

## PART I

### CHARTER\*

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\***Editor's note**—Contained herein is the Charter of the City of Keller as approved by the voters at an election held on Nov. 2, 2010. This new Charter supersedes the prior Charter, as amended, which was in effect at the 1986 publication of this Code.



## PREAMBLE

We, the citizens of Keller, Texas, in order to establish a home rule municipal government, provide for the welfare and progress of our city and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter.

## ARTICLE I. BOUNDARIES AND ANNEXATIONS

### Section 1.01. Boundaries.

The initial boundaries of the City of Keller shall be those of the City of Keller as of the date of adoption of this Charter.

### Section 1.02. Annexation.

The limits of the City of Keller may be hereafter altered and extended by ordinance after publication of such notices and holding of such hearings as are required by law.

### Section 1.03. Boundary agreements.

The city council may, after compliance with the notice provisions required by the Municipal Annexation Act for annexations, by ordinance disannex a portion of the city in order to adjust the city limits pursuant to a boundary agreement entered into with an adjacent city.

## ARTICLE II. POWERS OF THE CITY

### Section 2.01. General.

The City of Keller shall have and may exercise all the powers, functions, rights, privileges and immunities of every name and nature whatsoever now or hereafter granted to municipal corporations and the city by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers, functions, rights, privileges and immunities granted.

### Section 2.02. General powers adopted.

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

## ARTICLE III. THE CITY COUNCIL

### Section 3.01. Number, selection, term.

The governing and policy making body of the City of Keller shall consist of the mayor and six (6) council members in places designated as 1 through 6, elected at large for three-year terms by majority vote of the registered voters voting at the election for such position, and shall be known as the city council of the City of Keller. The Mayor and City Council places five (5) and six (6) shall be elected for the initial three (3) year term in 2011 and every three years thereafter. Council places one (1) and two (2) shall run through the year 2012 and shall be elected every three (3) years thereafter. Council places three (3) and four (4) shall run through 2013 and shall be elected every three (3) years thereafter.

### Section 3.02. Eligibility.

Each member of the city council shall be a registered voter of the city who has been a resident of the city for at least one (1) year immediately prior to the election, and at least twenty-one (21) years of age. A member of the council who at any time ceases to possess any of the qualifications specified in this section or any other section of this Charter, or who is convicted of a felony while in office shall immediately forfeit his/her office. Any member of the city council who shall file for any other public elected office or any other position on the city council or for mayor at a time when he/she has more than one (1) year to serve on his/her current term shall upon such filing, forthwith, forfeit his/her office.

**Section 3.03. Council judge of election of members.**

The city council shall be the judge of the election and qualifications of its own members, subject to review of the courts in case of contest. The city council shall, within the time provided by state law, either at a called meeting called for that purpose or at its regular meeting date of said council, after each regular or special election, canvass the return and declare the results of each election. This shall be the first order of business on the agenda at whichever type of meeting is held first. The second order of business shall be the swearing in of elected council members or mayor.

**Section 3.04. Vacancies.**

Vacancies on the council, shall be filled as required by state law and the Texas Constitution.

Any member of the city council or mayor remaining absent for three (3) consecutive regular meetings of the council may have his/her office declared vacated by a majority vote of all the remaining members of the governing body of the city.

**Section 3.05. The mayor.**

The mayor shall preside over the meeting of said city council and perform such other duties consistent with the office as may be imposed upon him/her by this Charter and ordinances and resolutions passed in pursuance thereof. The mayor shall vote in the same manner as other council members on issues before the council.

**Section 3.06. Mayor pro tempore.**

The city council shall elect from among its members a mayor pro tempore who shall act as mayor during the absence or disability of the mayor. The mayor pro tempore shall, during the absence or disability of the mayor, have the same powers and limitations as the mayor.

**Section 3.07. Reimbursement.**

Members of the city council shall receive no compensation, but shall be entitled to reimburse-

ment of actual out-of-pocket expenses incurred in the performance of their official duties when approved by the city council.

**Section 3.08. Powers.**

The city council shall have all powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all power necessary to carry out the terms and provisions of this Charter; it being intended that the city council shall have and exercise all powers enumerated in this Charter or implied thereby, except those powers specifically conferred on some other office by this Charter, and all powers that are now, or hereafter may be granted to municipalities by the Constitution or laws of the State of Texas.

