

## **2024 Charter Review Significant Area Summary**

### **Article II. The Council**

#### **Sec. 2.01. Number, selection, and term**

- Seven (7) members, four (4) geographical districts, three (3) at large.
- 2-year terms, three (3) consecutive term limit

#### **Sec. 2.02. Qualifications (stipend)**

- Registered voter, domiciled in city/district for at least one year prior to election.
- City Councilmember Stipend: \$750/month
- Mayor Stipend: \$1,000/month
  - Increase shall not exceed 3% unless approved by two-thirds vote.

#### **Sec. 2.04. Vacancies in council**

- Special election held on the first authorized uniform election date.
- If vacancy occurs within 120 days within regular election, no special shall be called.

#### **Sec. 2.05. Meetings of the council**

- Special meetings called by the city secretary at request of mayor, city manager, or majority of council.

#### **Sec. 2.06. Quorum, voting**

- A majority of members (four) shall constitute a quorum.
- Votes of each member shall be recorded in the minutes.

#### **Sec. 2.08. Powers of the council**

- “Without limitation of the powers granted or delegated to the city by the Constitution, statutes, or this charter.”

### **Article III. Nominations and Elections**

#### **Sec. 3.01. Municipal elections**

- City Council elections shall be held each year on the uniform election day for municipal elections in May as established by the Election Code.

#### **Sec. 3.02. Nominations**

- Any qualified person may have their name placed on the ballot by filing with the city secretary not more than 90 days nor less than 30 days prior to election date.

#### **Sec. 3.03. Official ballot**

- The city secretary shall make up the official ballot from the names presented, and appearance order shall be determined by lot in a drawing held by the city secretary.

#### **Sec. 3.04. Canvass: Election returns, results**

- Not earlier than the third day or later than the sixth day after the election or as otherwise required by other applicable laws, the city council shall canvass the returns and declare the results.

#### **Sec. 3.05. Regulation of elections**

- Except as otherwise provided by this charter, all city elections shall be governed by the applicable provisions of the Election Code of the State of Texas, as now or hereafter amended. The council shall have the power to make such additional regulations as may be necessary.

### **Article IV. Initiative, Referendum and Recall**

#### **\*Deadlines and Thresholds**

#### **Sec. 4.03. Form of petition, committee of petitioners**

- Initiative petition papers shall contain the full text of the proposed ordinance. Referendum petition papers shall contain the full text of the ordinance which they propose to repeal.

- Each signer shall sign his name in ink or indelible pencil and shall give after his name his place of residence by street and number, or other description sufficient to identify the place.

#### **Sec. 4.04. Filing, examination and certification of petitions**

- All papers comprising an initiative or referendum petition shall be assembled and filed with the city secretary as one instrument.
- Within twenty (20) days after a petition is filed, the city secretary shall certify the results and present to the council at the following regular meeting.

#### **Sec. 4.05. Amendment of petitions**

- An initiative or referendum petition may be amended at any time within ten (10) days after the notification of insufficiency by filing a supplementary petition upon additional papers signed and filed.

### **Article VII. Revenue and Taxation**

#### **Sec. 7.01. Property subject to tax**

- The city council is authorized to levy and collect taxes, to seize and sell property for delinquent taxes, to create tax liens, and to exercise all other powers and authority pursuant to the Tax Code, Vernon's Texas Codes Annotated and all other applicable laws.

#### **Sec. 7.07. Borrowing in anticipation of property taxes**

- In any budget year, in anticipation of the collection of the property tax, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city.

### **Article VIII. Budget**

#### **Sec. 8.03. Preparation and submission of budget**

- The city manager shall submit to the council a proposed budget for the ensuing fiscal year.
- budget shall be prepared based on policy priorities defined by the council for the city manager at least one hundred twenty (120) days before the end of the fiscal year.

#### **Sec. 8.05. Adoption of budget**

- The budget shall be finally adopted by the favorable votes of at least a majority of all members of the council after the conclusion of the public hearing.

