

North Richland Hills City Charter

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PREAMBLE

In thankful recognition of the leadership of Almighty God, we the Citizens of North Richland Hills, Texas, humbly invoking his blessings, do ordain and establish this Charter.

Words in this Charter that are used in the masculine gender shall include the feminine also, unless by reasonable construction, it appears that such was not the intention of the Charter.

ARTICLE I: CORPORATE NAME

SECTION 1. CORPORATE NAME.

All the Citizens of the City of North Richland Hills, Tarrant County, Texas, as the boundaries and limits of said City are herein established, shall be a body politic, incorporated under and to be known by the name and style of the City of "North Richland Hills" with such powers, rights and duties as are herein provided.

ARTICLE II: BOUNDARIES

SECTION 1. BOUNDARIES.

The boundaries and limits of the City of North Richland Hills, until changed in the manner herein provided, shall be the same as have heretofore been established and as exist on the date of the adoption of this Charter, which boundaries are more fully set out and described by metes and bounds in a book called Official Record Describing the Metes and Bounds of the City of North Richland Hills, which is now and shall be in the office of the City Secretary of the City of North Richland Hills.

ARTICLE III: FORM OF GOVERNMENT

SECTION 1. 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 the State Constitution and Statutes, 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.

ARTICLE IV: GENERAL POWERS

SECTION 1. ENUMERATED POWERS. NOT EXCLUSIVE

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have, and may exercise, all powers of local self-government, and all powers enumerated in Chapter 13, Title 28, Article 1175 of the Revised Civil Statutes of the State of Texas of 1925, and any amendments thereof, or any other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed herein, or when not prescribed herein, then in the manner provided by the general laws of Texas relating to cities and towns. The City shall have the power to cooperate with the Federal Government and its agencies and with the State Government and its agencies, and with any political subdivision, or agency thereof.

ARTICLE V: CITY COUNCIL

SECTION 1. CITY OFFICIALS.

The municipal government of the City shall consist of a City Council composed of a Mayor and seven (7) Councilpersons. Said Mayor and Council shall be elected from the City at large by the qualified voters of the City. The pay of the Mayor and City Council shall be limited to fifty dollars (\$50.00) per meeting attended, plus any actual expenses supported in writing which shall have been presented to the City Council and received approval. A meeting shall be any meeting where a full council is called to attend. It shall not include committee meetings.

SECTION 2. QUALIFICATIONS.

Each of the seven Councilmen and Mayor shall, on the date of the election, be at least twenty-one (21) years of age, a citizen of the United States of America and a registered, qualified voter of the State of Texas; shall reside and shall have resided for at least one year preceding the election at which he is a candidate, within the corporate limits of North Richland Hills; and shall not be in arrears in the payment of any taxes or other liability due the City, or be disqualified by reason of any provision of any other section of this Charter. A member of the Council ceasing to possess any of the qualifications specified in this section, or any other sections of this Charter, or convicted of a felony before

or while in office, shall immediately forfeit his office. No Councilman shall hold any other public office except that of Notary Public, member of the National Guard or any Military Reserve, or a retired member of the Armed Services.

SECTION 3. DATE OF ELECTION; CANDIDATES TO RUN FOR PLACES; PLACES DESIGNATED.

The regular municipal elections of the City of North Richland Hills shall be held on the first Saturday of May of each year, and the same shall be conducted and the results canvassed and announced by the election authorities prescribed by the Election Code of the State of Texas, and said Code shall control in all municipal elections except as otherwise herein provided.

The Mayor and Councilperson Places 2, 4, and 6 shall be elected for two (2) year terms at the election in even-numbered years and Councilperson Places 1, 3, 5, and 7 in the general election in odd-numbered years.

SECTION 4. HOURS OF ELECTION.

The polls shall open at each election from seven o'clock a.m. until seven o'clock p.m.

SECTION 5. OFFICIAL BALLOT.

The official ballot shall be drawn up by the City Secretary and approved by the City Attorney and will contain the names of all qualified candidates for office, except those who may have been withdrawn, deceased or become ineligible. Names will be placed on the ballot without party designation and position on the ballot will be determined by a drawing held by the City Secretary. Filing within time limits shall be as prescribed by State law.

The candidate's application for a place on the ballot for the office of Mayor, Councilperson or Judge shall be accompanied by a filing fee of \$150.00 or by a petition in lieu thereof. Said petition must be addressed to the City Secretary seeking the candidate's name to be placed on the ballot and signed by qualified voters of the City in a number equalling 15% of the number of persons voting in the preceding city election or one-hundred fifty whichever is the smaller number of signatures.

SECTION 6. JUDGE OF ELECTION.

The City Council shall be the judge of the election and qualification of its own members and of the Mayor, subject to the courts in the case of contest. The City Council shall, as soon as practical after the election, either at a called meeting called for that purpose or at its next regular meeting date of said Council, after each regular or special election, canvass the returns and declare

the results of such election. The candidates receiving the majority number of votes for an office shall be declared elected. If such election results in a candidate not receiving a majority of votes cast, it shall be the duty of the Mayor to order a second election for the office or offices in which candidates did not receive a majority of votes. Said election to be held not later than thirty (30) days from the date on which the City Council canvassed the returns and declared the result. In said second election, only the two candidates receiving the most votes in the first election shall be eligible to run. In the event one of the candidates of the first election withdraws or dies, a second election shall not be held for that office, and the other candidate for such office shall be declared elected, and shall be seated.

SECTION 7. VACANCIES.

In case of a vacancy from any cause in the office of Mayor or Councilmen, the City Council shall order a special election to fill such vacancy, provided, however, in the case of only one (1) vacancy when there remains one hundred eighty (180) days or less until the expiration of the office to be filled, the Mayor, with the approval of a majority of the Council, may appoint a person to fill such vacancy.

ARTICLE VI: POWERS AND DUTIES OF OFFICERS

SECTION 1. POWERS OF THE COUNCIL.

All powers and authority which are expressly or explicitly conferred on or possessed by the City shall be vested in and exercised by the City Council, provided however, that the Council shall have no power to exercise those powers which are expressly conferred upon other City officers by this Charter.

SECTION 2. DUTIES OF MAYOR-MAYOR PRO TEM.

The Mayor of the City of North Richland Hills shall preside over the meetings of the City Council and perform such other duties consistent with the office as may be imposed upon him by this Charter and the ordinances and resolutions passed pursuant hereof. He may participate in the discussion of all matters coming before the Council and shall be entitled to vote in case of a tie, but shall have no veto power. He shall sign all contracts and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter, and shall be the chief executive officer of the City. He shall be recognized as the official head of the City by the court for the purpose of serving civil process, by the Governor for the purpose of enforcing military law, and on all ceremonial purposes. In time of danger or emergency, the Mayor may, with the consent of the Council, take command of the police and govern the City by proclamation and maintain order and enforce all laws.

The Mayor Pro Tem shall be selected from among the members of the seven (7) Councilmen; shall be selected at the first regular meeting following the general City election, and shall, in the absence or disability of the Mayor, perform all the Mayor's duties.

SECTION 3. DUTIES OF CITY COUNCIL.

- (1) To appoint and remove the City Manager.
- (2) To establish other administrative departments and distribute the work of division and to abolish or consolidate said departments and divisions.
- (3) To adopt the budget of the City.
- (4) To authorize the issuance of bonds by a bond ordinance.
- (5) To inquire into the conduct of any office, department, or agency of the City and make investigation as to municipal affairs.
- (6) To appoint the necessary commissions and boards to assist the Council in the performance of its duties and responsibilities, such powers subject to the restrictions of the Charter and the laws of the State of Texas.
- (7) To adopt plats.
- (8) To adopt and modify the official map of the City.
- (9) To regulate, license, and fix the charges or fares made by any person owing, obtaining or controlling any vehicle of any character used for carrying of passengers for hire on the public streets and alleys of the City.
- (10) To provide for the establishment and designation of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (11) To fix the salaries and compensation for the non-elective City officers and employees.
- (12) To provide for sanitary sewer and water system.

- (13) May regulate burial grounds, cemeteries, and crematories and condemn and close any such burial grounds, cemeteries, and crematories in the thickly settled portions of the City when public interest or public health may demand, and may regulate interment of the deceased.

SECTION 4. APPOINTMENT OR REMOVAL BY CITY COUNCIL.

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any Councilman violating the provisions of this Section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be Councilman.

SECTION 5. APPOINTMENT AND REMOVAL OF CITY SECRETARY.

The Mayor shall appoint and remove the City Secretary and such Assistant City Secretaries as deemed advisable with approval of two-thirds (2/3) majority of the Council. The City Secretary, or an Assistant City Secretary, shall give notice of Council meetings, shall keep the minutes of the proceedings of such meetings, shall authenticate by his signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and shall perform such other duties as the City Manager shall assign to him, and those elsewhere provided for in this Chapter.

SECTION 6. APPOINTMENT AND REMOVAL OF CITY ATTORNEY.

