Council Orientation Manual

A Handbook for City of Watauga Council Members

Composition: November 2020
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WELCOME

The Watauga Mayor, City Council, City Manager and City staff are pleased that you have become a member of the City’s governing body. Your journey began when you decided to seek a position on Watauga’s City Council. Our community relies on the dedication of individuals with pride in their community and the initiative to become involved in the local municipal government process.

As a member of the City Council, you will serve many roles and be asked to make policy decisions, enact laws, levy taxes, and act for the benefit and best interest of the City of Watauga. You will be performing a valuable service by addressing community issues and needs as you represent your constituents. It is a service that is needed and that carries with it great responsibilities, which, hopefully, this manual will help you meet without feeling overwhelmed.

City officials look forward to your contribution as we all work together to provide efficient municipal services that are responsive to local needs and expectations. The City Council appreciates your willingness to work in this capacity and hopes your experience will be stimulating, enjoyable and satisfying. May you be productive in this endeavor.
INTRODUCTION

This handbook has been prepared to help elected officials of the City of Watauga in carrying out the duties and responsibilities of public office. It is intended to be used for reference purposes only. This publication is based on state and federal legislation, general local government reference works, other detailed municipal manuals and similar publications dealing with municipal governments that have been published by the Texas Municipal League.

In the various sections of this manual, information has been provided on the basic structure of city government, as well as some guidance on conducting council meetings, advice on how to govern the City of Watauga effectively, descriptions of how the city is organized, details of what is required for public hearings, and information on creating a budget. In addition, some actions that public officials sometimes do not realize could create criminal liability are listed in the hope that such problems are best avoided through receiving good information.

Finally, the City Council has established a number of committees, commissions and boards to review city programs, projects and community issues. These groups provide greater community participation and can be a valuable source of information as they make recommendations to the City Council on specific areas. These bodies are all organized either through city ordinance or state statutes, which also prescribe their duties and authority.

If you have questions regarding your role, authority or area of responsibility within the aspect as a member of the City Council of the City of Watauga, please feel free to direct your questions or concerns to the Mayor and do not hesitate also to receive clarification or assistance from the office of the City Manager.

VISION STATEMENT

A Community that meets the needs of citizens by offering a high quality of life through transparent governance.
LONG RANGE GOALS

1. Establish an environment conducive to strong and sustainable economic development.
2. Enhance a secure and safe city.
3. Enhance quality of life through recreational, cultural and education services.
4. Enhance responsible fiscal management and excellent governance.
5. Sustain and enhance infrastructure network.
6. Commitment to maintain a highly skilled, well trained, fairly compensated, customer service-oriented workforce.

GENERAL INFORMATION FOR NEWLY ELECTED COUNCIL

➢ According to the Council Rules of Procedure Manual (adopted by Resolution), the Council regular meetings are to be held on the second Monday of every month. The Regular meetings shall commence at 6:30 p.m. and shall be held at City Hall. The agenda and packets of backup information shall be available to the City Council Members no later than 6:00 p.m. the Wednesday before each Regular City Council Meeting, and at least 72 hours in advance of any Special City Council Meeting.

➢ It is the responsibility of each council member to come to the meetings fully prepared. This means that you should be reading through the entire packet of information made available to you. If you have any questions regarding the information, please contact the City Manager to answer your question(s) prior to the meeting.

➢ Each council member has a mailbox at City Hall. It is the responsibility of each council member to periodically check his or her mailbox.


➢ The parliamentary reference for the City Council is the most recent edition of ‘Roberts Rules of Order Newly Revised’. Please familiarize yourself with the “Meeting Procedures Fundamentals” booklet in your packet. It is also highly recommended that each new Council member attend the Public Official’s Workshop that is offered through the Texas Municipal League.

➢ At times the Council will convene in a closed session. Confidentiality is extremely important and should be strictly adhered to. Items discussed in closed session should not be shared with other persons outside the realm of the Council Chambers. All closed session documents should remain
within City Hall and should be disposed off in a proper manner. Do not leave closed session documents on the dais or in the Council offices.

➢ Council members will be appointed as liaisons to committees, boards and commissions. It is very important that you develop open and regular communication with the appropriate department head, staff and volunteer committee members in order to gather information to help you effectively serve on that committee, board or commission. Take an active interest in what is going on behind the scenes of the departments. But by no means does this suggest that you should direct the actions of or give/imply orders to employees. Rather, this means to talk to the employees to find out how you can better support them in their position for the overall benefit to the city. The City of Watauga is fortunate enough to have very dedicated, loyal and intelligent employees who are extremely knowledgeable in their employment positions. Be supportive to all employees, they are the ones who make this city operate smoothly daily.

➢ Council photographs will be taken at scheduled times as coordinated by the City Secretary’s Office. Your attendance for the Council photographs would be expected.

➢ Welcome to the Watauga City Council. I am looking forward to working with each of you as we strive to do what we feel is in the best interest for the City of Watauga.

Regards,

City of Watauga Staff
SEATING GUIDELINES FOR COUNCIL

The seating arrangement of the council members shall be determined by the Mayor. The Mayor shall occupy the center seat with the city attorney to his immediate left and the City Manager to his immediate right. The members of Council shall be seated in the order of places beginning on the far left end of the dais with Place and ending on the far right end of the dais with Place 7.

The City Secretary shall maintain the minutes of the proceedings from a location in front of the Council dais.

STRUCTURE

Cities in Texas are incorporated municipalities that are created at the request of their inhabitants to perform local services. There are two categories of cities in Texas, Home Rule and General Law. Home Rule cities look to state law to determine what they may not do and General Law cities look to state law for what may do. Home Rule is considered the right of citizens at the grassroots level to manage their own affairs with minimum interference from the state. Home Rule cities are fortunate in that they have many inherent powers. For more information on home rule, see the Handbook for Mayors and Councilmembers.

The municipality of the City of Watauga is organized as a Home Rule City with the Council-Manager form of government. Under this organization, City
government consists of the policy makers, the City Council, a manager, known as the City Manager, a City Secretary, who is hired by the City Council, a City Attorney and Municipal Court Judge, also hired by the City Council. The hiring and termination of all other city positions are the responsibility of the City Manager.

**OFFICES OF THE MAYOR AND CITY COUNCIL**

The Mayor acts as the ceremonial head of the elected body and the City Council Members shall constitute the City Council. The final determination on ordinances and resolutions for the City of Watauga rests with the City Council under the veto powers of the Mayor (see Section 3.13 – Veto by Mayor of the Watauga Charter). Voters residing within the legal boundaries of the City of Watauga elect the Mayor and Council Members at large. Council Members then elect a Mayor Pro Tem (see Section 3.06d – Mayor and mayor pro tem of Watauga Charter).

**Powers of the Mayor**

The Mayor is by Charter a member of the Council and may vote on measures before the council in the event of a tie vote. The Mayor shall act as parliamentarian at meetings of the City Council and shall, from time to time, provide the council such information and recommend such measures as he or she may deem to be advantageous to the city. The Mayor shall retain the right to exercise veto powers confined to ordinances and resolutions only as provided in article III, section 3.13 of the Charter.

The Mayor cannot unilaterally make decisions without prior council approval. The Mayor shall have the power to recommend appointment or removal of the city manager, city secretary and the city attorney with the consent and approval of the City Council.

The Mayor may call special meetings (which may also be called by a majority of Council Members or by the City Manager). The Mayor shall also be designated by the governor as the disaster management director of the city by Executive Order. The Mayor shall have the authority to declare a state of emergency when necessary.

Sometimes references are made to a “strong mayor” system or a “weak mayor” system. These terms refer to the amount of independent power exercised by the mayor. A “weak mayor” system is characterized by shared administrative responsibility among the Mayor, elected or appointed administrative offices, various boards and commissions, and independently appointed officials. A “strong mayor” system involves unification of responsibility and accountability in the mayor’s office. This would include the mayor’s selection of most departmental officials, the administrative supervision over governmental services and the preparation of an “executive” budget. Texas cities generally fall in the
“weak mayor” category, as does the City of Watauga. Therefore, an inherent reliance is made by the Mayor on the administrative offices of the City of Watauga to carry out the policy directives of the City Council, (for further information on Mayoral Powers refer to the *Handbook for Mayors and Councilmembers*, pgs. 23-24).

**Powers of City Council**

Cities are governed by a common council consisting of council members and the Mayor. The city council serves as the legislative arm of city government. Council members are the individual members of the City Council. Individual council members are not empowered to act on behalf of the city, and can only exercise power when a quorum of the council is present. The mayor is a member of the council and presides over its meetings. Because the mayor has veto power under the City Charter, the Mayor is counted in determining whether a quorum is present.

The City Attorney represents the City Council in all matters in which the City Council has exclusive or final authority. Most Boards, Committees and Commissions operate in an advisory capacity to the City Council but they all function under the supervision of the City Council, as a body.

The City Council has full legislative (or policymaking) authority. In addition, the City Council appoints the City Manager and confirms recommended appointments made by the Mayor or City Manager. It has authority for the management and control of City property; management and control of city finances and streets; the power to act for the government and good order of the City, for its commercial benefit, and for the health, safety, and welfare of the public. The Council enacts ordinances, resolutions and motions; creates committees, boards and commissions; approves and amends the annual budget; levies taxes, approves the paying of claims made against the city; grants licenses issued by the city; and enters into contracts on behalf of the city. It may carry out its powers by license, regulation, suppression, borrowing of money, taxation, special assessment, appropriation, fine, and other necessary and convenient and legal means.

The City Council does not enjoy executive or administrative powers of city government, which are carried out by the City Manager, who serves at the pleasure of the Council.

**Appointments by City Council (Subject to Council Confirmation)**

*Legislative (Policy- Recommending or Advisory) Boards:*
- Planning & Zoning Commission
- Parks Advisory Board
- Library Advisory Board
- Civil Service Commission Board
- Crime Control & Prevention District Board
- Youth Advisory Council
Animal Services Advisory Board
Administrative (Decision-Making) Boards:
Zoning Board of Appeals
Economic Development Corporation Board

EXECUTIVE / ADMINISTRATIVE BRANCH

At a time when municipal government had become increasingly more complex, the position of City Manager was created in order to provide the City of Watauga with a more efficient, economical, coordinated, responsible and responsive municipal government under a system of part-time mayor and part-time Council Members. Many municipalities have found it expedient to employ full-time executive and administrative personnel to oversee the day-to-day operations of the city government in accordance with policies and procedures adopted by the elected representatives.

The City Manager is not a statutorily created position. It was created by the City of Watauga under its home rule authority.

The City Council appoints the City Manager based on merit, who serves for an indefinite term at the pleasure of the Council. The City Manager is the head of city administration and possesses and exercises executive and administrative powers of city government. The City Manager has no legislative powers. The City Manager is removable by a majority vote of the City Council.

The office of City Secretary was also created for the City of Watauga to ensure the minutes and proceedings of all official public meetings of the Council are recorded. The City Secretary is also responsible for serving as the custodian of all official records of the Council. The City Secretary is entrusted with the care and custody of the corporate seal and all papers and records of the city. The secretary is required to attend governing body meetings and keep a full record of the proceedings. The secretary shall keep all records in the City Secretary’s office open to inspection at all reasonable hours. The secretary is authorized to administer oaths and affirmations required by the state. This list of responsibilities of the clerk is not all-inclusive, but summarizes the duties as set forth in Sec. 7.02 of the Watauga City Charter.

The City Attorney provides legal guidance to the City Manager/City Secretary/City Department Heads in all areas wherein the City Manager/City Secretary has exclusive or final authority.

Appointments by City Manager (Subject to Council Confirmation)
Department Heads

Appointments by City Manager/City Secretary (Not Subject to Council Confirmation)
Clerical staff dedicated to the City Secretary’s Office

**JUDICIAL BRANCH**

The City Council of the City appoint the Municipal Court Judge. The City Manager appoints the Municipal Court Administrator, who serves at the direction and pleasure of the Manager.

A municipal court is a true court of law and an integral part of the state court system. Municipal courts are also unique in many respects. Some of this uniqueness is revealed by taking a closer look at a municipal court jurisdiction and powers.

The term “jurisdiction” as applied to courts of law, including municipal courts, is used to describe the authority of a court to hear and decide a case or legal issue presented to it. The term encompasses many things, including territorial jurisdiction and subject matter jurisdiction. A municipal court is authorized to hear and decide actions for violations of municipal ordinances of the municipality that operates the court. Since a municipality ordinance is only enforceable within the boundaries of the municipality that enacted the ordinance, the territorial jurisdiction of a municipal court is the same as the geographical boundary of the municipality that operates the court.

The Municipal Court is convened at such times as the judge determines, and it enters judgment or dismisses matters that come before it as the court deems just. Ordinance violations cited by police officers, the building inspector, code enforcement officers or fire marshal, are all referred to the jurisdiction of the Municipal Court. Most traffic law violations are also matters for the Court’s determination. All judgments entered by the court may be appealed if an appeal is filed. The Watauga Municipal Court is a Court of Record, thus the appeal must be in accordance with the Court rules.

The City Attorney represents the City as Prosecutor in all matters brought before the Municipal Court.

**CHAIN OF COMMAND**

All individual department heads and staff employees of the City of Watauga report to and are responsible to the City Manager. The City Attorney reports to the City Council and works with the Council on policy matters and with the City Manager on administrative matters.

The members of Boards report to the Chair or President of such Board. All members of all Boards regardless of who appointed them and what function they
serve within the City’s governmental structure, shall not direct city staff. The City Manager is an appropriate resource and informational source for all Boards and the appropriate final stop for questions and concerns. If a legal concern or need should arise, the boards should seek appropriate legal counsel, unless prohibited from doing so due to a conflict of interest.

The City Council members are responsible to the constituents. If a problem arises the council member may report to the Mayor or the full council. Citizens may also contact the City Manager who will conduct a response to the problem through the proper chain of command. The City Attorney represents the City Council in all areas wherein the City Council has exclusive or final authority.

Chain of Command
The chain of command is important to a good council member. Sometimes the chain of command of an organization can be a little confusing. This simple question/answer illustration of the chain of command might help you:

1. Who manages the people you serve? Your direct line staff.

2. Who manages the direct line staff? Supervisor / Department Heads.

3. Who manages supervisors / department heads? The City Manager.


5. Who manages the council? The Mayor and the citizens of Watauga.

A good council member learns to respect this chain of command. For example, if you want to arrange a meeting directly with the people you serve, it would be best to contact your City Manager—who will make arrangements through supervisors and direct line staff.

The Council / Staff Connection
The following examples are true incidents of what the council/staff relationship should not be.

- One council member got a letter from a staff member complaining about the City Manager. He took the letter to the Mayor who promptly called a council meeting to discuss the complaints—without informing the City Manager. The council later solicited complaints from other staff members while the City Manager was out of the city.

- Another council decided to examine staff personnel files. They simply wanted to understand more about what staff were accomplishing so they would be “assured that the City Manager was doing a good job.”
What’s the Council’s Relationship to Staff?
Two simple rules of thumb for Council / Staff relations are:

1. All communication between the staff and council should be channeled through the City Manager.

2. Councils do not manage staff, the City Manager does.

Here are some basic do’s and don’ts for individual council members in your relationship with staff…

• Don’t make commitments to staff. Only the Full Council can do that.

• Don’t act as a superior or supervisor to staff (that’s your City Manager’s job)

• Do volunteer to help your organization—but in the same capacity and power as any other volunteer.

• Do go through proper channels—your City Manager—when volunteering to help or guide staff with internal operations or the functions of day-to-day operating procedures.

• Do show concern for the well-being of staff.

• Do remind staff members, when they contact you, that they should follow the chain of command when they have a problem—and that they should not take their problems directly to the council members.

How Should You Handle Staff Grievances?

QUESTION: “Does staff have a right to appeal grievances to the council?”

ANSWER: Personnel management is the City Manager’s job. Unless there’s a policy to the contrary, staff grievances should not go to the council. When the council listens to staff grievances, you may be settling one problem and creating a couple of serious new problems:

• Grievances that go to the council give staff mixed signals about who’s in charge. If they can appeal any administrative decision to the council, the City Manager’s authority with staff is greatly weakened.

• If the City Manager decides on a staff grievance and the board reverses that decision, the relationship between council and the City Manager will be strained. The Council/City Manager team must speak with one voice that says, “the City Manager manages staff.”
Here are some answers to questions about the council/staff relationship that council members frequently ask.

- “How can council members know what’s going on if we can’t work with staff?” You can work with staff through the City Manager. Ask your City Manager to report—or ask him/her to invite staff members to each council meeting to explain their programs and answer your questions.

- “What part should the council play in hiring staff?” The council hires the best person to manage the organization and then delegates all other staff hiring to the City Manager. The council should not interview or evaluate staff. These are the City Manager’s jobs.

- “Shouldn’t staff have a part in the evaluation of the City Manager?” No. The council hires the City Manager and has the responsibility for evaluation. It would be very difficult for staff to remain objective when evaluating their “boss.”

The Council’s Relationship to Staff Can Be Tricky

Question: “As council members, a couple of us decided to attend a few staff meetings. Attendance is to show that we are interested in what goes on in the organization we govern. But we seemed to have stirred up a hornet’s nest because the City Manager says it’s inappropriate for us to get involved directly with staff. Why can’t we do this?”

Answer: Nobody ever said that it was easy to be a good council member. Sometimes an issue comes along that reaffirms how hard it really is - like the question of a council member’s relationship to staff.

On one hand, you’re told you should get more involved because council members are responsible for the organization. But then you’re told you shouldn’t short-circuit the chain of command by bypassing your City Manager when you go directly to staff.

The point is not that council members shouldn’t have any relationship to staff. The point is that the staff/council relationship is so sensitive, council members must be alert to problems, which can quickly grow out of this relationship.

Responsibility Chart for the Administrator and Council

The council team works best when everyone understands who’s responsible for what. Some decisions can only be made by the council. Other decisions should be delegated to the City Manager. Still others should be joint decisions by both the council and the City Manager.
The problem is council teams don’t always iron out who’s responsible for what before they’re confronted with a decision.

The items below are typical decisions your board team might have to make in the future. Here’s your chance to assign responsibility before you face the issues. As a council/manager team, discuss this list and decide how you would assign the responsibility for each decision. Label each item with one of the following:

M = Manager has complete authority to make the decision.
I = Manager has authority to act and then Inform the council.
P = Manager must seek Prior approval from the council to act.
C = Only the Council may make the decision.

1) Decided where to deposit your organization’s funds.
2) Discipline an employee who arrives at work intoxicated.
3) Send the Public Works Director to a three-day leadership conference in Las Vegas at your organization’s expense and on work time.
4) Establish maintenance and appearance standards for building and grounds.
5) Have the City Manager’s office redecorated and refurnished.
6) Explore the possibility of a merger with another organization.
7) Purchase a large new phone system with budgeted funds.
8) Arrange for an audit of your organization’s finances.
9) Decide which services/programs to cut to meet budget demands.
10) Retain a consultant to help staff set up a new computer system.
11) Retain legal counsel for organization.
12) Select a person for the assistant to the City Secretary position.
13) Deny requests to purchase City owned property

Although there are no right or wrong answers to these items (it depends on what your council/manager team decides), the answers should be based on the council guidelines in this manual. You may add more items to the list to iron out “who should be responsible for what.”

Your City Manager Fills These Management Functions:

1) PLANNING. Although the council makes long-range plans (2-10 years), the City Manager is responsible for making short-term plans to fulfill the current year’s budget and objectives. Some council members are tempted to tell the City Manager what equipment to purchase. But if it is budgeted, the City Manager along with the department head, should decide how to spend the money. It’s the council’s role to plan for the needs of the future years.

2) ORGANIZING. A City Manager must organize an internal structure to help him or her deliver your organizations services effectively and
efficiently. Frequently, council members want a say in what kinds of staff positions are created. For example, a council member might think your priority should be to hire a public relations person, yet the City Manager may want to hire a business manager. As a manager, your City Manager should be able to create the kinds of positions and internal structure he or she deems necessary.

3) STAFFING. Your City Manager oversees hiring and firing staff members. The council oversees hiring and firing the City Manager. As a council member, you judge your City Manager for performance of the entire organization, not of individual staff. Let your City Manager assess the performance of individual staff members.

4) DIRECTING AND LEADING. A City Manager motivates staff. He/She should inspire them, give them direction and communicate will with them. Although council members are leaders of the entire organization, they are not leaders of the staff. Your City Manager directs and leads staff. As a council member, you direct and lead your organization through your City Manager.

5) CONTROLLING. The City Manager measures and corrects the activities of staff members and controls the spending of the current budget. The council controls how much is allocated for line items in the budget, such as "staff payroll." It's tempting for council members, when they see that something is not quite right, to jump in and try to control what goes on. For example, if expenses seem too high, a member might want to order a reduction in staff or change the operations of a department. That would be wrong, however, because the City Manager oversees controlling staff and how the current budget is spent.

*The most important point for council members to learn is to stand back and give the City Manager the opportunity to manage and fulfill the responsibilities of the City Manager’s role within your organization.*

Who’s Responsible, the Council or City Manager?

Here are some recommendations for who should be responsible for the various activities and decisions made by your organization…

<table>
<thead>
<tr>
<th>AREA</th>
<th>COUNCIL</th>
<th>CITY MANAGER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long-Term goals (more than 1 year)</td>
<td>Approves</td>
<td>Recommends and provides input</td>
</tr>
<tr>
<td>Short-Term goals (less than 1 year)</td>
<td>Monitors</td>
<td>Establishes and carries out</td>
</tr>
<tr>
<td>Day-To-Day Operations</td>
<td>No Rule</td>
<td>Makes all management decisions</td>
</tr>
<tr>
<td>Budget</td>
<td>Approves</td>
<td>Develops and recommends</td>
</tr>
</tbody>
</table>
## Capital Purchases
- Approves
- Makes decisions and assumes responsibility
- Prepares Requests
- Recommends

### Decisions on building, renovation, leasing and expansion
- Approves
- Recommends
- Prepares Requests
- Recommends

### Supply Purchases
- Establishes policy and budget for supplies
- Purchases according to purchasing policy and maintains an adequate audit trail

### Major Repairs
- Approves
- Obtains estimates and prepares recommendation

### Minor Repairs
- State Law includes amount that can be spent without council approval
- Authorizes repairs up to prearranged amount

### Emergency Repairs
- Works with City Manager
- Notifies Mayor and acts with concurrence from Mayor and council

### Cleaning and Maintenance
- No Role (oversight only)
- Sets up Schedule

### Fees
- Adopts Policy
- Develops Fee Schedule

### Billing, Credit and Collections
- Adopts Policy
- Proposes policy and implements policy

### Hiring of Staff
- No Role
- Approves all Hiring

### Staff Deployment and Assignment
- No Role
- Establishes

### Firing of Staff
- No Role
- Makes Final Termination Decisions

### Staff Grievances
- No Role
- The Grievances stop at the City Manager

### Personnel Policies
- Adopts
- Recommends and administers

### Staff Salaries
- Allocates line item for salaries in budget
- Approves salaries with recommendations from supervisory staff and per any legal requirements

### Staff Evaluation
- Evaluates only the City Manager, City Secretary, City Attorney and Municipal Court Judge Positions
- Evaluates all other staff

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Yes, there will probably be some problems along the way, you must expect them. But evaluate your City Manager’s performance as a manager by assessing what the entire organization has done. If you get what you want and need from your City Manager, let the City Manager do it his/her way.

**Council Learns Not to “Second Guess” the City Manager**

Several council members from Oklahoma were shocked when they each got a letter from a disgruntled person who had been served by their organization. “It was quite a surprise,” says one council member. “We’d never heard any complaints about our administrator or organization before.”
Her first reaction was like other board members: get the problem on the agenda for the next board meeting and hash it out. “It was a very delicate issue,” she explains. “Here was what appeared to be a very valid complaint about our administrator and an appeal to us for help. At the same time, we’ve always placed full confidence in our administrator.”

“We all learned a lot from that episode,” the council member explains. “Council members should be sensitive to public appeals and complaints, but we should also give the administrator a chance to handle problems first.”

“Council members have a right and responsibility to be informed about what goes on in the organization we’re elected to govern, but we hired the administrator to make the management decisions and we should allow him/her to do that.”

“Of course, the administrator makes mistakes once in a while, just as we all do. If the decisions are frequently bad, the administrator is subject to dismissal. Otherwise, we shouldn’t be second-guessing everything he or she does.”

_Council members should be sensitive to public appeals and complaints. But they should also give the City Manager a chance to handle the problem first._

A Temptation to Fix Things
There was recently an interesting situation that happened to a California council member whose educational background is in finance and accounting. After he was elected to council, he discovered what he thought was a weakness in the municipalities accounting system. So, he promptly rolled up his sleeves and personally engineered some internal changes.