**Section 3.09. Number of meetings.**

The city council shall hold at least one (1) regular meeting per month, to be designated by ordinance or resolution, and as many special meetings as the council may deem necessary. Special meetings shall be called by the city secretary upon written request of the mayor or three (3) councilmembers. Any such request shall state the subject to be considered at the special meeting.

**Section 3.10. Quorum.**

A quorum at any council meeting will be established by the presence of a majority of the members of the council. The mayor shall count as a council member for the establishment of a quorum.

**Section 3.11. Prohibitions and ethics.**

(1) *Holding other office.* Except where authorized by law, no councilmember shall hold other city office or employment during the term for which he/she was elected to the city council, and no former councilmember shall hold any compensated appointive city office or employment until one (1) year after the expiration of the term for which he/she was elected to the city council.

(2) *Appointments and removals.* Neither the city council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees, other than those appointed by the city council, whom the city manager or any of his/her subordinates are empowered to appoint, but the city council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(3) *Interference with administration.* 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 councilmember violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be subject to removal by the council.

### **Section 3.12. Personal financial interest.**

Any city officer, elected or appointed official, or employee who has a substantial financial interest as defined by state law, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city shall make known that substantial financial interest and shall refrain from voting upon or otherwise participating in his/her capacity as a city officer, elected or appointed official, or employee in the making of such sale or in the making or performing of such contract.

Any city officer, elected or appointed official, or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position.

Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the city manager or the city council.

## **ARTICLE IV. NOMINATIONS AND ELECTIONS**

### **Section 4.01. Elections.**

The regular city election shall be held annually on the uniform election date for May or as the date may be amended by state law, at which time officers will be elected to fill those offices which become vacant that year. The city council shall fix the hours and place for holding such election. The city council may, by resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election as provided by state law.

### **Section 4.02. Regulation of elections.**

The city council shall make all regulations which it considers needful or desirable, not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities who shall also have power to make regulations not inconsistent with this Charter or with any regulation made by the council or the laws of the State of Texas.

### **Section 4.03. Filing for office.**

Any qualifying person may have his/her name placed on the official ballot as a candidate for the office of city council member or mayor by filing an application in the form as provided by state law. If there is no form provided by state law, then the application shall be on a form prepared by the city that reflects the name of the person running and that the minimum requirements of the Charter are met.

The application shall be filed in the office of the city secretary and be witnessed by an officer of the city who is qualified to administer oaths. The official ballots shall be printed not less than twenty (20) days before the date of the election.

### **Section 4.04. The official ballot.**

The name of all candidates for office, except such as may have withdrawn, died or become

ineligible, shall be printed on the official ballots without party designated in the order determined in a drawing of lots conducted by the city secretary.

**Section 4.05. Registered voter.**

A registered voter as herein used is one who is a registered voter in the State of Texas who has resided in the corporate limits of the City of Keller for at least thirty (30) days.

**Section 4.06. Laws governing city elections.**

All city elections shall be governed, except as otherwise provided by this Charter, by the laws of the State of Texas governing general and municipal elections.

**Section 4.07. Conducting and canvassing elections.**

The election judges and other necessary election officials for conducting all such elections shall be appointed by the city council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of Texas. Within the time provided by state law, the city council shall meet, open the returns, canvass and officially declare the results of the elections as to candidates and questions and issue certificates of elections to candidates elected as herein provided.

**Section 4.08. Oath of office.**

Every officer of the city shall, before entering upon the duties of his/her office, take and subscribe to the oath or affirmation required by the Texas Constitution or state law. A copy of the oath or affirmation shall be filed and kept in the office of the city secretary.

**ARTICLE V. ADMINISTRATION**

**Section 5.01. City manager.**

(a) *Appointment and qualifications.* The city council shall appoint a city manager who shall be the chief administrative and executive officer of the city and shall be responsible to the city council for the administration of all the affairs of the city.

He/she shall be chosen by the city council solely on the basis of his/her executive and administrative training, experience and ability. No member of the city council shall, during the time for which he/she is elected and one (1) year thereafter, be appointed city manager.

