

ORDINANCE NO. _____

AN ORDINANCE ORDERING A SPECIAL ELECTION BY THE QUALIFIED VOTERS OF THE CITY OF FORT WORTH, TEXAS, ON MAY 7, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY, FOR ADOPTION OR REJECTION, THIRTEEN (13) PROPOSED AMENDMENTS TO THE EXISTING CHARTER OF THE CITY OF FORT WORTH AND ORDAINING RELATED MATTERS.

WHEREAS, the Fort Worth City Charter was adopted by election in 1924, creating the first home rule charter and the City Council/City Manager form of government for the City of Fort Worth; and

WHEREAS, there have been thirteen City Charter amendment elections subsequent to its adoption, with the last amendment election being held in 2016; and

WHEREAS, a Charter Review Task Force previously proposed certain Council-related amendments and technical amendments, not all of which were ultimately presented to the voters; and

WHEREAS, the City will be conducting an election on May 7, 2022, to out to its voters a total of five propositions, to be labelled A through E, regarding the possible issuance of bonds or other public securities and incurring costs for such election; and

WHEREAS, a series of informational meetings are planned to provide voters with information regarding such bond propositions; and

WHEREAS, adding the topic of potential charter amendments to the ballot and informational meetings would require little or no additional City resources and represents an efficient opportunity to seek voter direction; and

WHEREAS, the City Council deems it wise, efficient, and expedient to submit proposed amendments to the existing Charter of said City to its voters on May 7, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

**SECTION 1.
SPECIAL ELECTION ORDERED**

In compliance with the Charter of the City of Fort Worth and in accordance with the Constitution and laws of the State of Texas, and more particularly Chapter 9 of the Texas Local Government Code relating to the amendment of city charters by home rule cities having more than five thousand (5,000) inhabitants, the City Council hereby orders that a special election,

hereinafter “election,” be held on Saturday, May 7, 2022, for the purpose of submitting to the qualified voters of the City of Fort Worth, for adoption or rejection, the proposed amendments as shown in detail in Exhibit “A” to the existing Charter of the City of Fort Worth.

**SECTION 2.
PROPOSITIONS TO BE ON BALLOTS**

The official ballots to be used in said election shall be prepared in accordance with Sections 52.072 and 52.073 of the Election Code of the State of Texas, and shall have printed thereon the following PROPOSITIONS to be expressed substantially as follows:

CITY CHARTER AMENDMENTS

Place an 'X' in the square beside the statement indicating the way you wish to vote.

FORT WORTH PROPOSITION F

For

Shall Section 3 of Chapter III of the Fort Worth City Charter be amended to provide that the mayor’s annual pay shall be half of the average annual base-rate salary for all City department heads and that the other city council members’ annual pay shall be half of the average annual base-rate salary for all City assistant department heads starting October 1, 2022?

Against

FORT WORTH PROPOSITION G

For

Shall Section 3 of Chapter IV of the Fort Worth City Charter be revised to add language explicitly stating that metes and bounds descriptions are not necessary when the city council district boundaries are revised due to population changes based on recent census data?

Against

FORT WORTH PROPOSITION H

For

Shall Sections 1 and 3 of Chapter V, Section 4 of Chapter VI, and Section 3 of Chapter XXVIII of the Fort Worth City Charter be revised to delete references to certain appointees and employees having the option to request a City Council public hearing regarding their removal?

Against

FORT WORTH PROPOSITION I

For

Shall Section 1 of Chapter XIX and Section 3 of Chapter XX of the Fort Worth City Charter be amended to increase the city secretary's time for reviewing voter-submitted petitions from ten (10) days to twenty-five (25) days?

Against

FORT WORTH PROPOSITION J

For

Shall Section 1 of Chapter IX of the Fort Worth City Charter be amended to remove the assessment and collection of taxes as a duty of the department of finance to reflect that the current practice of assessing and collecting all taxes, including special assessments, is performed by the county?

Against

FORT WORTH PROPOSITION K

For

Shall Chapter XV of the Fort Worth City Charter be deleted in its entirety since the functions of a health department are performed by Tarrant County instead of the city?