The Mayor shall appoint and remove the City Attorney with approval of two-thirds (2/3) majority of the Council. The City Attorney shall be a competent attorney, duly licensed and admitted to the practice of law by the State of Texas. The City Attorney shall be legal advisor of and attorney for all officers of the City and shall represent the City in all litigation and legal proceedings. He shall approve the legality of every ordinance before it is acted upon by the Council.

SECTION 7. MUNICIPAL COURT.

There shall be a court known as the Municipal Court of the City of North Richland Hills, with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas.

- (1) Judge of the Municipal Court

The Municipal Court shall be presided over by a Magistrate to be known as Municipal Judge who shall be an attorney duly licensed by the State of Texas who shall be a resident of the City of North Richland Hills; *such Judge shall be elected for a two year term coinciding with the term of the Mayor and shall be elected by a majority vote at the General City Election. If the Municipal Judge is unable to act for any reason the Mayor may appoint a qualified person to act as substitute Municipal Judge. The City Council shall have the power to create a second Municipal Court to be known as Municipal Court Number 2. The Mayor of the City shall be empowered to administer oaths and issue warnings to person in police custody if the Mayor is qualified pursuant to State Law by attendance and completion of the mandatory courses prescribed by the laws of the State of Texas.

*Note: Superseded by Government Code, Section 30.00006(b) - "The governing body shall by Ordinance appoint its municipal judges."

(2) Clerk of the Municipal Court

There shall be a Clerk of the Municipal Court who shall be appointed by or removed by the Mayor and approved by two-thirds (2/3) majority of the Council. The Clerk shall have power to administer oaths and affidavits, make certificates, affix the seal of the Court thereto, and otherwise perform any and all acts necessary in issuing process of such Court and conducting the business thereof. There shall be such deputy clerks of the Municipal Court as may be authorized and appointed by the Council, who shall have authority to act for and on behalf of the Clerk of the Municipal Court.

(3) Procedure in the Municipal Court

All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendant and service of witnesses and juries, punishment for contempt, bail and taking of bonds shall be governed by the provisions of Title 2 of the Code of Criminal Procedure of the State of Texas applicable to Municipal Courts.

SECTION 8. CITY COUNCIL - EMPLOYMENT WITH CITY.

No former Mayor or former Councilmember shall hold any compensated appointed office or employment with the City until one year after his or her last day of service as Mayor or Councilperson. Nothing in this section shall be construed to prohibit the Council from selecting any current or former Mayor or Councilmember to represent the City on the governing board of any regional or other intergovernmental agency.

ARTICLE VII: DEPARTMENTS

SECTION 1. GENERAL.

The City Council may create or establish, abolish or consolidate, as many departments or offices as it may deem necessary for the best interest of the City. It may divide the administration of such departments or offices as it may deem advisable.

ARTICLE VIII: PUBLIC UTILITIES

SECTION 1. CITY OWNERSHIP AND OPERATION THEREOF.

(1) In General

The City shall have power to build, construct, purchase, own, lease, maintain and operate, within or without the City limits, light and power systems, water systems, sewer systems or sanitary disposal equipment and appliances, natural gas systems, parks and swimming pools, fertilizer plants, and any other public service or utility; power to mortgage and encumber such system or systems in the manner provided in Article 1111 to 1118, inclusive, of the 1925 Revised Civil Statutes of Texas, as amended, and any other laws of the State of Texas applicable thereto; and all the powers which the City might exercise in connection with such public utilities and public services under Article 1175 of the 1925 Revised Civil Statutes of Texas, and any amendment thereto, now or hereafter in effect, as well as under any other general laws of the State of Texas pertinent or applicable thereto, including the power to demand and receive compensation for service furnished for private purposes, or otherwise, and with full and complete power and right of eminent domain proper and necessary efficiently to carry out said objects.

(2) Power to Contract for Public Utilities

The City is authorized to enter into contracts or leases with individuals, corporations, partnerships, or other municipal corporations, for furnishing in whole or in part any public utility or portions of public utility systems that might be needed by the City or the citizens of the City. The consideration for such contracts or leases may in the discretion of the City Council be paid by the City or prorated to the individual users of the utility covered by such contractor lease; or to permit individuals, corporations, partnerships or other municipal corporations to furnish in whole or in part any public utility or portion of any public utility direct to the citizens of the City on such terms as the City may direct.

(3) Right to Purchase Commodities or Services Essential to the City or Its Citizens

The City shall have the power to purchase electricity, gas, oil, or any other article, commodity or service essential to a proper conduct of all the affairs of the City and of its inhabitants on such terms as the City Council may deem proper, for sale and distribution to the inhabitants of the City or adjacent territory.

SECTION 2. REGULATION OF PUBLIC UTILITIES.

(1) The City Council shall have the power by ordinance, after notice to the utility and hearing before the Council, to fix and regulate charges, fares or rates, of compensation to be charged by any person, firm or corporation enjoying a franchise in the City, or engaged in furnishing a public utility service in the City, and shall in determining, fixing and regulating such charges, fares or rates of compensation, base the same upon the fair value of the property of such person, firm, or corporation devoted to furnishing service to such City or the inhabitants thereof. The City Council may prescribe the character, quality and efficiency of service to be rendered, and shall have the power to regulate and require the extension of adequate lines or service of such public utility within such City by such person, firm or corporation, taking into consideration the cost to the utility, and from time to time may alter or change such rules, regulations, and compensation, provided that, in adopting such regulations and in fixing or changing such compensation or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying such franchise shall be considered unless on proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received in accordance with the laws and Constitution of this State applicable thereto. In order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate of regulation, the City Council shall have full power to inspect the books of any such utility serving the inhabitants of the City and compel production of records and the attendance of witnesses for such purpose.

(2) Any company, corporation or person engaged in furnishing to the inhabitants of the City any light, power, gas, telephone, transit or other public utility services, may be required at any time by ordinance or resolution of the City Council to file with the City Council sworn written reports pertaining to their operations and business within the City, and such report shall contain such data, facts and information as may be required by such ordinance or resolution, which shall also fix the time within which the report shall be filed.

(3) In addition to the foregoing powers the City shall have all the powers and privileges provided for by Article 1175 of the Revised Civil Statutes of Texas in regulating public utilities.

ARTICLE IX: CONTRACTS

SECTION 1. GENERAL.

All contracts that the City has at the time of the adoption of this Charter shall remain in full force and effect. This provision shall include, but not be limited to, all bonded indebtedness, contracts for professional services, contracts for improvements, lease contracts, or any other agreement binding upon the City of North Richland Hills, Texas, immediately prior to the adoption of this Charter.

SECTION 2. PERSONAL SERVICES.

No contract shall ever be made which binds the City for personal services, except for professional or City Manager services to be rendered for any stated period of time, but all appointive employees shall be subject to peremptory discharge, and when discharged shall only be entitled to compensation up to and including the date of their discharge, any provision to the contrary in this Charter notwithstanding.

Contracts for professional or City Manager services shall be of a term of no longer than five (5) years, and shall contain express language providing for termination without compensation beyond the date of occurrence of any of the following: conviction of a felony or other crime involving moral turpitude; violations of the provisions of the Charter or of any ordinance, rule, or of special orders applicable to such person.

SECTION 3. GOODS, MATERIALS, SERVICES OR SUPPLIES.

The City or any agent of the City, acting for it shall not make any contract for goods, materials, services, or supplies for the current use of any department of the municipality for more than one year, except as in this Charter provided, unless said contract and the cost thereof have been included in the annual budget of the City and unless an appropriation has been made therefor, and no contracts or purchases shall exceed the amount appropriated. All contracts shall be made upon specifications and competitive bids except in those cases where such specifications and competitive bids are not required by State law or in contracts for professional services, and no contract shall be binding until it has been signed by a designated representative of the City. Whenever the cost of any contracts charged to any appropriation equals the amount of such appropriation, no person representing the City shall sign or make any additional contracts chargeable to such appropriation. Any contract for current expenditures, exceeding the amount set up in the budget or the appropriation therefor shall be void.

SECTION 4. COMPETITIVE BIDDING.

All purchases over \$5,000.00 shall be made only after competitive bidding. Advertisement for bids shall be published in the official newspaper at least ten days before opening of bids. The bids will be sealed and opened in public as directed by the City Council. The City Council shall select the bid most advantageous to the City. The City Council shall have the right to reject all bids. The \$5,000.00 limit presently conforms to State law and the figure shall change as the State Statute is amended in the future. This competitive bidding requirement may be waived only upon a finding by the City Council that an emergency exists or in the event of public calamity where it is necessary to act at once to protect the citizens or property of the City.

SECTION 5. FRANCHISES AND SPECIAL PRIVILEGES.

