability, and character.

(c) Neither the Mayor nor any Councilmember may be appointed City Manager or acting City Manager while holding office or for a period of two (2) years thereafter.

(d) The City Manager shall establish residency in the City of Decatur unless excused by City Council.

4.03 Compensation

The City Manager shall receive compensation as may be set by the Council according to the person's experience, education, and training.

4.04 Term and Removal

(a) The City Manager may be appointed for a definite term but may be removed at the discretion of the Council by the affirmative vote of five (5) members of the Council, unless otherwise provided by contract.

(b) If removed after serving six (6) months, the City Manager may demand written charges and the right to be heard thereon at a public meeting of the Council prior to the date on which the City Manager's final removal shall take effect. Pending such hearing the Council may suspend the City Manager from office.

(c) The action of the Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the Council.

(d) The Council is authorized to enter into a contract with a City Manager to establish additional terms of employment.

4.05 Bonds Required

The Council shall require bonds of all municipal officers and employees who receive or pay out any monies of the City, including the City Manager, before entering upon the duties of the officers' or employees' positions, to execute a good and sufficient surety company bond, in such amount as the Council may demand, payable to the City and conditioned for the faithful performance of the duties of the officers' or employees' positions. The premium of such bond is to be paid by the City.

4.06 Powers and Duties

The City Manager shall be the chief administrative officer and head of the administrative branch of the City. The City Manager shall be responsible to the Council for the proper administration of all the affairs of the City and to that end shall have the power and be required to:

(a) In cooperation with the City Attorney, see that all state laws, City ordinances, and provisions of this Charter are effectively enforced.

(b) Appoint, suspend, and/or remove all or any one of the heads of departments and all subordinate officers and employees of the City.

(c) Exercise control over all departments and subdivisions thereof created by this Charter or that may hereafter be created by the Council except as herein provided.

(d) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof, to call the same to the attention of the City Attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.

(e) Attend all meetings of the Council, except when excused by the Council.

(f) Prepare a proposed budget annually and submit it to the Council each year, and be responsible for its administration after its adoption.

(g) Administer the budget of the City.

(h) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.

(i) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to the City Manager advisable.

(j) Prepare personnel rules subject to the approval of the Council.

(k) Perform such other duties as may be prescribed by this Charter or required by the Council.

4.07 Acting City Manager

(a) The City Manager, within thirty (30) days after taking office, shall designate by letter filed with the

City Secretary, a qualified administrative officer of the City to perform the duties of the City Manager in the City Manager's absence or disability. Such designation shall be subject to approval of the Council. No member of the City Council shall serve as Acting City Manager. Upon resignation or termination of the City Manager, the Acting City Manager shall perform the duties of the City Manager until a new City Manager or Acting City Manager is appointed by the Council.

(b) Should the need for an Acting City Manager occur prior to the City Manager submitting a designee or prior to the Council's approval of the City Manager's designee, the Council shall appoint an Acting City Manager.

(c) The City Manager may select a different Acting City Manager by repeating the letter of designation and obtaining the Council's approval.

4.08 City Secretary

The City Manager shall appoint a City Secretary subject to approval of the Council. The City Secretary shall act as the clerk of the Council, give notice of its meetings, keep the journal of its proceedings, authenticate by signature and record in full a book kept for that purpose all ordinances and resolutions, and perform such other duties as this Charter may provide, as the City Manager may assign, or as required by state law.

4.09 Duties of the City Secretary

The duties and powers of the City Secretary shall be as follows:

- (a) Give notice of all official city council meetings in a manner consistent with this Charter and state law.
- (b) Attend all public meetings and hearings of the City Council.
- (c) Record the minutes of all official meetings of the Council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes.
- (d) Be the custodian of all municipal records of the Council.
- (e) Recommend to the Council rules and regulations to be adopted by ordinances to protect the safety of the municipal records.
- (f) Hold and maintain the City seal and affix to all instruments requiring such seal.
- (g) Inquire into or investigate the genuineness of any signature on and the factual sufficiency of any initiative, referendum, or recall petition filed with the City Secretary in accordance with the provisions of this Charter, and for the purpose the City Secretary shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records, and other evidence.
- (h) Perform such other duties as may be required by the Council or required by other law.

4.10 Acting City Secretary

In such case as there may be an absence in the position of City Secretary, the City Manager may designate an Acting City Secretary.

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CHAPTER V

COURTS

5.01 Purpose of the Municipal Court

The City Council established the Decatur Municipal Court of Record on September 10, 2018, in order to provide a more efficient disposition of cases arising in the City and in order to more effectively enforce the ordinances of the City. The municipal court is to be known as "The Municipal Court of Record in the City of Decatur."

5.02 Judge of the Court

The judge of the Municipal Court of Record in the City of Decatur shall be appointed by the City Council by ordinance for the minimum term provided by state law. The municipal judge must be a licensed attorney in good standing in the State of Texas, and must have two or more years of experience in the practice of law in Texas. The judge must be a citizen of the United States and the State of Texas.

The City Council shall establish the salary of the judge which shall not be based directly or indirectly on fines or costs collected by the court. Such salary may not be diminished during the term for which the judge is appointed.

5.03 Appointment of Court Clerk and Court Personnel

The City Manager shall appoint a Clerk of the Municipal Court of Record in the City of Decatur who shall perform duties in accordance with state law and City ordinance. During the proceedings of the court, the Clerk and other court personnel shall serve at the direction of the municipal court judge. At all other times the Clerk shall serve at the direction and supervision of the City Manager who shall have the authority to remove the Court Clerk or other personnel according to the rules set forth in the City's personnel policies. The Clerk of the municipal court shall keep the records of the Municipal Court of Record in the City of Decatur, issue process, and perform the duties described in state law.

The City shall require the Court Clerk, before entering upon the duties of the office, to execute a good and sufficient surety company bond, in such amount as the City may demand, payable to the City and conditioned for the faithful performance of the duties of the office. The premium of such bond is to be paid by the City.