Against

FORT WORTH PROPOSITION L

For

Shall Section 5 of Chapter XXI of the Fort Worth City Charter be amended to reduce the required newspaper publications for the sale of certain property from once-a-week for four weeks to one time with a requirement that notice also be placed and remain on the city's webpage for the four weeks preceding the sale?

Against

FORT WORTH PROPOSITION M

For

Shall Section 4 of Chapter XXII of the Fort Worth City Charter be amended to clarify that the city is not required to assess owners of abutting property for the cost of construction of sidewalks and curbs and that the city may directly pay such costs itself?

Against

FORT WORTH PROPOSITION N

For

Shall Section 1 of Chapter XXIV of the Fort Worth City Charter be amended to provide that the tax assessor-collector shall provide a list of assessments of real and personal property to the City Council in accordance with deadlines established under state law?

Against

FORT WORTH PROPOSITION O

For

Shall Section 6 of Chapter XXVI of the Fort Worth City

Against

Charter, which requires public service corporations to file an annual report, be deleted in its entirety?

FORT WORTH PROPOSITION P

For

Shall Section 17 of Chapter XXVII of the Fort Worth

Against

City Charter be amended to allow the official advertising contract to have a term longer than one year?

FORT WORTH PROPOSITION Q

For

Shall Section 3 of Chapter I of the Fort Worth City

Against

Charter be amended to delete outdated language and to reflect that an annexation election will be called and conducted in accordance with state law and may be conducted directly by the city or by county election officials contracted by the city with voters to mark ballot to indicate their selection?

FORT WORTH PROPOSITION R

For

Shall Section 11 of Chapter X of the Fort Worth City

Against

Charter be amended to clarify that the independent auditor's duties consist of auditing records and expressing an opinion on the annual comprehensive financial report and single audit and to remove requirement for physically printed copies?

- (d) Applications for early voting ballots to be voted by mail by Denton County voters should be forwarded as follows:

Mailing Address: Frank Phillips, Early Voting Clerk
701 Kimberly, Suite A101
Denton, Texas, 76208

Or

P.O. Box 1720
Denton, Texas, 76202

Express Courier Delivery: Early Voting Clerk
701 Kimberly, Suite A101
Denton, Texas, 76208

Fax: 940-349-3201

Email: elections@dentoncounty.com

- (e) Jenise “Crickett” Miller, Parker County Elections Administrator, or her successor, shall serve as the early voting clerk for the Parker County portion of the election.
- (f) Applications for early voting ballots to be voted by mail by Parker County voters should be forwarded as follows:

Mailing Address: Early Voting Clerk
1112 Santa Fe Drive
Weatherford, Texas, 76086

Express Courier Delivery: Early Voting Clerk
1112 Santa Fe Drive
Weatherford, Texas, 76086

Fax: 817-598-6183

Email: elections@parkercountytexas.com

- (g) Applications for early voting ballots by mail must be received no later than the close of business on April 26, 2022.

SECTION 6. EARLY VOTING

- (a) Early Voting by personal appearance for Fort Worth residents shall be conducted beginning April 25, 2022, and continue through May 3, 2022.

(b) The main Early Voting locations and times for Fort Worth residents are:

(1) Voters residing in Tarrant County:

Location: Tarrant County Elections Center
2700 Premier Street
Fort Worth, Texas 76111

Times:

April 25 – April 29	Monday – Friday	8:00 a.m. – 5:00 p.m.
April 30	Saturday	7:00 a.m. – 7:00 p.m.
May 1	Sunday	11:00 a.m. – 4:00 p.m.
May 2-3	Monday – Tuesday	7:00 a.m. – 7:00 p.m.

(2) Voters residing in Denton County:

Location: Denton County Elections Administration
701 Kimberly Drive, Ste. A111
Denton, Texas 76208

Times:

April 25 – April 30	Monday – Saturday	8:00 a.m. – 5:00 p.m.
May 2-3	Monday – Tuesday	7:00 a.m. – 7:00 p.m.