Now you can’t blame the council member for wanting to correct the situation. These days, many council members are elected because of their technical skills. If you have some skills in finance, it’s only natural that you would want to straighten things out, push the bookkeeper aside, and do it yourself.

In fact, your City Manager might want to do the same thing! But if your organization already employs a bookkeeper, it’s his or her job to run things right. Good City Managers give staff direction and then stand back to let them do the job. Employees should be given a chance to correct a problem once it’s pointed out to them.

Also, the City Manager, not council members, is ultimately responsible for correct and timely financial reports. City Managers should also be given the chance to correct problems within the organization.

Remember, the council hired a City Manager to manage day-to-day activities and to fix things. If something in your organization looks like it needs fixing and you want to help, point it out to your City Manager and say you’d be available as a
volunteer if additional advice is needed. Ask for feedback on how the problem is being solved. But don’t jump in and fix it yourself without being asked.

**How Many Bosses Should Your City Manager Have**

“There are six council members,” an administrator told me recently, “and I feel like I have six different bosses!” “Council members are always on the phone telling me to do this or do that. One says I should wait to purchase a computer system and have the full board review it first. But another tells me to go ahead and buy it now while the price is right, without waiting for council approval.”

Council members cannot act as individuals. They must speak with one voice so the City Manager can have one boss, not eight.

**The City Manager is the Manager, Even in a Crisis**

Sooner or later your council could find itself in the middle of a crisis, a building fire, a staff scandal, a liability lawsuit. When a crisis strikes, unwanted public attention is sure to follow on its heels. And just as quickly, council members will become the focus of public pressure to get the problem solved. The temptation for council members to take immediate action is strong.

But a crisis shouldn’t suddenly change the way your council operates. It is not the time to make new policies during a crisis. It is time to fall back on policies you already have and let them work. Council members should ask themselves; can the council really do anything about this situation by holding a meeting to try to make emergency decisions as a group?

**What should the council do when a crisis strikes?**

- Keep yourself informed from the right source, your city manager. Of course, there will be public pressure on the council to do something about the problem, this just means that the council members need to make sure that they are accurately informed about the issue so they can tell the public what’s being done.
- Support your City Manager. Get questions out of the way at council meetings and then back the City Manager during the crisis. Tell the City Manager you appreciate the work being done to solve the problem and make sure the public sees the support.
- The City Manager was hired to manage at all times, not just when things are going well. It doesn’t make sense to pull that responsibility away. You need to support the City Manager not give him or her more problems.
- Operate as a council not as individuals. Designate one person, probably the City Manager, to be the media spokesperson. When you speak to the public, voice the official council stand, not your own individual opinion. Council members can influence the public and help keep a crisis in hand or under control.
The Golden Rule of the Council/City Manager Team
Support of the City Manager is the responsibility of the council. Communication is the responsibility of the City Manager.

Good relations between the Council and the City Manager can break down when you neglect this golden rule. It will help you to remember:

- Council Members support their City Managers by letting them know what they want by providing direction.
- Council Members support their City Managers by ensuring that money is available to carry out policies.
- City Managers carry out the council’s plans, they’re the managers of the organization.
- City Managers must provide feedback and recommendation for new actions so the council may know how things are going.

Support and Communication…. they’re necessities for every municipality.
ORGANIZATIONAL CHART

Watauga Structure

Citizens

City Council

City Manager
City Attorney
City Secretary
Municipal Judge
HOME RULE ChARTER OF THE CITY OF WATAUGA

PREAMBLE

We, the citizens of Watauga, Tarrant County, Texas, in order to establish a Home Rule municipal government, provide for the future progress of our city, and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with the Statutes of the State of Texas and do hereby declare the residents of the City of Watauga in Tarrant County, Texas, living within the legally established boundaries of said city, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the "City of Watauga" with such powers, rights and duties as are herein provided.

ARTICLE I. - FORM OF GOVERNMENT AND BOUNDARIES

Sec. 1.01. - Form of government.

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

Sec. 1.02. - Boundaries of the city.

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

The boundaries of the City of Watauga are hereby established and described as being those boundaries heretofore established in the original incorporation proceedings of the said City of Watauga and those boundaries established and changed thereafter in accordance with section 1.03 of this Home Rule Charter by all annexation or disannexation ordinances and proceedings of the City of Watauga maintained in the office of the city secretary of the City of Watauga.
Sec. 1.03. - Extension of boundaries.

The corporate limits of the City of Watauga may hereafter be extended by ordinance passed, adopted and approved by the city council after publication of such notices and holding of such public hearings as are required by law.

ARTICLE II. - POWERS OF THE CITY

Sec. 2.01. - General powers adopted.

The City of Watauga may exercise all powers that now are or hereafter may be granted to municipalities by applicable law. All such powers, whether expressed or implied shall be exercised and enforced in the manner prescribed by this Charter, and when not prescribed herein, in such manner as may be provided by ordinance or resolution of the city council of the City of Watauga. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby or appropriate to the exercise to such powers, it is intended that the City of Watauga shall have and may exercise all powers of local self-government, and all powers granted to municipal corporations by applicable law.

Sec. 2.01a. - General powers of the city council.

All powers of the city and the determination of all matters of policy shall be vested in the city council. Except where in conflict with and otherwise expressly provided by this Charter, the city council shall have all powers authorized to be exercised by the city council under applicable law. Without limitation of the foregoing, the specific powers accorded to the city council are set forth in section 3.07 of this Home Rule Charter.

Sec. 2.02. - 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 applicable law. The power of eminent domain hereby conferred shall include the right of the city to take the fee in the lands so condemned and such power and authority shall include the right to condemn, for any municipal or public purpose. The city shall have the power through eminent domain proceedings to acquire any public utility operating with or without a franchise and furnishing a public service to the citizens of Watauga. The procedure to be used in the acquisition of such property through eminent domain proceedings shall be that as set forth in applicable law. In valuing the property of the public utility to be acquired by the city through eminent domain proceedings, the measure of damages shall be the fair market value of the physical properties together with its franchise, if any, taken together as one system.
Sec. 2.03. - Establishment and control of public property.

The City of Watauga shall have the power to lay out, establish, open, alter, widen, lower, raise, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, sidewalks, alleys, and other public property or places of all obstructions and encroachments of every nature or character upon any of said streets and sidewalks, and the power to regulate, control, and/or prohibit the moving of any type of objects over, along, or upon, under or across streets, alleys, sidewalks, parks, squares, public places and bridges, of every kind and character in such places and at such time as public need shall dictate.

Sec. 2.04. - Street development and improvement.

The city shall have the power to develop and improve, or cause to be developed and improved, any and all public streets or ways within the corporate limits of the city by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same by purchasing, condemning, and taking property therefor; by filling, grading, raising, lowering, paving, repaving and repairing in a permanent manner, the same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts and other appurtenances and incidentals in connection with such development and the improvement authorized hereinabove, or any combination or parts thereof.

Sec. 2.05. - Annexation and disannexation of territory and property.

Annexation and disannexation of territory and property undertaken by the City of Watauga shall be performed in accordance with applicable law.

Sec. 2.06. - Disaster clause.

In case of disaster when a legal quorum of the city council cannot otherwise be assembled due to multiple deaths or injuries, the surviving member or members of the city council, or highest surviving city official, if no elected official remains, shall within 24 hours of such disaster, request the county judge of Tarrant County, Texas, to appoint a commission to act during the emergency and call a city election within 15 days of such disaster for election of a required quorum, if sufficient cause exists to believe that a quorum of the present city council will never again meet.

The succession of authority in the event of disaster, multiple deaths, or injuries shall be as follows: mayor, mayor pro tem, members with the longest continuous service on the city council by place number, and most senior administrative official in city.
ARTICLE III. - THE GOVERNING BODY

Sec. 3.01. - Number, selection, term of the governing body.

The legislative and governing body of the city shall be known as the “city council of the City of Watauga” and shall consist of eight members including seven councilmembers elected by place number and a mayor. The term “member of city council” shall mean the mayor or an individual councilmember. The place numbers for the seven (7) councilmembers shall be known as Place 1, Place 2, Place 3, Place 4, Place 5, Place 6 and Place 7. All members of the city council are to be elected pursuant to majority vote from the city at large. The members of the city council shall be elected under the general provisions of article IV of this Charter for terms of office as set forth below, provided however, that if the dates specified for a general or special election in applicable law are altered or amended, such terms shall extend until the next date specified for conducting a general or special election following the expiration of the originally contemplated term.

Terms of office for members of the city council shall be two years in accordance with the following schedule. Regular terms of office shall commence immediately following the canvass of votes for the election as provided by this Charter. Terms of office for councilmembers in places 1, 2, 6 and 7 shall expire in May of even-numbered years. Terms of office for mayor and councilmembers in places 3, 4 and 5 shall expire in May of odd-numbered years.

Each member of the city council shall hold office until a successor is elected and duly sworn, unless removed under the provisions of this Charter.

Sec. 3.02. - Qualifications.
Each member of the city council:

(a) (i) shall have been a resident of the City of Watauga for a period of not less than 12 months immediately preceding his or her election or (ii) shall have been a resident of the city or of territory annexed into the City under the provisions of this Charter during the 12-month period preceding his or her election;

(b) shall be a qualified voter of the State of Texas and the City of Watauga;

(c) shall not be employed by the city;

(d) shall not hold another elective governmental office;

(e) shall be 21 years of age or older at the time of assuming office;

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

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

The qualifications set forth in subsections (a) through (f) of this section shall be applicable to a person seeking the office of city councilmember or mayor as well as to a person serving in such position during the term of office.

Sec. 3.03. - Determination of election qualifications and election canvass.

(a) The city secretary shall determine qualifications of candidates for election to the city council.

(b) The council shall be the judge of the election of its members, subject to review by statutorily authorized election contests held in accordance with applicable law. The canvass of the election shall be held in accordance with the provisions of applicable law. Two members of the city council may constitute a quorum for the purpose of canvassing an election.

Sec. 3.04. - Compensation.

The mayor and councilmembers shall not receive a salary but shall be entitled to actual and necessary expenses incurred in the performance of their specific official duties of the office. All expenses shall be subject to prior approval of the city council.

Sec. 3.05. - Vacancies; forfeiture of office; filling of vacancies.

Vacancies. The office of the mayor or a councilmember shall become vacant upon death, written resignation submitted to the city secretary, removal from office in any manner authorized by this Charter, applicable law or forfeiture of office.

Forfeiture of office. The mayor or a councilmember shall forfeit his or her office if he or she (1) lacks at any time during his or her term of office any qualification for the office prescribed by this Charter or by law, (2) willfully violates any express prohibition of this Charter, (3) is convicted of a felony or crime involving moral turpitude, or (4) fails to attend any three consecutive regularly scheduled meetings of the city council without being excused. Failure to attend a meeting under subsection (4) of this paragraph may only be excused for reasons of jury service, personal emergency, incapacitation, or personal vacation away from the City of Watauga with notice. Intent to be absent for reason of personal vacation shall be provided in writing to the city secretary prior to the meeting at which the mayor or councilmember will not be in attendance. Additionally, a total of four absences, excused or unexcused, for reasons other than jury service in any six regularly-scheduled meetings, beginning on the date of the first absence from a regular meeting, shall constitute automatic forfeiture of said office.

Forfeiture proceedings shall be initiated at the next regularly scheduled meeting of the city council following the recall election or the act or omission constituting the basis for forfeiture of office, as applicable. For purposes of this section, determination of what shall constitute a sufficient "personal emergency" shall be in the discretion of the remaining members of the city council by majority vote in
open session. If the city council by majority vote in open session finds that the act constituting the basis for forfeiture of office provided for in this section has been established, the city council shall order initiation of proceedings to replace the mayor or councilmember. Neither the mayor nor a councilmember charged with an act subjecting him or her to forfeit his or her office may participate in such vote.

Filling of vacancies. Subject to and consistent with applicable law, any vacancy or vacancies occurring on such governing body may be filled by appointment by majority vote remaining members of the city council.

Notwithstanding the requirements in section 3.09 of this Charter specifying that a quorum of the city council consists of five members, if at any time there are four or more vacancies on the city council, the remaining members shall call for a special election within 120 days after the vacancy or vacancies occur in order that such vacancy or vacancies can be filled by majority vote of the qualified voters.

Sec. 3.06. - Mayor and mayor pro tem.

(a) The mayor shall be recognized as the ceremonial and governmental head of the city. The mayor shall preside at all meetings of the city council, shall rule on questions of procedure at city council meetings, shall vote only in case of a tie vote of the city council, and shall have veto power as provided in section 3.13 of this Charter. The mayor shall sign all ordinances, resolutions, proclamations, bonds and other documents as required by applicable law. The mayor shall have no regular administrative duties.

(b) The mayor shall be designated by the governor as the disaster management director for the city pursuant to applicable law. The mayor shall have the authority to declare a state of emergency when necessary.

(c) The mayor shall have the power to recommend appointment or removal of the city manager, the city secretary and the city attorney, subject to the consent and approval of the remaining members of city council. Such approval must be in accordance with the voting procedure set forth in section 3.09(c) of this Charter.

(d) Except as otherwise provided by applicable law and this charter, the mayor shall have the power to recommend appointment of members to city boards and commissions, subject to the consent and approval of the remaining members of city council. Such approval must be in accordance with the voting procedure set forth in section 3.09(c) of this Charter.

(e) The mayor shall have the power to create special subcommittees of three members or less of the city council as he or she deems advisable or as instructed by the city council. The mayor shall have the power to appoint members of the city council to such subcommittees.

(f) Election of mayor pro tem: at its first regular meeting following the regular city council election, the city council shall elect from its members, in accordance with the voting
procedure set forth in section 3.09(c) of this Charter, a mayor pro tem who shall serve for a
term of one year. The mayor pro tem shall perform all duties of the mayor in the absence or
disability of the mayor or in instances where the mayor is unable to preside on specific
issues and items due to a declared conflict of interest. In the event of resignation or vacancy
of the office of mayor pro tem, the office shall be filled for the remainder of the one-year
term of office by election by the city council at the next regular meeting of the city council
following the resignation or vacancy.

(g) If the vacancy of the office of mayor should occur, the mayor pro tem shall perform the
duties of mayor until the next regular or special election, at which election a mayor shall be
elected to fill the unexpired term.

Sec. 3.07. - Specific powers of the city council.

All powers and authority granted to the city by the Constitution of the State of Texas shall be vested in
the city council, except as otherwise provided by law or this Charter. The city council shall provide for
the exercise thereof and for the performance of all duties and obligations imposed upon the city by law
and this Charter and shall be specifically granted the powers set forth below:

(a) With the exception of the mayor, be responsible for confirming or rejecting recommended
appointments made by mayor or city manager.

(b) Establish, create, consolidate or abolish, administrative departments and distribute the
work of divisions.

(c) Adopt the budget, manage and control the finances.

(d) Authorize the issuance and sale of bonds, by a bond ordinance.

(e) Conduct or direct the conduct of investigations pursuant to section 3.10 of this Charter.

(f) Provide for such additional boards and commissions, not otherwise provided for in this
Charter, as may be deemed necessary.

(g) Adopt and modify the zoning plan and building codes, including electrical and plumbing
codes, of and for the city, and require building permits.

(h) Adopt and modify the official map of the city.

(i) Adopt, modify, and carry out plans for the clearance of slum districts and rehabilitation of
blighted areas.

(j) Adopt, modify, and carry out plans for the planning, improvement and redevelopment of
any area or district which may have been destroyed in whole, or in part, by disaster.

(k) Regulate, license, and fix the charges or fares made by any person, firm or corporation
owning, operating or controlling any vehicle of any character used for the carrying of
provide for the establishment and designation of fire limits and prescribe the kind and character of building or structures and improvements to be erected therein; and provide for the erection of fireproof buildings within said limits.

(m) Fix the salaries and compensation of the city officers and employees. Establish qualifications, rules and standards of and for all employees of the city.

(n) Provide for a sanitary sewer and water system, require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections.

(o) Provide for sanitary garbage disposal, set fees and charges therefor, and provide penalties for failure to pay such fees and charges. Define nuisances, prohibit same and provide penalties for violations.

(p) Provide for all necessary public utilities, set fees and charges therefor and provide penalties for misuses of same.

(q) Exercise exclusive dominion, control and jurisdiction (including the right to close and abandon streets and alleys), in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the city, and provide for the improvement of the same as set forth by applicable law.

(r) Litigate, defend, compromise and settle any and all claims, demands, and lawsuits of every kind and character on behalf of the City of Watauga.

(s) To require bonds, both special and general, of all contractors and others constructing or building for the city, and set up standards, rules and regulations therefor.

(t) To pass, adopt and approve ordinances and provide penalties for violations.

(u) To provide and/or arrange for any and all "civil defense measures" and "public shelter measures" for the City of Watauga, Texas, and for the citizens thereof, deemed necessary for the public welfare.

(v) To exercise, or delegate to the mayor, or mayor pro tem in the absence of the mayor from the city, extraordinary and total executive powers (on a temporary basis) during the existence and duration of any major public disaster, for the public welfare.

(w) To cause the general ordinances of the city to be codified and printed in code form.

(x) To approve or disapprove all appointments by the city manager in connection with department head positions.
Sec. 3.08. - Prohibitions.

(a) Holding other office. Except where authorized by law no member of the city council, including the mayor, shall hold any other city office or employment by the city during the term for which he or she was elected to the city council, and no former mayor or councilmember shall hold any compensated appointive city office or employment until two years after the expiration of the term for which he or she was elected.

(b) Appointments and/or removals. The members of the city council shall in no way dictate the appointment or removal of any city administrative officer or employee whom the city manager or any other subordinates are empowered to appoint, unless otherwise provided in this Charter. In regard to the appointment or removal of any city administrative officer or employee, the city council and its members shall deal solely through the city manager. A willful violation of the foregoing provision by a member of the city council shall constitute misconduct. The remaining members of the city council by majority vote may expel such offending member upon a finding, in a public hearing, that such willful violation had been committed. The member of city council that is the subject of the expulsion shall not be permitted to vote on the issue. Such expulsion shall create a vacancy in the place held by such member. Members of city council removed from office under this provision shall not continue to perform the duties of their office until a successor is duly qualified pursuant to applicable law.

(c) Interference with administration. Except for investigations conducted pursuant to section 3.10 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager. The city council and its members acting individually shall not give orders or instructions to any officer or employee except in the state of a declared emergency. Members of the city council, acting individually, shall not give orders or instructions to the city manager, either publicly or privately, except in a state of a declared emergency. Such prohibition shall not apply to a request that an item be placed on a city council meeting agenda for consideration by the city council. A willful violation of the foregoing provision by a member of the city council shall constitute misconduct. The remaining members of the city council by unanimous vote may expel such offending member upon a finding, in a public hearing, that such willful violation had been committed. The member of city council that the subject of the expulsion shall not be permitted to vote on the issue. Such expulsion shall create a vacancy in the place held by such member. Members of city council removed from office under this provision shall not continue to perform the duties of their office until a successor is duly qualified pursuant to applicable law.
(d) Admission of liability. Neither the city council nor its members shall accept or admit liability or pay any claim for damages asserted against the city without first obtaining a written opinion from the city attorney regarding the liability of the city.

(e) [Repealed.]

(f) [Repealed.]

(g) [Repealed.]

(h) Willful action subject to conduct. For purposes of this Home Rule Charter, a person acts willfully with respect to the nature of his or her conduct when it is his or her conscious objective or desire to engage in the conduct knowing that such conduct is expressly prohibited.

Sec. 3.09. - Meetings and rules of procedure.

(a) Meetings. Regular city council meetings shall be held at a location in the city and the city council shall meet regularly not less than one time each month and at such other times as the city council may prescribe. Special meetings may be held on the call of the mayor or a majority of the members of the city council. Workshops and other such meetings where no action will be taken by the city council may be held in a location outside the city, subject to applicable law and a visual or audible recording shall be made and preserved for each meeting.

All meetings shall be held and public notice thereof given as required by applicable law. Closed meetings shall be conducted as authorized by applicable law.

(b) Minutes and rules. The city council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings. The minutes shall be a public record.

(c) Voting. Except as prohibited by conflict of interest laws or this charter, all members of the city council authorized to vote shall vote “aye” or “nay” on every action requiring a vote. The nature of a conflict of interest shall be concisely stated in the minutes. Voting, except on procedural motions, shall be accomplished by an electronic device which shall reflect the ayes and nays. Tabulation of the voting by the city council shall be announced in open meetings by the mayor or his or her duly appointed representative. All members of the city council may have one vote and only one vote on each item and issue. Five members of the city council shall constitute a quorum. In the event that there are vacancies on the city council, a majority of the number of nonvacant positions on city council shall constitute a quorum. Unless otherwise provided by applicable law, no action by the city council shall be valid unless adopted by the affirmative vote of a majority of the members of city council attending the meeting at which the action is considered and in which there is a quorum present.
Sec. 3.10. Investigation by the city council.

The city council shall have the power to inquire or direct the inquiry into the official conduct of any department, agency, appointed board, office, officer, employee or appointed board member of the city. The city council, for such investigation, shall have the power to administer oaths, subpoena witnesses, compel the production of any evidence material to the inquiry or direct same to be done. The city council shall provide, by ordinance, penalties for failing or refusing to obey any such subpoena or to produce any evidence. No member of the city council shall ever vote upon any matter involving the consideration of his or own official conduct.

Sec. 3.11. - Ordinance in general.

The city council shall legislate by ordinance, and the enacting clause of every ordinance shall be, "Be it ordained by the city council of the City of Watauga."

The city attorney shall approve all ordinances as to form and legality. Every ordinance enacted by the city council shall be signed by the mayor or mayor pro tem, in the mayor's absence, and shall be filed with and recorded by the city secretary.

All ordinances shall be submitted at an open meeting of the city council and may be finally passed and adopted on the first submission subject to affirmative vote of the city council in accordance with the voting procedure set forth in section 3.09(c) of this Charter with a reading of the caption or preamble of the ordinance unless otherwise specified or required by applicable law or this Charter.

An ordinance of the City of Watauga may be proved prima facie by a code of ordinances printed by authority of the city or by a copy of the ordinance certified by the city secretary to be a true copy of the same.

Except as otherwise provided by applicable law or this Charter, the city secretary shall give notice of the enactment of any ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions, and of every other ordinance required by applicable law or this Charter to be published, by causing the said ordinance, or a caption of the ordinance and penalty, to be published at least one time after final passage thereof in the official city newspaper. The affidavit of such publication by the publisher of the newspaper taken before any officer authorized to administer oaths and filed with the city secretary, shall be conclusive proof of the legal publication and promulgation of such ordinance. All ordinances shall be effective after approval by the city council, approval by the mayor and attestation of the city secretary. Every ordinance shall be authenticated by the signature of the mayor and city secretary.

Any ordinance or resolution, other than an emergency measure or the budget, which authorizes or requires the expenditure or diversion of any city funds for any purpose or proposes any new ad valorem property tax increase or decrease, shall have a separate statement submitted and signed by the city manager outlining the fiscal impact and probable gain or loss in income or cost of the measure each year for the first five years after its passage and a statement as to whether or not there will be costs involved
thereafter. Such separate statement shall not become a part of the ordinance or resolution but shall remain with the ordinance or resolution throughout the entire legislative process, including submission to the mayor.

An ordinance providing for an emergency measure is an ordinance addressing the immediate preservation of life, health, property or the public peace as set forth in section 3.12. The city council shall, within its discretion, declare what measures are emergency measures, and any ordinance carrying an emergency clause shall be construed to be an emergency measure, which emergency shall be set forth and defined in the preamble of such ordinance. An ordinance addressing an emergency measure shall be passed and adopted on the first reading of the caption or preamble.

Sec. 3.12. - Emergency ordinances.

The city council may adopt emergency ordinances only to meet public emergencies affecting life, health, property or the public peace. In particular, such ordinances shall not levy taxes, grant, renew or extend a franchise, or attempt to 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 an emergency ordinance and shall contain after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance can be adopted with or without amendment or rejected at the meeting in which it is introduced. A vote by the city council in accordance with the procedure set forth in section 3.09(c) of this Charter shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances and shall not be in effect more than 45 days.

Sec. 3.13. - Veto by mayor.

All ordinances and resolutions passed and adopted by the city council shall, before they take effect, be placed in the office of the city secretary. The mayor shall sign those ordinances and resolutions which he or she approves. Such as he or she shall not sign, he or she shall return to the city council with his or her written objections attached thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the ordinance or resolution was passed and adopted shall be reconsidered at the next regular meeting of the city council. If, after such reconsideration, the city council agrees to pass and adopt such ordinance or resolution by two-thirds majority vote of the voting members of the city council, the same shall be in full force and effect. If the mayor shall neglect to approve or object to any ordinance or resolution for a longer period than seven days after the ordinance or resolution is placed in the office of the city secretary as aforesaid, the same shall become effective immediately upon publication as required by applicable law.
ARTICLE IV. - ELECTIONS

Sec. 4.01. - Laws governing city elections.