(1) The right to control, easement, use and ownership and title to the streets, highways, public thoroughfares and property of the City, its avenues, parks, bridges and all other public places and property, are hereby declared to be inalienable except by ordinance duly passed by four affirmative votes of the City Council, and no grant of any franchise or lease, or right to use the same, either on, through, along, across, under or over the same, by any private corporation, association or individual shall be granted by the City Council for a longer period than fifty (50) years unless submitted to the vote of the legally qualified voters of the City in the manner provided for in Articles 1181 and 1182 of the Revised Civil Statutes of Texas, the expense of such election to be borne by the applicant.

(2) The City Council may, of its own motion, submit all of such applications, to an election at which the people shall vote upon the propositions therein submitted, the expense of such election in all cases to be borne by the applicant.

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

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

(5) No franchise grant shall ever be exclusive.

(6) The City Council may prescribe the forms and methods of the keeping of accounts of any grantees under franchise, provided that the forms and methods of keeping such accounts have not already been prescribed by a State or Federal law or agency.

ARTICLE X: OWNERSHIP OF REAL OR PERSONAL PROPERTY

SECTION 1. ACQUISITION OF PROPERTY.

(1) The City shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation, or otherwise, any character or property, within or without its municipal boundaries, including any charitable or trust funds.

(2) Specifically, but without limitation of the foregoing, the City shall have full power and authority to acquire through the exercise of eminent domain, or by purchase, or otherwise, and maintain and operate, any part or all of any water works system, sewerage system or other public utility used in serving citizens of the City. Such power and authority shall include that specified in Article 1175, Vernon's Annotated Texas Statutes, Subdivisions 11, 13, 15, and any other Subdivisions thereof, as now existing or as hereafter amended, and any common law or other statutory law applicable thereto, and such power and authority shall not be limited by any such specific statutory provisions. Such power and authority shall include the right to acquire by eminent domain or purchase from any person, firm, or corporation any part or all of the physical properties, easements, franchises, and other tangible and intangible properties and rights which may be in use as an operating utility business. Such power and authority shall include the right to acquire by eminent domain or purchase an undivided interest in any easements or facilities which may be in use to serve any other community and shall also include the right to acquire by eminent domain or purchase any properties located outside of the corporate boundaries of the City if needed by the City in operation of such utility system.

(3) If the City fails to agree with the owners of such utility company as to the value and damages for acquisition of such utility system, the City shall then file a statement with the Judge of the County Court at Law of Tarrant County, Texas, describing the physical properties, easements, franchises, and other tangible and intangible properties and rights sought to be condemned, and shall state the purpose for which it is intended to be used, the names of the owners, and that the City and the owners have been unable to agree upon the value of such property and rights. In such statement said Judge of the County Court at Law of Tarrant County, Texas shall be requested to appoint three commissioners who are disinterested persons and who know the values of such types of utilities as going concerns as well as values of the physical properties, easements, franchises, and tangible and intangible properties and rights involved in such condemnation. Such commissioners shall be instructed by said Judge to consider all relevant factors and evidence as to the value of the physical properties being condemned and also the easements, franchises, and other tangible and intangible properties and rights so as to determine the fair value of

such utility as an operating system and to determine the damages which will be sustained by such condemnee through such taking, and the relevant factors and evidence to be considered by said commissioners shall not be limited to the value of the physical properties and easements.

(4) All of the books and records of said utility company shall be made available for examination and study by said commissioners, and said commissioners shall have the power to compel the attendance of witnesses and production of books and records in the same manner as the Judge of the County Court at Law of Tarrant County, Texas.

(5) The City shall not take possession of the property being condemned, or any part thereof, until after entry of a final judgment and expiration of the item for appeal or motion for rehearing.

(6) Except as otherwise specified herein, the procedure to be followed in condemnation of any part or all of the properties and rights of a utility company shall follow the statutory provisions of Article 3264-3271, both inclusive, Vernon's Annotated Texas Statutes, and the common law applicable to eminent domain.

SECTION 2. REAL ESTATE, ETC., OWNED BY THE CITY.

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

ARTICLE XI: STREETS AND ALLEYS

SECTION 1. STREET POWERS.

The City shall have exclusive control of all alleys, streets, gutters, and sidewalks situated within the City, and the power to lay out, establish, open, alter, extend, widen, straighten, abandon and close, lower, grade, narrow, care for, supervise, maintain and improve any public street, alley, avenue, or boulevard, and for any such purposes to acquire the necessary lands and to appropriate the

same under the power of eminent domain. The City shall also have the power to name or rename, vacate and abandon and sell and convey in fee that portion of any street, alley, avenue, boulevard or other public thoroughfare or public grounds, and to convey in fee the same in exchange for other lands, over which any street, alley, avenue or boulevard may be laid out, established and opened; and the City's right to sell and dispose of in fee any part of a street, alley, avenue or boulevard so vacated and abandoned, or the City's right to convey same in exchange for other lands to be used in laying out, opening, widening and straightening any street, shall never be questioned in any of the Courts of this State. The procedure for closing streets and alleys shall be in conformity with due process of law and shall be particularly prescribed and provided for by ordinance passed in the usual manner by the City Council.

ARTICLE XII: FINANCE

SECTION 1. FISCAL YEAR BUDGET.

The City's financial expenditures shall be governed by an annual budget. The budget shall embrace the fiscal year of the City as opposed to the calendar year.

SECTION 2. PREPARATION AND PUBLIC NOTICE FOR BUDGET.

The City Manager shall prepare and submit to the City Council a proposed budget at least 45 days prior to the beginning of the fiscal year. The City Council shall hold a public hearing on the budget and shall give at least ten days notice of said public hearing in the official newspaper of the City.

SECTION 3. PUBLIC HEARING ON BUDGET.

At the public hearing or at any regular or special called Council meeting, the City Council shall make such changes in the proposed budget as it deems advisable and shall adopt a budget prior to the first day of the fiscal year. If the City Council fails to adopt a budget in final form before such date, the budget proposed by the City Manager shall be deemed to have been adopted.

SECTION 4. BUDGET AMENDMENT.

Once the budget is adopted the City Manager shall authorize no expenditure over the total funds for expenditure in the overall budget unless the budget is amended by the same public notice procedure called for in adopting the budget.

SECTION 5. BUDGET A PUBLIC RECORD.

The budget shall be a public record and a copy shall remain on file in the office of the City Secretary for public inspection.

SECTION 6. AUDIT.

The Council shall cause an independent audit to be made of the books of account, records and transactions of all the administrative departments of the City at least once yearly. Such audits, during such fiscal year, shall be made by one or more certified public accountants who for three years next preceding have held a certificate issued by the State Board of Accountancy of the State of Texas, or by a state maintaining an equal standard of professional requirements, which entitled the holder of such certificate to a Texas certificate. The auditor or auditors to make the said audit shall be selected by the Council, and shall be responsible to the Council. The duties of the auditor or auditors so appointed shall include the certification of all statements. The report of such auditor or auditors for the fiscal year shall be printed and copy thereof shall be furnished to each member of the Council, the City Manager, and to each citizen who may apply therefor. The original report of the said auditor or auditors shall be kept among the permanent records of the City.

ARTICLE XIII: TAXATION

SECTION 1. PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the City of North Richland Hills on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. It shall be the duty of the Assessor and Collector of Taxes, between the first day of January and the first day of July of each year, to make and return to the governing body of the City a full and complete list and assessment of all property, both real and personal, held, owned or situated in said City on the first day of January of each year and not exempt from municipal taxation, and also a list of all banks, and other corporations whose capital stock is liable to taxation, with the cash value of the shares of stock of each bank or other corporation and the names of the owners thereof.

SECTION 2. STATE LAW GOVERNS COLLECTION.

The City Council shall have full power to provide for the prompt collection of taxes imposed and the procedures, time limits, interest, penalties and methods of levying, imposing, assessing and collection of taxes shall be those prescribed by State law. The Council shall impose such ad valorem taxes as are necessary to support the budget.

SECTION 3. EXEMPTIONS.

There shall be exempt from taxation all property exempted by the State Constitution, State Statutes and the ordinances of the City, as they are now or as they may be amended.

SECTION 4. FRANCHISES SUBJECT TO TAX.

All rights, privileges and franchises heretofore or hereafter granted to and held by any person, firm or corporation, in the streets, alleys, highways, or public grounds or places in said City, shall be subject to taxation by said City separately from and in addition to the other assets of such person, firm or corporation, and the governing body of the City may require the rendition and assessment thereof accordingly.

SECTION 5. POWER TO BORROW.

The City of North Richland Hills shall have the right and power to borrow money on the credit of the City for permanent public improvements or for any other public purpose consistent with the Constitution and laws of the State of Texas. The City shall also have the power to borrow money against the revenues of any municipally-owned utility and to mortgage the physical properties of such utilities in payment of such debt. In no event, however, shall revenue bonds be considered an indebtedness of the City of North Richland Hills nor required to be repaid with funds secured by taxation.

SECTION 6. LIMITATION ON TAX RATE.

The maximum tax rate shall not exceed \$1.50 on the One Hundred Dollars (\$100.00) valuation of taxable property within the City.