(3) Voters residing in Parker County

Location: Parker County Courthouse Annex – Annex Kitchen
1112 Santa Fe Drive
Weatherford, Texas 76086

Times:

April 25	Monday	8:00 a.m. – 5:00 p.m.
April 26	Tuesday	7:00 a.m. – 7:00 p.m.
April 27	Wednesday	8:00 a.m. – 5:00 p.m.
April 28	Thursday	7:00 a.m. – 7:00 p.m.
April 29	Friday	8:00 a.m. – 5:00 p.m.
May 2-3	Monday – Tuesday	8:00 a.m. – 5:00 p.m.

The locations, dates, and times listed above are subject to revision by each respective County Elections Administrator. The City Secretary is charged with advising the public via internet posting or other appropriate means regarding changes to any location, date, or time.

SECTION 7. VOTING SYSTEM AND JOINT ELECTION

An electronic voting system, as defined in Chapter 121 of the Texas Election Code, shall be used for voting at the regular polling places for said election and for counting the ballots and

the tabulation of the results. The conduct of the election and the use of the electronic voting system shall be in accordance with the Texas Election Code.

The election shall be held as a Joint Election pursuant to a Joint Election Agreements and Contracts For Election Services by and between the City of Fort Worth and the Tarrant County Elections Administrator; the City of Fort Worth and the Denton County Elections Administrator; the City of Fort Worth and the Parker County Elections Administrator; and other political subdivisions located in those counties. Pursuant to the above-mentioned Joint Election Agreements, the Tarrant County Elections Administrator shall serve as the Elections Administrator for the election held in Tarrant County, the Denton County Elections Administrator shall serve as the Elections Administrator for the election held in Denton County, and the Parker County Elections Administrator shall serve as the Elections Administrator for the election held in Parker County. Presiding Election Judges and Alternate Presiding Election Judges appointed to serve at said polling places listed in the Joint Election Agreements shall be those election officials furnished by the Elections Administrators selected pursuant to the terms of the Joint Election Agreements. An Early Voting Ballot Board is hereby created pursuant to Section 87.001 of the Texas Election Code. The Early Voting Ballot Board shall be made up of members appointed in the manner stated in the Joint Election Agreements, and the Presiding Judges and the Alternate Presiding Judges of the Early Voting Ballot Boards shall be the elections officials listed in the Joint Election Agreements.

SECTION 8. STATEMENT OF FISCAL IMPACT

Pursuant to Section 9.004(c)(2) of the Texas Local Government Code, (requiring a statement of the anticipated fiscal impact to the City if the proposed amendments are approved), the City asserts it is difficult to accurately account for the fiscal impact of the proposed amendments in light of the particular unknown effect upon the actual operation of the City government; however if the proposed amendments are approved an overall analysis reflects that there should be no immediate fiscal impact upon the probable economic cost to the City other than if Proposition J is approved, approximately Four Hundred Eighty-Four Thousand Four Hundred Sixty-Nine dollars (\$484,469.00) beginning in Fiscal Year 2023 for the increase in compensation for Mayor and Council Members.

**SECTION 9.
PROCLAMATION**

This ordinance shall constitute the proclamation, call, notice and ordinance calling and ordering said general election and run-off election if needed.

**SECTION 10.
PUBLICATION**

Notice of said election shall be given by publishing a Notice of Election, in English, Spanish, and Vietnamese, at least once, not earlier than the 30th day or later than the 10th day before election day in a newspaper published in said City. A copy of the Notice of Election, in English, Spanish, and Vietnamese shall be posted on the City's board used for posting notices of the meeting of the Fort Worth City Council not later than the 21st day before election day.

**SECTION 11.
NOTICE**

The way and manner of holding said election, the notice to be given therefor, the polling places, the personnel and the officers who are to hold same, and all details connected with the holding of the election shall be provided for and arranged by the City Secretary. The proper notice and publication of this notice, proclamation, call and ordinance shall be only cumulative of and in addition to the statutory notice of said election as herein provided. Any omission or irregularity in this notice or in the publication or posting of this notice, proclamation, call and ordinance, or in the signing of same, shall not in any way affect or invalidate such election.