All city elections shall be governed by applicable law governing general and municipal elections. In the event there should be any failure of applicable law or this Charter to provide for some feature of the city elections, the city council shall have the power to provide for or correct such deficiency in said election if the election is conducted fairly and in substantial compliance with applicable law, the Charter and the ordinances of the city.

Sec. 4.02. - General elections.

The city elections shall be held at a time to be set by resolution of the city council on those days specified by applicable law at which time officers shall be elected to fill those offices as required by this Charter, announced in accordance with the applicable law and with the ordinances adopted by the city council for the conduct of the elections.

Sec. 4.03. - Special elections.

The city council may by ordinance or resolution call such special elections as are authorized by applicable law or by this Charter, fix the date and place of holding same, and provide all means for holding such special elections.

Sec. 4.04. - Publishing city elections.

It is the responsibility of the city council to inform the qualified voters of the city as to the time, place, date, and purpose of any forthcoming city election, and the city council shall establish such rules and procedures, in addition to those required by applicable law, to adequately inform the qualified voters of the city of same.

Sec. 4.05. [Repealed.]

ARTICLE V. - RECALL OF OFFICERS

Sec. 5.01. - Scope of recall.

Any councilmember, whether elected to office by the qualified voters of the city or appointed by the city council to fill a vacancy shall be subject to recall and removal from office by the qualified voters of the city on grounds of incompetency, misconduct, or malfeasance in office.

For purposes of this section, the term "incompetency" shall mean lack of ability, legal qualification or fitness to discharge the required duty.
For purposes of this section, the term "misconduct" shall mean a transgression of some established and definite rule of law, charter provision or city ordinance. In order to constitute "misconduct," such conduct must be of a forbidden nature, a dereliction from duty, unlawful behavior, and willful in nature.

For purposes of this section, "malfeasance" shall mean a wrongful act which the actor has no right to do and which affects, interrupts, or interferes with the performance of official duty of any officer, employee or member of the governing body of the city.

Sec. 5.02. - Petitions for recall.

Before the question of recall of such councilmember shall be submitted to the qualified voters of the city, a petition demanding that such question be submitted shall first be filed with the city secretary. Said petition shall be signed by qualified voters of the city equal in number to at least 30 percent of the number of votes cast in the last regular municipal election of the city, or 350 such petitioners, whichever is greater. Each signer of such recall petition shall personally sign his or her name thereto in ink or indelible pencil, print his or her name, provide voter registration number, date of birth, name and number of street of residence and shall also write thereon the day, the month and year his or her signature was affixed. There shall also be required a heading on each signature page stating the basis of the recall. The city secretary shall have authority to approve or disapprove as to whether such petitioners are qualified voters of the city. The city secretary shall also have authority to disqualify signatures on the petition for any discernible and verifiable irregularity in the petition or noncompliance with the requirements set forth in this section.
Sec. 5.03. - Form of recall petition.

The recall petition mentioned above must be addressed to the city council of the City of Watauga, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and, if there be more than one ground, such for incompetency, misconduct, or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which he or she is charged. The signature shall be verified by oath in the following form:

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STATE OF TEXAS ) §
COUNTY OF TARRANT ) §

, being first duly sworn, on oath deposes and says that I am one of the signers of the above petition and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and the date it purports to have been made. Each person signing this petition has read the full text of the basis of the recall as set forth in the petition. I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

SWORN AND SUBSCRIBED TO before me this ____________ day of ____________ / ____________ / ____________, 20 ____________.

Notary Public
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Sec. 5.04. - Various papers constituting petition.

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereon may be upon the paper or papers containing the form of petition or upon other papers attached thereto. Verifications provided for in section 5.03 of this article may be made by one or more petitioners; and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were place thereon more than 45 days prior to the filing of such petition or petitions with the person performing the duties of the city secretary. All papers comprising a recall petition shall be filed with the city secretary on the same day, and the city secretary shall, by certified mail, immediately notify the officer so sought to be removed.
Sec. 5.05. - Presentation of petition to the city council.

Within 20 calendar days after the date of filing of papers constituting the recall petition, the city secretary, after approving or disapproving said signatures, shall present such petition to the city council of the City of Watauga at a special meeting called for this purpose or at a regular meeting of the city council.

Sec. 5.06. - Public hearing to be held.

The officer whose removal is sought may, within five days after such recall petition has been presented to the city council, request that a public hearing be held to permit him or her to present facts pertinent to the charges specified in the recall petition. In this event, the city council shall order such public hearing to be held not less than five days nor more than 15 days after receiving such request for a public hearing.

Sec. 5.07. - Election to be called.

If a councilmember whose removal is sought does not resign, the city council shall order an election and set a date for holding such recall election within 75 days after the recall petition has been presented to the city council. The date of the election shall be in compliance with applicable law. The councilmember whose removal is sought shall be determined to have a conflict of interest per se concerning a determination by the city council of the election and date of election and shall not participate in the vote on such matters.

Sec. 5.08. - Ballots in recall election.

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 (name of office) by recall?"

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

____________ FOR the recall of (name of person).

____________ AGAINST the recall of (name of person).

Sec. 5.09. - Result of recall election.

If the majority of the votes cast at a recall election shall be against the recall of the person named on the ballot, he or she shall continue in the office for the remainder of his or her unexpired term, subject to recall as specified in this Charter. If a majority of the votes cast at such election are for the recall of the person named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office, have no right to hold over the position pursuant to applicable law, and the vacancy shall be filled as provided in section 3.05 of this Charter.
Sec. 5.10. - Recall restrictions thereon.

No recall petition shall be filed against any elected or appointed member of the city council within six months after his or her election or appointment, within six months prior to the expiration of the term of office or within six months after an election for such recall.

Sec. 5.11. - Failure of city council to call an election.

In case all of the requirements of this Charter shall have been met and the city council shall fail or refuse to receive the recall petition, or order such recall election, or discharge other duties imposed upon said city council by the provisions of this Charter with reference to such recall, then the county judge of Tarrant County, Texas, may discharge any such duties herein provided to be discharged by the city secretary or by the city council.

ARTICLE VI. - LEGISLATION BY THE PEOPLE, INITIATIVE AND REFERENDUM

Sec. 6.01. - General power.

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

Sec. 6.02. - Initiative.

The people of the City of Watauga reserve the power of direct legislation by initiative, and in exercise of such power may propose any ordinance or resolution except: (1) ordinances appropriating money or levying taxes, and (2) ordinances repealing ordinances appropriating money or levying taxes, not in conflict with this Charter, or applicable law. Any initiated ordinance or resolution may, subject to the above, be submitted by the qualified voters of the City of Watauga, by submitting a petition addressed to the city council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the city. Said petition must be signed by qualified voters of the city equal in number to 30 percent of the number of votes cast at the last regular municipal election of the city, or 350, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition shall be signed in the same form and manner as recall petitions are signed as provided in section 5.04 of this Charter and shall be verified by oath in the same manner provided for recall petitions in section 5.03 of this Charter. The petition may consist of one or more copies known as "recall petitions" in the same form and manner as provided in section 5.04 of this Charter. Such petition shall be filed with the city secretary. Within 20 days after filing of such petition, the city secretary shall present said petition and proposed ordinance or resolution to the city council. Upon presentation to it of the petition and the draft of the proposed ordinance or resolution, it shall become the duty of the city council, within ten days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held as provided by applicable law, at which the qualified voters of the City of Watauga shall vote on the question of adopting or rejecting the proposed legislation.
However, if any other municipal election is to be held within 60 days after the filing of the petition, the question may be voted on at such election.

Sec. 6.03. - Referendum.

Qualified voters of the city may require that any ordinance or resolution, with the exception of ordinances or resolutions authorizing the issuance of either tax bonds or revenue bonds, whether original or refunding, passed and adopted by the city council be submitted to the qualified voters of the city for consideration of its repeal, by submitting a petition for this purpose within 90 days after final passage and adoption of said ordinance or resolution, or within 90 days after its publication. Said petition shall be addressed, prepared, signed, and verified as in the same form and manner as provided in section 6.02 of this Charter, and shall be submitted to the city secretary. Immediately upon the filing of such petition, the city secretary shall present said petition to the city council. Thereupon, the city council shall immediately consider the repeal of such ordinance or resolution, and if it does not entirely repeal the same, shall submit the consideration of repeal to popular vote in the same manner as provided in section 6.02 of this Charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote against the repeal of same.

Should the popular vote be to uphold the ordinance or resolution, no other referendum election may be held on the same and/or similar ordinance or resolution within six months. But should the same and/or similar ordinance or resolution be passed, adopted and approved by the city council after invalidation by popular vote, a referendum petition may be filed again as outlined in article VI of this Charter.

Sec. 6.04. - Voluntary submission of legislation by the city council.

The city council, upon its own motion and by vote in accordance with the procedure set forth in section 3.09(c) of this Charter, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, in the same manner and with the same force and effect as provided in this article for submission on petition, and may in its discretion call a special election as provided by applicable law for this purpose.

Sec. 6.05. - Form of ballots.

The ballots used when voting upon such proposed and referred ordinances, resolutions or measures, as provided in this article, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

"FOR THE ORDINANCE" and
"AGAINST THE ORDINANCE," or
"FOR THE RESOLUTION" and
"AGAINST THE RESOLUTION"
Sec. 6.06. - Publication of proposed and referred ordinance or resolution.

The city secretary shall publish at least once in the official newspaper of the City of Watauga, the notice of special initiative or referendum election, as applicable, and the preamble of proposed or referred ordinance or resolution, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance or resolution calling said election.

Sec. 6.07. - Adoption of ordinances or resolutions.

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

Sec. 6.08. - Inconsistent ordinances or resolutions.

If the provisions of two or more proposed ordinances or resolutions passed at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

Sec. 6.09. - Ordinance or resolutions passed by popular vote, repeal or amendment.

No ordinance or resolution which may have been passed, adopted and approved by the city council as a result of popular vote under the provisions of this article shall be repealed or amended, except by the city council, in response to an initiative or referendum vote or as provided in this article.

Sec. 6.10. - Further regulations by city council.

The city council may pass, approve and adopt ordinances or resolutions providing other and further regulations for carrying out the provisions of this article not inconsistent herewith.

Sec. 6.11. - Franchise ordinances.

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

ARTICLE VII. - ADMINISTRATIVE ORGANIZATION

Sec. 7.01. - City manager.

A. Appointment and qualifications. The mayor shall recommend the appointment of a city manager, subject to approval by the city council by vote in accordance with the procedure set forth in section 3.09(c) of this Charter, who shall be the chief administrative and executive officer of the city and shall be responsible to the city council for the administration of all the affairs of the city. The city manager shall be chosen by the city council solely on the basis of executive and administrative training, education, experience, ability and character. No member of the city council shall during the time for which he or she is elected and for two (2) years thereafter be appointed city manager.
B. Term and salary. The city manager shall not be appointed for a definite term and may be removed at the will and pleasure of the city council by vote in accordance with the procedure set forth in section 3.09(c) of this Charter. The action of the city 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 responsibility of such suspension or removal in the city council. In case of absence or disability of the city manager, the city council may designate some qualified person, other than an elected officer of the city, to perform the duties of the office during such absence or disability. The city manager shall receive such compensation as may be fixed by the city council and may include a termination benefit package which shall not alter the status of the city manager as an employee at will.

C. Powers and duties. The powers herein conferred upon the city manager shall include but shall not be limited to the following:

1. Appoint and remove any employee of the city except those employees whose appointment or election is otherwise provided by applicable law or this Charter.

2. Prepare and submit the annual budget and a five year capital improvement program to the city council as prescribed in article IX of this Charter.

3. Submit to the city council a report for each month on the finances and administrative activities of the city and a complete report as of the end of each fiscal year.

4. Provide each department head with a monthly financial report of his or her department.

5. Attend all meetings of the city council except when excused by the city council.

6. Make a written report to the city council each month on all department expenditures.

7. Execute all contracts and related instruments as provided in the procurement policy.

8. Execute on behalf of the city, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following conditions:

   a. The execution of the document is necessary to carry out a public works project; to utilize, maintain or improve a city facility, street, right-of-way, easement, park or other city property; or to implement other city policies, provided that such project, program or policy has been approved by the city council;

   b. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the city council; and

   c. That the form of such document shall be approved by the city attorney.
9. Perform such other duties as may be prescribed by this Charter or required by the mayor, as directed by the city council, not inconsistent with provisions of this Charter.

10. Appoint, by letter filed with the city secretary, a qualified administrative officer of the city to perform his or her duties during his or her temporary absence. The appointment shall be made from a list of qualified individuals previously approved by the city council. In the event of failure of the city manager to make such appointment, or in the case of disability of the city manager, the city council may, by resolution, appoint an officer or employee of the city, other than an elected official, to perform the duties of the city manager until he or she shall return or his or her disability shall cease.

Sec. 7.02. - City secretary.

The city council shall appoint the city secretary. The city secretary shall not be appointed for a definite term and may be removed from office by the city council, by voting in accordance with the procedure set forth in section 3.09(c) of this Charter. The city secretary shall be required to:

1. Give notice of and attend all official public meetings of the city council.

2. Record the minutes and proceedings of all official public meetings of the city council; provided, however, that only the title and caption of duly enacted ordinances shall be recorded in the minutes.

3. Act as custodian of all official records of the city council.

4. Maintain the official map of the city in the city hall of Watauga, Texas.

5. Hold and maintain the seal of the city and affix this seal to all appropriate documents.

6. Authenticate by signature and seal, and record in a book kept and indexed for the purpose, all ordinances and resolutions of the city.

7. Perform such other duties as may be required by the city council acting as the governing body of the city, this Charter and applicable law. The city secretary shall be under the exclusive direction and supervision of the city council. By resolution, the city council may delegate to the city manager the approval of sick leave, vacation leave and other administrative duties regarding the supervision of the city secretary.

Sec. 7.03. - City departments and services.

The city council shall establish and maintain departments in sufficient numbers and specialty to effectively provide services of the city and may include administration, finance, tax, public works, parks, police, reserve police, fire, volunteer fire, emergency medical and any other necessary municipal services.

Sec. 7.04. - [Repealed.]
Sec. 7.05. - [Repealed.]

Sec. 7.06. - Residency requirements for city manager, department heads and employees.

The city manager need not be a resident of the city when appointed. However, he or she shall become a resident of the city within 12 months after commencement of employment and thereafter shall continue to reside within the city during his or her tenure in office. For all other employees and department heads, other than the city manager, the city may not require residency in the city as a requirement of employment. The city may require residency within the United States as a condition of employment. The city council may determine and impose standards with respect to the time within which city employees who reside outside the city must respond to a civil emergency. Such standards may not be imposed retroactively on any person in the employ of the city at the time the standards are adopted. The time period to satisfy the residency requirement for the city manager may be extended for an additional period not to exceed six months upon affirmative vote of the city council.

Sec. 7.07. - Other departments, boards and commissions.

The city council may abolish or consolidate any office or department. The city council may divide the administration of any such department as it may deem advisable and may create new departments.

The city council shall create, as may be required by applicable law or circumstances, those boards and commissions which are deemed necessary to carry out the function and obligations of the city. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by city ordinance, or by applicable law. The city council shall prescribe accountability and tenure of each board and commission where such are not prescribed by applicable law. The city council shall prescribe the purpose, composition, function and duty of each board or committee where such are not prescribed by applicable law. The members of such boards and commissions shall be appointed by the mayor, subject to the approval and consent of the remaining members of city council. Except as prohibited by conflict of interest laws or this charter, all members of a board or commission authorized to vote shall vote “aye” or “nay” on every action requiring a vote. The nature of a conflict of interest shall be concisely stated in the minutes.

Sec. 7.08. - Employee and citizen grievances.

The City of Watauga shall maintain at all times a current Personnel, Administrative and Financial Policies and Procedures Manual to be passed, adopted and approved by resolution of the city council. Employee grievances shall be addressed and strictly governed by the policies and procedures as set forth in the Personnel, Administrative and Financial Policies and Procedures Manual in effect at the time of the action which gives rise to such grievance. The city council of the City of Watauga, Texas, as an elected governing body, shall be available to the citizens of Watauga in order to address concerns and grievances.

ARTICLE VIII. - LEGAL AND JUDICIAL SERVICES

Sec. 8.01. - Municipal court.
There shall be established and maintained a court designated as "Municipal Court in the City of Watauga," for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by applicable law relative to municipal courts and municipal courts of record. All fines imposed by said court shall be paid into the city treasury for the use and benefit of the city, except as otherwise may be required by applicable law.

Sec. 8.02. - Judge of the municipal court.

The judge of the municipal court shall be appointed by the city council and serve in accordance with chapter 30 of the Government Code, V.T.C.A., Government Code ch. 30, for a term not to exceed two years.

The municipal judge shall hold office for the duration of the term unless removed at the will and discretion of the city council. If the judge is removed or vacates the office, the city council shall immediately appoint a qualified person to fill the unexpired term.

The municipal judge must:

a. Be a resident of this state.

b. Be a citizen of the United States.

c. Be a licensed attorney in good standing in Texas.

d. Have been licensed by the Supreme Court of Texas to practice law in Texas for five or more years.

The judge of the municipal court shall receive such compensation as may be determined by the city council.

Sec. 8.03. - Clerk of the municipal court.

There shall be a clerk of the municipal court to be appointed by the city manager with the concurrence of the city council. Said clerk may hold another position of city employment concurrent with, but secondary to and not in conflict with this position. The clerk of the court and deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court, and generally do and perform any and all acts as usual and necessary to be performed by the clerks of courts in issuing process of said courts and conducting the business thereof.

Sec. 8.04. - City attorney.

The mayor shall recommend the appointment of a competent and duly licensed attorney practicing law in the State of Texas who shall be the city attorney. The city attorney shall receive for his or her services such compensation as may be fixed by the city council and shall hold his or her office at the pleasure of the city council. The city attorney, or such other attorneys approved by the city council, shall represent the city in all litigation. The city attorney shall be the legal advisor of, and attorney and counselor for,
the city, all offices and departments and for all officers and employees of the city in matters relating to their official powers and duties. The city attorney must:

a. Be a resident of this state.
b. Be a citizen of the United States.
c. Be a licensed attorney in good standing in Texas.
d. Have been licensed by the Supreme Court of Texas to practice law in Texas for five or more years.

The city attorney shall review and approve as to form and legality all ordinances and resolutions and, as determined necessary by the city, any contracts, documents and legal instruments. The city council shall have the right to retain special counsel any time it determines such action to be necessary.

The city attorney shall perform all services incident to the position as may be required by applicable law, by this Charter, by ordinance or as directed by the city council.

ARTICLE IX. - MUNICIPAL FINANCE

Sec. 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.

Sec. 9.02. - Annual budget.

A. Content. The budget shall provide a complete financial plan of all city funds and activities and, except as required by applicable law or this Charter, shall be in such form as the city manager deems desirable or the city council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, and indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the debt position of the city and include such other material as the city manager deems advisable. The budget shall begin with a clear, general summary of its contents. It shall show in detail all estimated revenue and indicate the proposed property tax levy. All proposed expenditures shall not exceed the total estimated revenue. The budget shall be so arranged as to show comparative figures for actual and estimated revenue and expenditures of the preceding fiscal year, compared to the estimate for the budgeted year. It shall include in separate sections:

1. An itemized estimate of the expense of conducting each department, division and office.
2. Reasons for proposed increases or decreases of such items of expenditure compared with the current fiscal year.

3. A separate schedule for each department, indicating tasks to be accomplished by the department during the year, and additional desirable tasks to be accomplished if possible.

4. A statement of the total probable revenue of the city from taxes for the period covered by the estimate.

5. Tax levies, rates, and collections for the preceding five years.

6. An itemization of all anticipated revenue from sources other than the tax levy.

7. The amount required for interest on the city’s debts, for sinking fund and for maturing serial bonds.

8. The total amount of outstanding city debt, with a schedule of maturities on bond issues.

9. Such other information as may be required by the city council.

10. Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each utility giving detailed revenue and expenditure information shall be attached as appendices to the budget.

11. A capital program, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition, and shall include the following items:

   (a) A summary of proposed programs.

   (b) A list of capital improvements which are proposed to be undertaken during the five fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements.

   (c) Cost estimates, method of financing and recommended time schedules for each such improvement.

   (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

B. Submission. On or before the first day of August of each year, the city manager shall submit to the city council a proposed budget and an accompanying message. The city council shall review the proposed budget and revise as deemed appropriate prior to general circulation for public hearing.
C. Public notice and hearing. In accordance with applicable law, the city council shall provide notice stating (1) the times and places where copies of the message and budget are available for inspection by the public, and (2) the time and place for a public hearing on the budget.

D. Amendment before adoption. After the public hearing, the city council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by applicable law or for debt service or which would cause a cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated revenue plus funds available from prior years.

E. Adoption. The city council shall adopt the budget by ordinance as specified in article III of this Charter by the date established by applicable law. Adoption of the budget will require an affirmative vote of two-thirds of the voting members of the city council. 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.

F. Failure to adopt. If city council fails to adopt the budget on or prior to such day, 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 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. The levy of property tax normally approved as a part of the budget adoption, will be set to equal the total current fiscal year tax receipts, unless the ensuing fiscal year budget is approved as hereinabove provided.

Sec. 9.03. [Repealed.]

Sec. 9.04. - Amendments after adoption.

A. Supplemental appropriations. If during the fiscal year the city manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council may carry the excess into the next fiscal year or, by ordinance, may make supplemental appropriation within the same fiscal year up to the amount of such excess.

B. Emergency appropriations. To meet a public emergency created by a natural disaster or manmade calamity affecting life, health, property, or the public peace, the city council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the city council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time.
C. 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, he or she shall report to the city council without delay, indicating the estimated amount of the deficit, any remedial action taken and his or her recommendations as to any other steps to be taken. The city council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

D. 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, upon written request by the city manager, the city council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

E. Limitations. No appropriation for debt service may be reduced below any amount required by applicable law to be appropriated or by more than the amount of the unencumbered balance thereof.

F. Effective date. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon passage, adoption and approval of the ordinance.

Sec. 9.05. - Lapse of appropriations.

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

Sec. 9.06. - Administration of budget.

A. Payments and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the city manager or his or her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriations and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and he or she shall also be liable to the city for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of
B. Financial reports. The city manager shall submit to the city council a report for each month reflecting the financial condition of the city by budget items, including budget estimates versus accrual for the preceding month and for the fiscal year to date. Such records are to be made public by the city council during open meeting. The financial records of the city will be maintained on an accrual basis to support this type of financial management.

C. Independent audit. At the close of each fiscal year, and at such times as it may be deemed necessary, the city council shall cause an independent audit to be made of all accounts of the city by a certified public accountant. Upon completion of the audit, the results thereof in a summary form shall be placed on file in the city secretary's office as a public record.

Sec. 9.07. - Borrowing.

The city, upon a two-thirds majority vote of the councilmembers, shall have the power, except as prohibited by applicable law, to borrow money by whatever method it may deem to be in the public interest.

A. General obligation bonds. The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by applicable law, and to issue refunding bonds to refund outstanding bonds of the city previously issued. All such bonds shall be issued in conformity with applicable law.

B. Revenue bonds. The city shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by applicable law, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from properties, or interest therein pledged, or the revenue therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with applicable law.

C. 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, be incontestable.

D. Borrowing in anticipation of property tax. In any budget year, the city 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 year and must be retired by the end of the budget year in which issued.

E. Use of bond funds. Any and all bond funds passed by the vote of the citizens of Watauga will be expended only for the purposes stated in the bond issue.

F. Certificates of obligation. All certificates of obligation issued by the city shall be passed, adopted and approved by ordinance and issued in accordance with applicable law.

Sec. 9.08. - Purchasing.

The city council shall pass, adopt and approve by resolution a written purchasing policy applicable to all contracts, purchases and expenditures for goods and services in the city.

The city manager, all department heads and employees shall faithfully adhere to the requirements of the written purchasing policy. Failure to do so shall constitute sufficient basis for termination.

However, all contracts, purchases and expenditures exceeding the maximum amount permitted by applicable law in effect at the time of the expenditure, without requiring competitive bidding or proposals, must be expressly passed, adopted and approved in advance by the city council and be subject to applicable law regulating municipal procurement. The city council shall retain the right to reject any and all bids.

Contracts for purchases that are necessary because of a public calamity, as authorized by applicable law may be negotiated by the city council or the city manager, if granted authority by the city council, without the necessity of competitive bidding. Such emergency shall be declared by the mayor. All expenditures must be supported by documentation justifying such expenditures.