ARTICLE XIV: PLANNING/BUILDING REGULATIONS

A. PLANNING

SECTION 1. THE PLANNING AND ZONING COMMISSION.

There shall be established a Planning and Zoning Commission which shall consist of seven (7) citizens of the City of North Richland Hills who own real property within the City. The members of said Commission shall be appointed by the City Council for a term of two (2) years. Three (3) members of the Planning and Zoning Commission shall be so appointed each odd-numbered year and four (4) members shall be so appointed each even-numbered year. Vacancies and

unexpired terms shall be filled by the City Council for the remainder of that member's term. The Commission shall elect a Chairman from among its membership.

The Commission shall meet at least once monthly and may schedule additional regular meetings as are required by the level of agenda activity. A quorum for any meeting of the Commission shall be a majority of the members. Members of the Commission may be removed by the Mayor with the consent of the City Council after a public hearing and for cause set forth in writing.

The Commission shall keep minutes of its proceedings which shall be of public record. The Commission shall serve without compensation.

SECTION 2. THE PLANNING AND ZONING COMMISSION POWERS AND DUTIES.

The Planning and Zoning Commission shall:

- (A) Recommend a City Master Plan for the physical development of the City;
- (B) Recommend to the City Council the approval or disapproval of any proposed changes in the Zoning Ordinance text or map; and
- (C) Exercise control over all platting or subdividing of land within the corporate limits of the City and outside said corporate limits to the extent authorized by law. Make specific recommendations to the City Council whether a plat be approved or denied. The City Council shall make final approval or denial of all plats.

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 the ordinances.

SECTION 3. MASTER PLAN.

The Master Plan for the physical development of the City of North Richland Hills shall contain the Commissions' 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 parts, and may adopt any amendments thereto after at least one public hearing on the proposed plan. The City Council shall act on such Plan, or part thereof, within sixty (60) days following its submission by the Commission. If such a 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 revisions affecting the Master Plan shall be accompanied by a recommendation from the Planning and Zoning Commission.

SECTION 4. LEGAL EFFECT OF THE MASTER PLAN.

Upon the adoption of a Master Plan for the City of North Richland Hills by the City Council, that Plan shall become a general guideline for all decisions made by the Planning and Zoning Commission and City Council related to existing or proposed development of the City.

On any case coming before the Planning and Zoning Commission the Commission shall make a recommendation to the City Council to approve or deny the proposal. If the recommendation of the Commission is to deny the proposal the reasons for that denial shall be communicated to the City Council. The City Council shall have the power to overrule such recommendation of denial, and upon such overruling, the City Council shall have the power to proceed.

Any zoning action taken to revise the Zoning Map of the City of North Richland Hills which shall have had proper hearing before the Planning and Zoning Commission and from which a recommendation is given by the Commission to the City Council, and after proper public hearing and consideration before the City Council, is approved by the City Council; such change in the Zoning Map shall also be deemed to have revised the Future Land Use Map as it appears in the Master Plan of the City of North Richland Hills.

B. BUILDING REGULATIONS

SECTION 1. GENERAL.

The City may regulate the erection, building, placing, moving or repairing of buildings or other structures, within such limits of the City as it may designate and prescribe, in order to guard against the calamities of fire, flood, or windstorm and may within said limits prohibit the moving or putting up of any building or other structure from without said limits, and may also prohibit the removal of any building or other structure from one place to another within said limits, and may direct that all buildings or other structures within the limit so designated as aforesaid shall be made or constructed of fire-resistant materials, and may declare any dilapidated building or structure to be a nuisance and direct the same to be repaired, removed or abated in such manner as they shall direct; to declare all buildings and other structures in the fire limits which they deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and require and cause the same to be removed in such manner as they shall prescribe.

SECTION 2. BUILDING LINES.

The City shall have the power, for the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare, acting through its governing body, under the public power, to provide by suitable ordinance building lines on any street or streets, or any block of any street or streets, and to require their observance by suitable penalties.

ARTICLE XV: RECALL OF OFFICERS

SECTION 1. SCOPE OF RECALL.

Any City official elected by the people, 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.

SECTION 2. PETITION FOR RECALL.

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least twenty-five (25) percent of the number of votes cast at the last regular municipal election of the City, but in no event less than 250 such petitioners. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and year his signature was affixed.

SECTION 3. FORM OF RECALL PETITION.

The recall petition mentioned in Section 2 of this Article must be addressed to the City Council of the City of North Richland Hills, 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 as 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 is charged. The signature shall be verified by oath in the following form:

STATE OF TEXAS §
COUNTY OF TARRANT §

I, _____, being first duly sworn on oath depose and say 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 date it purports to have been made, and 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 _____, 19____.

Notary Public in and for Tarrant County, Texas

SECTION 4. VARIOUS PAPERS CONSTITUTING PETITION.

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts or 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 placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day and the said Secretary, shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his North Richland Hills address.

SECTION 5. PRESENTATION OF PETITION TO CITY COUNCIL.

Within five (5) days after the date of the filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall present such petition to the City Council of the City of North Richland Hills.

SECTION 6. PUBLIC HEARING TO BE HELD.

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit him 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 (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

SECTION 7. ELECTION TO BE CALLED.

If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be not less than twenty-five (25) nor more than thirty-five (35) days from the date such petition was presented to the City Council, or from the date of the public hearing if one was held.

SECTION 8. BALLOTS IN RECALL ELECTION.

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

- (1) 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?"
- (2) Immediately below each question there shall be printed the two following propositions, one above the other, in the order indicated:
"FOR the recall of (name of person)."
"AGAINST the recall of (name of person)."

In voting said ballot the voter shall indicate his vote in favor of recall by scratching or running a line through the words "against the recall," and shall indicate his vote against recall by scratching or running a line through the words "for the recall."

Under said questions shall be placed the names of candidates to fill the vacancy or vacancies. The name of the officer or officers whose removal is sought shall not appear on the ballot as a candidate or candidates to succeed himself or themselves.

SECTION 9. RESULT OF RECALL ELECTION.

If a majority of the votes cast at a recall election shall be against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at

such an election be for the recall of the person named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as vacancies in the City Council are filled.

SECTION 10. RECALL, RESTRICTION THEREON.

No recall petition shall be filed against any officer of the City of North Richland Hills within three (3) months after his election, nor within three (3) months after an election for such officer's recall.

SECTION 11. FAILURE OF CITY COUNCIL TO ACT.

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

ARTICLE XVI: REFERENDUM

SECTION 1. GENERAL POWER.

The registered, qualified voters of the City of North Richland Hills, in addition to the method of legislation hereinbefore provided, shall have the power to direct legislation by referendum.

SECTION 2. REFERENDUM.

Registered, qualified voters of the City of North Richland Hills may require that any ordinance or resolution passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution or within thirty (30) days after its publication. Said petition shall be addressed, prepared, signed and verified by oath in the manner and form provided for recall petitions as provided in Section 2, Article XV of this Charter, provided, however, the names on such petition shall also be of registered voters and shall be submitted to the person performing the duties of City Secretary. Immediately upon the filing of such petition, the person performing the duties of City Secretary shall present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote at a special election to be held

within thirty (30) days thereafter at which the registered, qualified voters of the City of North Richland Hills shall vote on the question of adopting or rejecting within sixty (60) days of the filing of the petition, the question may be voted on at such election. 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 registered, qualified voters voting thereon at such election shall vote in favor thereon.

SECTION 3. VOLUNTARY SUBMISSION OF LEGISLATION BY THE COUNCIL.

The City Council, upon its own motion and by majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, resolution or measure in the same manner and within the same force and effect as provided in Section 2 of this Article, and may, in its discretion, call a special election for this purpose.

SECTION 4. FORM OF BALLOTS.

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

"FOR the ORDINANCE," AND
"AGAINST the ORDINANCE," or

"FOR the RESOLUTION," and
"AGAINST the RESOLUTION."

SECTION 5. PUBLICATION OF REFERRED ORDINANCES.

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

SECTION 6. ADOPTION OF ORDINANCES.

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

SECTION 7. INCONSISTENT ORDINANCES.

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

SECTION 8. FURTHER REGULATIONS BY CITY COUNCIL.

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article not inconsistent herewith.

SECTION 9. FRANCHISE ORDINANCES.

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of Article IX, Section 5 of the Charter, pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

ARTICLE XVII: CITY CIVIL SERVICE

SECTION 1. THERE IS HEREBY ESTABLISHED IN THE CITY OF NORTH RICHLAND HILLS A CITY CIVIL SERVICE.

SECTION 2. DEFINITIONS.

Any full-time employee of the City is entitled to City Civil Service coverage except any employee directly appointed by the City Council, or any supervisory personnel directly appointed by the City Manager.

SECTION 3. CIVIL SERVICE COMMISSION.