#### **Sec. 8.07. Transfer of appropriations**

- During the fiscal year, the city manager may transfer any part of the unencumbered appropriation balance or the entire balance within any department.
- During the fiscal year, the city manager must request a council resolution to transfer any part of the unencumbered appropriation balance or the entire balance thereof from one office, department, agency, or organizational unit to another.

#### **Sec. 8.08. Amending the budget**

- Budget amendments must be approved by the affirmative vote of at least five (5) members of council.

### **Article IX. Borrowing for Permanent Improvements**

#### **Sec. 9.01. Power to issue bonds**

- The general obligation bonded debt of the city shall only be increased by the consent of the majority of the qualified voters of the city voting at an election held for that purpose.
- The city shall have the power to issue revenue bonds against the anticipated revenues of any municipally owned utility or other self-liquidating municipal function to pay the debt incurred on account of such utility or function.
- In no event shall revenue bonds be considered an indebtedness of the city nor be repaid from bonds secured by taxation.

#### **Sec. 9.02. Bond ordinance and election**

- After approval by a majority of the qualified voters voting at a general obligation bond election called for the purpose of authorizing the issuance of general obligation bonded debt, the city shall authorize the issuance of such bonds by a bond ordinance passed by an affirmative vote of a majority of all members of the council.
- The city council may approve the issuance of revenue bonds without an election by authorizing the issuance of such bonds by bond ordinance passed by an affirmative vote of the majority of all members of the council.
- Before any bond ordinance is passed by the council an attorney or attorneys specializing in municipal bonds shall be retained by the city to advise with the council in all matters pertaining to the proposed bond ordinance

**Sec. 9.03. Execution of bonds**

- All bonds shall be signed by the mayor, countersigned by the city secretary, and imprinted with the seal of the city, and shall be payable not more than forty (40) years from their date.

**Sec. 9.04. Sale of bonds**

- All bonds shall be sold in accordance with applicable law.

**Article X. Planning and Zoning**

**Sec. 10.02. Planning and zoning commission**

- The commission shall consist of seven (7) members, two-year terms, residents of Denton.
- If a vacancy occurs in the commission the council shall appoint a commissioner to fill the vacancy for the unexpired term.

**Sec. 10.03. Planning and zoning commission: Powers and duties**

- The commission shall have the powers and duties of a planning and zoning commission under state law, including without limitation those under Chapters 211 and 212 of the Texas Local Government Code

**Sec. 10.04. The master plan**

- The master plan for the physical development of the city, with the accompanying maps, plats, charts, descriptive and explanatory matter, shall show the commission's recommendations for the development of city territory.

**Sec. 10.07. Board of adjustment**

- The city council shall board of adjustment which shall consist of at least seven (7) members.

**Sec. 10.08. Platting or subdivision control**

- The commission shall recommend to the council the adoption of regulations governing the platting or subdividing within the city or within the area under the extraterritorial jurisdiction of the city, and the owner of every such subdivision shall comply with all the provisions of Article 974a and 6626, Vernon's Texas Civil Statutes, 1948, etc.

**Sec. 10.10. Building permits, use and occupancy certificates**

- The city shall have the power to prohibit the erection, construction or use of any building or structure of any kind within the city without a permit having first been issued, by the city

**Article XII. Public Utilities**

**Sec. 12.01. General powers respecting utilities**

- The City of Denton may license, regulate, fix the rates, control and supervise public utilities of all kinds.
- The City of Denton may own, acquire, construct, maintain, and operate any other public utility approved by a majority of the qualified voters.

**Sec. 12.02. Rates**

- The city shall have the power, subject to limitations imposed by state law and this Charter, to fix and revise rates and charges for utility services.