**SECTION 12.
CONTROLLING LAW**

In all respects, said election shall be conducted in accordance with the Texas Election Code and the Charter of the City of Fort Worth, Texas.

**SECTION 13.
OPEN MEETING COMPLIANCE**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted and said election was called was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Texas Government Code.

**SECTION 14.
SEVERABILITY CLAUSE**

That should any part, portion, section, or part of a section of this ordinance be declared invalid or inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion, or judgment shall in no way affect the remaining parts, portions, sections, or parts of sections of this ordinance, which provisions shall be, remain, and continue to be in full force and effect.

**SECTION 15.
EFFECTIVE DATE**

That this Ordinance, election order, proclamation, call and notice shall take effect upon adoption.

Mattie Parker
Mayor of the City of Fort Worth

ATTEST:

Jannette S. Goodall, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Laetitia Coleman Brown, Interim City Attorney

ADOPTED and EFFECTIVE: _____

EXHIBIT "A"

A special election will be held on May 7, 2022, from 7:00 a.m. to 7:00 p.m. for the purpose of allowing voters to determine whether to amend the Fort Worth City Charter. Persons interested in voting on these issues may contact the Fort Worth City Secretary's Office for information about polling places and other information pertaining to the election or may visit the City's website at www.fortworthtexas.gov.

If the proposed Propositions are adopted by the qualified voters of the City of Fort Worth, the following Charter provisions will be amended by adding the underscored words and deleting those struck through. The bracketed italicized language indicates where another proposed Proposition will amend the Charter language within that section if passed. The proposed amendments will read in their entirety as follows:

PROPOSED AMENDMENTS

Amendment Number 1 (Proposition F).

CHAPTER III: THE CITY COUNCIL

§3 COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

Commencing on ~~October 1, 2006~~ October 1, 2022, each member of the City Council, except the mayor, shall receive as ~~compensation~~ annual pay for such member's services as an elected official, the sum of twenty-five thousand dollars (\$25,000.00) per annum ~~an amount that is equal to one-half of the average annual base rate salary for all city assistant department directors,~~ and the mayor shall receive as ~~compensation~~ annual pay for the mayor's service as an elected official, the sum of twenty-nine thousand dollars (\$29,000.00) per annum ~~an amount that is equal to one-half of the average annual base rate salary for all city department directors.~~ In addition to the above, all necessary expenses incurred by the City Council in performance of their official duties shall be paid by the city. Nothing herein shall prohibit a council member from waiving the right to all or any part of such ~~compensation~~ pay or payment of expenses.

Amendment Number 2 (Proposition G)

CHAPTER IV: METHOD OF NOMINATING AND ELECTING MEMBERS OF THE CITY COUNCIL

§3. [COUNCILPERSONS TO BE ELECTED FROM DISTRICTS].

With the exception of Place No. 1 to be held by the mayor as provided for in section 2 of Chapter III of this Charter, the City Council shall provide by ordinance for ten (10) single member districts so that with the exception of the mayor, one (1) member of the City Council shall be elected from each of such defined districts by the voters residing therein, and each candidate therefrom shall be a qualified elector of the city and shall have continuously resided in the Council District for which he or she seeks election for 180 days before the first allowed filing date for the election. The first allowed filing date shall not be included in calculating the 180 days.

The City Council shall, as often as census data is available, determine as nearly as practicable the population of the respective districts and shall, by ordinance, revise the boundaries of any or all of said districts to maintain a substantial equality of population in each, provided, however, that such boundaries need not be described by reference to metes and bounds. Within sixty (60) days after passage of this amendment, the City Council shall, by ordinance, designate the original district limits.

Amendment Number 3 (Proposition H).

CHAPTER V: THE CITY MANAGER

§ 1 [APPOINTMENT; QUALIFICATIONS; REMOVAL; ABSENCE OR DISABILITY; COMPENSATION; RESIDENCY].