5.04 Vacancy of Municipal Judge and Associate Judge(s)

If a vacancy occurs in the office of a municipal judge of the Municipal Court of Record in Decatur, Texas, the City Council shall by ordinance appoint a qualified person to fill the office for the remainder of the unexpired term. The City Council may appoint more than one qualified person as an associate judge to be available to serve for a municipal judge who is temporarily absent due to illness, family death, continuing legal or judicial education programs, or any other reason. The municipal judge shall select one of the qualified persons appointed by the City Council to serve during the absence of the municipal judge. The associate judge, while serving as a municipal judge, has all the powers and shall discharge all the duties of a municipal judge. An associate judge must meet the qualifications prescribed for the municipal judge. The City Council shall set the compensation for the associate judge.

5.05 Fines

All monies received as court-imposed fines or penalties shall be paid into the general fund of the City treasury, unless otherwise required by state law.

5.06 Municipal Court Jurisdiction

The Municipal Court of Record in the City of Decatur has the jurisdiction provided by state law for municipal courts of record.

5.07 Terms of State Law Adopted

The Municipal Court of Record in the City of Decatur is established pursuant to the authority granted by the laws of the State of Texas, known as the Uniform Municipal Courts of Record Act, and the terms set forth therein are hereby adopted, governing the operation of said court.

5.08 Court Reporter

The proceedings of trials in the Municipal Court of Record in the City of Decatur shall be recorded by a good quality electronic recording device and kept for a period of one hundred and twenty days after the last day of the court proceedings, trial, or denial of a motion for a new trial, whichever occurs last. If a case is appealed, the proceedings shall be transcribed from the recording by an official court reporter. The Clerk of the Municipal Court of Record in the City of Decatur shall appoint a court reporter who must meet the qualifications provided by law for official court reporters.

5.09 Jury

The Clerk of the Municipal Court of Record in the City of Decatur shall supervise the selection of persons for jury service in the Municipal Court of Record.

5.10 Clerk's Record and Reporter's Record Preparation Fees

In the event of an appeal, the appellant shall pay a fee in the amount of \$25 for preparation of the Clerk's Record. The clerk shall note the payment of the Clerk's Record fee on the docket of the court. The appellant shall pay for the Reporter's Record.

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CHAPTER VI CITY ATTORNEY

6.01 City Attorney

(a) The Council shall appoint a competent, duly qualified, licensed, and practicing attorney in the State of Texas, to be an attorney for the City, hereinafter referred to as the "City Attorney." The City Attorney shall serve at the discretion of the Council and shall receive for their services such compensation as may be set by the Council. The City Attorney shall be the adviser of, and attorney for, all of the offices and departments of the City and shall represent the City in all foreseen, contemplated, or pending litigation and legal proceedings; provided that the Council may retain special counsel at any time they deem same appropriate and necessary.

(b) The City Attorney shall access, review, and concur or dissent upon all documents, contracts, legal instruments, or information in another medium in which the City may have an interest. The City Attorney shall have the power to subpoena and interview witnesses and compel the production of evidence that may exist in any medium from any department or employee as may be required by the City Attorney in the exercise of the City Attorney's legal representation of the City. The City Attorney shall perform other duties prescribed by this Charter, by ordinance, or as directed by the Council.

(c) Any department head or employee who fails to comply with subsection (b) shall be suspended by the City Manager until such time as the department head or employee complies with the request of the City Attorney and may be subject to termination for cause by the City Manager.

(d) The Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm, with Council approval, to serve as City Attorney.

6.02 City Prosecutor

All cases in the Municipal Court shall be prosecuted by the City Attorney or such designated Prosecutor as the Council may authorize.

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CHAPTER VII ELECTIONS

7.01 City Elections

The regular City Election shall be held annually on the first Saturday in May or other date established by state law, at which time officers will be elected to fill those offices, the terms of which expire that year. The Council shall fix the hours and place for holding such election. Notice of the election shall be published according to state law. In the order, ordinance, or resolution of the Council calling any election, at which more than one (1) Council member shall be elected, the Council shall, in calling such election, provide for a separate place on the ballot for each vacancy to be filled at such election, designating such places as Place No. One, Place No. Two, etc.; and in case an unexpired term is to be filled at such election, the place for the unexpired term shall be so designated.

7.02 Special Elections

The Council, by ordinance or resolution, may call such special elections as are authorized by state law, this Charter, or for any other reason the Council deems necessary, fix the time and place of holding same, and provide all means for holding such special elections in accordance with state law.

7.03 Regulation of Elections

All general and special elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this Charter and ordinances or resolutions adopted by the Council for the conduct of elections. The Council shall arrange for the appointment of the election judges and shall ensure the provision of the compensation of all election officials in the City elections and for all other expenses in holding said elections.

7.04 Exception of Election Code

In the event there is a conflict between any of the provisions of this Charter and state law or an omission of any elements or provisions necessary for the conduct of an election, then those provisions of state law then existing shall prevail.

7.05 Filing for Office/Procedures

Each candidate for an elective office shall meet and maintain the qualifications set forth in Section 2.04 from the date the candidate files their application to run for elected office. Any person so qualified who desires to become a candidate for election shall file an application with the City Secretary, in accordance with state law.

7.06 Holding Other Office

(a) No person elected to the Council shall, during the term for which the person is elected to the Council, hold or be appointed to any office or employment in the service of the City, and no former member of the Council shall hold any compensated, appointive city office or employment until one (1) year after the expiration of the term for which the person is elected to the Council. This Section shall not prohibit a member of the Council from serving on the board of an economic development corporation, crime control and prevention district, or other instrumentality of the City. In addition, the Council may appoint up to one (1) Councilmember to an advisory board of the City.

(b) If any employee of the City becomes a candidate for election to any public office of the City of Decatur they shall, immediately upon becoming a candidate, forfeit the employment held with the City.

7.07 Official Ballots

(a) Candidates' Names on Ballots: The names of all candidates who have filed for office shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each office or position shall be determined by lot in a drawing to be held under the supervision of the City Secretary, or as otherwise required by state law.

(b) Early voting shall be governed by state law.

7.08 Canvassing and Election Results

Returns of every municipal election shall be delivered forthwith by the election judges to the City Secretary with a copy of the returns being sent to the Mayor. The Council shall canvass the returns, investigate the qualifications of the candidates, and declare the official results of the election prior to the first regular Council meeting following delivery of the votes to the City Secretary, all in accordance with state law. The results of every municipal election shall be recorded in the minutes of the Council. The qualified person receiving a plurality of the votes cast for any office shall thereupon be declared elected by said Council. The decision of the Council as to qualifications of candidates shall be conclusive and final for all purposes.