"There is hereby established in the City of North Richland Hills a Civil Service Commission. The Commission shall consist of five (5) members to be appointed by the Mayor of the City of North Richland Hills and such appointment shall be confirmed by a two-thirds (2/3) vote of the City Council of the City of North Richland Hills before such appointments shall be effective. Of these members, Position Two (2) and Position Four (4) shall be appointed from a list or lists of nominees provided to the Mayor of the City of North Richland Hills by the City employee associations. If no list is presented by any association, the Mayor may make the appointment as he deems fit.

The terms of the Commissioners shall be as follows: Position One, one (1) year; Position Two, one (1) year; Position Three, two (2) years; Position Four, two (2) years; and Position Five, three (3) years; or in each case until a successor is appointed, confirmed and qualified.

If a vacancy occurs or if an appointee fails to qualify within ten days after the date of appointment, the Mayor shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment.

A person appointed to the Commission must:

1. Be of good moral character,
2. Be a resident of the City of North Richland Hills, and resided in said City for at least one (1) year
3. Be a United States citizen,
4. Be at least twenty-one years of age,
5. Not have held any public office with the City of North Richland Hills within the preceding three (3) years,
6. Not have been a paid employee of the City of North Richland Hills within the preceding three (3) years."

SECTION 3A. REMOVAL OF COMMISSIONERS.

Civil Service Commission members may be removed by a two-thirds (2/3) vote of the City Council for failure to remain qualified under the provisions of Sections 3 or failure to maintain interest in this Commission as manifested by good attendance.

SECTION 4. ORGANIZATION OF COMMISSION.

The Commissioners shall within ten (10) days after the qualification of the membership, and annually thereafter during the month of January, elect a Chairman and a Vice Chairman from within their own ranks.

SECTION 5. POWERS AND RESPONSIBILITIES.

The Civil Service Commission shall recommend policies, procedures, rules and regulations to the City Council for approval. The Commission shall operate always within the bounds of the City Charter, the Constitution and the laws of the State of Texas and the Federal Constitution.

SECTION 5A. COMMISSION INVESTIGATIONS; OATHS AND SUBPOENA POWER.

"The Commission may make investigations concerning, and report upon all matters touching, the enforcement and effect of the provisions of this Article, and the rules and regulations prescribed hereunder. In the course of such investigation the Commission or designated Commissioner shall have the power to administer oaths, subpoena and require the attendance of witnesses and the producing by them of books, papers, documents, and accounts pertaining to the

investigation, and also to cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for the like depositions in civil actions in the court of original and unlimited jurisdictions to civil suits of the United States; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a magistrate in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this Section shall be deemed a violation of this Article, and punishable as such."

SECTION 5B. RESPONSIBILITIES.

The Civil Service Commission:

- Shall recommend rules and regulations for conduct of all Civil Service business.
- Shall make investigations to ascertain compliance with the Civil Service system.
- Shall make annual inspections of institutions, departments, offices, places, positions, and employments affected by the Civil Service system.
- Shall develop recommended classifications for all employees in conjunction with the City Manager and department heads.
- Shall conduct hearings upon receipt of a qualified appeal.
- Shall make provisions for the conduct and grading of examinations.
- Shall create the register of eligibles.
- Shall make provisions for physical examinations.
- Shall publish and make available rules and regulations, classifications and seniority lists.
- Shall make periodic reports to Council.
- Shall maintain an open door policy to all Civil Service employees for information concerning the program.
- Shall maintain at all time the proper relationship to the Council and acknowledge that the Commission's function is limited to conducting a program approved by the Council.
- Shall keep private all personnel records.
- Shall maintain continuous surveillance of other cities, surveys, statistics, and other sources of information necessary to assure recommendations adequate to keep this program current.
- Shall resign immediately when circumstances arise that prohibit any Commissioner from the faithful, objective and honest conduct of his appointment or when unusual circumstances arise which would cause his presence to reduce the dignity of the Commission.
- Shall uphold the rights of all cited herein.

- Shall conduct meetings in accordance with the rules and regulations established by the Commission and/or City Council.
- Shall, in conjunction with the Department Head, determine the ability of an employee to continue in duties, based on physicians' report of examination/physical fitness tests to determine his physical condition/fitness.
- Shall investigate and act on letters of exception to set aside the rules of this program.
- Shall refrain from taking action on petty grievances, and from meddling in departmental affairs.
- Shall recommend salary ranges and other benefits for employees, to the City Council by June 1 of each year.

SECTION 6. SECRETARY OF CIVIL SERVICE.

"The director of Personnel of the City of North Richland Hills shall perform all such work incidental to, and provide all facilities necessary for the conduct of Civil Service business."

SECTION 7. (THIS SECTION REPEALED BY CHARTER AMENDMENT ELECTION AUGUST 8, 1992)

SECTION 8. (THIS SECTION REPEALED BY CHARTER AMENDMENT ELECTION NOVEMBER 3, 1987)

SECTION 9. EXAMINATION FOR ELIGIBILITY LISTS.

The Commission shall make provisions for open, competitive and free examinations for persons making proper application and meeting the requirements as herein prescribed. All eligibility lists for applicants for original positions in the City shall be created only as a result of such examinations, and no appointments shall ever be made for any position in such Departments except as a result of such examination, which shall be based on the applicant's knowledge of and qualifications for the job for which he is making application as shown by competitive examinations in the presence of all applicants for such position, and shall provide for thorough inquiry into the applicant's general education and mental ability. All applicants considered must meet all requirements and qualifications set out in these rules.

An applicant who has served in the Armed Forces of the United States and who received an honorable discharge shall receive five (5) points in addition to his competitive grades, on initial employment applications only.

Appropriate physical examinations shall be required of all applicants for beginning or promotional positions as required in the qualifications and the examinations shall be given by a physician appointed by the Commission and

paid by such City; and in the event of rejection by such physician, the applicant may call for further examination by a board of three (3) physicians appointed by the Commission, but at the expense of the applicant, and whose findings shall be final. The age and physical requirements shall be set by the Commission in accordance with provisions of this law and shall be the same for all applicants.

Appropriate physical examinations shall be required of all applicants for beginning positions. The examinations shall be given by a physician appointed by the City Manager and paid by the City. In the event of rejection by such physician, the applicant may call for further examination by a board of three physicians appointed by the City Manager but at the expense of the applicant and whose findings shall be final.

SECTION 10. METHOD OF FILLING POSITIONS.

All vacancies in the classified service shall be filled by re-employment, promotion, original appointment, transfer or demotion.

When a vacancy occurs in any department where such vacancy is to be filled from an eligibility list, the head of the department shall request in writing from the Personnel Department the names of the three persons having the highest grades on the eligibility list. Upon receipt of a requisition for an employee, the Personnel Department shall certify the three eligible having the highest ranking on the eligibility list for the class of the vacancy to be filled. In the event there are less than three names remaining on a current eligibility list, then the remaining names shall be certified to the department head. The department head shall appoint the eligible with the highest ranking, except where the department head has a valid reason for not appointing said eligible. In such case he shall, before appointment, file his reasons in writing for rejection of the eligible or eligibles with the Personnel Office. All eligibility lists shall remain in existence for one (1) year unless exhausted, and at the expiration of one (1) year they shall expire and new examinations be given.

SECTION 11. (THIS SECTION REPEALED BY CHARTER AMENDMENT ELECTION AUGUST 8, 1992)

SECTION 12. PROBATIONARY AND FULL-FLEDGED EMPLOYEES.

A person who has received appointment to any department hereunder shall serve a probationary period of twelve (12) months. The twelve (12) month probationary period shall begin not on the initial date of hire but shall instead begin on the first working day following the completion of all basic training required by such department.

SECTION 13. (THIS SECTION REPEALED BY CHARTER AMENDMENT ELECTION AUGUST 8, 1992)

SECTION 14. PROMOTIONS: FILLING VACANCIES.

The Commission shall recommend to the City Council for adoption by Ordinance the Rules and Regulations governing promotions. The City Council shall not change, amend, delete, or alter the Civil Service Rules and Regulations without the recommendation of the Civil Service Commission.

A. Police/Fire Promotions.

All promotional examinations for sworn positions in the Police or Fire Service shall be open to all employees who have held a continuous position for two years or more in the classification immediately below the classification for which the examination is to be held. However, where there are less than three members in the next lower position with two years of service in that position, then all employees in such lower classification shall be eligible to take the examination. If, after extending the examination to all employees in the classification immediately below the position being tested, and there is still an insufficient number to take the examination, then the examination shall be extended to all employees in the second lower classification to that for which the examination is to be held.

B. All Other Promotions.

All promotional examinations, except for sworn police and fire positions, shall be open to all employees who have held a continuous position for one or more years in the classification immediately below the classification for which the examination is to be held. However, where there are less than three members in the next lower position with one year of service in that position, then all employees in such lower classification shall be eligible to take the examination. If, after extending the examination to all employees in the classification immediately below the position being tested, and there is still an insufficient number to take the examination, then the examination shall be extended to all employees in the second lower classification to that for which the examination is to be held.