(b) *Term and salary.* The city manager may be removed at the will and pleasure of the city council voting in an open meeting. The action of the city council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix responsibility for such suspension or removal in the city council. In the event of the removal of the city manager by the city council, the city council shall be authorized to grant him/her a settlement as determined by the city council. In case of the extended absence or disability of the city manager, the city council may designate some qualified person other than an elected officer of the city to perform the duties of the office during such absence or disability. The city manager shall receive such compensation as may be fixed by the city council.

(c) *Power and duties of the city manager.*

- (1) Appoint, and when necessary for the welfare of the city, remove any employee of the city, except as otherwise provided by this Charter.
- (2) Prepare the budget annually and submit it to the city council, and be responsible for its administration after adoption.
- (3) Prepare and submit to the city council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
- (4) Keep the city council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable.
- (5) Perform such duties as may be prescribed by this Charter or may be required of him/her by the city council, not inconsistent with this Charter.

**Section 5.02. City secretary.**

The city secretary may be removed at the will and pleasure of the city council voting in an open meeting. The action of the city council in suspending or removing the city secretary shall be final, it being the intention of this Charter to vest all authority and fix responsibility for such suspension or removal in the city council. In the event of the removal of the city secretary by the city council, the city council may be authorized to grant him/her a settlement as determined by the city council. In case of the extended absence or disability of the city secretary, the city council may designate some qualified person other than an elected officer of the city to perform the duties of the office during such absence or disability. The city secretary shall receive such compensation as may be fixed by the city 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/her signature and record in full, all ordinances and resolutions, and shall perform other such duties as the city council shall assign to him/her, and those elsewhere provided in this Charter.

**Section 5.03. Professional services.**

The city council may employ such professional consultants, including engineers, planners, architects or others whom it finds appropriate and in the best interest of the city to engage. The city council may fix the compensation of such professionals and work directly with them or direct that they work with the city manager or his/her designee.

**Section 5.04. City attorney.**

The city council shall appoint a competent and duly licensed attorney practicing law in Tarrant County, Texas, who shall be the city attorney. He/she shall receive for his/her services such compensation as may be fixed by the city council and shall hold his/her office at the pleasure of the city council. The city attorney, or such other attorneys selected by him/her with the approval of the city council, shall represent the city in all

litigation. He/she shall be the legal advisory for, and attorney and counsel for, the city and all departments thereof.

**Section 5.05. Municipal court.**

There shall be a court or courts known as the municipal court or courts of the City of Keller. The court shall be a municipal court of record, with such jurisdiction, powers and duties, as are given and prescribed by the laws of the State of Texas.

The municipal court or courts shall be presided over by a magistrate or magistrates who shall be known as the judge of the municipal court, who shall be a qualified and licensed attorney in the State of Texas appointed by the Keller City Council and who shall meet all the requirements set out in state law for a judge of a municipal court of record. The judge may be removed from office as provided for by state law or in Section 1-a, Article V of the Texas Constitution or, additionally, may be removed by the City Council after a hearing in an open meeting upon a finding of official misconduct, willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his/her duties or casts public discredit upon the judiciary or administration of justice.

**Section 5.06. Nepotism.**

No person related within the second degree by affinity or within the third degree by consanguinity, to the mayor or to any member of the city council, or to the city manager, shall be appointed to any office, position, clerkship or service of the city.

**ARTICLE VI. RECALL OF OFFICERS****Section 6.01. Scope of recall.**

Any city official, elected by the people, shall be subject to recall and removal from office by the registered voters of the city on grounds of incompetency, misconduct or malfeasance in office.

**Section 6.02. Petition for recall.**

Before the question of recall of such officer shall be submitted to the registered voters of the city, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the city secretary; which said petition shall be signed by registered voters of the city equal in number to at least five percent (5%) of the registered voters in the city. Each signer of such recall petition shall personally sign their name thereto in ink or indelible pencil. Each signature shall comply with the requirements of the Texas Election Code as it may be amended or construed by the courts. Each signer shall write thereon the day, the month and year his/her signature was affixed.

**Section 6.03. Form of recall petition.**

The recall petition mentioned above must be addressed to the city council of the City of Keller, 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 (1) 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/she 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 to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_"

**Section 6.04. Various papers constituting petition; Notification of Officer.**

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. No signature to such petition shall remain effective or be counted which were placed on the petition more than thirty (30) days prior to the filing of such petition or petitions with the person performing the duties of city secretary. Each signature shall comply with the requirements of the Texas Election Code and this Charter. The signatures shall be verified by oath in the following form:

"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.