7.09 Runoff in Event of Tie

In the event there is a tie vote, and no candidate receives a plurality of the votes cast, there shall be a runoff election held in accordance with state law.

7.10 Notification of City Officers

The City Secretary, with the concurrence of the Council, shall promptly notify all persons elected to office. A candidate who is elected in a regular or special City election shall, after taking the oath of office as prescribed herein, take office and enter upon their duties at the next Council meeting after the date of the election.

7.11 Oath of Office

Every officer of the City, whether elected or appointed, shall take the oaths of office prescribed by the Texas Constitution prior to assuming office.

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CHAPTER VIII

INITIATIVE, REFERENDUM, AND RECALL

8.01 Initiative, Referendum, and Recall

(a) **The Power of Initiative:** The qualified voters of the City shall have power to propose ordinances to the Council, and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning, appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries of City officers or employees, matters related to administration of municipal employees, annexation, municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the initiated ordinance has been removed from the field of initiative. Such initiative power may be used to enact a new ordinance or to repeal or amend sections of any existing ordinances.

(b) **The Power of Referendum:** The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance, and if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning, appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries of City officers or employees, matters related to administration of municipal employees, annexation, municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the referred ordinance has been removed from the field of referendum.

(c) **The Power of Recall.** Any member of the City Council may be removed from office by a recall election held by the qualified voters of a Councilmember's constituency. As used herein, "constituency" means the qualified voters eligible to vote for the Councilmember whose removal is sought either by geographic district established according to Section 2.02(d) of this Charter or at large, as the case may be.

8.02 Commencement of Proceedings for Initiative and Referendum; Petitioners' Committee; Affidavit

(a) Any fifteen (15) qualified voters may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state the names and addresses of the fifteen (15) qualified voters and specify the address to which all notices to the committee are to be sent. The affidavit shall set forth in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered.

(b) Promptly after the affidavit of the Petitioners' Committee is filed, the City Secretary shall verify that the applicants are qualified voters, and if they are, shall issue the appropriate petition blanks to the Petitioners' Committee.

8.03 Petitions for Initiative and Referendum

(a) **Number of Signatures:** Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least twenty (20) percent of the total number of qualified voters registered to vote at the last regular City election.

(b) **Form and Content:** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the signer's printed name, the signer's voter registration number, the county of registration, the signer's residence address, and date of signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of Circulator: Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for Filing Petitions: Referendum petitions must be filed within sixty (60) days after adoption by the Council of the ordinance sought to be reconsidered. Initiative petitions must be filed within sixty (60) days after issuance of the appropriate petition blanks to the Petitioners' Committee. Additional time as specified in 8.04 shall be allowed for amending petitions. All petitions shall be filed with the City Secretary.

8.04 Procedure After Filing Petition for Initiative or Referendum

(a) Review by City Secretary and City Attorney. Upon the filing of a petition, the City Secretary shall review the petition to determine the existence of the requisite number of signatures of qualified and registered voters and whether the form of the petition complies with the provisions of this Charter. The City Secretary shall also review the petition to determine the genuineness of the signatures. The City Attorney shall review the petition for legal sufficiency. The Council may provide by ordinance the punishment and penalties for contempt for failure or refusal to obey any subpoena or request for production of evidence issued by the City Secretary or City Attorney.

(b) Certificate of City Secretary. Within ten (10) business days after the petition is filed, the City Secretary, with advice from the City Attorney, shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail.

(c) Amendment by Petitioner. A petition certified insufficient for lack of the required number of valid signatures or due to inadequate form or content may be amended one time if the Petitioners' Committee files a notice of intention to amend it with the City Secretary within five (5) business days after receiving the copy of such certificate and files a supplementary petition upon additional papers within ten (10) business days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 8.03. Within five (5) business days after it is filed, the City Secretary shall complete a certificate as to the sufficiency of the petition, as amended, and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.

(d) Submission to City Council. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend as provided in subsection (c) within the time required, the City Secretary shall promptly present this certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

8.05 Referendum Petitions: Suspension of Effect or Ordinance

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The Council repeals the ordinance, or
- (3) Upon the certification of the election results by the election officials.

8.06 Action on Initiative or Referendum Petitions

- (a) **Action by Council:** When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.
- (b) **Submission to Voters:** The vote of the City on a proposed or referred ordinance shall be held on the next election date authorized by state law that is at least forty-five (45) days after the date of the final Council vote thereon. Copies of the proposed or referred ordinance shall be made available at the polls and shall be published at least once in the official newspaper of the City within fifteen (15) days before the date of the election.
- (c) **Withdrawal Signatures:** No signature shall be withdrawn from any petition after such petition has been filed with the City Secretary.

8.07 Results of Election for Initiative and/or Referendum

- (a) **Initiative:** If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) **Referendum:** If a majority of the qualified electors voting on a referred ordinance in favor of the repeal of the ordinance, the ordinance shall be considered repealed upon certification of the election results.

8.08 Commencement of Recall Proceedings; Petitioners' Committee; Affidavit

- (a) Any fifteen (15) qualified voters of the Mayor's or a Councilmember's constituency may commence recall proceedings by filing with the City Secretary an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form. The affidavit must state the names and addresses of the fifteen (15) qualified voters and specify the address to which all notices to the committee are to be sent. The affidavit must set forth the name of the Councilmember to be removed and a clear and concise statement of the grounds for the Councilmember's removal. As used herein for purposes of recall, "Councilmember" shall include the office of Mayor.

8.09 Recall Petitions

- (a) **Number of Signatures:** Recall petitions must be signed by qualified voters of the Councilmember's constituency, equal in number to at least twenty (20) percent of the total number of qualified voters registered to vote at the last regular City election.
- (b) **Form and Content:** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the signer's printed name, the signer's voter registration number, the county of registration, the signer's residence address, and date of signing. Recall petitions shall contain the name of the Councilmember whose removal is sought, and a clear and concise statement of the grounds for removal. There shall be a separate petition for each Councilmember whose removal is sought.
- (c) **Affidavit of Circulator:** Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of

signatures thereon, that all the signatures were affixed in the circulator's presence, and that the circulator believes them to be the genuine signatures of the persons whose names they purport to be.