Sec. 9.09. - Specified reserve fund.

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

ARTICLE X. - TAXATION

Sec. 10.01. - Reserved.

Sec. 10.02. - Power to tax.

The city shall have the power to tax property in accordance with applicable law.

Sec. 10.03. - Property subject to tax, method of assessment.

Property subject to taxation and the method of assessment shall be determined in accordance with applicable law.

Sec. 10.04. - Limitation on tax rate.

Any limitation on tax rate shall be determined in accordance with applicable law.
Sec. 10.05. - Reserved.

Sec. 10.06. - Reserved.

Sec. 10.07. - Reserved.

Sec. 10.08. - Reserved.

Sec. 10.09. - Taxes; when due and payable.

All taxes due the City of Watauga shall be payable at the office of the city tax assessor-collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall not be later than October 1. Taxes shall be paid on or before January 31 and such taxes not paid on or prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as provided by applicable law. The city council may provide further by ordinance that all taxes either current or delinquent, due the City of Watauga may be paid by installments. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipt for the years in question.

Sec. 10.10. - Tax liens.

The tax levied by the city is hereby declared to be a lien, charge, or encumbrance upon the property as of January 1 of each year, upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and this lien, charge or encumbrance on the property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, and such lien may be foreclosed in any court having jurisdiction. Such lien shall be, prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien. In addition to the liens herein provided, on the 1st day of January of any year the owner of real and personal property subject to taxation by the city shall be personally liable for the taxes due thereon for such year. The city shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the city assessment rolls is insufficient to identify such property, the city shall have the right to plead a good description of the property intended to be assessed, to prove the same, and to have its judgment foreclosing the tax lien and/or personal judgment against the owner for such taxes.

ARTICLE XI. - PLANNING AND ZONING, BOARD OF ADJUSTMENT
Sec. 11.01. - The planning and zoning commission.

There shall be established by the city council a planning and zoning commission which shall consist of seven persons who are residents in the City of Watauga and who own real property within the city.

Sec. 11.02. - Powers and duties.

(a) Recommend a city plan for the physical development of the city.

(b) Recommend to the city council, approval or disapproval of proposed changes in the zoning plan.

(c) Exercise control over platting or subdividing land within the corporate limits of the city and outside said corporate limits to extent authorized by applicable law.

The commission shall be responsible to and act as an advisory body to the city council and shall have and perform such additional duties as may be prescribed by ordinance.

Sec. 11.03. - The master plan.

The master plan for the physical development of the City of Watauga shall contain the commission's recommendations for growth, development and beautification of the city. A copy of the master plan, or any part thereof, shall be forwarded to the city council, which may adopt this plan in whole or in part, and may adopt any amendments thereto after at least one public hearing on the proposed action. The city council shall act on such plan, or part thereof, within 60 days following its submission. If such plan, or part thereof, shall be rejected by the city council, the commission may modify such plan or part thereof, and again forward it to the city council for consideration.

All amendments to the master plan recommended by the commission shall be submitted in the same manner as outlined above to the city council for approval, and all other recommendations affecting the master plan shall be accompanied by a recommendation from the planning and zoning commission.

Sec. 11.04. - Legal effect of the master plan.

Upon the adoption of a master plan by the city council, no subdivision, street, park, or any public way, ground or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the master plan shall be constructed or authorized by the city until and unless the location and extent thereof shall have been submitted to the commission and passed, adopted and approved by the city council. In the event of commission disapproval, the reasons therefor shall be directed in writing to the city council. The city council shall have the power to overrule such disapproval of the planning and zoning commission and therewith exercise its discretionary power for appropriate action in the matter which presents a conflict with the master plan. The widening, narrowing, relocating, vacating, or change in the use of any street, alley, or public way or ground, or the sale of any public building or real property, shall be subject to similar submission and approval of the planning and zoning commission.
commission, and failure to approve may be similarly overruled by the city council for appropriate action at the discretion of the city council.

Sec. 11.05. – Zoning Board of adjustment.

There shall be a zoning board of adjustment as specified by applicable law.

ARTICLE XII. - FRANCHISES AND PUBLIC UTILITIES

Sec. 12.01. - Powers of the city.

In addition to the city's power to buy, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the city shall have further powers as may now or hereafter be granted under applicable law.

Sec. 12.02. - Franchise; power of the city council.

The city council shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities operating within the city. All ordinances granting, amending, renewing or extending franchises for public utilities shall be read at two separate regular meetings of the city council, and shall not be finally passed, adopted and approved until 30 days after the first reading. No such ordinance shall take effect until 30 days after its final passage, adoption and approval, and pending such time, the full text of such ordinance shall be published once each week for four consecutive weeks in the official newspaper of the city, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be granted for a term of more than 20 years nor be transferable except with the approval of the city council expressed by ordinance. Every public utility and every owner of a public utility franchise shall file with the city secretary certified copies of all franchises owned or claimed, under which such utility is operated in the city.

Sec. 12.03. - Franchise value not to be allowed.

No value shall be assigned to any franchise granted by the city under this Charter in fixing reasonable rates and charges for utility service within the city and in determining the just compensation to be paid by the city for public utility property which the city may acquire by condemnation or otherwise.

Sec. 12.04. - Right of regulation.

All grants, removals, extensions or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city council to:
(a) Repeal the same ordinance at any time upon the failure of the grantee to comply with any provision of the ordinance, the franchise, this Charter, or any applicable law or rule of any applicable governmental body;

(b) Require proper and adequate extension of plant and service and require the maintenance of the plant and fixtures at the highest reasonable standard of efficiency;

(c) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

(d) At any time examine and audit the accounts and other records of any such utility and require annual and other reports, including reports on operations within the city;

(e) Impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public;

(f) Require such compensation and rental as may be permitted by applicable law.

Sec. 12.05. - No exclusive.

No grant or franchise to construct, maintain or operate a public utility, and no renewal or extension of such grant shall be exclusive.

Sec. 12.06. - Consent of property owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by applicable law.

Sec. 12.07. - Extensions.

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in section 12.04. In case of an extension of a public 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.

Sec. 12.08. - Other conditions.

All franchises heretofore granted are recognized as contracts between the city and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this Charter, except that the power of the city to exercise the right of eminent domain in the acquisition of utility property is in all things reserved, and except for the general power of the city heretofore existing and herein provided for, to regulate the rates and services of a grantee which shall include the right to
require proper and adequate extension of the plant and service and the maintenance of the system at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the city council or qualified voters of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant.

Sec. 12.09. - Accounts of municipally-owned utilities.

Accounts shall be kept for each public utility owned or operated by the city in such a manner as to show the true and complete financial results of such city ownership and operation. The accounts shall show the actual capital costs of each public utility owned, the cost of all extensions, additions and improvements, and the source of funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any city government unit. The city council shall cause an annual report to be made by a certified public accountant in connection with the annual audit and shall publish such report showing the financial results of such city ownership or operation, giving the information specified in this section and such data as the city council shall require.

Sec. 12.10. - Sales of utility services.

(a) The city shall have the power and authority to sell and distribute water and any other utilities to any person, firm or corporation inside or outside the limits of the city, and to permit them to connect with said system under contract with the city, under such terms and conditions as may appear to be in the best interests of the city, provided the charges fixed for such services shall be reasonable when considered in the light of all circumstances, to be determined by the city council.

(b) Materials and inspection. The city council shall have the power and authority to prescribe the kind of materials used within or beyond the limits of the city where it furnishes service, and to inspect the same and require them to be kept in good order and condition at all times, and to make such rules and regulations as shall be necessary and proper, and prescribe penalties for noncompliance with same.

Sec. 12.11. - Regulation of rates and service.

The city council shall have the power, after due notice and hearing, to regulate by ordinance the rates and services of every public utility operating in the city and shall have power to employ at the expense of the grantee, expert assistance and advice in determining reasonable rate and equitable profit to the grantee.

ARTICLE XIII. - TRANSITIONAL PROVISIONS
Sec. 13.01. - Charter adoption.

This Charter shall be submitted to the qualified voters of the City of Watauga for adoption or rejection at an election to be called for such purpose, at which election, if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the Charter and governing law of the City of Watauga until amended or repealed. It being impractical to submit this Charter by sections, it is hereby prescribed that the form of ballot to be used in such election shall be as follows to wit:

__________ FOR THE ADOPTION OF THE CHARTER

__________ AGAINST THE ADOPTION OF THE CHARTER

Sec. 13.02. - Officers and employees.

A. Rights and privileges preserved. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees.


C. Employees of the City of Watauga are not required to contribute to any political fund or render any political service to any person or party. Further, no city employee shall be removed, reduced in classification and/or salary, or otherwise prejudiced by refusing to contribute to any political fund or render a political service.

Sec. 13.03. - Preservation of contract rights.

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

Sec. 13.04. - Franchises.

Sec. 13.05. - Charter review commission.

There shall be established a charter review commission which shall perform the function of (1) inquiring into the operation of the city government under the provisions of the Home Rule Charter and determining whether revision is required of any such provisions, (2) proposing recommendations, (3)
insuring compliance with the provisions of the Home Rule Charter, (4) proposing amendments to the Home Rule Charter to improve the effective application and administrative efficiency of the operation of the city under the Home Rule Charter and (5) reporting its findings and presenting such proposed amendments to the city council. The charter review commission shall consist of seven members to be appointed by the mayor, subject to the approval and consent of the city council. Each member of the charter review commission shall be a resident of the city at the time of appointment and shall remain a resident of the city so long as he or she continues to serve on the charter review commission. Places on the charter review commission shall be numbered one through seven with the odd-numbered places on the board to be appointed for a two-year term to expire on the 30th day of June each odd-numbered year. All members appointed to even-numbered places on the commission shall be appointed for a two-year term to expire on the 30th day of June on even-numbered years. All members of the commission shall serve without compensation. All vacancies occurring in the membership of the commission shall be filled by appointment of the mayor, with approval of the city council, for the length of the unexpired term.

The members of the charter review commission shall elect a chairperson to report to the mayor and city council. The chairperson shall also be responsible for scheduling and presiding over meetings of the commission.

ARTICLE XIV. - GENERAL PROVISIONS

Sec. 14.01. - Public records.

All records of the city shall be maintained and available for public inspection in accordance with applicable law.

Sec. 14.02. - Personal financial interest.

No officer or employee of the city shall have a financial interest, directly or indirectly, in any contract with the city, nor shall he or she be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, material, supplies or service. Any violation of this section with the knowledge, express or implied, of the persons or corporations contracting with the city shall render the contract voidable by the city manager or the city council.

Nothing in this article shall prohibit the city from obtaining land through purchase, gift or agreement from any city official or employee when required for easement, right-of-way, parks or municipal buildings; provided, however, no councilmember shall participate in city council action during the acquisition of such land when that councilmember has any financial interest, directly or indirectly, in said land and further provided that purchase agreements must not exceed fair market value as determined by a disinterested independent appraiser.

Sec. 14.03. - Nepotism.

No persons related within the second degree of affinity or within the third degree by consanguinity to any elected officer of the city or to the city manager, shall be appointed to any office, position or
clerkship or other service of the city, save and except any such who have been continuously employed by the city for a period of two years prior to the election of the mayor, councilmember, or appointment of the city manager. The provisions of this section of the Charter shall not apply to volunteer services to the city.

**Sec. 14.04. - Official bond for city employees.**

The city council shall require bonds of all municipal officers and employees who receive or disburse any funds of the city. The amount of such bonds shall be determined by the city council and the cost thereof shall be paid by the city.

**Sec. 14.05. - Tort liability.**

City liability for damages resulting from property damage, death or personal injuries of any kind shall be subject to article 1, section 17 of the Texas Constitution and chapter 101 of the Texas Civil Practice and Remedies Code, V.T.C.A., Civil Practice and Remedies Code ch. 101.

**Sec. 14.06. [Repealed.]**

**Sec. 14.07. - Effect of charter on existing laws.**

All codes, ordinances, resolutions, rules and regulations in force on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed by the city council. 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 the beginning of such proceedings or under the law after the adoption of this Charter. All rights of the city under existing franchises and contracts and all existing authority for the issuance of bonds, granted prior to adoption of this Charter, shall be preserved in full force and effect.

**Sec. 14.08. - Applicability of general laws.**

The Constitution and statutes of the State of Texas applicable to home rule municipal corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall in the order mentioned, be applicable to the City of Watauga, but the city shall also have the power to exercise any and all powers conferred by applicable law upon any kind of city, town or village, not contrary to the provisions of the said "home rule" statutes, charter and ordinances; but the exercise of any such powers by the City of Watauga shall be optional with it, and it shall not be required to conform to the law governing any other cities, towns or villages, unless and until, by ordinance it adopts the same.
Sec. 14.09. - Property not exempt from special assessments.

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by nonprofit organization or corporation, or by "foundation" or otherwise (except property of the City of Watauga, Texas, independent school districts, and other tax-supported institutions), shall be exempt in any way from any of the special taxes, charges, levies and assessments, authorized or permitted by this Charter, for local improvements for the public welfare.

Sec. 14.10. - Amending the charter.

Amendments to this Charter may be formulated and submitted to the qualified voters of the City of Watauga in the manner provided by applicable law.

Sec. 14.11. - 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.


The use of any gender herein shall be applicable to all genders. The use of the word “City” in this Charter shall mean the City of Watauga, Texas, and the use of the word “Charter” shall mean this Home Rule Charter. The term “qualified voter” shall mean a person who meets all legal requirements of applicable law and this Charter for becoming a registered voter and is also registered to vote.


All procedures, structure and authority regarding termination and dismissal of employees shall be regulated by the Personnel, Administrative and Financial Policies and Procedures Manual for the City of Watauga, as now or hereafter amended.


Any person serving on the city council, appointed board, commission or employee of the city, who shall have a conflict of interest while conducting city business, shall immediately declare such conflict of interest by affidavit filed with the city secretary and shall disqualify himself or herself from participation in the matter for which the conflict exists. Conflict of interest includes the following:

A. Related (by blood or marriage) to the person or persons doing or requesting business with the city.

B. Having business or monetary connections with the persons or person doing business with or requesting to do business with the city.

C. Persons serving on boards, commissions or other official agencies doing business with or in conjunction with the city.

D. Having a substantial interest in real property wherein it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property distinguishable from its effect on the public.
E. It does not constitute a conflict of interest for members of the city council, boards or commissions to vote on issues involving their election or selection to a post, office or other position to which members are generally eligible, or from voting when other members are included in the issues.

Any person serving as an elected official of any political subdivision other than the City of Watauga shall be prohibited from serving on any appointive board or commission of the city.

The failure by any person to make known a conflict of interest and failure to disqualify oneself as required shall constitute grounds for disciplinary action by the city council. Such disciplinary action may include reprimand or removal from office to the extent allowed by applicable law. An action constituting a reprimand requires a majority vote of the voting members of the city council. Any action for removal from office requires a unanimous vote of the voting members of the city council. The councilmember the subject of the removal issue shall not be permitted to vote.

Sec. 14.15. - Amendatory provision.

Any article, section, provision or reference contained in this Charter either adopting or referring to any state statute, state constitutional provision or other state law shall, upon amendment, revision, repeal or abolishment, of such state statute, state constitutional provision or state law, be subject to the new interpretation or reading which supersedes the prior provision.

Sec. 14.16. - Enumeration of powers herein not exclusive of other powers.

The enumeration of particular powers of this Home Rule Charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the City of Watauga shall have and may exercise all other powers which are now or may hereafter be, possessed or enjoyed by cities of over five thousand (5,000) population pursuant to applicable law, and all the powers of the city, whether expressed or implied, shall be exercised and embraced in the manner prescribed by this Home Rule Charter, and when not so prescribed, then in such manner as may be provided by ordinance or resolution of the city council.

Sec. 14.17. - Charter to become effective notwithstanding some section or portion thereof being valid.

If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section of this Charter is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid; it being here declared that the citizens voting for this Charter would have voted for the same with such objectionable or invalid section or part of a section omitted therefrom.

Sec. 14.18. - Rearrangement and Renumbering

The council shall have the power, by ordinance, to renumber and rearrange all articles, sections, subsections, paragraphs, and subparagraphs of this Charter or any amendments thereto, as it shall deem appropriate.
WATAUGA MUNICIPAL CODE

CHAPTER 2 ADMINISTRATION

Article I. IN GENERAL
Article II. CITY COUNCIL
Article III. BOARDS AND COMMISSIONS
Article IV. OFFICERS and EMPLOYEES

ARTICLE I. - IN GENERAL

Sec. 2-1. - Official newspaper.
The city council, in accordance with the provisions of V.T.C.A., Local Government Code § 52.004, shall hereafter designate an official newspaper of the city. Such designation shall be made by resolution duly passed and adopted by the city council. Such designated newspaper shall be a newspaper of general circulation in the city. Such designation by resolution shall be effective from the date of passage of such resolution, until such time as the city council might further act to alter or amend such designation.
(Code 2001, art. 9.400; Code 2010, § 1.02.003)
Secs. 2-2—2-20. - Reserved.

ARTICLE II. - CITY COUNCIL

Sec. 2-21. - Meetings.
The city council shall establish, by resolution, procedures to be followed at city council meetings of the city. Such resolution, which may be amended from time to time by further resolution of the council, shall establish procedures to be followed for the following items:
(1) Meeting dates and times for regular meetings of the city council.
(2) Establish order of business to be followed at regular meetings of the city council.
(3) Provide any modifications, alterations and amendments to Robert's Rules of Order which may be in use at city council meetings. The city council shall, by resolution, adopt a specific edition of Robert's Rules of Order.
(4) Establish procedures for the determination of alternate meeting days where regular meeting dates fall on legal holidays.
(Code 2001, art. 9.1300; Code 2010, § 1.03.011)
Charter reference—Meetings and rules of procedure, § 3.09.
Secs. 2-22—2-45. - Reserved.
ARTICLE III. - BOARDS AND COMMISSIONS
DIVISION 1. - GENERALLY

Secs. 2-46—2-63. - Reserved.
DIVISION 2. - CHARTER REVIEW COMMISSION
Sec. 2-64. - Created; powers and duties.
There is hereby created for the city, in accordance with section 13.05 of the Home Rule Charter, a commission which shall be known as the "charter review commission" (hereinafter "the commission"). The commission shall have powers and duties as set forth in section 13.05 of the Home Rule Charter, as now or hereafter amended.
(Code 2001, § 9.901; Code 2010, § 1.04.031)

Sec. 2-65. - Composition; appointment and removal of members.
(a) The commission shall consist of seven regular members. Places on the commission shall be numbered one through seven, with all members appointed for two-year terms to expire June 30. Members serving in odd-numbered places shall have their terms expire on each odd-numbered year, and members serving in even-numbered places shall have their terms expire on even-numbered years. The commission may submit to the mayor the names of those current members who are recommended for reappointment. An interview committee composed of three members of the city council shall be appointed by the mayor for a term of one year (October 1 through September 30) to interview applicants to fill vacancies on the commission. Members of the interview committee, individually, or as a group, shall submit the names of those recommended for appointment to the mayor. No person shall be recommended for appointment to the mayor by a member of the interview committee unless they have been interviewed by at least one member of the interview committee. The mayor may accept or reject the names submitted. The mayor, subject to the approval and consent of the city council in an open meeting, shall appoint members to the charter review commission.
(b) No city staff member or employee shall be a member of the commission.

Sec. 2-66. - New members.
Upon completion of the appointment process, new members should become familiar with all aspects, duties and responsibilities of the charter review commission. The commission secretary shall furnish the telephone numbers of other commission members and staff, the governing regulations, and any other pertinent information to the new member within seven days of the new member's appointment.
(Code 2001, § 9.904; Code 2010, § 1.04.034)

Sec. 2-67. - Liaisons.
(a) In addition to regular commission members, the commission shall have two members of the city council appointed by the mayor subject to the approval and consent of the city council to serve as liaisons to the commission. The purpose of the liaisons is to provide guidance to the commission in matters pertaining to city administration and Home Rule Charter affairs, and to provide interface with city staff, the city attorney, and the full city council in any matters that may arise. City council liaisons shall not have the right to vote in any matter before the commission, but shall have the right to fully participate in all discussions of matters that come before the commission.
(b) The appointment of liaisons by the mayor shall be at the second meeting in June of each year.
(Code 2001, § 9.905; Code 2010, § 1.04.035)

Sec. 2-68. - Officers.
(a) The officers of the commission shall be a chairperson or chair, a vice-chairperson, and a secretary.
(b) At its first meeting on September 1 of each year, the membership of the commission shall determine by majority vote the chairperson, vice-chairperson and secretary. Those positions shall be for a period of one year, or until the first meeting after September 1 of the following year.
(c) Vacancies that occur in office are to be filled as follows:
(1) In the event of a vacancy or incapacity of the chairperson, the vice-chairperson shall become the chair for the unexpired portion of the term.
(2) Vacancies that occur in the other offices shall be filled by special election for the unexpired term.
(3) Vacancies occurring in any office shall be filled at the next meeting of the commission.
(d) Duties of the officers shall be as follows:
(1) Chairperson.
   a. Preside at all meetings.
   b. Represent the board at public functions.
   c. Appoint special committees.
   d. Provide an agenda for each meeting, including an item requested by any other board member, or by the director of the department with whom this commission directly interfaces. The agenda shall be provided to the city secretary no less than five working days prior to any meeting to provide proper posting notice in accordance with state open meetings laws.
   e. Schedule meetings of the commission, if other than the pre-established time, day, or week of the month.
   f. Report to the mayor and city council.
   g. The chair shall be entitled to vote on matters coming before the commission.
(2) Vice-chairperson. Assist the chairperson in directing the affairs of the commission and act in the chair's absence.
(3) Secretary.
   a. Is responsible for the accuracy of the minutes of the commission's meetings. A draft copy of those minutes will be provided to the city secretary within three working days following any meeting.
   b. Shall sign the approved minutes.
Sec. 2-69. - Donations, solicitations and fundraising activities; expenditures.
The commission shall obtain authorization from the city council through its liaison prior to seeking any donations, engaging in any solicitations, or other fundraising activity. All other revenues derived from fundraising activities shall be deposited into the city general fund and utilized to support related activities as determined by the city council during the budgeting process or review for all city departments. No debts of any kind or character shall be made or incurred by the commission or anyone acting on its behalf without the express authority of the city council.
   (Code 2001, § 9.907; Code 2010, § 1.04.037)
Sec. 2-70. - Meetings.
The commission shall hold regular meetings as needed or required, but in no case shall these meetings be held less often than once each calendar year. The commission shall, by majority vote, determine the time and place of those scheduled meetings. Variations from this schedule will be on an as-needed basis to be determined and scheduled by the chairperson. A quorum shall consist of a majority of the regularly appointed members serving on the commission at that time. Council liaisons shall not be counted to constitute a quorum. The meetings shall be conducted under the requirements of Robert's Rules of Order with the chairperson presiding at each meeting, or the vice-chairperson in the chairperson's absence. The secretary of the commission shall record the minutes of the proceedings of the meetings and shall submit the same to the city manager through the city secretary as previously described for inclusion in the monthly report from the city manager to the city council. All meetings shall be open to the public and shall be conducted in accordance with V.T.C.A., Government Code ch. 551, the Open Meetings Act.
   (Code 2001, § 9.908; Code 2010, § 1.04.038)
Sec. 2-71. - Assistance by city staff.
   (a) City departments are to furnish the commission with reports and services at the direction of the city manager or city council.
(b) The commission may receive reports, advice and available services from the various city departments as required and directed by the city manager or his designated representative. The city staff will be available for advice and consultation, and shall cooperate with and render such services for the commission as shall be reasonably necessary for the operations of the commission.
(Code 2001, § 9.909; Code 2010, § 1.04.039)
Charter reference— Charter review commission, § 13.05.
Secs. 2-72—2-100. - Reserved.
DIVISION 3. - CRIME CONTROL DISTRICT BOARD OF DIRECTORS[1]

Footnotes:
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Sec. 2-101. - New members.
Upon completion of the appointment process, new directors shall be encouraged to become familiar with all aspects, duties and responsibilities of the board of directors of the Watauga Crime Control District (WCCD). The WCCD secretary shall furnish the telephone numbers of other board members and staff, the governing regulations, and any other pertinent information to the new director within seven days of the new director's appointment.
(Code 2001, § 9.1002; Code 2010, § 1.04.211)
Secs. 2-102—2-106. - Reserved.
DIVISION 4. - BOARD OF APPEALS

Sec. 2-107. - Creation; powers and duties.
There is hereby created for the city a board which shall be known as the "board of appeals". The board of appeals shall have the power to hear and decide appeals of orders, decisions, or determinations made by the city's building official or fire code official regarding the application or interpretation of the Building Code or Fire Code currently adopted by the city.
(Ord. No. 1556, § I(Exh. A), 5-19-2014)
Sec. 2-108. - Composition; appointment and removal of members; terms of office.
(a) The board of appeals shall consist of five members. An interview committee composed of three members of the city council shall be appointed by the mayor for a term of one year (October 1 through September 30) to interview applicants to fill vacancies on the board of appeals. Members of the interview committee, individually, or as a group, shall submit the names of those recommended for appointment to the mayor. No person shall be recommended for appointment to the mayor by a member of the interview committee unless they have been interviewed by at least one member of the interview committee. The mayor, subject to the approval and consent of the city council in an open meeting, shall appoint members to the board of appeals. Members of the board of appeals may be removed by a majority vote of the city council.
The board of appeals shall recommend to the mayor and city council removal of any member who is absent from two consecutive meetings without first notifying the chair or the city secretary's office by 12:00 noon of the meeting date and/or fails to exhibit a general interest in the endeavors of the board. Two consecutive absences by a member, whether or not the member first notifies the chair or the city secretary's office by 12:00 noon of the meeting date, shall require a specific agenda item at the next regularly scheduled meeting to determine if the reasons for the absences are sufficient to be excused or constitute a failure to exhibit a general interest in the endeavors of the board. Members serve at the pleasure of the city council and may be removed at the discretion of the council.
(b) Members of the board of appeals serve for a two year term, but may be reappointed for consecutive terms.