The council shall appoint the city manager, who shall be the chief administrative and executive officer of the city. He shall be chosen solely upon the basis of his executive and administrative training, experience, and ability, and without regard to political consideration. Qualifications being equal, preference shall be given in the selection of a resident citizen of Fort Worth for this position. No member of the council shall be chosen as city manager. The city manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the council, by a vote of the majority of the entire council. ~~If removed after serving six (6) months, he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but pending such hearing the council may suspend him from office.~~ The action of the council in suspending or removing the city manager shall be final. In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office. The city manager shall receive such compensation as may be fixed by the council prior to the appointment. During this term of office, the city manager shall be a resident citizen within the City of Fort Worth.

§ 3 [SAME-PROPER ADMINISTRATION OF CITY AFFAIRS; APPOINTMENT, REMOVAL OF DIRECTORS AND EMPLOYEES; ADHERENCE TO CIVIL SERVICE REGULATIONS].

The city manager shall be responsible to the council for the proper administration of all the city affairs placed in his hands, and shall to that end appoint and employ all directors of departments and other employees not otherwise provided for in this Charter or by ordinance. Appointments made by him shall be on the basis of executive and administrative experience and ability and of training, fitness and efficiency of such appointees in the work which they are to administer. All such directors of departments shall be immediately responsible to the city manager and may be removed by him at any time. ~~In case of removal after six (6) months' service, if the director removed so demands, a written statement shall be made by the city manager of the reason of his removal, and the director shall, if he so demands, be given a public hearing by the council before the order of removal is made final. The statement of the manager and any written reply of the director thereto shall be filed as a public record in the office of the secretary of the council.~~

In filling positions coming within the classified service list, he shall do so according to the rules and regulations that may be adopted by the civil service board, if such are available. He shall have the right to discharge any of the subordinate employees of his departments in accordance with the provisions of the civil service sections of this Charter.

CHAPTER VI: THE CITY ATTORNEY

§ 4 [TERM, REMOVAL, ABSENCE OR DISABILITY OF CITY ATTORNEY].

The city attorney shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the council by a vote of not less than a majority of the entire council. ~~If removed after serving six (6) months, he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but pending such hearing the council may suspend him from office.~~ The action of the council in suspending or removing the city attorney shall be final. In case of the absence or disability of the city attorney, the council may designate some qualified person to perform the duties of the office.

CHAPTER XXVIII: DEPARTMENT OF INTERNAL AUDIT

§ 3 TERM, REMOVAL, ABSENCE OR DISABILITY OF CITY INTERNAL AUDITOR.

The city internal auditor shall not be appointed for a definite fixed time but shall be removable at the will and pleasure of the City Council by a vote of not less than a majority of the entire council. ~~If removed after serving six (6) months, the city internal auditor may demand written charges and the right to be heard thereon at a public meeting of the City Council prior to the date on which the city internal auditor's final removal shall take effect, but pending such hearing the City Council may suspend the city internal auditor from office.~~ The action of the City Council in suspending or removing the city internal auditor shall be final. In case of the absence or disability of the city internal auditor, the City Council may designate some qualified person to perform the duties of the office.

Amendment Number 4 (Proposition I).

CHAPTER XIX: THE CITY COUNCIL

§ 1 RECALL OF COUNCILPERSONS; PROCEDURE; ELECTION OF SUCCESSORS.

Any councilperson of this city may be recalled and removed from office by the electors qualified to vote for a successor of such incumbent as herein provided. The procedure to remove councilpersons shall be as follows:

A petition signed by the qualified voters entitled to vote for a successor to the councilperson sought to be removed, equal in number to at least twenty (20) percentum of the entire number of persons entitled to vote for a successor to said councilperson at said time, demanding the recall of said councilperson shall be filed with the city secretary, provided that such petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers to each of such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be. ~~Within ten (10) days~~ twenty-five (25) days from the filing of such petition, the city secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition a certificate showing the result of such examination. If, by the secretary's certificate, the petition is shown to be

insufficient, it may be amended within ten (10) days from the date of said certificate. The secretary shall within ~~ten (10)~~ twenty-five (25) days after such amendment is filed, if any is so filed with him, make like examination of the said amended petition, and if his certificate shall show same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition based upon new and different grounds, but not upon the same grounds.