(d) Time for Filing Petitions: No signature to a recall petition shall remain effective or be counted if it was placed upon the petition more than forty-five (45) days prior to filing of the recall petition with the City Secretary.

8.10 Procedure After Filing Petition for Recall

(a) Review by City Secretary and City Attorney. Upon the filing of a petition, the City Secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter. The City Secretary shall also review the petition to determine the genuineness of the signatures. The City Attorney shall review the petition for legal sufficiency. The Council may provide by ordinance the punishment and penalties for contempt for failure or refusal to obey any subpoena or request for production of evidence issued by the City Secretary or City Attorney.

(b) Within ten (10) business days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail.

(c) A petition certified insufficient for lack of the required number of valid signatures or due to inadequate form or content may be amended one time if the Petitioners' Committee files a notice of intention to amend it with the City Secretary within five (5) business days after receiving the copy of this certificate and files a supplementary petition upon additional papers within ten (10) business days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 8.09. Within five (5) business days after it is filed, the City Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.

(d) If a petition or amended petition is certified sufficient or if a petition or amended petition is certified sufficient and in compliance with the terms of this Chapter of the Charter, the City Secretary shall promptly present this certificate to the Council at its next regular council meeting or at a specially called meeting and immediately shall notify the Councilmember whose removal is sought and provide the Councilmember with a copy of the petition.

(e) If the Councilmember whose removal is sought does not resign within seven (7) days after the certified petition is presented to the Council, the City Council, at its next regular meeting or at a specially called meeting, shall order a recall election to be held on the first uniform election date occurring on or after the 45th day after the date the election is ordered.

8.11 Public Hearing

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

8.12 Recall Ballot

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

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

"Shall (Name of Person) be removed from the office of (Name of Office) by recall?"

- (b) Immediately to the left of each such question there shall be printed the following words, one above the other, in the order indicated:

"YES"

"NO"

8.13 Results of Recall Election

If a majority of the votes cast at a recall election shall be against removal of the elected official named on the ballot, the elected official shall continue in office. If the majority of the votes cast at the election be for the removal of the elected official named on the ballot, the Council shall immediately declare the elected official's office vacant and such vacancy shall be filled in accordance with Section 2.08 of this Charter for the filling of vacancies. In the instance of a tie vote in a recall election, the recall petition did not pass with a majority of votes cast, and the elected official shall continue in office.

8.14 Limitation on Recall

No recall petition shall be filed against an elected official within six (6) months after the elected official takes office, or within one year after a failed recall election.

8.15 Failure of City Council to Call an Election

In case all of the requirements of this Charter shall have been met and the Council shall fail or refuse to receive the initiative, referendum, or recall petition, or order such initiative, referendum or recall election, or fail to discharge other duties imposed upon said Council by the provisions of this Charter with reference to such initiative, referendum, or recall, any qualified voter in the City may seek judicial relief in the District Court of Wise County, Texas, to have any of the provisions of this Charter pertaining to initiative, referendum, or recall carried out by the proper official. Any qualified voter of the City who prevails in a judicial action to secure adherence under this provision shall be refunded the qualified voter's filing fees and reasonable attorney's fees.

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CHAPTER IX

BUDGET, FINANCE AND TAXATION

A. BUDGET

9.01 Fiscal Year

The fiscal year of the City shall begin on the first day of October and end the last day of September of each calendar year. Such fiscal year shall also constitute the Budget and Accounting year.

9.02 Annual Budget

The operating budget report shall explain the budget in fiscal terms and in terms of work programs for the ensuing fiscal year. It shall outline the proposed financial policies of the City and shall include such other materials as the City Manager deems necessary. The source or basis of the estimates shall be part of the forecast.

The budget shall contain the following:

- (a) Comparative figures for the actual and estimated tax rate, revenues, and other income and expenditures to compare to the current and prior fiscal year.
- (b) The proposed expenditures of each office, department, or function, and reasons for proposed increases or decreases.
- (c) A schedule showing the debt service requirement due on all outstanding indebtedness and on any proposed debt.
- (d) The source or basis of the estimates.
- (e) The total of the proposed expenditures shall not exceed the total estimated income and the balance of the available funds.
- (f) Such other information as may be required by state law, the Council, or deemed appropriate by the City Manager.

9.03 Capital Facilities and Property Budget

The City Manager shall propose annually a five (5) year Capital Facilities and Property budget, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition, and which shall provide the following items:

- (a) A summary of proposed programs;
- (b) A list of all capital facilities and property improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (c) Cost estimates, methods of financing, and recommended time schedules for each such improvement with the estimated effect on the tax levy; and
- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired over the five (5) year period.

9.04 Submission

The City Manager shall submit to the Council a proposed budget and accompanying report on or before the first day of August of each year. The Council shall review the proposed budget and revise it as deemed appropriate prior to general circulation for public hearing.

9.05 Public Notice and Hearing

The Council shall post in the City Hall and publish in the official newspaper, as required by state law prior to any required public hearing on the budget, a notice stating the time and place where copies of the report and budget are available for inspection by the public and the time and place of each public hearing on the budget.

9.06 Amendment before Adoption

The Council may adopt the budget with or without amendment at a regular or special meeting. In amending the budget, the Council may add or increase any programs or amounts and may delete or decrease any programs or amounts except expenditures required by law or for debt service or to address an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

9.07 Adoption

The Council, by majority vote, shall adopt the budget by ordinance not later than the 30th day of September. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

9.08 Defect Shall Not Invalidate Tax Levy

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

9.09 Failure to Adopt a Budget

If the Council fails to adopt the budget by the beginning of the fiscal year, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items in the budget pro-rated accordingly until such time as the Council adopts a budget for the ensuing fiscal year.

9.10 Public Records

Copies of the approved operation budget, capital facilities, property budget, and supporting papers shall be filed with the City Secretary and shall be public records available to the public for inspection upon request.

9.11 Specified Reserve Fund

Specified reserve funds may be created for specific purposes and may be used only for such purposes.