(c) Places 1, 2, 3 on the board of appeals shall have terms of office that expire on September 30 of odd-numbered years. Places 4 and 5 on the board of appeals shall have terms of office that expire on September 30 of even-numbered years. Vacancies shall be filled by appointment for the unexpired term by the recommendation of the mayor with the consent and approval of the city council.

(d) The city’s building official and fire code official shall be ex officio members of the board of appeals and shall not vote on any matters before the board of appeals.


Sec. 2-109. - Residency; qualifications.

(a) Members of the board of appeals are not required to be residents of the City of Watauga.

(b) No voting member of the board of appeals shall be a city employee.

(c) The city council shall endeavor, to the extent reasonably available, to appoint members to the board of appeals who have sufficient training or experience in matters relating to building construction, fire hazards, explosions, hazardous conditions, and fire protection systems.

(Ord. No. 1556, § I(Exh. A), 5-19-2014)

Sec. 2-110. - Officers.

(a) The officers of the board of appeals shall be a chairperson, vice-chairperson, and a secretary. The officers shall be selected from the voting members of the board of appeals, however the city secretary may be appointed as the secretary.

(b) At its first meeting in October of each year, the membership of the board of appeals shall determine by a majority vote the chairperson, vice-chairperson and secretary. Officers shall serve for a period of one year, or until the first meeting after October 1 of the following year.

(c) Vacancies that occur in office are to be filled as follows:

(1) In the event of a vacancy or incapacity of the chairperson, the vice-chairperson shall serve as the chairperson for the unexpired portion of the term.

(2) Vacancies that occur in other offices shall be filed by a majority vote of the board of appeals for the unexpired terms.

(3) Vacancies occurring in any office shall be filled at the next meeting of the board of appeals.

(d) Duties of the officers shall be as follows:

(1) Chairperson.

a. Preside at all meetings.

b. Schedule meetings.

c. The chairperson shall be permitted to vote on all issues coming before the board of appeals.

(2) Vice-chairperson.

Assist the chairperson in directing the affairs of the board of appeals and act in the chairperson's absence.

(3) Secretary.

a. Is responsible for creating and maintaining the minutes of the board of appeals' meetings. A copy of the minutes will be provided to the city secretary within three working days following any meeting. The minutes shall reflect the vote of each member, or if a member is absent or abstaining shall indicate that fact.

b. Sign the approved minutes.

(Ord. No. 1556, § I(Exh. A), 5-19-2014)

Sec. 2-111. - Rules of order.

The board of appeals may adopt rules and procedures for the conduct of meetings. The rules and procedures of the board of appeals shall be adopted and approved by the city council. Any suggested modifications to the adopted rules and procedures shall first be submitted to the city council for approval. An approved copy of these rules and procedures, and any amendments thereto, shall be
filed in the office of the city secretary and be made available for public inspection during regular business hours. The edition of Robert’s Rules of Order adopted by the city council shall be the final authority on all questions of procedure and parliamentary laws not covered by the rules and procedures of the board of appeals.
(Ord. No. 1556, § I(Exh. A), 5-19-2014)
Sec. 2-112. - Meetings.
(a) A quorum shall consist of three voting members of the board of appeals and shall be required to conduct official business.
(b) The chairperson shall establish the date and time for each meeting.
(c) All meetings shall be open to the public and shall be conducted in accordance with the Texas Open Meetings Act, as now or hereafter amended.
(Ord. No. 1556, § I(Exh. A), 5-19-2014)
Sec. 2-113. - Compensation of members; expenditures.
(a) All members of the board of appeals shall serve without compensation.
(b) No debts of any kind or character shall be made or incurred by the board of appeals or anyone acting on its behalf without express authority of the city council.
(Ord. No. 1556, § I(Exh. A), 5-19-2014)
Sec. 2-114. - Assistance by city staff.
(a) City departments are to furnish the board of appeals with reports and services at the direction of the city manager or city council.
(b) The board of appeals may receive reports, advice and available services from the various city departments as required and directed by the city manager or his designated representative.
(Ord. No. 1556, § I(Exh. A), 5-19-2014)
Sec. 2-115. - Appeals.
(a) Any person who is affected by a decision of the building official or fire code official may appeal an application or interpretation of the substantive provisions of the building code or fire code. An appeal must be based on a claim that the building code or fire code was improperly interpreted, the provisions of the Code do not fully apply, or an equivalent method of construction or protection exists.
(b) An appeal must be filed in writing with the city secretary. The notice of appeal shall be filed within ten business days after any decision or interpretation is made or a permit is refused or disapproved. A nonrefundable fee in the amount set forth in the fee schedule in Appendix A of this Code shall be delivered to the city secretary at the time of filing the appeal.
(c) Appeals shall be placed on the agenda of the board of appeals for a hearing. The secretary shall notify all necessary parties of the date, time and location of the hearing. Parties may appear before the board of appeals in person or through counsel.
(d) A decision by the building official or fire code official involving a hazardous situation to life or property shall remain in full effect pending the final decision of the board of appeals. A determination of whether a hazardous situation to life or property exists shall be made by the building official or fire code official.
(e) The building official and fire code official shall transmit to the board of appeals all records and data in the city’s possession that is relevant to the appeal. The board of appeals may require such additional data, tests, or expert professionals as it deems necessary to render a decision.
(f) A majority vote of a quorum of the board of appeals is required to overturn or modify a decision of the building official or fire code official. The board of appeals shall have no authority to waive any provisions contained in the building code or fire code, but may determine that a provision contained in the building code or fire code does not apply or that an equivalent method of construction or protection is suitable. The building official and fire code official shall enforce and execute all decisions and orders of the board of appeals.
(g) Each decision of the board of appeals shall be in writing, signed by the members rendering the
decision and maintained in the office of the city secretary.
(Ord. No. 1556, § I(Exh. A), 5-19-2014)
Secs. 2-116—2-120. - Reserved.

ARTICLE IV. - OFFICERS AND EMPLOYEES[2]

Footnotes:
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Charter reference— City manager, § 7.01; city secretary, § 7.02; residency requirements, § 7.06;
employee grievances, § 7.08; judge of the municipal court, § 8.02; clerk of the municipal court, § 8.03;
city attorney, § 8.04; personal financial interest, § 14.02; nepotism, § 14.03; bond for city employees,
State Law reference— Authority of city to appoint, remove and prescribe duties for officers, V.T.C.A.,

DIVISION 1. - GENERALLY

Sec. 2-131. - Standard of care for emergency actions by city officers, agents or employees.
Every officer, agent or employee of the city, while responding to emergency calls or reacting to
emergency situations, regardless of whether any declaration of emergency has been declared or
proclaimed by a unit of government or subdivision thereof, is hereby authorized to act or not to act in
such a manner to effectively deal with the emergency. An action or inaction is effective if it in any way
contributes or can reasonably be thought by the provider of such emergency service to contribute to
preserving any lives or property. This section shall prevail over every other ordinance of the city and,
to the extent to which the city has the authority to so authorize, over any other law establishing a
standard of care in conflict with this section. Neither the city, nor the employees, agents or officers
thereof, shall be liable for failure to use ordinary care in such emergency. It is the intent of the city
council, by passing this section, to assure effective action in emergency situations by those entrusted
with the responsibility of saving lives and property by protecting such government units from liability
and their employees, agents and officers from non-intentional tort liability to the fullest extent
permitted by statutory and constitutional law. This section shall be liberally construed to carry out the
intent of the city government.
(Code 2001, art. 5.300; Code 2010, § 9.01.001)
State Law reference— Authority for above ordinance, V.T.C.A., Civil Practice and Remedies Code §
101.055.

Sec. 2-132. - Police officers' and firefighters' civil service.
The proposition submitted to the qualified voters of the city at a special election held May 7, 2005, was
approved; therefore, as a result of said election, the city council does hereby adopt V.T.C.A., Local
(Code 2001, art. 9.1800; Code 2010, § 9.01.002)
State Law reference— Firefighters' and police officers' civil service, V.T.C.A., Local Government Code
ch. 143.

Sec. 2-133. - State retirement system; ordinances on file.
The specific ordinances providing for participation in the Texas Municipal Retirement System, as
adopted by the city, are not included in this article, but they are hereby specifically saved from repeal
and shall be maintained on file in the office of the city secretary.
(Code 2010, § 9.02.001)
851 et seq.
Secs. 2-134—2-164. - Reserved.
DIVISION 2. - ETHICS[3]

Footnotes:
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Sec. 2-165. - Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
City council means the legislative and governing body of the city, consisting of the mayor and city council members.
Employee means any person employed by the city, including those individuals on a part-time basis, but shall not mean any independent contractor hired by the city.
Gain means to obtain an increase, profit, improvement, advancement, advantage, or benefit in wealth, earnings, profits, value, appreciation, power or position.
Officer or official means any member of the city council and any appointed member of a board, commission or committee set up by ordinance, charter, state law or otherwise, on a temporary or permanent basis, excluding those boards, commissions or entities not operating under the direct authority of or subject to the direct control of the city council.
Relative means any person related to an officer or employee within the first degree by consanguinity or affinity, and shall include a spouse, father, mother, son, daughter, brother, or sister. The term "relative" shall also include persons presently married to an officer's or employee's father, mother, son, daughter, brother, or sister.
(Code 2001, § 9.201; Code 2010, § 9.03.001)

Sec. 2-166. - Standards of conduct for all officers and employees.
(a) No officer or employee of the city shall:
(1) Have a financial interest, direct or indirect, in any contract with the city, nor shall be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies or service. The financial interest contemplated under this article requires that the officer or employee receive an actual financial benefit from the transaction with the city. An actual financial benefit from the transaction shall not include:
a. An ownership in the entity transacting with the city where the ownership interest is less than one percent of the entity.
b. Compensation or benefits as an employee, officer or director of the entity transacting business with the city where such compensation is not affected by the entity's transaction with the city.
(2) Participate in a vote or decision on any matter in which the officer or employee has a direct or indirect financial interest or in which a relative of the officer or employee has a direct or indirect financial interest. It is expressly provided herein that an investment or ownership in a publicly held company in an amount less than $3,500.00 does not constitute a prohibited financial interest under this article.
(3) Accept from any person a gift, favor, gratuity or thing of value (other than a campaign contribution) having a monetary value of more than $25.00 that might reasonably tend to influence him in the discharge of his official duties or business, or grant in the discharge of his official duties any improper favor, service or thing of value. The term "person" means any firm, business, contractor or individual that is currently conducting business with the city or that may have a special interest where actions of the officer or employee would benefit the firm, business, contractor or individual in the future. An officer or employee that receives an unsolicited benefit that he is prohibited from accepting
may donate the benefit to a governmental entity that has authority to accept the gift or favor or may
donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious
or scientific purposes. Any officer or employee that receives any gift or favor valued at more than
$25.00 shall submit a detailed accounting to the city secretary within seven days of receipt, to include
the date received, name of the benefactor, the gift, favor, gratuity or thing of value conferred and how
such was utilized or applied. On December 31 of each year, any officer or employee that has
accepted and received gifts or favors during the prior 12 months shall file a report with the city
secretary listing the total monetary value of gifts and favors in excess of $25.00. Such report shall
include the date that the benefit is received, the name of the benefactor, the benefit received and how
such benefit was utilized or applied.

(4) Grant any special consideration, treatment or advantages to any citizen, individual, business
organization or group beyond that which is normally available to every other citizen, individual,
business organization or group. This provision shall not be interpreted to prevent the granting of fringe
benefits to city employees as a part of their contract of employment or as an added incentive to the
securing or retaining of employees. This provision shall not be interpreted as to prevent city
employees from negotiating payment plans for individuals or organizations indebted to the city.

(5) Disclose information, except as required by law, that could adversely affect the property,
government or affairs of the city; nor directly or indirectly use any information gained solely by reason
of his official position or employment for his own personal gain or benefit or for the private interest of
others.

(6) Disclose confidential information relating to city matters that is not otherwise deemed public
information by the Texas Open Records Act (V.T.C.A., Government Code ch. 552) or Texas Open

(7) Accept any other employment incompatible with the full and proper discharge of his duties and
responsibilities with the city or which might impair his independent judgment in the performance of his
public duty.

(8) Receive any fee or compensation for his services as an officer or employee of the city from any
source other than the city, except as may otherwise be provided by law. This shall not prohibit his
performing the same or other services for a private organization that he performs for the city if there is
no conflict with his duties and responsibilities.

(9) While in uniform or on active duty or in the course and scope of his employment, use the
influence or prestige of his position or employment with the city for or against any candidate for any
elective office of the city. All officers and employees are encouraged to register and vote as they may
choose in all local, state and national elections.

(10) Knowingly perform or refuse to perform any act to deliberately thwart the execution of the city
ordinances, rules or regulations or the achievement of official city programs.

(11) Use city supplies, equipment or facilities for any purpose other than the conduct of official city
business, unless otherwise provided for by law, ordinance or city policy, except that officers of the city
police department shall be permitted to utilize city-issued equipment in the performance of secondary
employment where such use does not generate any additional expense to the city and such
secondary employment calls for the use of such equipment in connection with the employment
function. Otherwise, no city council member, officer, employee or volunteer shall utilize city supplies,
services, equipment or personnel for gain, be it personal, political or business purpose. This provision
shall not be construed to prohibit any person from utilizing city communications, equipment, supplies,
property, equipment or facilities for incidental personal matters so long as such use is not excessive
and does not interfere with, detract from, delay, or hinder city operations. This provision shall not
prevent the granting of fringe benefits to city employees as part of their contract of employment or as
an added incentive to the securing or retaining of employees.
(b) Nothing within the prohibitions set forth in subsection (a) of this section shall be construed to prohibit city employees or officials from receiving discounted or complimentary meals, beverages, telephone access or similar de minimis benefits from merchants, businesses or individuals if no benefit is expected, received or conferred upon the merchant, business or individual and the acceptance of such de minimis benefit does not influence any employee or officer in the discharge of official duties or business. Furthermore, nothing within the above enumerated prohibitions shall be construed to prohibit city employees from receiving discounts on clothing, supplies or equipment used on the job.


Sec. 2-167. - Additional requirements for city council members.

(a) Any member of the city council having an interest or having a relative with any interest in any property within 200 feet of the property which is the subject of an amendment to the comprehensive zoning ordinance or on which a change in zoning is requested shall file a written affidavit stating the nature and extent of such interest and shall disqualify themselves from voting or participating in a decision relative to any amendment to the city's comprehensive zoning ordinance or any change in the zoning classification of subject property. Any such member who has any such interest is legally disqualified from participating in any vote or decision as to the change in zoning classification.

(b) If a member of the city council is required to file and does file an affidavit as required in the preceding subsection, the member is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the city council is composed of members who are likewise required to file and who do file an affidavit of similar interests on the same official action.

(c) In the event that any matter comes before the city council involving directly or indirectly the interest of a present business client or customer of any city council member or the interest of a person or entity who has been a business client or customer of any council member within the prior 12 months, and funds received by the council member or the entity for which he is employed from the past/present business client/customer amount to the sum of $10,000.00 or more in gross income during such 12-month period, and such fact is known to the city council member, then that city council member shall disclose, by written affidavit, the existence of such interest to the other city council members and thereafter disqualify himself from voting in the matter and refrain from attempting to influence the vote of any other city council member.

(d) No city council member who is on the board of a nonprofit organization may vote on any funding request by that nonprofit organization, unless the nonprofit organization has a board of directors or trustees appointed in whole or in part by the city council.

(e) If a member of the city council meets with a builder, developer, or others who are requesting or have requested any action by the city council, they shall never make a commitment regarding such request and shall immediately inform other members of the city council with the information provided by or to them regarding such meetings.

(Code 2001, § 9.203; Code 2010, § 9.03.003)

Sec. 2-168. - Additional requirements for board members.

(a) Any member of the planning and zoning commission or zoning board of adjustment having interest or having a relative with any interest in any property within 200 feet of the property which is the subject of an amendment to the comprehensive zoning ordinance or on which a change of zoning is requested shall file a written affidavit with the city secretary stating the nature and extent of such interest and shall disqualify themselves from voting or participating in a decision relative to any amendment to the city's comprehensive zoning ordinance or any change in the zoning classification of subject property. Any such member who has any such interest is legally disqualified from participating in any vote or decision to the change in zoning.
(b) If a member of a board or commission is required to file and does file an affidavit as required in the preceding subsection, the member is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of that board or commission is composed of members who are likewise required to file and who do file an affidavit of similar interests on the same official action.

(c) Members of the planning and zoning commission or zoning board of adjustment are prohibited from meeting individually or as small groups with anyone who is requesting any action by that respective board/commission.

(Code 2001, § 9.204; Code 2010, § 9.03.004)

Sec. 2-169. - Disclosure of financial interest.
Any officer or employee, whether elected, appointed or hired, who has a prohibited financial interest or who has a relative with a prohibited financial interest in any matter pending before the city shall disclose such interest to other members of the city council, committee, commission or board of which he is a member or, in the case of an employee, to his immediate supervisor, and shall refrain from further discussion of the matter, shall not be physically present when the subject is discussed in any executive session, and shall not vote on or participate further therein in any matter.

(Code 2001, § 9.205; Code 2010, § 9.03.005)

Sec. 2-170. - Disclosure of real property interest.
Within 30 days of election or appointment to office, every city council member shall file a written statement with the city secretary identifying the existence and location of any real property in the city in which the city council member has any financial interest, including any interest of one percent or more in any entity which has a financial interest in any real property in the city. Every council member shall also file a written statement with the city secretary identifying the existence and location of any additional real property in the city in which the city council member has any financial interest, including any interest of one percent or more in any entity which has a financial interest in any real property in the city, which was acquired or conveyed after filing the original report.


Sec. 2-171. - Affidavit regarding prohibited interest to be included in contracts with city.
All contracts in excess of $5,000.00 entered into by any person, corporation or entity seeking to do business with the city shall contain an affidavit executed by a legally authorized party to the effect that no person included within the defined term of "officer" or "employee" in this article has or will have during the term of said contract any prohibited interest as defined in the city charter and this article. The affidavit shall include an acknowledgment and acceptance by the affiant that the existence of a prohibited interest at any time during the term of said contract will render the contract voidable.

(Code 2001, § 9.207; Code 2010, § 9.03.007)

Sec. 2-172. - Complaints against city council member.
(a) All complaints or allegations of a violation of this article against a city council member shall be made in writing, sworn to before a notary public, and filed of record with the city secretary. The city secretary shall forward the complaint to the city attorney. Such complaint shall describe in detail the acts complained of and the specific sections of this Code alleged to have been violated. As determined by the city attorney, a general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein, and anonymous complaints shall not be considered.

(b) Within five business days after receipt, it shall be the duty of the city attorney to make the initial determination/evaluation of the complaint as to whether or not the facts alleged, if true, would at face value constitute a violation of this Code of conduct. If it is determined by the city attorney that the facts as alleged would not constitute a violation, then, in accordance with the notice requirements of the Texas Open Meetings Act (V.T.C.A., Government Code ch. 551), the city attorney shall present a written report describing in detail the nature of the complaint and the finding of the city attorney to the
city council at its next regularly scheduled meeting. A majority of those city council members not implicated by the allegations may either invoke the investigatory procedure contained herein consistent with section 3.10 of the Home Rule Charter or reject the complaint. Any vote to reject the complaint shall be in a public hearing called for that purpose.

(c) If it is determined by the city attorney that the facts as alleged could constitute a violation of this article, then the city attorney shall, within five business days after receipt of the complaint, notify the mayor and city council of the existence of and the nature of the complaint. The mayor or any two members of the city council may cause a meeting of the city council to convene, whether regular or special, within three business days after being so notified by the city attorney, to further consider said complaint in executive session. At said meeting, the city attorney shall present a written report to the city council describing in detail the nature of the complaint and his finding and conclusions as to a possible violation of this article. If in any event, within two business days after the rendering of said report, the city attorney shall select and appoint an independent private investigator to fully investigate the alleged improprieties. This private investigator shall report back to the city attorney in writing as soon as possible but in no event more than 15 calendar days from the day of appointment, unless an extension is granted by a majority of the eligible city council members. Said report shall be comprehensive and explain in detail all facts, findings and conclusions in support of the city attorney opinion as to whether or not a violation of this article occurred.

(d) The city council shall consider the findings of said report at the meeting at which it is presented, at which time the person accused shall have the right to a full and complete hearing with the opportunity to call witnesses and present evidence on his behalf. No final action, decision or vote with regard to any matter shall be made except in a meeting which is open to the public.

(Code 2001, § 9.208; Code 2010, § 9.03.008)

Sec. 2-173. - Violations by city council members.
The failure of a city council member to comply with or who violates one or more of the standards of conduct in this article which apply to him shall constitute grounds for reprimand. Such reprimand shall require a two-thirds vote of the eligible city council members. Offenses committed in violation of the Home Rule Charter shall be punished in accordance with the terms of the Home Rule Charter.

(Code 2001, § 9.209; Code 2010, § 9.03.009)

Sec. 2-174. - Complaints against officers other than city council members.

(a) All complaints or allegations of a violation of this article against an officer of the city other than a city council member shall be made in writing, sworn to before a notary public, and filed of record with the city secretary. Such complaint shall describe in detail the act or acts complained of and the specific sections of this article alleged to have been violated. A general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein, and anonymous complaints shall not be considered. The sworn complaint shall be forwarded to the city attorney within three business days.

(b) Within five business days after receipt, it shall be the duty of the city attorney to make the initial determination/evaluation of the complaint as to whether or not the facts alleged, if true, would at face value constitute a violation of this article. The city attorney shall assign a unique number to each complaint. If it is determined by the city attorney that the facts as alleged would not constitute a violation, then, in accordance with the notice requirements of the Texas Open Meetings Act (V.T.C.A., Government Code ch. 551), the city attorney shall present a written report describing in detail the nature of the complaint and the finding of the city attorney to the city council at its next regularly scheduled meeting. At that meeting, the city council may either invoke the investigatory procedure contained herein consistent with section 3.10 of the Home Rule Charter or reject the complaint, but any vote to reject the complaint shall be in a public hearing called for that purpose. The name, title or position of the employee the subject of any unfounded complaint shall not be disclosed or made the
subject of discussion in the public hearing. All complaints shall be discussed in open meeting by reference to the unique number only with no mention of the employee's name unless and until the complaint is determined to be valid. Complaints determined to be unfounded shall continue to be referred to by unique number only unless the employee consents to the release of his name, in writing, to the city secretary.
(c) If it is determined by the city attorney that the facts as alleged could constitute a violation of this article, then the city attorney shall, within five business days after receipt of the complaint, notify the mayor and city council of the existence and nature of the complaint. The mayor or any two members of the city council may cause a meeting of the city council to convene, whether regular or special, within three business days after being so notified by the city attorney and shall immediately proceed to fully investigate the alleged improprieties.
(d) Said report shall be comprehensive and explain in detail all facts, finding and conclusions in support of the city attorney's opinion as to whether or not a violation of this article occurred.
(e) The city council shall consider the findings of said report at the meeting at which it is presented, at which time the person accused shall have the right to a full and complete hearing with the opportunity to call witnesses and present evidence on his behalf. No final action, decision or vote with regard to any matter shall be made except in a meeting which is open to the public.