If the petition be found sufficient, the secretary shall submit the same to the City Council without delay. If an election is to be held within the city for any other purpose within sixty (60) days from the date of said certificate, then the said recall election shall be held on the same day. If the councilperson in question resigns, no election shall be necessary and the vacancy shall be filled as in other cases of vacancies.

The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the city secretary to be sufficient and the councilperson whose removal is sought does not resign within five (5) days after the certification to the council, the council shall order and hold a recall election in the affected district. Such election shall be held on the first available election date specified pursuant to Article 2.01b of the Texas Election Code unless the council shall request, and receive, permission from the governor to call an emergency special election. If a recall petition should be certified within thirty (30) days of an election date, the council may set the election for the next date following the impending special election date or it may request permission for an emergency special election date from the governor.

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

- (1) With respect to each person whose removal is sought the question shall be submitted “Shall (name of councilperson) be removed from the office of City Councilperson?”
- (2) Immediately below each such question there shall be printed the two (2) following positions, one above the other, in the order indicated:

“For the recall of (name of councilperson).”
“Against the recall of (name of councilperson).”

If a majority of the votes cast at a recall election shall be against removal of the councilperson named on the ballot, he/she shall continue in office. If the majority of the votes cast at such election be for the removal of the councilperson named on the ballot, the council shall immediately declare his/her office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A councilperson thus removed shall not be a candidate to succeed himself in an election called to fill the vacancy thereby created.

No recall petition shall be filed against a councilperson within six (6) months after he takes office, and no councilperson shall be subject to more than two (2) recall elections during a term of office.

CHAPTER XX: THE INITIATIVE

§ 3 FILING OF PETITIONS.

Within ~~ten (10)~~ twenty-five (25) days after the filing of the petition, the city secretary shall ascertain by examination the number of registered voters whose signatures are appended thereto,

and whether this number is at least twenty (20) per cent of the total number of registered voters as shown by the registration books, and he shall attach to said petition his certificate showing the result of said examination. If by the secretary's certificate, of which notice in writing shall be given to one or more of the persons designated, the petition is shown to be insufficient it may be amended within ten (10) days from the date of said certificate by filing supplementary petition papers with additional signatures. The secretary shall, within ~~ten (10)~~ twenty-five (25) days after such amendment, make examination of the amended petition, and if his certificate shall show to be insufficient, the secretary shall file the petition in his office and shall notify each member of the committee to that effect. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose; but no new petition covering the same ordinance in substance shall be filed until at least six (6) months have elapsed.

Amendment Number 5 (Proposition J).

CHAPTER IX: DEPARTMENT OF FINANCE

§ 1 AUTHORITY OF COUNCIL TO PROVIDE FOR DEPARTMENT; DUTIES].

The City Council is authorized to provide by ordinance for the creation of a department of finance, which department shall be charged with the administration of the financial affairs of the city, including the keeping and supervision of all accounts, the custody and disbursement of city funds and monies according to ordinances and regulations of the City Council, ~~the assessment and collection of all taxes, including special assessments,~~ the issuance of licenses and the collection of license fees, and such other duties as the City Council may, by ordinance, require.

Amendment Number 6 (Proposition K).

~~CHAPTER XV: DEPARTMENT OF PUBLIC HEALTH~~

~~[§ 1 ESTABLISHMENT AND REGULATION].~~

~~The City Council shall provide by ordinance for the establishment and regulation of a department of public health.~~

Amendment Number 7 (Proposition L).

CHAPTER XXI: REFERENDUM

§ 5 [REFERENDUM RELATIVE TO PURCHASES AND SALES OF PUBLIC PROPERTY BY CITY.]