9.12 Amendment of Budget

The Council may amend the budget for any municipal purpose or as otherwise permitted by law.

9.13 Emergency Appropriations

To meet a public emergency created by a natural disaster or man-made calamity affecting life, health, property, or the public peace, the Council may make emergency appropriations and may authorize the issuance of emergency debt or notes.

9.14 Reduction of Appropriations

If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial actions taken by the City Manager, and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and, for that purpose, the Council may by ordinance reduce one or more appropriations.

9.15 Transfer of Appropriations

At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, division, or office and transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another. The City Manager shall make written reports of all transfers to the City Council as directed by order of the City Council.

9.16 Limitations

No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

9.17 Effective Date

The supplemental and emergency appropriations authorized by this section may be made effective immediately upon adoption of the ordinance or budget amendments.

B. BORROWING

9.18 Authority to Incur Indebtedness

The Council shall have the power to incur, create, refund, and refinance indebtedness and borrow money for public purposes; to issue special or general obligation bonds, revenue bonds, funding and refunding bonds, time warrants, certificates of obligation, and other evidences of indebtedness and to secure and pay the same in the manner and in accordance with the procedures provided and required by state law.

9.19 Bonds Incontestable

All bonds of the City having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable, and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, shall be incontestable.

9.20 Borrowing in Anticipation of Property Tax

In any budget year, the Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the property tax for the same year whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.

9.21 Use of Bond Funds

Any and all bond funds approved by a vote of the citizens of Decatur will be expended only for the purposes stated in the bond issue.

C. REPORTS AND AUDITS

9.22 Financial Reports

The City Manager shall submit to the Council a report of the financial condition of the City budget items for the fiscal year to date, periodically as directed by the Council or required by law.

9.23 Independent Audit

At the close of each fiscal year, and at such times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a Certified Public Accountant. The Certified Public Accountant shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the results thereof in a summary form shall be presented to the Council. A copy of the Audit shall be made available to the public for inspection upon request. Commencing the first year after adoption of this Charter, no Certified Public Accountant shall serve more than ten (10) consecutive years.

D. TAXATION

9.24 Power to Tax

The Council shall have the power to levy, assess, and collect taxes within the jurisdiction of the City for any municipal purpose.

9.25 Tax Rate

The tax rate shall be calculated, publicized and adopted in accordance with state law.

9.26 Other Rules and Regulations

Except as otherwise provided by law or this Charter, the Council shall have the power to provide by ordinance such rules, regulations, and modes of procedure to enforce and facilitate the collection by and payment to the Tax Assessor and Collector of all taxes due the City as it may deem expedient. The Council may provide such penalty and interest as prescribed by state law for the failure to pay such taxes.

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CHAPTER X

FRANCHISES AND PUBLIC UTILITIES

10.01 Inalienability of Control of Public Property

The sole right of control, easement, use, ownership of and title to the public streets, sidewalks, highways, bridges, alleys, public places, and other real property of the City is hereby declared to be inalienable, except by ordinance adopted by a majority of the City Council or as may be provided by state law.

10.02 Powers of the City

The City shall have the power to buy, sell, construct, lease, maintain, operate, and regulate public services and utilities within or without the City limits to the extent allowed by state law. The City shall have the power to distribute and sell such public utility services, including but not limited to: water, gas, electric, telephone, cable, waste management, and transportation services. The City shall have such regulatory powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

10.03 Power to Grant Franchise

The Council shall have the power by ordinance, after public hearing, to grant, renew, and extend all franchises for all utilities of every character operating within the City and to amend the same; provided, however, that no franchise shall be granted for an indeterminate term and that no franchise shall be granted for a term exceeding twenty (20) years from the date of the grant, renewal, or extension. Council action on all ordinances granting, renewing, extending, or amending a utility franchise shall comply with the applicable provisions set forth in Section 3.11 of this Charter. No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of such grant shall be exclusive. All required publication costs shall be paid by the utility.

10.04 Transfer of Franchise

No utility franchise shall be transferable except with the approval of the Council expressed by ordinance following a public hearing. The term "transferable" as used herein shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.

10.05 Right of Franchise

All grants, renewals, extensions, or amendments of utility franchises shall be subject to the following rights of the City unless otherwise provided by state law:

- (a) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.
- (b) To require an adequate extension of plant and service as is necessary to provide adequate service to the public and to require maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (c) To require at any time compensation and rental for use of public streets, sidewalks, highways, bridges, alleys, and public places.
- (d) To require the franchisee to restore at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair, or removal. The franchise holder in opening and refilling of all earth openings shall repair the pavement and do all other

work necessary to complete restoration of streets, sidewalks, or grounds to a condition equally as good or better as when disturbed.

(e) To the extent allowed by state law, require every franchisee to furnish within a reasonable time to the City, without cost to the City, a general map with updates outlining the location, character, size, length, and terminals of all facilities of such franchisee in, over, and underground of property in the City and to provide detailed information on request in a format as specified by the City.

(f) To impose other reasonable regulations, requirements, and conditions as may be deemed necessary to promote the health, safety, welfare, or accommodation of the public and to ensure safe, efficient, and continuous service to the public.

10.06 Regulation of Rates

The Council shall have full power after due notice and hearing to regulate by ordinance the rates, charges, and fares of all public utility franchise holders operating in the City as authorized by state and federal law.

10.07 Records and Accounts

The City Council shall periodically examine, and may, if deemed appropriate, request and audit the records of all franchise holders and municipally owned public utilities. The City Council shall also demand that all franchise holders and municipally owned public utilities keep a standard system of accounting and furnish reports on the local operations of the utility. Such reports shall be prepared in such form and contain such information as the City Council shall prescribe.

10.08 Municipal Owned Utilities

The Council shall by ordinance have the right to:

- (a) Set rates of City-owned public services; and
- (b) Require any City-owned public services to keep accounts of financial operations. Accounts must show actual costs of each service to the City, including costs of extensions and improvements and sources of funds extended for these purposes. Costs and revenues of services furnished to other cities or government agencies must be included.

10.09 Franchise Records

The City shall compile and maintain a public record of utility franchises.