(Code 2001, § 9.210; Code 2010, § 9.03.010)
Sec. 2-175. - Violations by officers and employees.
(a) The failure of an officer to comply with or who violates one or more of the standards of conduct in this article shall constitute grounds for expulsion, termination, reprimand or removal from office to the extent allowed by the law.
(b) In the case of any employee of the city, disciplinary action and appeals therefrom shall be in conformance with procedures established by the Home Rule Charter and personnel rules and regulations.
(Code 2001, § 9.211; Code 2010, § 9.03.011)
Sec. 2-176. - Business transactions between city and current or former elected officials.
The city shall be prohibited from conducting business with any elected official during terms of office or for two years after completing such term. This prohibition shall also apply to any business in which current or former elected officials have a minimum of ten percent interest in such company. This section shall not apply in situations whereby a former council member is appearing in their capacity as a private citizen only.
(Code 2001, § 9.212; Code 2010, § 9.03.012)
Sec. 2-177. - Applicability of state law.
The provisions of V.T.C.A., Local Government Code ch. 171, being the statute which regulates conflicts of interest of officers of municipalities in the state, is hereby adopted and made a part of this article for all purposes, with the provision that, in the case of a conflict between the provisions of this article and the state statute, then in that event the more restrictive provision shall govern.
(Code 2001, § 9.213; Code 2010, § 9.03.013)
Secs. 2-178—2-207. - Reserved.
ARTICLE V. - FINANCE
DIVISION 1. - GENERALLY
Sec. 2-208. - Persons authorized to sign checks.
(a) The designation of four individuals to be authorized to sign checks and drafts and execute all other banking needs for the city will be done by adopting a resolution designating the four authorized positions.
(b) Two of the four authorized individuals shall cosign together in order to transact banking needs on behalf of the city.
(c) It shall be the responsibility of the city manager or his appointee to keep all bank signature cards current with the change of persons holding each of the four authorized positions.

(Code 2001, art. 9.500; Code 2010, § 1.02.004)

Sec. 2-209. - Fee for accident reports.
The city shall collect a fee for each accident report requested.

(Code 2001, § 1.616; Code 2010, § 1.02.005)


Secs. 2-210—2-226. - Reserved.

DIVISION 2. - CLAIMS AGAINST CITY[4]

Footnotes:
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Sec. 2-227. - Written notice required.
(a) The city shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in his behalf, or, in the event the injury results in death, the person who may have a cause of action under the law by reason of such death or injury, shall, within six months from the date the incident giving rise to the claim occurred, give notice in writing to the city manager or city secretary of the following facts:
(1) The damage or injury claimed;
(2) The time and place of the incident; and
(3) The incident.
(b) The notice requirements provided by subsection (a) of this section do not apply if the city has actual notice that death has occurred, that the claimant has received some injury, or that the claimant's property has been damaged.

(Code 2001, § 1.801; Code 2010, § 1.02.031)


Sec. 2-228. - Service of notices.
All notices required by this division shall be effectuated by serving them upon the city secretary or city manager at the following location: City of Watauga Municipal Complex, 7101 Whitley Road, Watauga, Tarrant County, Texas, and all such notices shall be effective only when actually received in the office of the person named above.

(Code 2001, § 1.803; Code 2010, § 1.02.033)

Sec. 2-229. - Waiver of requirements.
Neither the mayor, a city council member, nor any other officer or employee of the city shall have the authority to waive any of the provisions of this division or section 14.05 of the Home Rule Charter for the city.

(Code 2001, § 1.804; Code 2010, § 1.02.034)

Secs. 2-230—2-251. - Reserved.

ARTICLE VI. - RECORDS MANAGEMENT[5]

Footnotes:
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DIVISION 1. - GENERALLY

Secs. 2-252—2-280. - Reserved.

DIVISION 2. - RECORDS MANAGEMENT PROGRAM[6]

Footnotes:
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Sec. 2-281. - Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Department head means the officer who, by ordinance, order, or administrative policy is in charge of an office of the city that creates or receives records.
Electronic storage means the maintenance of municipal records in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium.
Essential record means any record of the city necessary to the resumption or continuation of operations of the city in an emergency or disaster, to the re-creation of the legal and financial status of the city, or to the protection and fulfillment of obligations to the people of the state.
Municipal records means all documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information-recording media, including records which are electronically stored, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the city or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the city and shall be created, maintained and disposed of in accordance with the provisions of this division or procedures authorized by it and in no other manner.
Permanent record means any record of the city for which the retention period on a records control schedule is given as permanent.
Records control schedule means a document prepared by or under the authority of the records management officer listing the records maintained by the city, their retention periods and other records disposition information that the records management program may require.
Records liaison officers means the persons designated under section 2-289.
Records management means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other record storage systems.
Records management committee means the committee established in section 2-285.
Records management officer means the person designated in section 2-284.
Records management plan means the plan developed under section 2-286.
Retention period means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. (Code 2001, § 1.601; Code 2010, § 1.06.031; Ord. No. 1513, § I, 10-22-2012)

Sec. 2-282. - City records declared public property.
All municipal records, as defined in section 2-281, are hereby declared to be the property of the city. No city official or employee has, by virtue of his position, any personal or property right to such records even though he may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. (Code 2001, § 1.602; Code 2010, § 1.06.032)

Sec. 2-283. - Policy.
It is hereby declared to be the policy of the city to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all city records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act (V.T.C.A., Local Government Code ch. 201 et seq.) and accepted records management practice. (Code 2001, § 1.603; Code 2010, § 1.06.033)

Sec. 2-284. - Designation of records management officer.
The city secretary and the successive holders of said office shall serve as records management officer for the city. As provided by state law, each successive holder of the office shall file his name with the director and librarian of the state library within 30 days of the initial designation or of taking up the office, as applicable. (Code 2001, § 1.604; Code 2010, § 1.06.034)


Sec. 2-285. - Records management committee.
A records management committee consisting of all department heads in the city is hereby established. The committee shall:
(1) Assist the records management officer in the development of policies and procedures governing the records management program;
(2) Review the performance of the program on a regular basis and propose changes and improvements if needed;
(3) Review and approve records control schedules submitted by the records management officer;
(4) Give final approval to the destruction of records in accordance with approved records control schedules; and
(5) Actively support and promote the records management program throughout the city. (Code 2001, § 1.605; Code 2010, § 1.06.035)

Sec. 2-286. - Records management plan to be developed; approval of plan; authority of plan.
(a) The records management officer and the records management committee shall develop a records management plan for the city for submission to the city council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the city and to properly preserve those records of the city that are of historical value. The plan must be designed to enable the records management officer to carry out his duties prescribed by state law and this division effectively.
(b) Once approved by the city council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and records shall be created, maintained, stored, microfilmed or disposed of in accordance with the plan.
(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head’s care from the application of this division and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the city.

(Code 2001, § 1.606; Code 2010, § 1.06.036)


Sec. 2-287. - Duties of records management officer.

In addition to other duties assigned in this division, the records management officer shall:

(1) Administer the records management program and provide assistance to department heads in its implementation;

(2) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;

(3) In cooperation with department heads, identify essential records and establish a disaster plan for each city office and department to ensure maximum availability of the records in order to reestablish operations quickly and with minimum disruption and expense;

(4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city;

(5) Establish standards for filing and storage equipment and for recordkeeping supplies;

(6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the city;

(7) Provide records management advice and assistance to all city departments by preparation of a manual of procedure and policy and by on-site consultation;

(8) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the city’s records control schedules are in compliance with state regulations;

(9) Disseminate to the city and department heads information concerning state laws and administrative rules relating to local government records;

(10) Instruct records liaison officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;

(11) Direct records liaison officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this division;

(12) Ensure that the maintenance, preservation, electronic storage, microfilming, destruction, or other disposition of city records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(13) Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(14) Report annually to the city on the implementation of the records management plan in each department of the city, including summaries of the statistical and fiscal data compiled under subsection (13) of this section; and

(15) Bring to the attention of the city council noncompliance by department heads or other city personnel with the policies and procedures of the records management program or the Local Government Records Act, V.T.C.A., Local Government Code ch. 201 et seq.

(Code 2001, § 1.607; Code 2010, § 1.06.037; Ord. No. 1513, § I, 10-22-2012)

Sec. 2-288. - Duties and responsibilities of department heads.
In addition to other duties assigned by this division, department heads shall:
(1) Cooperate with the records management officer in carrying out the policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this division;
(2) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his staff are responsible; and
(3) Maintain the records in his care and carry out their preservation, electronic storage, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this division.
(Code 2001, § 1.608; Code 2010, § 1.06.038; Ord. No. 1513, § I, 10-22-2012)
Sec. 2-289. - Designation of records liaison officers.
Each department head shall designate a member of his staff to serve as records liaison officer for the implementation of the records management program in the department. If the records liaison officer determines that, in the best interests of the records management program, more than one records liaison officer should be designated for a department, the department head shall designate the number of records liaison officers specified by the records management officer. Persons designated as records liaison officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the city maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a records liaison officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as records liaison officer for his department.
(Code 2001, § 1.609; Code 2010, § 1.06.039)
Sec. 2-290. - Duties and responsibilities of records liaison officers.
In addition to other duties assigned in this division, records liaison officers shall:
(1) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
(2) In cooperation with the records liaison officer, coordinate and implement the policies and procedures of the records management program in their departments; and
(3) Disseminate information to department staff concerning the records management program.
(Code 2001, § 1.610; Code 2010, § 1.06.040)
Sec. 2-291. - Records control schedules adopted; monitoring; filing with state.
(a) In lieu of filing amended and additional records control schedules, the city hereby adopts the state library and archives commission approved schedules that apply to different departments of the city.
(b) Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state.
(c) Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. The records management officer shall submit the records control schedules to the director and librarian.
(Code 2001, § 1.611; Code 2010, § 1.06.041)
Sec. 2-292. - Implementation of records control schedules; destruction of records under schedule.
(a) A records control schedule for a department that has been approved and adopted under section 2-286 shall be implemented by department heads and records liaison officers according to the policies and procedures of the records management plan.
A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject of the record is pertinent to a pending lawsuit, or the department head requests in writing to the records management committee that the record be retained for an additional period.

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer from the records management committee.

(Code 2001, § 1.612; Code 2010, § 1.06.042)

Sec. 2-293. - Destruction of unscheduled records.

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian an approved destruction authorization request.

(Code 2001, § 1.613; Code 2010, § 1.06.043)


Sec. 2-294. - Records center.

A records center, developed pursuant to the plan required by section 2-286, shall be under the direct control and supervision of the records management officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under section 2-286.

(Code 2001, § 1.614; Code 2010, § 1.06.044)

Sec. 2-295. - Electronic storage and micrographics.

Unless an electronic storage or micrographics program in a department is specifically exempted by order of the city council, all electronic storage or microfilming of records will be centralized and under the direct supervision of the records management officer. The records management plan will establish policies and procedures for the electronic storage or microfilming of city records, including policies to ensure that all electronic storage or microfilming is done in accordance with standards and procedures for the electronic storage or microfilming of local government records established in the Local Government Records Act (V.T.C.A., Local Government Code ch. 201 et seq.) or the rules of the state library and archives commission. The plan will also establish criteria for determining the eligibility of records for electronic storage or microfilming and protocols for ensuring that an electronic storage or microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the records management officer as to cost-effectiveness, administrative efficiency and compliance with commission rules.

(Code 2001, § 1.615; Code 2010, § 1.06.045; Ord. No. 1513, § I, 10-22-2012)


Secs. 2-296—2-323. - Reserved.

ARTICLE VII. - ABANDONED PROPERTY[7]

Footnotes:
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State Law reference— Disposition of abandoned or unclaimed property, Vernon's Ann. C.C.P. art. 18.17; disposition of stolen property, Vernon's Ann. C.C.P. art. 47.01 et seq.

Sec. 2-324. - Sale or disposal authorized.

All abandoned, stolen or recovered property of every kind, except motor vehicles, whiskey, wine, beer, gambling devices or equipment, gambling paraphernalia, criminal instruments or prohibited weapons,
which is not being held as evidence to be used in any pending case and has not been ordered destroyed or returned to the person entitled to possession of the same by a magistrate and which shall remain with the police department for a period of 30 days without being claimed or reclaimed by the owners, whether known or not, may be sold and/or disposed of in accordance with the specific provisions of Vernon's Ann. C.C.P. chs. 18 and 47.

(Code 2001, § 1.901; Code 2010, § 1.07.001)

Sec. 2-325. - Delivery to purchasing agent.
The chief of police shall provide to the purchasing agent of the city a list of all property subject to sale hereunder and a copy of all appropriate court disposal orders on property the subject of this article and shall thereafter deliver such property to the purchasing agent before the sale and take a receipt from such person showing in detail all the property so delivered. The purchasing agent shall with due diligence seek to notify the last known owner of the property in accordance with Vernon's Ann. C.C.P. chs. 18 and 47.

(Code 2001, § 1.902; Code 2010, § 1.07.002)

Sec. 2-326. - Notice of sale and public auction.
(a) If the property has a fair market value of $500.00 or more and the owner or the address of the owner is unknown, the purchasing agent shall cause to be published once in a newspaper of general circulation in the city a notice containing a general description of the property held, the name of the owner if known, the name and address of the officer holding such property, and a statement that if the owner does not claim such property within 90 days from the date of the publication such property will be disposed of and the proceeds, after deducting the reasonable expense of keeping such property and the costs of the disposition, placed in the treasury of the city. If the property has a fair market value of less than $500.00 and the owner or the address of the owner is unknown, the purchasing agent may sell or donate the property. The purchasing agent shall deposit the sale proceeds, after deducting the reasonable expense of keeping the property and costs of the sale, in the treasury of the city.

(b) The sale under this section of any property that has a fair market value of $500.00 or more shall be preceded by a notice published once at least 14 days prior to the date of such sale in a newspaper of general circulation in the city, stating the general description of the property, the names of the owner if known, and the date and place that such sale will occur. This section does not require disposition by sale.

(Code 2001, § 1.903; Code 2010, § 1.07.003)

State Law reference— Similar provisions, Vernon's Ann. C.C.P. art. 18.17(c), (d).

Sec. 2-327. - Time, place and method of sale; disposition of proceeds.
The public auction provided for in the preceding sections shall be conducted at the place and hour designated within the notice. All sales shall be for cash.

(Code 2001, § 1.904; Code 2010, § 1.07.004)

Sec. 2-328. - Disposition of prohibited weapons, criminal instruments, drugs and other contraband.
Prohibited weapons, criminal instruments and other contraband which have been taken into custody and have remained unclaimed, abandoned, or unidentified by the rightful owner thereof, and which are not being held as evidence in any pending case filed of record, shall be disposed of by the property office in accordance with Vernon's Ann. C.C.P. ch. 18. In cases where destruction is the method of disposal specified, the items or articles will be destroyed by the property officer in the presence of the chief of police and/or his designee and a minimum of one witness. The person witnessing such destruction shall sign the notarized destruction affidavit on the last page of the destruct order that applies to those articles or items destroyed. A copy of the order, the signed destruction affidavit and other appropriate documents will be forwarded to the purchasing agent. This section does not apply to the items which are deemed to be of value for display purposes as having
educational, historical, unique or antique value. Further, this section does not apply to pistols, rifles, shotguns or other weapons that may be lawfully sold or forfeited in the state. Such pistols, rifles, shotguns and other weapons shall be converted to departmental use and/or for disposition as other abandoned/unclaimed property.

(Code 2001, § 1.905; Code 2010, § 1.07.005)

Sec. 2-329. - Disposition of stolen property.
(a) If a criminal action relating to allegedly stolen property is not pending, the municipal judge may hold a hearing to determine the right to possession of the property, upon the petition of an interested person, a county, a city, or the state. The court shall:
(1) Order the property delivered to whoever has the superior right to possession, without conditions;
(2) On the filing of a written motion before trial by an attorney representing the state or city, order the property delivered to whoever has the superior right to possession, subject to the condition that the property be made available to the prosecuting authority should it be needed in future prosecutions; or
(3) Order the property awarded to the custody of the peace officer, pending resolution of criminal investigations regarding the property.
(b) If it is shown in a hearing that probable cause exists to believe that the property was acquired by theft or by another manner that makes its acquisition an offense and that the identity of the actual owner of the property cannot be determined, the court shall order the peace officer to:
(1) Deliver the property to a government agency for official purposes;
(2) Deliver the property to the purchasing agent; or
(3) Destroy the property.
(c) At a hearing under subsection (a) of this section, any interested person may present evidence showing that the property was not acquired by theft or another offense or that the person is entitled to possess the property. At the hearing, hearsay evidence is admissible.

(Code 2001, § 1.906; Code 2010, § 1.07.006)

State Law reference— Similar provisions, Vernon's Ann. C.C.P. art. 47.01a.
Secs. 2-330—2-346. - Reserved.
ARTICLE VIII. - CLEAN FLEET POLICY[8]

Footnotes:
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Sec. 2-347. - Emissions reduction.
The City of Watauga, Texas will reduce emissions from fleet activity by performing the following actions as practicable:
(1) Implement an idle-reduction policy/standard operating procedure (SOP) that applies to all of the city's vehicles and equipment, except where exempted as determined by the City of Watauga, Texas; communicate idle-reduction expectations to staff, vendors and visitors; and utilize idle-reduction technology.
(2) Maximize use of vehicles and equipment with the lowest emissions whenever possible.
(3) Ensure all conversions are EPA and/or California Air Resources Board (CARB) certified, ensure that aftermarket technologies are EPA and/or CARB verified, or are listed as an emerging technology by the EPA or a state environmental agency; and both conversions and aftermarket technologies are compatible with Texas Low Emission Diesel Program (TXLED) requirements.

(4) Establish a plan to modify non-essential fleet activities on high ozone days to reduce air quality impacts.

(5) Implement vehicle and equipment disposal strategies which minimize negative impacts on air quality.

(6) Implement vehicle and equipment emissions inspection practices which meet or surpass the standards required by statute, including prompt resolution of any illuminated malfunction indicator lamp (MIL).

(Res. No. 15-01-26-01, § 1, 1-26-2015)

Sec. 2-348. - Fuel consumption reduction.
The City of Watauga will reduce overall fuel consumption, particularly the use of conventional petroleum fuels, by performing the following actions as practicable:

(1) Pursue low-emission vehicles and equipment for acquisition, with an emphasis on alternative fuel, advanced technology, and/or Smartway certified vehicles and equipment.

(2) Improve overall fleet fuel efficiency.

(3) Establish practices to reduce vehicle miles traveled, passenger miles traveled, engine hours, and/or ton miles traveled, as appropriate.

(Res. No. 15-01-26-01, § 1, 1-26-2015)

Sec. 2-349. - Partnering with NCTCOG and DFWCC.
The City of Watauga will partner with the NCTCOG and DFWCC by performing the following actions as practicable:

(1) Maintain membership and active participation in DFWCC and submit timely Clean Fleet Policy reporting.

(2) Evaluate and consider participation in programs to rest/commercialize/demonstrate new technologies to improve efficiency, reduce emissions, and/or increase fuel efficiency.

(3) Pursue activities which support peer fleets' efforts to implement fuel—or emissions—reducing activities by sharing and maximizing resources.

(4) Encourage fleet activities which minimize water, solid waste, or other environmental impacts of fleet activities, as appropriate.

(Res. No. 15-01-26-01, § 1, 1-26-2015)

Sec. 2-350. - Training.
The City of Watauga will ensure that driver/operators and fleet personnel are familiar with air quality and petroleum reduction goals by performing the following actions as practicable:

(1) Provide in-house training and/or attending training administered by NCTCOG for fleet personnel and other staff involved in fleet decisions to review policy elements and provide recommendations for achieving objectives.

(2) Consider other mechanisms to increase understanding and awareness among fleet personnel and others.

(Res. No. 15-01-26-01, § 1, 1-26-2015)
Section 1 – GENERAL

Parliamentary law and the rules of procedure derived from such law are essential to all deliberative organizations so that they may consider all matters before them in an effective and efficient manner and produce results that are legal and binding. Moreover, such procedural safeguards ensure due process during deliberations among members of the organization while at the same time protecting the rights of both the group and each member. Accordingly, these rules of procedure establish guidelines to be followed by all persons attending City Council meetings, including members of the City Council, administrative staff, news media, citizens and visitors.

In addition to establishing rules of procedure to be followed at council meetings, this document is also intended to provide guidelines for council member conduct outside of council meetings when acting or conducting business as a member of the Watauga City Council.

Section 2 – AUTHORITY

The City Charter of Watauga, Texas [Adopted: January 19, 1980 and last amended November 5, 2019] provides in Article II (The Governing Body), Section 3.09 (Meetings and rules of procedure) that “The Council shall determine its own rules and order of business…” Thus, this Council Rules of Procedure and Code of Conduct Manual is established. This Council Rules of Procedure and Code of Conduct Manual shall be reviewed by the City Council at least every two years in an open meeting. In the event of any conflict between Texas State law, the City Charter and/or this Rules of Procedures Manual, Texas State law shall prevail and control. In the event of any conflict between the City Charter and this Rules of Procedures Manual, the City Charter shall prevail.

The parliamentary reference for the City Council is the most recent edition of Robert’s Rules of Order Newly Revised (RONR) (issued in odd-numbered years). When any issue concerning procedure arises that is not covered by the Rules of Procedure, the City Charter or state law, the Council will refer to RONR, which shall determine such procedural issue. RONR is merely a parliamentary reference and any failure to explicitly follow RONR shall not serve to negate any action taken by the City Council. For clarification purposes, the only way to second a motion is for a City Council Member to state “I second the motion” or a similar phrase.

Section 3 – MEETINGS

3.01. Texas Open Meetings Act

The City Council shall follow the Texas Open Meetings Act.

3.02. Regular Meetings

The City Council shall conduct regular meetings generally on the second Monday of every month. Regular meetings shall generally commence at 6:30 p.m. The regular meetings of the City Council shall be held at City Hall and are open to the public. The dress code for regular meetings is business casual.

3.03. Workshop Meetings

Workshop meetings are commonly scheduled by the City Manager; however, the Mayor or Members of the City Council are encouraged to request workshop topics during Items for Future
Agendas. Workshop meetings are normally conducted prior to regular meetings at 5:30 p.m. but may also be conducted at other times as well. The purpose of a workshop meeting is to exchange information between Council, staff, vendors or other groups. No official action is taken by Council during these meetings, but workshops shall be posted, and are open to the public. The dress code for workshop meetings is business casual.

3.04. Special Meetings

Any additional meetings may be scheduled by the Mayor, a minimum of three (3) Council Members or by the City Manager to occur outside of the second Monday of the month. Such meetings shall be posted and are open to the public. The dress code for special meetings is business casual, subject to modification by the City Council based on the circumstances (i.e. retreat, outdoor tour, etc.).

3.05. Agenda

a. The Mayor, each City Council Member, with the concurrence of a second Council Member, and the City Manager shall have the right to have matters of city business included on City Council meeting agendas. Agenda items, including any necessary or applicable supporting documents and materials to be included in agenda packets, shall be submitted in written form to the City Secretary at least fourteen (14) days prior to the agenda posting deadline. The Council Packet posting deadline for Regular City Council Meetings is the Wednesday before the Regular City Council Meeting and the agenda posting deadline for the public packet and for Special City Council meetings is 72 hours in advance of any Special City Council Meeting. The City Secretary will coordinate the placement of items on the agenda. Agenda items may be removed only by the person who initially placed that item on the agenda and such removal shall be made prior to the public posting of the official meeting notice. Agenda packets will be available to the City Council Members no later than 6:00 p.m. the Wednesday before each Regular City Council Meeting, and at least 72 hours in advance of any Special City Council Meeting. Amendments to items and supplemental items may be placed on the Agenda as necessary at the discretion of the City Manager if done so in accordance with the Texas Open Meetings Act.

b. Drafts of contracts, ordinances, resolutions, or other items requiring review should be submitted to the City Attorney in a manner and time sufficient to allow for their review prior to this submittal deadline.

c. A person other than the Mayor, a Council Member or the City Manager requesting that a matter or item be included on the City Council Meeting Agenda under New Business must complete the form attached hereto as Annex D and submit the same to the office of the City Secretary at least fourteen (14) days prior to the agenda posting deadline for which the request is made. If the Mayor, a Council Member or the City Manager determines that consideration of the item or items is in the best interest of the City, those items shall be placed on the City Council meeting agenda with the Mayor, Council Member or City Manager making the determination being listed as the sponsoring official. The sponsoring official needs to ensure all relevant materials concerning the agenda item are provided to the City Secretary's office at least fourteen (14) days prior to the agenda posting deadline for the City Council Meeting.