The City of Fort Worth may take, hold and purchase such personal property, chattels, animate and inanimate, lands and real property as may be needed for the corporate purposes of said city, whether in or out of the corporate limits of the city, and may sell, lease, alienate, exchange or encumber any real estate or personal property owned or acquired by it; provided, however, that no sale shall be made of any public property owned by said city whose value exceeds one hundred twenty-five thousand dollars (\$125,000.00), without first making such intention known by means of publication in the official newspaper of the city at least once a week and by posting and maintaining notice online for four (4) consecutive weeks immediately preceding the intended date

of sale, during which time it shall be lawful for qualified voters, who shall not be fewer than ten (10) percent of the number of voters who voted in the most recent municipal election for mayor to petition the City Council for a referendum, in which event the matter of such sale shall be referred to the people at an election to be held for that purpose, at the time and in the way and manner to be prescribed by the City Council of said city, and in the event a majority of the votes cast at such election is in favor of such proposition, then the sale shall be made; otherwise, such sale shall not take place.

Amendment Number 8 (Proposition M).

CHAPTER XXII: IMPROVEMENT AND PAVING OF STREETS AND HIGHWAYS

§ 4 PAVEMENT IMPROVEMENT OF HIGHWAY, SIDEWALKS AND CURBS; CONTRACTS; PAYMENT; LIEN; SALE; DEED.

Subject to the terms hereof, the cost of such improvement may be paid wholly by the city or partly by the city and partly by owners of property abutting on such improvements and benefited thereby. But the whole cost of constructing any sidewalk or curb ~~shall~~ may be required to be paid by the owners of such abutting property, and the owner of any railroad or street railroad having any track or tracks, switch or turn-out in a highway ordered to be improved ~~shall~~ may be required to pay the whole cost of such improvement between the rails and tracks of said railroad or switch or turn-out, and two (2) feet on the outside thereof. The portion of the cost of such improvement payable by the owner of such railroad or street railroad, and all costs of collection, ~~shall~~ may be a special tax against and secured by lien upon the roadbed, ties, rails, fixtures, rights, and franchises of such railroad or street railroad and the owner thereof. After the execution of a contract by the city for any such improvement, the City Council ~~shall~~ may, by ordinance, levy a special assessment upon the roadbed, ties, rails, fixtures, rights and franchises of such railroads or street railroads for the portions of said cost payable by the owners thereof, which assessment shall be a lien on such property from the time of levy, prior and superior to all encumbrances thereon, except lawful taxes. Such assessment shall become due and delinquent as shall be specified by said ordinance, and if not paid as therein provided, shall be enforced as in the case of the collection of taxes under this Charter, by the advertisement and sale of the property rights and franchises levied on. The officer making said sale shall execute to the purchaser a deed similar to the one executed when property is sold for ad valorem taxes, and the recital of such deed that all legal prerequisites to the validity of said sale have been complied which shall be prima facie evidence of the truth thereof, and so accepted without further proof. Such tax and lien may also be enforced by suit in any court having jurisdiction.

Amendment Number 9 (Proposition N).

CHAPTER XXIV: ASSESSMENT AND COLLECTION OF TAXES; PROVISIONS RELATIVE TO ISSUANCE AND SALE OF BONDS

§ 1 PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the city 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 tax assessor and collector, in accordance with deadlines specified under state law, ~~on or before the~~

~~first day of August of each year or as soon thereafter as practicable, to make and return to the City Council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation~~

Amendment Number 10 (Proposition O).

CHAPTER XXVI: FRANCHISES AND PUBLIC UTILITIES

~~§ 6 COUNCIL TO PASS ORDINANCE REQUIRING ALL PUBLIC SERVICE CORPORATIONS TO FILE ANNUAL REPORT.~~

~~It shall be the duty of the City Council to pass an ordinance requiring all public service corporations operating within the corporate limits of the city to file a sworn annual report of the receipts from the operation of the said business for the current year, how expended, how much therefor for betterments or improvements, the rate of tolls or charges for services rendered to the public, and any other facts or information that the council may deem pertinent for its use in intelligently passing upon any questions that may arise between the city and the said public service corporations; said reports to be filed with the city secretary, and preserved for the use of the City Council.~~

Amendment Number 11 (Proposition P).

CHAPTER XXVII: MISCELLANEOUS

§ 17 CONTRACTS FOR OFFICIAL ADVERTISING; OFFICIAL NEWSPAPER.