10.10 Extensions

All extensions of service of utilities within the City limits shall become a part of the aggregate property of the utility, shall operate as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in this Chapter. In case of extension of a utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

10.11 Franchises Granted Before Ratification of this Charter

All franchises granted before ratification of the 2003 Charter are recognized as contracts between the City and the grantee, and the contractual rights contained in any such franchise shall not be impaired by the provisions of the Charter.

CHAPTER XI

PLANNING AND ZONING

11.01 State Law Adopted - Zoning

The City Council shall have the power and authority to zone the City and to pass all necessary ordinances, rules, and regulations governing same, under and by virtue of the authority given to cities and the legislative bodies thereof by state law.

11.02 State Law Adopted - Subdivision Regulation

The Council shall have the power and authority to regulate the layout, development, and platting of the subdivisions of land within the City and its extraterritorial jurisdiction and to pass all necessary ordinances, rules, and regulations governing same, under and by virtue of the authority given to cities and the legislative bodies thereof by state law.

11.03 The Planning and Zoning Commission

(a) There shall be established by the Council a Planning and Zoning Commission ("P&Z" or "Commission"), with no more than seven (7) members, which shall have all the powers and authority set forth by state law and such additional powers and privileges as may be duly assigned to it by the ordinances of the City. If the Council chooses, it may establish separate planning and zoning boards and establish the duties of each.

(b) A member of the Commission may be removed with the consent of a majority of the Council. If a vacancy occurs upon the Commission, by either resignation or otherwise, the Council shall appoint a commissioner to fill such a vacancy for the unexpired term. The Commission shall keep minutes of its proceedings which shall be a public record. The Commission shall serve without compensation. No member of the Commission shall hold another salaried or elected City office.

11.04 Purpose, Object, Powers and Duties of the Planning and Zoning Commission

The Planning and Zoning Commission is created to act as an advisory board to the Council in matters relating to the physical development of the City. The Commission is expected to advise the Council on matters relating to zoning; public improvements; civic improvements; City planning; opening, widening, and changing of streets; routing of public utilities; controlling and regulating traffic upon the public streets and ways of the City; development of regulatory ordinances; annexation proposals/plans; and such other matters related to City improvements as the Commission and Council may deem beneficial to the City. The specifically delegated duties of the Commission shall be as follows:

(a) Recommend a Comprehensive Master Plan for the physical development of the City together with its related components.

(b) Conduct periodic reviews of the City's Comprehensive Master Plan and its component elements to recommend modifications, changes, revisions, or updates to ensure that the Comprehensive Master Plan adequately and accurately reflects the policy, goals, and objectives of the City.

(c) Hold required public hearings on any proposed changes to the zoning plan, map, and ordinances of the City for the purpose of making recommendations to the Council on the reasonableness of these proposals. To recommend any change to the plan, map, or ordinances of the City where the Commission deems it necessary in the furtherance of the City's Comprehensive Master Plan.

(d) Conduct appropriate hearings on any proposals for the subdivision/platting of land within the corporate limits of the City and its extraterritorial jurisdiction pursuant to the provisions of state law and

requirements of the City's subdivision regulation ordinances. The Commission shall take action on those proposals as it deems appropriate and conforming to the requirements of the City's Comprehensive Master Plan. The Commission shall ensure that proposals for subdivision or development of land are consistent with the City's Comprehensive Master Plan components as an element of the review process. As an element of this Charter, the City of Decatur has determined that it is a reasonable legislative enactment to require subdivision plats to conform to the City's Comprehensive Master Plan and failure to achieve conformance shall be a legitimate ground for the denial of a development proposal.

(e) The Commission shall hold such hearings as are mandated by the Council and state law on any proposals for annexation or for the development of Capital Improvement Programs or plans to secure information for the purpose of making recommendations to the City Council on these proposals.

11.05 Board of Adjustment

The Council shall appoint a Board of Adjustment which shall have all of the powers and authority as set forth in state law and such additional powers and privileges as may be duly assigned to it by the ordinances of the City.

11.06 Comprehensive Master Plan

The City Council of the City of Decatur shall adopt and maintain a Comprehensive Master Plan projecting for at least five (5) years the growth and physical development of the City pursuant to state law. The City Council shall establish and adopt by ordinance a procedure for periodic review and/or revision of the Comprehensive Master Plan. The City may adopt the Comprehensive Master Plan by resolution or by ordinance following a public hearing upon which public input is received. The purpose of the Comprehensive Master Plan is to guide the growth and development of the City and to establish the standards that the City will seek through the adoption of its development regulations to include its zoning regulations, subdivision regulations, building and construction regulations, landscaping regulations, signage regulations, and other related police power enactments. The Comprehensive Master Plan shall identify the goals and objectives of the community for growth and development and shall serve as the basis of the City's Capital Improvement Program for the development and construction of public works infrastructure.

11.07 Legal Effect of the Comprehensive Master Plan

Upon adoption or modification of a Comprehensive Master Plan or element or portion thereof by the City Council, all land development regulations including zoning regulations and districts, subdivision regulations, roadway or thoroughfare plans, all public improvements, public facilities, public utilities projects, and all City regulatory actions relating to land use shall be consistent with the Comprehensive Master Plan. Subdivision and development approval shall be consistent with the Comprehensive Master Plan and each element or portion thereof, as adopted or modified. It is the intent of the City that to the maximum extent permitted under state law, City development regulations of every type shall require conformity to the purpose and intent of the Comprehensive Master Plan as a condition of approval for development proposals. A development proposal which is inconsistent with the Comprehensive Master Plan may be approved by the appropriate board, commission, or Council only if that board, commission, or Council notes the inconsistency with the plan and states a specific reason or basis for the approval notwithstanding the inconsistency. An approval of a development project that is inconsistent with the Comprehensive Master Plan shall immediately mandate a review of that portion of the Comprehensive Master Plan to determine if plan modification is necessary or appropriate.

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CHAPTER XII

GENERAL AND TRANSITIONAL PROVISIONS

12.01 Effect of Charter on Existing Law

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

12.02 Continuation of Present Offices

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department, or agency of the City by state law shall, if such office, department, or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department, or agency designated by the Council unless otherwise provided herein.

12.03 Public Meetings

All meetings of the Council and all boards and commissions appointed by the Council shall be governed by the provisions of the Open Meetings Act and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by state law.