1) Any person wishing to make a presentation that includes video, or another form of
electronic media, must provide that information in digital format to the City Secretary’s Office no later than three (3) hours prior to the scheduled starting time of the meeting for review by the staff. City staff shall review the information as to form and content. The information shall not contain any statements, graphics or pictures that are offensive or reflect personal attacks on other individuals, the City Council members or City staff. The digital format must be compatible with the City’s technology equipment. The presentation will be tested prior to the meeting to ensure that it is compatible with the City’s equipment.

d. All matters of City business (agenda items), including supporting materials, shall be submitted to the City Secretary at least fourteen (14) days prior to the agenda posting deadline. The Mayor or the Mayor Pro-Tem, in the Mayor’s absence, may make exceptions to this requirement for Special City Council meetings, and in emergency cases, as determined by the Mayor or the Mayor Pro-Tem, in the Mayor’s absence.

e. There shall be no limitation as to the number of items that may be placed on the Consent Agenda. However, any council member shall have the right, at any time to request the removal of any item or items from the Consent Agenda. Such item or items shall be moved to New Business for purposes of discussion, debate or action. The Mayor of the City of Watauga, as presiding officer of the meeting, shall honor such a request.

f. There shall be no limitation as to the number of items under the Action Items category.

3.06. Minutes

Minutes of City Council meetings will be recorded and maintained by the City Secretary. The Minutes will include final motions with voting results. The minutes will also reflect the names of those citizens presenting public comments and public testimony. Minutes of meetings will generally be submitted to the City Council for approval at the next regularly scheduled meeting.

Section 4 - STANDARDS OF CONDUCT

4.01. Mayor and City Council Members

The Mayor and Council Members shall demonstrate civility to one another as individuals, for the validity of different opinions, for the democratic process, and for the community and citizens being served. Elected officials should exhibit appropriate behavior. The Mayor and all members of the City Council when authorized to vote, have equal votes and the Mayor and all Council Members speak only for themselves.

4.02. Council Relations with the Media

All proposed City press releases, media advisories, story suggestions, or similar items should be submitted through the City Manager for response or distribution to the Public Information Officer.

Any City related business that could gain media attention should be reported as soon as practical to the Mayor. The Mayor and City Manager shall consult to determine if the entire City Council should be notified of the matter. If determined the need to notify is appropriate, the City Manager or his/her designee shall attempt to notify each member of the City Council as soon as practical.
4.03. **City Staff (During Meetings)**

All remarks and questions addressed to the City Council by staff members may be addressed to the City Council as a whole and not to any individual member. City staff shall follow proper parliamentary procedure during meetings. The City Manager and City Attorney shall have the right to participate in all matters coming before the Council. The City Attorney and or City Secretary shall serve as the parliamentarian guide for all meetings. All department heads may take part in discussions of the Council relating to their respective offices, departments or agencies, subject to the provisions of the Texas Open Meetings Act.

4.04. **Citizens and Visitors**

a. The presiding officer will ensure that the decorum of the meeting is maintained and is appropriate.

b. No placards, banners, or signs will be permitted in the City Council chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Council, however, are permitted.

c. Citizen participation in the meetings is limited to a presentation of views and shall not be an opportunity for the citizen to interrogate the staff or members of the City Council.

d. Personal attacks of city staff will not permitted during any portion of the meeting by citizens or visitors.

e. Matters under litigation shall only be discussed in closed session by the City Attorney, City Council and others as authorized by the City Council.

4.05. **City Council Members Absences, Late Arrival and Conduct During Meetings and Events**

a. Each meeting shall commence with a roll call for City Council members.

b. Notification of intent to be absent shall be provided in writing to the City Secretary, the City Manager or Presiding Officer prior to the meeting at which the Council Member will not be in attendance.

c. Notification of a late arrival to a meeting shall be provided via City-issued devices to the City Secretary, City Manager or Presiding Officer prior to the meeting at which the Council Member will arrive late. Should a member enter the meeting during discussion of an item, that member shall prepare to join/listen to the discussion and vote on the matter by show of hands to prevent delaying the discussion and taking action.

d. There shall be no use of personal electronic devices by City Council Members during an official meeting of the Council.

e. Councilmembers shall, while the council is in session, preserve order and decorum, and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the
peace of the council, or disturb any member while speaking, or refuse to obey the orders of the council or its presiding officer, except as otherwise provided in these procedures.

f. Councilmembers shall be prohibited from using profane language during any public meeting and shall be prohibited from using profane language during any event where the Councilmember is present in any official capacity as a representative of the City of Watauga City Council.

g. Councilmembers shall be prohibited from using misinformation, hyperbole or exaggeration during the deliberation on any matter during any public meeting.

h. Councilmembers are expected to always be fair and courteous to fellow councilmembers, appointed officials, employees, vendors, and especially other members of the public. Councilmembers are expected to be capable of expressing themselves and their opinions without the necessity of personal attacks, the use of profanity, the use of hyperbole, and other forms of communicative expression which focus on anything other than the subject matter under deliberation. This City Council policy prohibits the use of such methods as they deteriorate the decorum during public meetings, diminish the character and reputation of the councilmember, foster bullying, and propagate misinformation which can mislead the public and which interferes with the effective and efficient operation of city government.

4.06. Use of Social Media

a. The City Council recognizes and understands that social media is currently a widely used method to share one’s life and opinions with family, friends, co-workers, citizens and around the world. However, use of social media to disseminate information related to the city also presents certain risks and carries with it, certain responsibilities. This policy is enacted to establish a set of minimum expectations regarding the behavior of City Councilmembers to serve as a standard of conduct to guide the members of City Council in making responsible decisions about its members’ appropriate conduct when using social media. This policy is designed to avoid the application of arbitrary rules and to ensure protection of constitutionally protected free speech.

b. In the rapidly expanding world of electronic communication, social media can mean many things. Examples of social media networks are Facebook, Twitter, YouTube, Instagram, Nextdoor, and many others. Social media includes all means of communicating or posting information or content of any sort made accessible to others using the Internet, i.e., this access is not limited to certain devices, accounts, or platforms. Platforms include, by way of example, a website blog, a personal web site or webpage, a social networking account or an affinity web site, web bulletin board, or a chat room, whether or not associated or affiliated with the city or a particular City Councilmember, as well as any other form of electronic communication.

c. If a Councilmember posts statements, photographs, video, or audio, careful consideration should be had as to whether the post may reasonably be viewed by others as malicious, obscene, threatening or intimidating, whether it disparages officials, employees, members of the public, vendors, suppliers, and any other organizations associated with or doing
business with the city, or whether the post might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation, or posts that could contribute to a hostile work environment on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, disability, or any other protected class status in accordance with applicable federal or state law, or posts which violate the City Charter or City policy. A Councilmember that takes an active role, rather than a legislative role, in any city matter may expose oneself to personal liability should a post result in a civil tort against a person or organization, such as tortious interference with contractual obligation, slander, liable or other civil law violation. Such action interferes with and results in a disruption to city business and may involve the city itself in legal claims, impeding efficient and effective delivery of city services. Any post that is determined by the City Council to be reasonably viewed as malicious, obscene, threatening or intimidating or meant to intentionally harm someone's reputation, or could contribute to a hostile work environment on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, disability, or any other protected class status in accordance with applicable federal or state law, or violate the City Charter or city policy is prohibited.

d. Councilmembers, when disseminating information related to the City are required to provide accurate and truthful information to the public. Councilmembers have access to all information necessary to carry out their duties as Councilmembers and can reasonably verify any information communicated to the public; therefore, honesty and accuracy is required when posting information related to city business. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched, located and recovered. Never post any information or rumors that you know to be false about the city, fellow elected or appointed officials, employees, members of the public, citizens, vendors, and people working on behalf of the city, as such is prohibited. Communicating misinformation, hyperbole or exaggeration causes citizen and public confusion and substantially impairs the efficient and effective operation of city government as it is obligated to investigate the statements made, correct misinformation and provide accurate and truthful information to the public.

e. Pursuant to and in accordance with the Texas Public Information Act, and in order to allow the City Manager to fulfill duties to protect and preserve public information imposed by Texas law, any social media post made by a City Councilmember must be collected and preserved by delivering a full and complete copy of any post to the City Manager’s Office immediately upon posting, if possible, and no later than 48 hours upon posting otherwise. Failing to do so places the public information at risk of loss due to theft, data corruption or device failure. Failing to notify city administration of information disseminated to the public may significantly impair city operations in the event inquiries are made to city staff without knowledge of the representations made by a Councilmember; therefore, current information is necessary for the efficient and effective operation of city government.

f. In posting information, City Councilmembers shall maintain the confidentiality of the city and county's internal or confidential information. This may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures, or other business-related
communications intended for internal use or that may contain confidential, private, or security information.

g. Abide by all state and federal laws, including but not limited to privacy laws, personal medical/health information under the Health Insurance Portability and Accountability Act (HIPAA), attorney-client confidentiality, copyright, trade secret or other propriety rights, public records laws, retention laws, fair use laws, financial disclosure laws, and any other laws that might apply to the city in connection with any post.

h. Knowledge of these use of social media rules are presumed. An assertion that a councilmember did not recognize any post as violative of these policies does not serve as a defense to a claim that a councilmember violated this policy. All Councilmembers are presumed to have carefully read and fully understand the policy and expectations placed upon them as elected officials of the city. All social media postings must be consistent with these policies. Inappropriate postings may include, but are not limited to, discriminatory remarks, harassment, threats of violence, bullying, misinformation and exaggeration of fact (whether known, should have been known, or reasonably ascertained by the councilmember prior to posting such information) regarding matters connected to city business, and further includes any similarly inappropriate or unlawful conduct.

4.07. Enforcement of Decorum and Procedures

The chief of police, or such member of the police department as he may designate, in attendance at a meeting shall be sergeant at arms of the council meeting. The sergeant at arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting. Upon instruction by the presiding officer, it shall be the duty of the sergeant at arms to either remove or place under arrest any person who violates the order and decorum of a meeting from the meeting place at the direction of the presiding officer.

If the Mayor or the City Council or any councilmember files a complaint that another member of the City Council violated this policy, the Mayor shall place the matter on the next City Council Agenda for consideration and action. At the City Council meeting, the matter shall be called the complaint read out loud and the Councilmember who filed the complaint shall have an opportunity to address the City Council regarding the complaint. Then, the party complained against shall have an opportunity to address the complaint. Then the remaining City Council shall deliberate on the complaint until the question is called. If the city council determines by majority vote that any member of the City Council has violated any of the rules promulgated herein, the council shall direct the City Attorney prepare a Resolution of Censure and such Resolution of Censure, which shall be read out loud for consideration, and shall be read out load again upon passage, and upon passage, shall be posted on all city social media accounts and on the landing page of the City’s website where it shall remain for 60 days. Further, the Resolution shall have one final reading at the beginning of the next regular city council
meeting after passage. The content of a censure resolution must be approved by a two-thirds vote of all the councilmembers unaffected by the censure. Such censure shall include public criticism and admonition for violating these rules applicable to City Councilmembers. Any action which brings cause for the City Council to reasonably believe that a violation of the Texas Public Information Act has also occurred by any City Councilmember will be submitted to the Tarrant County District Attorney’s Office for review.

Section 5 - DUTIES AND PRIVILEGES OF COUNCIL MEMBERS

5.01. Seating Arrangement

The Mayor shall determine seating of the Council Members.

5.02. Conflict of Interest

A City Council Member prevented from voting by a conflict of interest, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council’s deliberation of the matter in any way, shall not attend executive meetings regarding the matter, and shall otherwise comply with the state law and city ordinances to include the City’s Ethics Ordinance concerning conflicts of interest including Chapter 171 of the Local Government Code, as now or hereafter amended.

5.03. Voting

Voting, except on procedural motions, shall be accomplished by show of hands of members of the Council or by lighting/electronic device reflecting the ayes and nays. Tabulation of the voting by the Council vote shall be announced in open meetings by the Mayor or his or her duly appointed representative. All members of the Council may have one vote and only one vote on each item and issue. Four (4) members of the Council, excluding the mayor, shall constitute a quorum. In the event that there are vacancies on the Council, the quorum shall be reduced by the number of vacancies existing. No action by the Council shall be valid unless adopted by the affirmative vote of at least three of those members attending any meeting at which there is a quorum present. [City Charter § 3.09 (c) and as amended].

A Member of the Council may vote to abstain or refuse to vote only on an issue or matter that would create a conflict of interest for that Council Member as defined by State or Local Law(s).

5.04. City Council Liaisons

a. The City Council may appoint its members to serve as City Council Liaisons (“Liaisons”) between the City Council and the various City boards, commissions, associations, corporations, and other City related organizations and entities (“Entity”). The Liaisons will serve in an advisory capacity and provide guidance, counsel, and communication between the City Council and the Entity. Liaisons are encouraged to attend the meetings of their appointed Entity.

b. Liaisons shall be appointed by the Mayor with the approval of the City Council for a term of one year, and for other periods deemed necessary and in the best interest of the City. Appointments shall be made at the regular City Council meeting in June of each year, or
any other time a liaison appointment becomes necessary and is in the best interest of the City. The City Council may, with just cause, remove a Liaison by majority vote.

c. In the event of a vacancy the Mayor shall appoint a new Liaison member for the unexpired term, subject to the approval of the City Council. If the Mayor fails to make an appointment to fill any vacancy within sixty (60) days from the date of the vacancy or expiration, the remaining members of the City Council may, by majority vote, make an appointment without the Mayor’s recommendation.

d. Liaisons shall not preside over the Entity meetings or vote on any matter that comes before the Entity but shall have the right to fully participate in all discussions of matters that come before the respective Entity.

e. At no time shall the Liaison act outside the scope of the City of Watauga Home Rule Charter.

5.05. Council Member representation and responsibilities at Federal, State, and local events and functions.

a. Council Members desiring to represent the City at events and functions shall do so in professional and respectful manner to ensure the reputation of the City of Watauga isn’t negatively impacted by his/her actions while attending the event or function.

b. Council Members are required to RSVP to the City Secretary’s Office prior to the deadline provided for the event or function.

c. Fees for attendance at events and functions representing the City will be paid by the City for the Council Member only. Should a Council Member’s spouse attend the event or function with the Member, it shall be at the sole expense of the Council Member.

d. If a Council Member fails to attend an event or function for which an RSVP was provided and fee was paid by the City and further fails to notify the Mayor, the City Manager or City Secretary’s Office with sufficient time to identify and secure a suitable replacement, the Member shall be responsible for reimbursing the City for any and all fees paid on behalf of the Member to attend the event or function.

5.06. Council Interview Committee

a. The City Council shall select no more than three (3) members of the seated City Council to serve on an Interview Committee for the purposes of interviewing candidates volunteering to serve on the various boards, committees and commissions of the City.

b. The Committee shall be established annually following the general election.

c. The Committee shall consult with the Council Liaison(s) assigned to the specific board, committee or commission and the chairperson for that board, committee or commission prior to recommending reappointment for consideration by the City Council.

Section 6 - CHAIR AND DUTIES

6.01. Chair

The Mayor, if present, shall preside as Chair at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro-Tem shall preside as Chair. In the absence of both the Mayor and
Mayor Pro-Tem, the remaining City Council Members shall designate one member of the City Council as to act as chair and preside for that meeting.

6.02. **Preservation of Order**

The Chair shall preserve order and decorum, call upon the Police Chief or designated law enforcement officer, present at the meeting, as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion. It is the responsibility of the Chair to keep the comments of Council Members on topic during public meetings.

### Section 7 - ORDER OF BUSINESS

#### 7.01. Regular and Special Meetings

Regular and Special meetings will generally adhere to the following agenda:

1. Workshop Meeting (as needed)
2. Call to Order
3. Roll Call
4. Invocation
5. Pledge of Allegiance (United States and Texas Flags)
6. Announcements
7. Presentations
8. Public Comment
9. Consent Agenda (if necessary)
10. Public Testimony for Action Items
11. Public Hearings/Action (if necessary)
12. Action Items (if necessary)
13. Reports- The Reports portion of the agenda will be for the City Council to receive reports from City staff, consultants, City Council Liaisons, or other individuals.
14. Items for Future Agendas
15. Executive Session/Meeting (if necessary)
16. Adjournment

#### 7.02. Announcements

The Announcements section of the agenda is to allow members of the City Staff or City Council to make a public statement about an upcoming event(s) of interest to the citizens of Watauga, or to make a statement of recognition for a person, or group, that is not the subject of a presentation. There is no discussion or action to be taken on announcements.

#### 7.03. **Addressing the City Council***

Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Opening Meetings Act. It is the desire of the City Council that citizens actively participate in the City’s governance system and processes. Public input to the City Council is encouraged during the Public Comment, Public Hearings, or as Public Testimony before Action Item sections of a meeting agenda. Individuals desiring to speak during Public Comment shall be called upon to speak only after completing a
Request to Speak form attached hereto as Annex D. The Request to Speak form for Public Comment shall be submitted to the administrative staff prior to speaking. Individuals desiring to speak on an agenda item or during a public hearing shall submit the Request to Speak form prior to the introduction of Public Testimony by the Chair. Once the form is received by administrative staff, the individual shall be recognized and called upon by the Chair prior to speaking. Any public testimony must occur prior to formal action being taken by the Council. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and the efficiency of the meeting. Reasonable time limitations may be placed on public input by the presiding officer to conduct an efficient and effective public meeting.

*Any individual who is unable to physically stand shall be provided an accommodation to be recognized by the Chair so that they may be recognized and allowed to speak.

a. **Public Comment Section**

If speaking for an organization or group, the speaker should identify the group represented. If speaking during Public Comment (for matters not posted on that particular meeting’s agenda), members of the City Council and Staff may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a future meeting. If necessary, the Chair will task the City Manager to respond to the citizen and report back to the City Council as soon as practicable. Such report to the City Council shall not constitute a meeting called by the City Council nor shall it constitute deliberation or formal action.

Individual citizens addressing the City Council during Public Comment shall not exceed three (3) minutes in their comments; however, the Chair may extend or reduce the speaker’s allotted time in order to conduct an efficient and effective public meeting. The time allotted shall not be donated to others desiring to speak. Public Comment is not established to engage in a conversation with the Council and no formal Council action will be taken.

b. **Public Testimony During Action Items**

Only those persons who submit a completed Request to Speak form prior to the agenda item being introduced by the Chair will be allowed to speak on agenda items set for action (this doesn’t include presentations or reports). The Chair shall ask each person requesting to speak to approach the podium when called to speak. Speakers time shall generally not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend or reduce the speaker’s allotted time. Speakers shall not be permitted to donate their time to other speakers. Members of the City Council may ask questions or discuss the item directly with the citizen during the citizen’s testimony if necessary. Any discussion between a Council member and the citizen will not count toward the time limit and Council Members are encouraged not to speak until the citizen has first utilized their allocated time.

c. **Public Testimony During Public Hearings**

Public Hearings by their very nature are designed for public input. All citizens that wish to speak at a Public Hearing will be asked to complete a request to speak form. That form can be completed prior to the meeting or during the meeting but must be completed prior to the conclusion of the Public Hearing. No further public comments or testimony will be accepted once the Public Hearing has been closed by the Chair. When prompted by the Chair, each person requesting to speak and that submitted a completed Request to Speak form prior to the opening of
the public hearing shall approach the podium to speak when called upon by the Chair. Individuals addressing the City Council shall not exceed their allotted time limit when making their comments; however, the Chair may extend or reduce the speaker's allotted time to conduct an efficient and effective public meeting. Speakers shall not be permitted to donate their time to other speakers. If an individual speaks during the public hearing on the same matter that appears on the Action Items section of the agenda, shall only provide comments not previously provided during the public hearing.

Section 8 – RULES SUSPENSION

Any provision of these rules not governed by the City Charter, City Code, or state law may be suspended by a two-thirds vote of the members of the City Council present. The vote on any such suspension shall be taken by “Aye” and “Nay” votes and entered upon the record.
ANNEX A

Fundamental Principles of Parliamentary Law

The Mayor, Council Members, City Manager, City Attorney, City Secretary, and City staff members appearing before the various meetings of the Watauga City Council should become familiar with following rules and customs:

1. All members have equal rights, privileges, and obligations; rules must be administered impartially.

2. The minority has rights, which must be protected.

3. Full and free discussions of all motions, reports, and other items of business is a right of all members.

4. In doing business the simplest and most direct procedure should be used.

5. Logical precedence governs introduction and disposition of motions.

6. Only one question can be considered at a time.

7. Members may not make a motion or speak in debate until they have been recognized by the chair and thus have obtained the floor.

8. No member may speak a second time on the same question if anyone who has not spoken on that question wishes to do so.

9. Members must not attack or question the motives of other members. Customarily, all remarks are addressed to the presiding officer.

10. In voting, members have the right to know at all times what motion is before the assembly and what affirmative and negative votes mean.

11. The majority vote decides. This is a fundamental concept of democracy.

12. All meetings will be characterized by fairness and good faith.
# ANNEX B

## The Chief Purposes of Motions

<table>
<thead>
<tr>
<th>PURPOSE</th>
<th>MOTION</th>
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<tbody>
<tr>
<td>Present an idea for Discussion and action</td>
<td>Main motion</td>
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<td>Resolution</td>
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<td>Consider informally</td>
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<tr>
<td>Improve a pending motion</td>
<td>Amend</td>
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<td>Division of question</td>
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<td>Regulate or cut off debate</td>
<td>Limit or extend debate</td>
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<td>Close debate</td>
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<td>Delay a decision</td>
<td>Refer to committee</td>
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<td>Postpone to a certain time</td>
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<td>Postpone temporarily</td>
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<td>Recess</td>
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<td>Adjourn</td>
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<tr>
<td>Meet an emergency</td>
<td>Question of privilege</td>
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<td>Suspend rules</td>
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<td>Gain information on a pending motion</td>
<td>Parliamentary inquiry</td>
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<td></td>
<td>Request for information</td>
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<td>Request to ask a member a question</td>
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<td>Question of privilege</td>
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<td>Question the decision of the presiding</td>
<td>Point of order</td>
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<td>officer</td>
<td>Appeal from decision of the chair</td>
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<td>Enforce rights and privileges</td>
<td>Division of assembly</td>
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<td>Division of question</td>
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<td>Parliamentary inquiry</td>
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<td>Point of order</td>
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<td>Appeal from decision of the chair</td>
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<td>Consider a question again</td>
<td>Resume consideration</td>
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<td>Reconsider</td>
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<td>Rescind</td>
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<td>Renew a motion</td>
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<td>Amend a previous action</td>
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<td>Ratify</td>
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<td>Change an action already taken</td>
<td>Reconsider</td>
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<td>Rescind</td>
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<td>Amend a previous action</td>
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<td>Terminate a meeting</td>
<td>Adjourn</td>
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<td>Recess</td>
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ANNEX C

Parliamentary Strategy

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<thead>
<tr>
<th>To Support a Motion</th>
<th>To Oppose a Motion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Second it promptly and enthusiastically.</td>
<td>1. Speak against it as soon as possible. Raise question; try to put proponents on the defensive.</td>
</tr>
<tr>
<td>2. Speak in favor of it as soon as possible.</td>
<td>2. Move to amend the motion so as to eliminate objectionable aspects.</td>
</tr>
<tr>
<td>3. Do your homework; know your facts; have handouts, charts, overhead projector slides, etc. if appropriate.</td>
<td>3. Move to amend the motion to adversely encumber it.</td>
</tr>
<tr>
<td>4. Move to amend motion, if necessary, to make it more acceptable to proponents.</td>
<td>4. Draft a more acceptable version and offer as amendment by substitution.</td>
</tr>
<tr>
<td>5. Vote against motion to table or to postpone, unless delay will strengthen your position.</td>
<td>5. Move to postpone to a subsequent meeting.</td>
</tr>
<tr>
<td>6. Move to recess or postpone, if you need time to marshal facts or work behind the scenes.</td>
<td>6. Move to refer to committee.</td>
</tr>
<tr>
<td>7. If defeat seems likely, move to refer to committee, if that would improve chances.</td>
<td>7. Move to recess, if you need time to round up votes or obtain more facts.</td>
</tr>
<tr>
<td>8. If defeat seems likely, move to divide question, if appropriate, to gain at least a partial victory.</td>
<td>8. Question the presence of quorum, if appropriate.</td>
</tr>
<tr>
<td>10. If motion is defeated, move to reconsider, if circumstances warrant it.</td>
<td>10. On a voice vote, vote emphatically.</td>
</tr>
<tr>
<td>11. If motion is defeated, consider reintroducing it at a subsequent meeting.</td>
<td>11. If the motion is adopted, move to reconsider, if you might win a subsequent vote.</td>
</tr>
<tr>
<td></td>
<td>12. If the motion is adopted, consider trying to rescind it at a subsequent meeting.</td>
</tr>
</tbody>
</table>
ANNEX D
REQUEST TO SPEAK FORM

PUBLIC COMMENT, PUBLIC TESTIMONY AND PUBLIC HEARING:

Public Comment and Testimony during City Council Meetings provide citizens an opportunity to make comments, provide testimony or present information to the City Council. All comments must be directed to the City Council and not an individual Council Member or City Staff. Council may only provide statements of fact on issues raised during Public Comment and may direct the City Manager to resolve or request the matter be placed on a future agenda. Public comments shall not include any “deliberation” as defined by Chapter 551 of the Government Code, as now or hereafter amended.