- The utilities shall provide no free services

**Sec. 12.03. Excess revenues of utility systems**

- Any money remaining in the "System Fund" after all necessary expenses of operation and maintenance of the utility systems shall be deemed "Excess Revenues" for the purposes of this section.
- Any remaining excess revenues shall be used for the redemption and retirement of utility revenue bonds, as they become available at no more than fair market value.

**Sec. 12.07. The Public Utilities Board**

- The public utilities shall consist of seven (7) members.
- Members of the board may be removed by the council only for cause and only after charges have been filed and published and the member has been given a reasonable opportunity to defend himself in an open public hearing before the council.
- The city manager and director of utilities shall be ex officio members of the board.
- Members of the public utilities board shall have the same qualifications as are required by membership on the city council.
- The board shall select from its own membership a chairman, vice-chairman, and secretary.
- A majority of the regularly appointed members shall constitute a quorum.
- The board shall determine its own rules and order of business.
- The board shall meet at least once each month; all meetings shall be conducted in accordance with the Texas Open Meetings Act, chapter 551 of the Texas Government Code

**Sec. 12.08. Powers and duties of the Public Utilities Board**

- The board shall serve the department of utilities and city council as a consulting, and advisory board.

**Article XIII. Franchises**

**Sec. 13.01. Franchises: public utilities**

- The city council may by ordinance grant, renew and extend all franchises of all public utilities operating within the city, and, with the consent of the franchise holder, amend such franchise.
- No franchise shall ever be granted for a longer term than twenty (20) years.
- Every ordinance granting, amending, renewing or extending a public utility franchise shall be passed by a majority vote of the entire city council at three (3) regular meetings of the council.
- The full text of the ordinance shall be published once each week for three (3) consecutive weeks in the official newspaper published in the City of Denton, and the expense of such publication shall be borne by the grantee of the franchise and shall be subject to referendum.

**Sec. 13.02. Franchises: use of streets**

- The city may by ordinance grant franchises or permits for the use and occupancy of streets, avenues, alleys or other public grounds belonging to or under the control of the city.
- Before such ordinance can become effective it shall be passed by a majority vote of the entire city council at two (2) regular meetings of the council.
- the full text of the ordinance shall be published once each week for two (2) consecutive weeks in the official newspaper of the City of Denton, and the expense of such publication shall be borne by the grantee of the franchise and such ordinance shall be subject to referendum.

**Sec. 13.03. Franchise fee**

- The holder or grantee of any franchise or license to use public streets, alleys, highways, or other public property may be required, as compensation for the right or privilege enjoyed, to pay to the City of Denton each year a reasonable sum (not less than two (2) percent of the gross receipts of the business pursued by the holder of the franchise earned for service rendered in the City of Denton).

**Sec. 13.04. Regulation of utilities**

- The city council shall have the power and the duty to determine, fix and regulate the charges, fares or rates of all public utilities operating within the city, with limitations.

#### **Article XIV. General Provisions**

##### **Sec. 14.03. Official newspaper**

- The city council shall annually select and designate by resolution the official newspaper of the city in which all ordinances and official notices that are required to be published shall be published.

##### **Sec. 14.04. Ethics ordinance requirement**

- The City Council shall adopt an ethics ordinance.
- The ethics ordinance shall prohibit the use of public office for private gain and shall incorporate the conflict of interest standards that appear in V.T.C.A., Local Government Code, Ch. 171 and all state law.

##### **Sec. 14.06. Oath of office**

- Every officer of the city shall before entering upon the duties of his office take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city secretary:  
“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of \_\_\_\_\_ of the City of Denton, Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State and the Charter and ordinances of this City; and I furthermore solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. (or if the office is one of appointment, "to secure my appointment.") So Help Me God.”

##### **Sec. 14.13. Amending the charter**

- Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by Vernon's Texas Codes Annotated, Texas Local Government Code Chapter 9 and all other applicable laws.

##### **Sec. 14.16. Boards and commissions**

- Members of boards and commissions shall serve at the pleasure of the council.
- Members of boards and commissions may be removed by the council only for cause and only after being given notice by the council.