12.04 Public Records

Access to the records of every office, department, or agency of the City shall be subject to public inspection as provided by the Texas Public Information Act and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by state law.

12.05 Official Newspaper and Publication on City Website

The Council may designate by resolution one or more newspapers of general circulation in the City as the official newspaper of the City and shall cause to be published therein all ordinances, notices, and other matters which are required to be published by this Charter, the ordinances of the City, or the Constitution or laws of the State of Texas. Publication may be allowed electronically in lieu of publication in official newspapers, if allowed by state law.

12.06 Notice of Injury or Damage

Before the City shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or his authorized representative shall notify the City Secretary in accordance with this Section. The notification shall be in writing and shall state specifically how, when, and where the death, injury, or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The notification shall be filed within six months of the date of injury or damage or in the case of death, within six months (6) of the date of death.

12.07 Bond or Security Not Required

It shall not be necessary in any action, suit, or proceeding in which the City is a party, for any bond,

including a supersedeas bond, undertaking, or security to be demanded or executed by or on behalf of said City in any of the state courts, but in all such actions, suits, appeals, or proceedings same shall be conducted in the same manner as if such bond, undertaking, or security had been given as required by law.

12.08 Judicial Notice

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

12.09 Continuance of Contracts and Succession of Rights

All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances. All suits, taxes, penalties, forfeitures and all other rights, claims, and demands, which have accrued under the laws, heretofore in force governing the City shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the City, and shall not in any way be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

12.10 Continuance of Present Governing Body

All members of the Council, including the Mayor, holding office at the time of passage of this Charter shall continue to hold their respective place and office until their respective term of office for which they were elected expires, in accordance with Chapter 2 of this charter.

12.11 Indemnification of Officers

The Council may, by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the City, including members of the Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorneys' fees, to the extent allowed by law, arising out of any claim, suit, or judgment, or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member, or volunteer during the discharge of his duties and within the scope of his office, employment, membership, or assigned voluntary position with the City, or in any other case where the City is directed or authorized by law to do so. Such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member, or volunteer, or for the gross negligence or official misconduct, or willful or wrongful act or omission of such officer, employee, member, or volunteer.

12.12 Property Not Subject to Execution

No property owned or held by the City shall be subject to any execution of any kind or nature.

12.13 Garnishment

No funds of the City shall be subject to garnishment, and the City shall never be required to answer in any garnishment proceedings.

12.14 Persons Serving on Boards

Persons serving on any board at the time of the adoption of this Charter shall continue to serve on the board to which they were appointed until their term shall have expired or until their successors shall have

qualified.

12.15 Assignment of Wages

The City shall never be liable to the assignee of any wages of any officer, agent, or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City such assignment shall be absolutely void.

12.16 When General Law Applicable

The general laws of the State of Texas and ordinances of the Council shall furnish the authority for the power and exercise thereof and control all matters to the extent not specifically and completely covered by this Charter.

12.17 Severability Clause

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

12.18 Meaning of Words

The provisions of this Charter shall be liberally construed for the purpose of effecting the objects and ends thereof. Unless some other meaning is manifest, the word "City" shall be construed to mean the "City of Decatur, Texas," and the word "and" may be read "or," or the word "or" may be read "and" if the sense requires. Words in present tense include future tense, and except when a more restrictive meaning is manifest, singular may mean plural. Throughout this Charter, where they may still exist, words used expressing masculine gender shall be construed to include the feminine. The word "Council" shall be construed to mean the City Council of the City of Decatur, Texas. All references in the Code of Ordinances of the City of Decatur, Texas or any other ordinance to the City governing body shall read and be interpreted to mean "City Council." All references to state law or laws of the State of Texas, however expressed, shall mean "as presently enacted or hereinafter enacted." The Definitions section located in the Appendix of this Charter contains other specific definitions.

12.19 Amendment of Charter

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by state law.

12.20 Submission of Amended Charter to Voters

Not less than thirty days prior to an election on any Charter amendments, the Council shall cause the City Secretary to make a copy of this Charter available to each qualified voter of the City as appears from the latest certified list of registered voters. The City Secretary shall make available a physical copy of the proposed Charter for inspection by the public at the Decatur City Hall and shall place an electronic copy on the City's official website. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of any amendments to this Charter, the amendments shall immediately become the governing law of the City until amended or repealed.

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APPENDIX: DEFINITIONS

Budget shall have the meaning and requirements set forth in state law and shall include a comprehensive financial plan that outlines the City's proposed expenditures and anticipated revenues for the fiscal year. The budget shall serve as a roadmap for how the City will allocate its resources to provide services to its residents and manage its operations. The budget shall reflect the complete state of the City's financial activities including anticipated revenues, proposed expenditures, and outstanding obligations and shall reflect the City Council's priorities and policies.

Business Day shall mean every day except Saturdays, Sundays, and official municipal holidays.

Capital Improvement Program, also known as the *CIP*, shall mean the comprehensive, multi-year plan that outlines the City's planned capital projects and their associated funding sources. It serves as a roadmap for maintaining, upgrading and expanding the City's infrastructure and public assets, typically for a period of 5 to 10 years, including, but not limited to, road construction, park improvements, building renovations, and utility expansions or upgrades. The CIP is a crucial tool for the City to manage its physical assets, plan for future needs, and ensure the efficient and effective delivery of public services.

Comprehensive Master Plan shall mean the long-term document that guides the future development of the City. It shall outline the community's vision and goals for various aspects like land use, transportation, housing, infrastructure, drainage, etc. The Comprehensive Master Plan shall typically span 20 years or more. The Comprehensive Master Plan shall serve as a foundation for zoning regulations, capital improvement projects, and other policy decisions related to growth and development in the City.

Council-Manager Form of Government shall mean that the City Manager is the non-partisan professional administrator hired by the City Council to run the day-to-day operations and administration of the City. The elected City Council shall be the policy-making and legislative body of the City and shall conduct all business of the City required by this Charter and state law. The City Council shall focus on establishing City policies and goals, and the City Manager shall implement those policies and manage City departments and employees in accordance with those policies. Under the Council-Manager Form of Government, the City Council shall not interfere with the operations or administration of the City. Accordingly, the City Council shall not direct City staff or engage in conduct with City staff that would undermine the City Manager's ability to manage City employees, operations, and administration.