Speakers are limited to three (3) minutes and time shall not be donated to other speakers.

After submitting the completed Request to Speak form and submitting to the City Administrative staff, you will be recognized by the Chair to speak. You may approach the speaker’s podium and begin comments.

Please complete the information on the form below and submit it to the City Secretary prior to the start of the Council Meeting for comments during Public Comment, Public Testimony or prior to the introduction of the item for comments during public hearings. Forms not submitted as required will not be accepted. (Check all)

<table>
<thead>
<tr>
<th></th>
<th>Public Comment</th>
<th>Public Hearing</th>
<th>Public Testimony</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
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</tr>
<tr>
<td>Last Name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone Number</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are you a resident and/or business owner in Watauga?</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Date of Meeting</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PUBLIC HEARING OR ACTION ITEM NUMBER(S) you wish to speak about:

<table>
<thead>
<tr>
<th>No.</th>
<th>No.</th>
<th>No.</th>
</tr>
</thead>
</table>

Subject to be presented to the City Council:
EFFECTIVE GOVERNING

In a democracy the need to evaluate and balance all interests is a challenge and a frustration facing most elected officials. City councils in Texas are no exception to this rule.

Decision-Making

The fundamental job of a governing body member is to make policy decisions for his or her municipality. Unless decisions are based on full, relevant and accurate information and with a clear objective in view, the results are likely to be mediocre at best and meaningless at worst. In fact, in view of the part-time, temporary involvement of most local governing body officials in Texas, the political pressures under which local decisions must be made and the frequent lack of verifiable information available to these decision-makers, the process has worked surprisingly well.

Decisions of local governing bodies generally fall into three categories: 1) those regarding projects or facilities; 2) those with respect to services, and 3) those relating to the need for regulations affecting the health, safety or welfare of the municipality’s residents. See Wright, J. Ward, and Benson, Virginia, “Your Local Economy: Does City Hall Play a Role?”, Nation’s Cities, September 1972, p. 45.

The process of making decisions with respect to any of these three principal areas of municipal activity can be divided into six stages:

“Need. The process whereby it is determined that something needs to be done. Such determination is usually based on an awareness of community conditions.

“Solutions. The process of determining which government is responsible, what resources are available, what the scope of responsibility is, and the manner in which an answer to the problem should be formulated.

“Projects. The development of plans for specific allocations of resources to specified agencies to undertake given actions for specified purposes.

“Approval. The official act by which action is authorized and resources are allocated.

“Administration. The action of management in issuing directives, supervising activities, reviewing results, and making required adjustments.

“Evaluation. The process of reporting and reviewing, whereby the policy-makers may determine the success or failure of the programs, in whole or in part, in meeting the needs defined in the first stage.”
Unfortunately, substantial impediments frequently exist which diminish effective city council involvement in all stages of a decision. These include, among others, the existence of semi-independent agencies financed and/or sanctioned by state and federal largess and laws which may have progressed to the fourth stage of the process before bringing a project to the council for consideration and approval. In addition, there may be a large time span over which projects or issues may extend, resulting in numerous changes in the composition of the decision-making body or a change in attitude of the citizenry or even a change in need for the project or service itself which can hamper effective decision-making.

Perhaps, in view of these impediments, governing body officials may have to console themselves with the satisfaction of having made informed and intelligent decisions after thorough study and deliberation even if in retrospect the particular project, service or rule fails to achieve its anticipated goal.

**Data Gathering and Technical Assistance**

Merely identifying stages in the normal evolution and completion of a municipal project does not guarantee effective decision-making. Effective decision-making is the result of having enough data to provide the basis for making rational choices between alternative courses of action. Effective decision-making also requires a refining, sifting and winnowing of the issues and data, the creation of an atmosphere conducive to making decisions in an unhurried and judicious manner and the weighing of potential consequences of alternative decisions or courses of action. Finally, effective decision-making requires the creation of a local administrative system that will guarantee that decisions made by the governing body will be carried out as intended.

Gathering data or background information is generally the role of governing body members individually and collectively and of municipal departments and administrative heads.

Individually, council members can obtain data and background information on the need for specific projects, services or rules by reading the municipal code and charter and publications such as this; by receiving reports from the manager, department heads, boards, commissions and committees; by listening to their constituents and to citizens at public hearings; and by observing and viewing conditions in the city.

Collectively, the council may wish to procure the advice of the municipal attorney; of bond counsel; of the municipal engineer or a consulting engineer on issues or projects. Information can also be obtained from state or federal agencies or associations.

Sometimes a special study committee of citizens and/or governing body members may be used to obtain background data on the need and desirability of a particular action by the governing body. In addition, a public hearing may be called for this purpose.

It should be kept in mind that the information gathering process is not in itself the solution.
It is merely the initial step. The final decision rests with the members of the governing body, and a problem or need is seldom resolved merely by collecting facts and data. Indeed, it has been suggested that the practice of Congress and the state legislature of separating the public hearing part of the process from the decision-making part leads to more efficient and more effective governing body determinations.

MAKING IT WORK

The types of problems confronted by your council can sometimes seem so burdensome that you wonder why you ever got involved. Try to keep in mind that the conflicts and problems that you tackle are important to the community you serve. When you work out the problems as a group, you will make healthy decisions. Keep in mind, too, your commitment to the council, your colleagues’ commitment, the importance of your contribution, and the importance of making sound decisions.

As your council tries to make the best possible decisions, use the following “rules of thumb” to help you get over the hurdles:

- **Separate the people from the problem.** You and your colleagues aren’t questioning each other’s good intentions or personal integrity. You are discussing options for making the best possible decisions. Don’t think about what you may not like about the person sitting across the table from you. Instead think about what he or she is saying, about the points that person is trying to make. If a colleague seems to be attacking your integrity, try to get that person back on track by asking him or her to make the point.

- **Focus on mutual interests and shared goals.** When your council seems to have bogged down, sometimes it is helpful to step back and think about the goals you have set for it. Keep in mind that you all have agreed on these goals, that you do have mutual interests, and that you are all serving the same constituency. Remember what is important!

- **Invent options for mutual gain.** Is there a compromise with which everyone will feel satisfied? Think about all that has been said throughout the debate. Can the best aspects of everybody’s ideas be incorporated into a plan? Ask your colleagues why a particular approach is not satisfactory and why other approaches are.

- **Be open, honest, and willing to listen.** Examine your own approach to dealing with conflict. Are you really listening to what your colleagues are saying? Are you thinking about the implications? Are you considering them? Don’t be afraid to state your concerns. Be honest by revealing what you see as the options and by explaining what you see as shortcomings in the suggestions of others.
GUIDELINES FOR COUNCIL MEMBERS

• Each Council member should work to establish a good relationship with other members. The success or failure of efforts may be dependent upon the degree of cooperation evident among the individual members of the Council.

• Each member should keep in mind these important points:
  ❖ Show respect for another’s viewpoint.
  ❖ Allow others adequate time to fully present their views before making comments.
  ❖ Be open and honest.
  ❖ Make new members welcome and help them become acquainted with their duties.
  ❖ Strive to minimize polarization and factions among members.

• Each Council member receives public input and citizen participation in City government by the following means:
  ❖ Reviewing Recommendations. Council members receive information from Boards and the public on matters spanning a wide range of interests and needs. Board members review and make recommendations to City Council on matters within their scope of responsibility. They perform as a citizen’s advisory arm of City Council, focusing attention on specific areas of the City. However, certain Boards may take final action in prescribed areas. These bodies give the citizenry an opportunity to voice their opinions on City programs and policies.
  ❖ Assisting with Goal Identification. One primary responsibility of Council membership is to formulate City goals. What do people say they want in their City? How can this be translated into a set of compatible, consistent, long- and short-range City goals? Advisory groups, staff and citizens can help with the decision-making process, but remembering the distinction between wants and needs is a policy decision and therefore, ultimately rests with City Council.
  ❖ Representing General Interests. The Council must be careful to represent general interests of the City, not special interest groups. Council members must work with the City Manager. They should not become directly involved in the administration or operation of City departments and should not direct the administrative staff to initiate programs, conduct studies or establish
official policy without approval of the City Council as a whole. Members, however, are encouraged to review and comment on relevant department programs as they affect the community.

❖ Holding Open Meetings. All meetings of the Council must be open to the public pursuant to the open meetings law. The intent of the law is to ensure actions be taken openly and that deliberations be conducted openly. Furthermore, the Council must announce a time, place and date for holding any regular or special meetings.

❖ Participating. Election to the City Council provides an opportunity for genuine public service. Although the specific duties of each Board vary widely, there are certain responsibilities common to all members. The following is a summary of important responsibilities that will assist in maximizing one’s contribution to the City.

Understanding the role and scope of responsibility of the Council may sometimes appear to be a daunting task with the sometimes conflicting goals of properly representing the City, being concerned with the entire community, keeping the lines of communication open, being conscious of your relationship to the rest of the City Council and City staff, and establishing a good relationship with other members.

Being open and honest at all times, while being aware that, in the public’s eye, you represent the City you serve, your ultimate contributions to policy decisions should express your sensitivity to the diverse viewpoints held in the City.

Council Members Always

Adhere to the code of ethics. It is included in this manual for your information.

Council Members Should Never

- Talk too much and listen too little.
- Publicly criticize a council decision that was voted on and passed by the majority of the council, but that you did not specifically support.
- Demonstrate to fellow council members that you have all the answers for every issue.
- Refuse to change your mind on any issue regardless of the evidence presented.
- Fail to read council packets and prepare for the council meetings.
- Divulge information from an executive council meeting.
- Refuse to compromise when decisions have stalemated.
• Ridicule past council members and the decisions made by the council before you became a member.
• Hold grudges about fellow council members when they do not agree with you.
• Try to dominate conversation at every council meeting.
• Resent the salary of the chief executive or staff because it is more than you or your spouse makes.
• Arrive late and leave early.
• Remind fellow council members “that it has always been this way in the past.”
• Appear at park sites or facilities giving orders to employees.
• Want the agency to be a haven for hiring friends and the politically deserving.
• Constantly criticize and question council policies and the executive decisions, and compulsively dissent on almost every issue.
• Fail to try to know or understand other people who serve on the council with you. Team building begins by knowing your teammates.
• Have no interest in being educated on being a good council representative.
COUNCIL RELATIONS

1. Representing the Council. Council members cannot individually commit the City to positions without a vote or consent of the Council. Individual Council members should not insert themselves into or position the council on issues without a Council vote. It is inappropriate to commit to things that the whole Council may not be aware of or approve. Members should refer such matters to the administrative staff for review and later recommendations back to the Council.

2. Complaints from Citizens. When individual Council members receive citizen complaints, these should be referred to the City Manager for investigation and resolution immediately. A vast majority of complaints concerns enforcement issues, which must ultimately be addressed by the staff anyway. Personal Council involvement in enforcement or interpretation of ordinance, policies or laws could subject the Council to later problems. The Administrative staff enforces zoning, ordinances, basic services, personnel matters, etc., and through the separation of duties the City Council establishes the rules by which the staff function.

3. More on Handling Complaints. Do not wait to bring up citizen complaints at Council meetings… these should be handled as quickly and routinely as possible by proper referral to staff. Do not “invite” complaints to be dealt with at meetings. Council will not appreciate a “staged” show, and the complainant may not appreciate the delay involved.

4. Media Relations. From time to time, the media (particularly the press) will ask for commentary about a City Council action or position on an issue. To the extent that the Council has taken an action or position, the Mayor will serve as spokesman unless the City Attorney has been designated by the Council. In these situations, the “Council’s” position is to be disclosed, as opposed to individual opinions. Of course, individual opinions are individual opinions and may not express the opinion of the Council as a whole.

5. Approval of Minutes. Council minutes are considered “action minutes”. They convey a brief summary of discussion and action taken on items of business. They do not contain lengthy discourse from testimony given or all of this would be expensive, time consuming, and unnecessary. Spelling and grammar errors should only be brought to the Clerk’s attention outside of the meeting.

6. Ordinance/Resolution Preparation. The City Administrative staff and/or the City Attorney prepare all ordinances and resolutions for Council consideration. Council’s concern in review of such legal documents should be whether or not they adequately convey the “substance” desired. The legal format of such instruments, code section numbering, etc. is rightfully within the City Attorney’s purview…not the Council’s. Ordinance preparation is the City Attorney’s job. They should not be prepared at the meeting by the Council.
7. **Private Disputes.** On occasion, individual City residents or neighborhoods will come forth with problems of a purely private nature. These typically include nuisance complaints, work hours for contractors, boundary line disputes, fence problems, etc. The City should not get involved. Intercession in such matters will needlessly consume time and taxpayers’ dollars and could potentially expose the City to liability. If you are not clear whether a reported “problem” is properly within the City’s jurisdiction, the best thing to do is ask the staff for a determination and ask that they report back to the Council.

8. **Policing Problems.** It is the Council’s responsibility to police and correct any problems among Council members. Council should not expect the City Manager to do this for them.

**CITY COUNCIL/CITY MANAGER AND STAFF RELATIONS**

1. **Everybody’s Equal.** All Council members will receive the same information about a matter… particularly as it relates to business items for your consideration as a body. No one will receive different or “special” information that would tend to put one Councilperson at an advantage over the others. Staff reports, per se, will be prepared for the entire Council to avoid such problems.

2. **Favoritism.** We all know that individual Council members may have more of an interest in some departmental functions than others. However, that should not give cause for staff to show special deference to certain Council members. Every Council member is to be treated equally; no favoritism is to be demonstrated. Be cooperative and responsive, but do not play favorites.

3. **Lobbying Council Members.** Individual Council members are not to be lobbied by Department heads for support of their projects, budget requests, etc. Department heads work for the City Manager, and it is he/she that the Department heads or staff must lobby. Their programs must stand on its merits, as opposed to their success in lobbying and lining up Council votes. The City has a chain of command and must adhere to it.

4. **Council Orders.** As the City Charter requires, no Council member is to individually “order” the City Manager, Department Heads, and others to do anything. Only a majority of the council may instruct the City Manager to do something.

5. **Use of Resources.** Staff resources are limited. Those resources the City has are fully devoted to carrying out Council-determined priorities and programs. There are no resources available to pursue individual Council members’ special requests. Resources will be used as a matter of establishing a proper relationship with the entire Council. There will be a number of occasions when a Councilperson will call or request information. To the extent that it is available, the information is to be
furnished. However, staff is not to launch into a special research effort that could divert limited resources from working on the priorities of the entire Council.

6. **Incomplete Staff Work.** There are always a number of proposals for various projects under consideration and review by staff before presentation to the City Council for a decision. While these matters are “in process” at the staff level, it is inappropriate for the staff to “consult” with individual Council members on their “preference” for possible recommendations.

7. **Council Member Involvement in Negotiation Meetings.** At any one time, staff can be involved in various meetings with citizens, consultants, prospective developers, etc. The subject matter runs the gamut from complaints to researching Council reports, possible development scenarios, and the like. The City Council hires staff to perform these functions, and they have repeatedly reaffirmed this position. There may be a few situations that would call for meetings where a designated Council member and a staff member would both be involved. These situations will be few. Otherwise, Council intercession in such staff meetings and negotiations is inappropriate.

8. **Office Visits.** Council members are welcome to frequent City Hall. Usually, these visits will be for business matters (to ask a question, forward a complaint, etc.). “Social” visits will be made from time to time. These are fine. However, “socializing” is discouraged to the extent that it interferes with staff’s schedule or disrupts normal staff activities and workflow. For the Council members: do not disturb or demand the attention of the entire office staff. Likewise, the administrative staff should not let this happen.

9. **More on Visitations.** It is not appropriate for Council members or board/committee member to assume a “staff role” while you are in City Hall. Staff has a proper role, and elected officials have a proper role. Please do not, as a Council member, answer telephones, work behind the counter, review plans with developers and contractors, respond to inquiries or complaints, or try to operate as a “staffer”.

10. **City Administrator Contact.** The Council member’s primary contact is the City Manager. Questions, requests for information, etc. should be made through him/her, not individual Department Heads or other staff people. There are good reasons for this approach: the City Manager will then know what is going on, and he/she properly can determine which department(s) should become involved. In addition, it is a good way for the City Manager to assess the responsiveness and effectiveness of the departments. A further advantage is that many of the issues addressed in these guidelines will not become problems for the City Manager or Council.

11. **Personnel Complaints.** As a Council member, you may receive complaints about City personnel. These complaints, however severe they may or may not seem, should be turned over to the City to investigate and resolve. In some cases, disciplinary
action may be required, and protection of the City rights and employees’ rights is a paramount consideration in dealing with employee complaints. The City Manager is the City’s Personnel Officer, so please turn over any employee complaint to him/her for internal investigation and disposition.

MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 171. REGULATION OF CONFLICTS OF INTEREST OF OFFICERS OF MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Sec. 171.001. DEFINITIONS. In this chapter:

(1) "Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality, precinct, central appraisal district, transit authority or district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature.

(2) "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 171.002. SUBSTANTIAL INTEREST IN BUSINESS ENTITY. (a) For purposes of this chapter, a person has a substantial interest in a business entity if:

(1) the person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or $15,000 or more of the fair market value of the business entity; or

(2) funds received by the person from the business entity exceed 10 percent of the person’s gross income for the previous year.

(b) A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of $2,500 or more.

(c) A local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest under this section.

Sec. 171.0025. APPLICATION OF CHAPTER TO MEMBER OF HIGHER EDUCATION AUTHORITY. This chapter does not apply to a board member of a higher education authority created under Chapter 53, Education Code, unless a vote, act, or other participation by the board member in the affairs of the higher education authority would provide a financial benefit to a financial institution, school, college, or university that is:

(1) a source of income to the board member; or

(2) a business entity in which the board member has an interest distinguishable from a financial benefit available to any other similar financial institution or other school, college, or university whose students are eligible for a student loan available under Chapter 53, Education Code.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 41(a), eff. Aug. 28, 1989.

Sec. 171.003. PROHIBITED ACTS; PENALTY. (a) A local public official commits an offense if the official knowingly:

(1) violates Section 171.004;

(2) acts as surety for a business entity that has work, business, or a contract with the governmental entity; or

(3) acts as surety on any official bond required of an officer of the governmental entity.

(b) An offense under this section is a Class A misdemeanor.


Sec. 171.004. AFFIDAVIT AND ABSTENTION FROM VOTING REQUIRED. (a) If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

(1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

(2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.
(b) The affidavit must be filed with the official record keeper of the governmental entity.

(c) If a local public official is required to file and does file an affidavit under Subsection (a), the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and who do file affidavits of similar interests on the same official action.


Sec. 171.005. VOTING ON BUDGET. (a) The governing body of a governmental entity shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the governing body has a substantial interest.

(b) Except as provided by Section 171.004(c), the affected member may not participate in that separate vote. The member may vote on a final budget if:

(1) the member has complied with this chapter; and

(2) the matter in which the member is concerned has been resolved.


Sec. 171.006. EFFECT OF VIOLATION OF CHAPTER. The finding by a court of a violation under this chapter does not render an action of the governing body voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed the governing body without the vote of the person who violated the chapter.


Sec. 171.007. COMMON LAW PREEMPTED; CUMULATIVE OF MUNICIPAL PROVISIONS. (a) This chapter preempts the common law of conflict of interests as applied to local public officials.

(b) This chapter is cumulative of municipal charter provisions and municipal ordinances defining and prohibiting conflicts of interests.

Sec. 171.009. SERVICE ON BOARD OF CORPORATION FOR NO COMPENSATION. It shall be lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the nonprofit corporation or other nonprofit entity.


Sec. 171.010. PRACTICE OF LAW. (a) For purposes of this chapter, a county judge or county commissioner engaged in the private practice of law has a substantial interest in a business entity if the official has entered a court appearance or signed court pleadings in a matter relating to that business entity.

(b) A county judge or county commissioner that has a substantial interest in a business entity as described by Subsection (a) must comply with this chapter.

(c) A judge of a constitutional county court may not enter a court appearance or sign court pleadings as an attorney in any matter before:

(1) the court over which the judge presides; or

(2) any court in this state over which the judge's court exercises appellate jurisdiction.

(d) Upon compliance with this chapter, a county judge or commissioner may practice law in the courts located in the county where the county judge or commissioner serves.

Added by Acts 2003, 78th Leg., ch. 227, Sec. 21, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1206, Sec. 3, eff. June 20, 2003.

Appendix A

MEETING SCHEDULE

<table>
<thead>
<tr>
<th>Meeting</th>
<th>Date Scheduled</th>
<th>Time</th>
</tr>
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<tbody>
<tr>
<td>Regular Council Meeting</td>
<td>2nd Monday of each month City Hall Council Chambers</td>
<td>6:30 PM</td>
</tr>
<tr>
<td>Council Workshops</td>
<td>2nd Monday of each month City Hall Council Chambers</td>
<td>5:30 PM</td>
</tr>
<tr>
<td>Planning Commission</td>
<td>3rd Wednesday of each month City Hall Council Chambers</td>
<td>6:30 PM</td>
</tr>
<tr>
<td>WEDC</td>
<td>3rd Tuesday of each month City Hall Council Chambers</td>
<td>6:30 PM</td>
</tr>
</tbody>
</table>
Library Board 2nd Thursday (every other month) 6:00 PM City Hall Council Chambers

Animal Services Advisory Committee Called as Needed 12:30 PM City Hall Council Chambers

Zoning Board of Adjustment Called as Needed
Civil Service Commission Called as Needed

All agendas shall be posted on the Official Bulletin Board of the City. Please refer to the posted agenda to ensure prompt attendance.

CITY DIRECTORY

<table>
<thead>
<tr>
<th>Office Held</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Chief</td>
<td>817-514-5884 <a href="mailto:rparker@cowtx.org">rparker@cowtx.org</a></td>
</tr>
<tr>
<td>Municipal Court Clerk / Judge</td>
<td>817-514-5888 <a href="mailto:jdorsettt@cowtx.org">jdorsettt@cowtx.org</a></td>
</tr>
<tr>
<td>City Manager</td>
<td>817-514-5821 <a href="mailto:agardner@cowtx.org">agardner@cowtx.org</a></td>
</tr>
<tr>
<td>City Secretary</td>
<td>817- 514-5821 <a href="mailto:agardner@cowtx.org">agardner@cowtx.org</a></td>
</tr>
<tr>
<td>Deputy City Secretary</td>
<td>817-514-5812 <a href="mailto:rguajardo@cowtx.org">rguajardo@cowtx.org</a></td>
</tr>
<tr>
<td>Utility Billing</td>
<td>817-514-5729 <a href="mailto:dspencer@cowtx.org">dspencer@cowtx.org</a></td>
</tr>
<tr>
<td>Public Works Department</td>
<td>817-514-5750 <a href="mailto:phackleman@cowtx.org">phackleman@cowtx.org</a></td>
</tr>
<tr>
<td>Public Works Director</td>
<td>817-514-5837 <a href="mailto:phackleman@cowtx.org">phackleman@cowtx.org</a></td>
</tr>
<tr>
<td>Library Director</td>
<td>817-514-5860 <a href="mailto:lewell@cowtx.org">lewell@cowtx.org</a></td>
</tr>
<tr>
<td>Hector F. Garcia Community Center</td>
<td>817-514-5828</td>
</tr>
<tr>
<td>Parks &amp; Community Services Director</td>
<td>817-514-5890 <a href="mailto:sfannan@cowtx.org">sfannan@cowtx.org</a></td>
</tr>
<tr>
<td>Northeast Chamber of Commerce</td>
<td>817-281-9376 <a href="mailto:jbradshaw@netarrant.org">jbradshaw@netarrant.org</a></td>
</tr>
<tr>
<td>Department</td>
<td>Phone Number</td>
</tr>
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<td>----------------------------------</td>
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</tr>
<tr>
<td>Economic Development</td>
<td>817-514-5821</td>
</tr>
<tr>
<td>Building / Development Services</td>
<td>817-514-5840</td>
</tr>
<tr>
<td>Finance Director</td>
<td>817-514-5822</td>
</tr>
<tr>
<td>Fire Chief</td>
<td>817-514-5874</td>
</tr>
<tr>
<td>Human Resources Director</td>
<td>817-514-5819</td>
</tr>
<tr>
<td>Information Technology Director</td>
<td>817-514-5824</td>
</tr>
</tbody>
</table>