All applicants for any promotional position as described in Section 14a and Section 14b of this Article shall be given one point for each year of seniority in their department, but never to exceed ten points.

C. Efficiency Reports.

The Commission shall formulate procedures and rules for semi-annual efficiency reports. In departments where an oral review board has been established and approved by the Commission, the oral interview grade may be substituted for the efficiency report grade.

D. Examination of Applicants.

1. Method of Examination - when Assessment Center Exercise is not used.

All applicants for a position shall be given an identical examination which may include either a written examination and/or an oral interview by an interview board. Seventy percent of the questions must be answered correctly to pass the written examination. Each applicant must pass any written test used in order to be considered for appointment. All questions in the written examination shall be prepared and composed in such a manner that the grading of the examination papers can be promptly completed immediately after the holding of the examination and shall be prepared so as to test the knowledge of the applicants concerning information and facts, and all of said questions shall be based upon material which has been made available to all members of that department involved and shall be based upon the duties of the position sought and upon any study courses given by such departmental schools of instruction and upon the applicant's efficiency. When one of the applicants taking an examination for promotion has completed their written examination, the grading of such examination shall begin, and all of the examination papers shall be graded as they are completed, at the place where the examination is given and in the presence of any applicants who wish to remain during the grading. The grade which shall be placed on the eligibility list for each applicant shall be computed by adding such applicant's points for seniority and their credit based on the average of his last two (2) semi-annual efficiency reports or oral interview to their grade on such written examination. Each applicant shall have the opportunity to examine their examination and their answers thereto together with the grading thereof and if dissatisfied shall, within five (5) days, appeal the same to Commission for review in accordance with the provisions of this Article. All oral examinations shall be recorded "live" and turned in to the Commission, along with the examining board critiques and findings, for transcription and filing. No person shall be eligible for promotion unless they have served in such department for at least two (2) years immediately preceding the day of such promotional examination in the next lower position

or other positions specified by the Commission. In the Police and Fire Departments, no person with less than four (4) years actual service in such department shall be eligible for promotion to the rank of Captain. Provided, however, that the requirements of two (2) years service in the department immediately preceding the date of promotional examination shall not be applicable to those persons recalled on active military duty for a period not to exceed twenty-four (24) months. Such persons shall be entitled to have time spent on active military duty considered as duty in the department concerned. However, any person whose absence for active military duty exceeds twelve (12) months, shall be required to serve ninety (90) days upon returning to the department before they shall become eligible to participate in a promotional examination, such period being considered essential for bringing them up to date on equipment and techniques. No person shall be eligible for appointment as Chief of the Fire or Police Department who has not been a bona fide fire fighter in a fire department or a bona fide law enforcement officer for five (5) years in the State of Texas.

2. Method of Examination - when Assessment Center Exercise is used.

An Assessment Center Exercise shall consist of a qualifying written examination and other exercises approved by the Personnel Director. Applicants must answer correctly seventy percent of the questions to pass the written examination and to be eligible for the Assessment Center. If more than eight applicants pass the written examination, only the top eight scorers will be permitted to advance to the remaining exercises of the Assessment Center. In the event the written examination results in a tie among two or more persons for the eighth highest score, the individual's seniority in the department shall be the tie-breaker in determining the applicant who will be permitted to continue in the Assessment Center Exercises.

The maximum achievable score for the written examination shall be equal to but not exceed the maximum achievable score for each of the remaining exercises. The grade which shall be placed on the eligibility list for each applicant shall be the sum of all points awarded by an Assessment Center Board plus written test score and applicable seniority points.

E. Eligibility List

Upon written request by the Heads of the Departments for a person to fill a vacancy in any classification, the Commission shall certify to the Head of the Department the three (3) names having the highest grades on such eligibility list for such classification for the vacancy requested to be filled and the chief administrative officer shall appoint the person having the highest grade, except where such chief administrative officer has valid reason for not appointing such highest name, and in such cases he shall, before such appointment, file his reasons in writing, for rejection of the higher name or names, with the Commission, which reasons shall be valid and subject to review by the Commission upon the application of such rejected person.

The name of each person on the eligibility lists shall be submitted to the Head of the Department three (3) times; and if passed over three (3) times with written reasons filed thereafter and not set aside by the Commission he shall thereafter be dropped from the eligibility list. All eligibility lists shall remain in existence for one (1) year unless exhausted, and at the expiration of one (1) year they shall expire and new examinations be given.

F. Examinations to Create Eligibility Lists

The Commission shall proceed to hold examinations to create eligibility lists within ninety (90) days after a vacancy in any classification occurs, or new positions are created, unless an eligibility list is in existence.

G. (This Section Repealed by Charter Amendment Election August 8, 1992)

SECTION 15. (THIS SECTION REPEALED BY CHARTER AMENDMENT ELECTION AUGUST 8, 1992)

SECTION 16. INDEFINITE SUSPENSIONS.

The Head of the Department shall have the power to suspend indefinitely any employee under his supervision or jurisdiction for the violation of Civil Service Rules. The officer making such order of suspension shall file a written statement within five (5) days with the Commission, giving the reasons for such suspension, and furnish a copy thereof to the employee affected by such act, said copy to be delivered in person to such suspended officer or employee by said Department Head. Said order of suspension shall inform the employee that he has ten (10) days after receipt of a copy thereof within which to file a written appeal with the Commission. The Commission shall hold a hearing and render a decision in writing within thirty (30) days after it received said notice of appeal. Said decision shall state whether or not the suspended employee shall be

permanently or temporarily dismissed from the department or be restored to his former position or status in the classified service in the department. In the event that such suspended employee is restored to the position or class of service from which he was suspended, such employee shall receive full compensation at the rate of pay provided for the position or class of service from which he was suspended, for the actual time lost as a result of such suspension. All hearings of the Commission in case of such suspension shall be public.

In the event of an appeal by the suspended employee, a written statement shall be filed by the Department Head with the Commission, pointing out the Civil Service rule alleged to have been violated by the suspended employee, and the alleged acts of the employee which the Department Head contends are in violation of the Civil Service rules. It shall not be sufficient for the Department Head merely to refer to the provisions of the rules alleged to have been violated and in case the Department Head does not specifically point out the act or acts complained of on the part of such employee, it shall be the duty of the Commission promptly to reinstate him. No employee shall be suspended or dismissed by the Commission except upon a finding by the Commission of the truth of the specific charges against such employee.

In the event the Commission orders that such suspended employee be restored to his position as above provided, it shall be the duty of the Department Head immediately to reinstate him as ordered and in event the Department Head fails to do so, the employee shall be entitled to his salary just as though he had been regularly reinstated.

In the event such Department Head willfully refuses to obey the order of reinstatement of the Commission, and such refusal persists for a period of ten (10) days, it shall be the duty of the City Manager to discharge such Department Head from his employment with the City.

The Commission may punish for contempt any Department Head who willfully refuses to obey any lawful order of reinstatement of the Commission, and such Commission shall have the same authority herein to punish for contempt as has the Justice of the Peace.

SECTION 16A. PURPOSE OF LAW: HEARINGS.

It is hereby declared that the purpose of the Civil Service law is to secure to North Richland Hills efficient municipal departments, composed of capable personnel, free from political influence, and with permanent tenure of employment as public servants. The members of the Civil Service Boards are hereby directed to administer the Civil Service law in accordance with this purpose; and when sitting as a Board of Appeals for a suspended or aggrieved employee, they are to conduct such hearing fairly and impartially under the provisions of this law, and are to render a fair and just decision, considering only the evidence presented before them in such hearing.

SECTION 17. PROCEDURE BEFORE COMMISSION.

In order for an employee to appeal to the Commission, it shall only be necessary for him to file within ten (10) days with the Commission a written statement denying the truth of the charge as made, or a written statement taking exception to the legal sufficiency of such charges and asking for a hearing by the Commission. In all hearings, of every kind and character, the employee shall have the right to be represented by counsel, and the witnesses may be placed under the rule. All such hearings shall be public. The Commission shall have the authority to issue subpoenas for the attendance of witnesses.

SECTION 18. APPEAL TO DISTRICT COURT.

In the event any employee is dissatisfied with the decision of the Commission, he may, within ten (10) days after the rendition of such final decision, file a petition in the court of appropriate jurisdiction, asking that his order of suspension, dismissal, or demotion be set aside. Such cases shall be advanced on the docket of such court and shall be given a preference setting over all other cases and shall be tried under the Substantial Evidence Rule.

SECTION 19. DEMOTIONS.

The Department Head shall have the right to demote any employee under his jurisdiction. Any employee, so demoted, has the right to appeal to the Commission for reversal of such demotion.

SECTION 20. DISCIPLINARY SUSPENSION.

The head of a department shall have the power to suspend any employee under his jurisdiction or supervision for disciplinary purposes, for reasonable periods, not to exceed fifteen (15) days. The employee shall have the same rights of appeal granted him under Section 16.

SECTION 21. REDUCTION OF FORCE - REINSTATEMENT LIST.