Entire Membership of Council or **Entire Council** shall mean all seven council members, except in the instance of a vote on forfeiture of office in which case "entire membership" or "entire council" shall mean the six council members who are not the subject of the forfeiture vote.

Home Rule is a form of government that grants municipalities in Texas the power to manage their affairs without the state's permission or approval. This authority, granted in the Texas Constitution, applies to municipalities having more than five thousand (5000) inhabitants, that, by a majority vote of the qualified voters of the municipality, adopt or amend a city charter at an election held for that purpose. A city charter is a legal document that defines the Home Rule municipality's organization, powers, functions, and procedures. Home Rule municipalities operate differently than General Law municipalities in that the powers of General Law municipalities are limited to those expressly granted by state law. Home Rule municipalities have the full power of self-government and may take any action in the interest of the citizens' health, safety, and welfare which is not preempted by the Texas and U.S. Constitutions or federal or state laws.

Initiative shall mean the process that allows the citizens of the City of Decatur, Texas, to place a new ordinance on a ballot for election.

Instrumentality of the City means an entity created by or pursuant to state law that acts as an agent or

mechanism of the City to carry out governmental functions or provide public services. An Instrumentality of the City does not have the full powers of government but carries out specifically authorized purposes.

Referendum shall mean the process that allows the citizens of the City of Decatur, Texas, to ask the voters whether to uphold or repeal an ordinance.

Recall shall mean the process that allows the citizens of the City of Decatur, Texas, to remove an elected official.

Qualified Voter shall mean a person who possesses voter qualifications established by state law and is a registered voter as defined by state law.

Term of Office shall mean, as applied to terms of Councilmembers and the Mayor, an elected term whether or not served to completion.

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**ATTACHMENTS:
HISTORICAL DOCUMENTS, CERTIFICATIONS,
AND STATEMENTS**

(The attached documents are retained for historical reference. Documents shall be organized in chronological order from most recent to less recent.)

July 22, 2025

Certification of 2025 Charter Review Commission

We, the members of the 2025 Charter Review Commission of the City of Decatur, Texas, heretofore duly appointed to propose amendments to the Charter for the City of Decatur, Texas, do hereby certify that this publication constitutes a true copy of the proposed Charter for the City of Decatur, Texas, as adopted by the members thereof on June 24, 2025, and July 22, 2025.

Respectfully submitted,
Chris Forbis, Chair
Cassandra Narcisse, Vice-Chair
Isaac Colgrove
Amanda Cross
Danny Cross
Shelby Hicks
Brad Morgan
Chance Overton

DECATUR CHARTER COMMISSION

Decatur, Texas

November 20, 2002

The Honorable Joe Lambert, Mayor
and City Council of the City of Decatur, Texas
City Hall
Decatur, Texas

Gentlemen:

We submit herewith the original copy of a Home Rule Charter for the City of Decatur as drafted by the Charter Commission.

The Charter Commission, in compliance with the applicable State statute, has designated Saturday, February 1, 2003, as the date on which this Home Rule Charter is to be submitted to qualified voters for adoption or rejection.

Your attention is directed to Chapter 9 of the Texas Local Government Code, as amended, requiring that not less than thirty (30) days prior to the date designated for submission of the Charter for adoption or rejection, the City Secretary shall mail a copy of the Charter to each qualified voter of the City of Decatur.

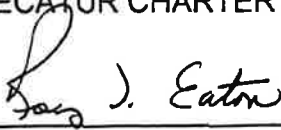
This Home Rule Charter creates a Council-Manager form of government without change in the number of existing Council places. The Charter retains all the powers of the City granted by the Constitution and the Statutes of the State of Texas; it adds thereto certain powers not heretofore granted to the City; and, in general, it clarifies the means by which these powers are to be exercised.

We commend this Charter to the citizens of Decatur and urge its adoption. It is our belief that this Charter will permit our City Government to operate in a more effective and satisfactory manner to the best interest of all citizens.

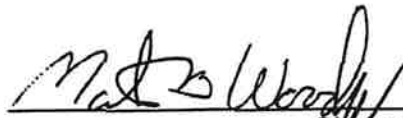
We respectfully request that a copy of this letter of transmittal be attached to each copy of the proposed Charter when mailed to all voters.

Respectfully Submitted,

DECATUR CHARTER COMMISSION



Roy Eaton, Chairman



Martin Woodruff, Vice Chairman

CERTIFICATION OF COMPLETION
OF THE
CITY OF DECATUR
CHARTER COMMISSION

BE IT REMEMBERED that on the 4th day of November, 2002, at a meeting of the duly elected Charter Commission of the City of Decatur, Texas, a quorum being present, the meeting was called to order and the following business was transacted, to wit:

Upon a Motion duly made and seconded, the Charter Commission unanimously approved the home rule charter framed by said Charter Commission for submission to the qualified voters of the City of Decatur, Texas, a true and correct copy of which is attached hereto and incorporated herein for all purposes.

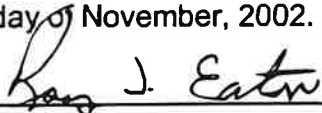
It is hereby ordered that the attached home rule charter be submitted to the qualified voters of the City of Decatur, Texas at an election to be held on February 1, 2003, which date is the first uniform election date after the fortieth (40th) day after the Charter Commission completed its work on the Charter.

It is further ordered that not less than thirty days prior to such election, the City Council of the City of Decatur, Texas, cause the City Secretary to mail a copy of the proposed home rule charter to each qualified voter in the City as appears from the list of registered voters maintained as required by law by the registrar of voters of each county in which the City is located in accordance with Chapter 9 of the Texas Local Government Code, as amended.

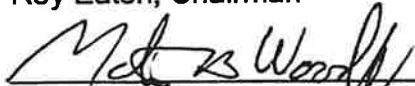
This Certificate of Completion shall be effective immediately from and after its passage and approval.

DULY PASSED AND APPROVED this 4th day of November, 2002.

APPROVED:



Roy Eaton, Chairman



Martin Woodruff, Vice Chairman