The City Council shall periodically ~~annually~~ let contracts for the official advertising of the city ~~for the ensuing fiscal year~~. For this purpose, the council shall advertise for bids, setting forth distinctly and specifically the work to be done, including the type and space to be used, and asking for sealed bids therefor. The advertisement for bids must be published twice. The second publication must be on or before the tenth day before the first date bids may be submitted. The council shall let the contracts for such official advertising to the lowest and best responsible bidder publishing a newspaper in the City of Fort Worth, which is a newspaper of general circulation, which newspaper has been published in said city for at least two (2) consecutive years prior to the time of awarding the contracts, and which newspaper meets all applicable requirements of state law for the publication of legal notices for the City of Fort Worth; provided that the council may reject any and all bids, if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the official newspaper of the city. All official publications made by the city shall be made in the official newspaper.

Amendment Number 12 (Proposition Q).

CHAPTER I: ORGANIZATION, BOUNDARIES, ANNEXATION OF ADJACENT TERRITORY

§ 3 ANNEXATION OF ADJACENT TERRITORY; METHOD AND PROCEDURE OF HOLDING ELECTION THEREFOR.

Territory adjoining and contiguous to the corporate limits of the City of Fort Worth may be annexed to the said city in any one of the two (2) several ways herein specified:

(1) In the event that an election to ascertain the sentiment of the persons residing in such territory so seeking annexation be deemed necessary, then the election shall be called and conducted in accordance with state law. Such election may be conducted directly by the city or under contract by election officials in the counties in which the territory is located following procedure shall apply, to wit: The proclamation for such election shall be made by the mayor of the city, and he shall also designate the polling places and name the election judges and clerks, who shall be selected from the residents of said territory. Only persons, residents of said territory, who are qualified voters under the laws of the State of Texas, shall be permitted to exercise the right of suffrage at such election. The polls at such election shall be open from seven o'clock in the morning until seven o'clock in the evening, and the expenses of conducting such election shall be borne by the City of Fort Worth. The ballot to be used therefor shall contain the words "For Annexation" and "Against Annexation," and the voter shall strike out the one or the other according mark the ballot as he may be for or against the proposition. Returns of such election shall be made and canvassed in accordance with state law to the City Council by the officers of the election depositing the tally sheets and other adjuncts to the election with the city secretary, and thereafter as soon as practicable the council shall canvass the returns, and in the event it is found that a majority of all the votes cast at such election are favorable to such annexation, then and thereupon the council may by ordinance declare such territory annexed to the City of Fort Worth and an integral part of the same. In the event of annexation, persons residing in such territory shall hereafter be entitled to all the rights and privileges of other citizens of said city and be bound by the laws, ordinances, rules and regulations governing other citizens of said City of Fort Worth; and the council shall have power to agree and obligate itself to the citizenship of such territory so seeking admission to apply to the improvements of streets and public grounds in said territory a portion or all of the funds raised by taxation for street improvement for a given number of years, not to exceed five (5), insofar as the same may be collected from the property situated in said territory, and may also have authority, if in the judgment of said council, it should be just and equitable, to further agree and obligate itself to apply to the improvement of the streets in said territory during said years additional sums not to exceed fifty (50) per cent in any one year of the amount that may be collected for such purpose from the property situated in such territory.

(2) Additions to the territory of the City of Fort Worth may be made pursuant to any laws that may be passed by the Texas Legislature relative to the extension of the corporate limits of cities, and applicable to the City of Fort Worth.

Amendment Number 13 (Proposition R).

CHAPTER X: THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

§ 11 INDEPENDENT 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 the three (3) years next preceding, having 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 entitles 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 consist of performing procedures to obtain audit evidence about the amounts and disclosures in financial statements and expressing an opinion as to whether the financial statements are presented fairly in accordance with generally accepted accounting principles. ~~include the certification of all statements required under section 2 of this chapter of the Charter. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the City, supported by departmental schedules, and schedules for each utility publicly owned or operated; summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the last previous year.~~ The report of such auditor or auditors for the fiscal year shall be ~~printed and a 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 auditors shall be kept among the permanent records of the city.