In the event that any position in any Department is vacated or abolished by ordinance of the City Council, the employee holding such position shall be demoted to the position next below the rank of the position so vacated or abolished; provided that when any position or positions of equal rank may be abolished or vacated, the employee or employees with the least seniority in the said rank shall be the one or ones who are demoted.

In the event that it thereby becomes necessary to demote an employee or employees to the position next below the rank of the position so vacated or abolished, such employee or employees as are involuntarily demoted without

charges having been filed against them for violation of Civil Service rules shall be placed on a position reinstatement list in order of their seniority. If any such position so vacated or abolished is filled or recreated within one (1) year, the position reinstatement list for such position shall be exhausted before any employee not on such list is promoted to such position. Promotions from the position reinstatement list shall be in the order of seniority.

In the event positions in the lower classification are abolished or vacated, and it thereby becomes necessary to dismiss employees from the department, the employee with the least seniority shall be dismissed, but such employees as are involuntarily separated from the department without charges having been filed against them for violation of Civil Service rules, shall be placed on the reinstatement list in order of their seniority. The reinstatement list shall be exhausted before appointments are made from the eligibility lists. In the event that said employee refuses reinstatement, that employee's name shall be removed from the reinstatement list. Appointments from reinstatement list shall be in order of seniority. Those who shall have been on any such reinstatement list for a period of three (3) years shall be dropped from such list but shall be reinstated upon request from the Commission.

SECTION 22. POLITICAL ACTIVITIES.

Employees while on duty with the City of North Richland Hills shall not be permitted to take active part in the political campaign of another for an elective position of the City of North Richland Hills. The term active means making political speeches, passing out cards, or other political literature, writing letters, actively and openly soliciting votes and making derogatory remarks about candidates for such elective positions. Provided that the Commission or the City shall not further restrict the rights of the employees of the City to engage in political activities except as herein expressly provided.

Employees coming under the provisions of this Article are not required to contribute to any political fund or render any political service to any person or party whatsoever; and no person shall be removed, reduced in classification or salary, or otherwise prejudiced by refusing to do so; and any official of the City coming under the provisions of this Article who attempts the same shall be guilty of violating the provisions of this Article.

SECTION 22A. LEAVES OF ABSENCE.

No employee shall be refused reasonable leave of absence without pay for the purpose of attending any school, conventions or meeting, the purpose of which is to secure more efficient department and better working conditions for the personnel thereof, nor shall any rule ever be adopted affecting their Constitutional right to appear before or petition the Legislature provided that the employee's absence shall not create a personnel shortage.

SECTION 22B. MILITARY LEAVE OF ABSENCE.

The Civil Service Commission on written application of any employee shall grant military leave of absence without pay to such member to enable him to enter military service of the United States in any of its branches in time of National emergency or crisis, such leave of absence to continue during the period of active military service of such member. Any such member receiving military leave of absence hereunder shall be entitled to be returned to the position in the department held by him at the time the leave of absence is granted, upon the termination of his active military service, provided he receives an Honorable Discharge and remains physically and mentally fit to discharge the duties of that position; and further provided he makes application for reinstatement within ninety (90) days after his discharge. Upon being returned to said position, such member shall receive full seniority credit for the time spent in the military service. During the absence from the department of any such member to whom military leave of absence shall have been granted by the Civil Service Commission the position in the department held by such member shall be filled in accordance with the other provisions of the Civil Service Article subject to the person filling such position being replaced by the member to whom military leave of absence has been granted upon his return to active duty with the department. Any person so replaced and remaining with the department and by reason of such replacement being returned to a position lower in grade or compensation shall have a preferential right for subsequent appointment or promotion to the same or similar position of that from which he has been replaced over any eligibility list for such position, provided he remains physically and mentally fit to discharge the duties of such position.

SECTION 23. PUBLISHING OF CIVIL SERVICE RULES AND REGULATIONS.

The Commission shall recommend to the City Council all Civil Service Rules and Regulations for adoption by ordinance. Upon adoption by the City Council, a copy of the Civil Service Rules and Regulations shall be distributed to each department head. The Director of Personnel shall keep on hand copies of said rules and regulation for distribution to all requesting same, and said rules and regulations shall be kept available for inspection by any interested citizen.

SECTION 24. STATUS OF PRESENT EMPLOYEES.

All employees of North Richland Hills, at the time of passage of this Article are entitled to Civil Service classification, shall enjoy the status of Civil Service employees without having to take any competitive examinations for the position occupied at the time, provided such employees have been in the service of said City for more than six (6) months.

SECTION 25. SICK AND INJURY LEAVES OF ABSENCE.

Permanent and temporary employees in the classified service shall be allowed a total of sick leave with full pay computed upon a basis of ten (10) working hours allowed for each full month employed in a calendar year, so as to total one hundred (120) working hours to an employee's credit each twelve (12) months.

Employees shall be allowed to accumulate one hundred twenty (120) working hours of sick leave with pay in one (1) calendar year.

Sick leave with pay may be accumulated without limit and may be used while an employee is unable to work because of any bona fide illness. The section shall not prevent the commission from recommending to the City Council any plan designed to benefit or compensate employees for any accumulated sick leave.

In order to facilitate the settlement of the accounts of deceased employees of the City of North Richland Hills, all unpaid compensation due such employee at the time of his death shall be paid to the person or persons surviving at the date of death, in the following order of precedence and such payments shall be a bar to recover by any other person of amounts so paid.

First, to the beneficiary or beneficiaries designated by the employee in writing to receive such compensation filed with the Civil Service Commission prior to the employee's death;

Second, if there be no such beneficiary, to the widow or widower of such employee;

Third, if there be no such beneficiary or surviving spouse, to the child or children of such employee, and descendants of deceased children, by representation;

Fourth, if there be none of the above, to the parents of such employee, or the survivor of them;

Fifth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased employee, or if there be none, to the person or persons determined to be entitled thereto under the laws of descent and distribution of the State of Texas.

Further, the City Council of the City of North Richland Hills may provide injury leaves of absence with full pay for periods of time commensurate with the nature of injuries received while in line of duty for at least one (1) year. At the expiration of said one (1) year period, the City Council may extend such injury leave, at full or reduced pay.

SECTION 25A. VACATIONS.

Those employees having completed one (1) but less than three (3) years of consecutive service with the City shall be entitled to two (2) weeks vacation with pay each year; those employees having completed three (3) but less than eight (8) years of consecutive service with the City shall be entitled to three (3) weeks vacation with pay each year; those employees having completed eight (8) but less than twenty (20) years of consecutive service with the City shall be entitled to four (4) weeks vacation with pay each year; and those employees having completed twenty (20) or more years of consecutive service with the City shall be entitled to five (5) weeks vacation with pay each year.

For the purposes of this Section, a week shall be defined as a normal work week for all employees in each of the designated classifications.

SECTION 26. EMPLOYEES PROHIBITED FROM STRIKING.

It shall be unlawful from and after the passage of this Article for any employee coming under the provisions of this Article to engage in any strike against the City of North Richland Hills.

Employees who shall violate any of the provisions of this Article shall be guilty of a misdemeanor and shall, after conviction, be fined not less than ten dollars (\$10.00) or more than two hundred dollars (\$200.00) or by confinement in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

And in addition to such fine, any employee who has been convicted in any trial court of competent jurisdiction of the violation of any provision of this Article shall thereby be automatically released and discharged from such department and shall thereafter be ineligible to receive any pay or compensation out of any City funds, and in the event of an appeal from any such conviction, such employee shall during the course of such appeal, remain released and discharged from such department, and shall remain ineligible to receive any pay or compensation out of any City funds, provided, however, in the event such conviction is reversed and overturned on the merits, then in that event and only in such event, such employee shall be entitled to the difference in pay and compensation which would have been received but for the release and discharge, and the pay actually received working elsewhere, if less where a good faith effort has been made by such employee to secure and hold other employment, during the period of time from the date of conviction to the date of judgment on appeal, not to exceed six (6) months, the determination of such to be made by the Civil Service Commission, and such sum to be liquidated damages for such release and discharge.

ARTICLE XVIII: GENERAL PROVISIONS

SECTION 1. CONTINUITY IN GOVERNMENT.

Any ordinance in effect at the time this Charter is adopted, and not otherwise in conflict with this Charter, which refers to some office or employment of the City which ceases to exist under this Charter, shall continue in force and the powers and duties therein prescribed shall be the powers and duties of the office of employment which under this Charter, succeeds to the same general powers and duties of such office or employment under the previous Charter.

SECTION 2. EFFECT OF CHARTER ON EXISTING LAW.

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

SECTION 3. OFFICIAL OATH.

All officers of the City shall, before entering upon the duties of their respective offices, take and subscribe the official oath prescribed in the Constitution of the State of Texas. Oath of office shall be administered by the Mayor, Mayor Pro Tempore, City Secretary, or any other person authorized by law to administer oaths.

SECTION 4. PUBLIC MEETINGS.

All meetings of the Council and all Boards or Commissions appointed by the Council shall be open to the public, except those authorized by law to be closed. Minutes of all public meetings shall be kept and such minutes shall constitute public records.

SECTION 5. PUBLIC RECORDS.

All public records of every office, department or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that such police records, vital statistics records, or any other records which are closed to the public by law shall not be considered public records for the purpose of this Section.

SECTION 6. OFFICIAL NEWSPAPER.

The Council shall have the power to designate by resolution a newspaper of general circulation in the City as the official newspaper, and shall cause to be published therein all ordinances, notices and other matters which are required to be officially published by this Charter, the ordinances of the City, or the Constitution or laws of the State of Texas.

SECTION 7. NOTICE OF INJURY OR DAMAGE.

The City shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death in injury, shall file a notice in writing, duly verified by the City Secretary within thirty (30) days after the same has occurred, stating specifically in such notice when, where and how the exact injury occurred, the full extent of the injury, the amount of damages claimed or asserted, and a list of persons, if known, who witnessed the injury. The City shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his behalf, shall file a claim in writing with the City Secretary within thirty (30) days after said damage or injury occurred, stating specifically when, where and how the injury was sustained. The person giving notice under this Section shall subscribe his name and the notice under oath that the statements and facts contained in said notice are true and correct.

SECTION 8. EXECUTION, GARNISHMENT AND ASSIGNMENT.

Property, real or personal, belonging to the City, shall not be liable for sale or appropriation under any writ of execution or cost bill. Funds belonging to the City, in the hands of any person, firm or corporation shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City, nor any of its officers or agents, shall be required to answer any writ of garnishment or any account whatsoever. The City shall not be liable to the assignee of any wages of any officer, agent or employee of said City, whether earned or unearned, upon any claim or account whatsoever, and as to the City such assignment shall be absolutely void.

SECTION 9. BOND OR SECURITY NOT REQUIRED.

It shall not be necessary in any action, suit or proceeding in which the City is a party, for any bond, undertaking or security to be executed in behalf of said City but all such actions, suits, appeals or proceedings shall be conducted in the

same manner as if such bond, undertaking or security had been given, and said City shall be liable as if such obligation had been duly given and executed.

SECTION 10. 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 by all courts and places without further proof.

SECTION 11. OFFSET TO DEBTS.

The City shall be entitled to counterclaim and offset against any debt, claim, demand or account owed by the City to any person, firm or corporation in arrears to the City for any debt, claim, demand or account of any nature whatsoever including taxes, penalty and interest. No assignment or transfer of any such debt, claim, demand or account owed by the City shall affect the right of the City to offset the sum owed to the City.

SECTION 12. NEPOTISM.

No person related within the third degree by affinity or consanguinity to the Mayor, any member of the Council or the City Manager shall be appointed to any paid office, position, clerkship or other service of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City at least two years prior to the time of the election of the Mayor or Councilman, or the appointment of the City Manager.

SECTION 13. ETHICS.

(1) No elected or appointed officer or employee of the City shall benefit unduly by reason of his holding public office.

(2) No officer or employee having a direct or indirect interest in any proposed or existing contract, purchase, work, sale or service to or by the City shall vote or render a decision, or use his position, authority or influence in a manner that would result in his financial betterment to any degree. Further, any elected officer shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters. This provision is cumulative to Article 371 and 373 of the Penal Code, and all other applicable laws in regard to elected officers.

(3) Failure to comply with any provisions of the foregoing Section 13 (1) or 13 (2) shall constitute malfeasance in office and any officer or employee failing to so comply shall immediately forfeit his office or position, and said office or position shall be deemed vacant.

(4) Any violation of the foregoing Sections 13 (1) or 13 (2) with the knowledge, express or implied, of persons or corporations contracting with the City shall render the contract voidable by the Council.

SECTION 14. POLITICAL AND RELIGIOUS DISCRIMINATION.

No person in the service of the City or seeking admission thereto shall be employed, promoted, demoted, discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious beliefs, provided that such opinions, affiliations or beliefs do not advocate the overthrow of the government of the United States of America by force or violence.

SECTION 15. POLITICAL ACTIVITY.

(1) No appointed or hired employee on the payroll of the City shall make a contribution to the campaign fund of any person seeking election to a City office or to any political party supporting a candidate for election to a City office, nor shall he be solicited for this purpose; nor shall he take active part in any political campaign relating to an election to a City office.

(2) No person seeking appointment to or promotion in the administrative service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment or promotion or any examination conducted therefor.

(3) Any person who either by himself or with others willfully violates any provision of the foregoing Sections 15 (1) or 15 (2) shall be ineligible for appointment or election to a position in the City for a period of four (4) years, and if he is an officer or employee of the City at the time of such violation he shall immediately forfeit the office or position he holds.

SECTION 16. MECHANIC, MATERIAL OR LABOR CLAIM.

All subcontractors, materialmen, mechanics and laborers upon any public works of the City of North Richland Hills are hereby required to notify the City of all claims they have against the contractor on account of such work, and when such notice has been given, the City shall retain an amount from any funds due the contractors, sufficient to satisfy such claims; provided that such notice must be given at any time after such indebtedness becomes due and before the City's final settlement with the contractor; and provided further, that no contractor or subcontractor shall issue any checks on, or on account of, any public works of said City.

SECTION 17. BUILDING PERMITS.

The City of North Richland Hills shall have power to prohibit the erection or construction of any building or structure of any kind within the City of North Richland Hills without a permit first having been issued by the City for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority may authorize the inspection by the City of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building code which exists in said City or shall hereafter be passed.

SECTION 18. POOLS, PONDS AND LAKES.

The City of North Richland Hills shall have power to control or prohibit the construction of pools, ponds or lakes, receiving water from a recognizable stream, creek, branch or natural drainage. The City may control location, construction, height of structure, depth and size of body of water to be impounded. No pool, pond or lake, receiving water from recognizable stream, creek, branch or natural drainage, shall be constructed without first obtaining a permit issued by the City.

SECTION 19. BONDS OF CITY OFFICIALS, EMPLOYEE OR DEPARTMENT DIRECTOR.

In addition to any bonding provisions herein provided, the Council may require any City official, department director or City employee, before entering upon his duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the Council, as surety thereon, said bond to be in such amounts as the Council may demand, payable to the City of North Richland Hills, and conditioned for the faithful performance of the duties of his office; premium of such bond to be paid by the City.

SECTION 20. BONDS OF CONTRACTORS.

The governing body of the City of North Richland Hills shall require good and sufficient bonds of all contractors, with a good corporate surety thereon, acceptable to the governing body of the City of North Richland Hills.

SECTION 21. AMENDMENT OF THE CHARTER.

This Charter may be amended no more than once every two (2) years as provided by the laws of the State of Texas.

SECTION 22. CONSTRUCTION OF THE CHARTER.

In wording of the Charter, the use of the singular number shall include the plural, and the plural shall include the singular. Words used in the masculine

gender shall include the feminine also, unless by reasonable construction, it appears that such was not the intention of this Charter.

ARTICLE XIX: SAVING CLAUSE, ETC.

SECTION 1. SAVING CLAUSE, ETC.

All powers granted heretofore to cities are hereby preserved. In case of any irreconcilable conflict between the provisions of this Charter and any superior law, the powers of the City and its officers shall be as defined in such superior laws. In case of any insufficiency or omission may be supplied by reference to the general laws, such provisions of the general laws are hereby adopted, and the City shall have and exercise all of the powers that it could have acquired by expressly adopting and incorporating into this Charter all of the provisions of such superior and general laws, it being the intent of this Charter that no lawful power of the City shall fall because of any omission, insufficiency or invalidity of any portion or portions of this Charter shall not in any way affect the remainder of the Charter, but the same shall be construed as if adopted with such portion and/or portions so found invalid or impotent.

ARTICLE XX: VOTE ON PROPOSED CHARTER

SECTION 1. VOTE ON PROPOSED CHARTER.

(1) This Charter shall be submitted to the qualified voters of the City for adoption or rejection on November 3, 1964, 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 until amended or repealed.

(2) 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

(3) The present City Council of the City shall call an election in accordance with the provisions of the general laws of the State governing such elections, and the same shall be conducted and the returns made and results declared as provided by the laws of the State of Texas governing municipal

elections, and in case a majority of the votes cast at such election shall be in favor of the adoption of such Charter, then an official order shall be entered upon the records of said City by the City Council, declaring the same adopted, and the City Secretary shall record at length upon the records of the City in a separate book to be kept in his office for such purpose, such Charter as adopted, and such Secretary shall furnish to the Mayor a copy of the Charter, which copy of the Charter shall be forwarded by the Mayor as soon as practical to the Secretary of State under the seal of the City, together with a certificate showing the approval of the qualified votes of such Charter.

The above and foregoing Charter, includes all amendments approved since the adoption of the Home Rule Charter through November 2001.