Signature \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_.

Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_"

Upon receiving the petition, the City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing the notice to the officer's Keller address.

**Section 6.05. Presentation of petition to city council.**

Within thirty (30) calendar 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 Keller.

**Section 6.06. Public hearing to be held.**

The officer whose removal is sought may, within five (5) days after such removal petition has been presented to the city council, request that a public hearing be held to permit him/her to present facts



pertinent to the charges specified in the recall petition. In this event, the city council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

**Section 6.07. 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. If no public hearing is requested, or if a hearing is requested, after the public hearing occurs, the city council shall call an election within the next two (2) City Council meetings after the Petition was verified or found to be sufficient. Unless otherwise provided by law, any election called under this Article shall be held on an authorized election date that occurs at least sixty-five (65) days after the petition was presented to the city council.

**Section 6.08. Ballots in recall election.**

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

(a) With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (name of office) by recall?"

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

"Yes"

"No"

**Section 6.09. Results 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/she shall continue in office for the remainder of his/her unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of a person named on the ballot, he/she 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 6.10. Recall; restriction thereon.**

No recall petition shall be filed against any officer of the City of Keller within six (6) months after his/her election, or within six (6) months after an election for such officer's recall.

**Section 6.11. 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 or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said city council by the provisions of this Charter with reference to such recall, then the county judge of Tarrant County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of city secretary or by the city council.

**ARTICLE VII. LEGISLATION BY THE PEOPLE; INITIATIVE AND REFERENDUM**

**Section 7.01. Initiative and Referendum.**

The people of the City of Keller reserve the power of direct legislation by initiative or referendum, and in the exercise of such power, may propose, or seek voter approval or disapproval of any ordinance or resolution not in conflict with this Charter, the State Constitution or the state laws, except an ordinance appropriating money or authorizing the levy of taxes or an ordinance repealing an ordinance appropriating money or levying taxes.

**Section 7.02. Petition.**

Registered voters of the City of Keller may initiate legislation by submitting a petition addressed to the city council which requests the submission of a proposed ordinance or resolution to a vote of the registered voters of the city. Said petition must be signed by registered voters of the city equal in number to five percent (5%) of the number of registered voters in the city. Each copy of the petition shall have attached to it a copy of

the proposed legislation. Each signer of a petition to initiate legislation shall personally sign their name thereto in ink or indelible pencil. Each signature shall comply with the requirements of the Charter, the Texas Election Code as it may be amended or construed by the courts and all state laws. Each signer shall write thereon the day, the month and the year that their signature was affixed. The petition must be addressed to the city council of the City of Keller. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. The signatures shall be verified by oath in the following form:

"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 it purports to be.

Signature \_\_\_\_\_

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_.

Notary Public, in and for the State of Texas

My commission expires: \_\_\_\_\_"

No signature placed on the petition more than thirty (30) days before the petition is filed, shall be counted. Such petition shall be filed with the person performing the duties of city secretary, who shall present said petition and proposed ordinance or resolution to the city council. Upon presentation to the city council of the petition and draft of the proposal, ordinance or resolution, it shall become the duty of the city council, within the fifteen (15) days after the receipt thereof, to pass and adopt such ordinance or resolution or to call a special election, to be held on the next uniform election date, provided that such date must be at least sixty-five (65) days thereafter, at which the registered voters of the City of Keller shall vote on the question of adopting or rejecting the proposed legislation. However, if any other municipal election is to be held within sixty-five (65) days after the filing of the petition, the question may be voted on at such election.

**Section 7.03. Referendum.**

Registered voters of the City of Keller 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 as required for petitions initiating legislation as provided in Section 7.02 of this Charter 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 as provided in Section 7.02 of this Charter. Pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereon.

**Section 7.04. Voluntary submission of legislation by the council.**

The city council, upon its own motion and by a 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 with the same force and effect as provided in this article for submission on petition, and may in its discretion call a special election for this purpose.

**Section 7.05. Form of ballots.**

The ballots used when voting upon such proposed and 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 7.06. Publication of proposed and referred ordinances.**

The person performing the duties of the city secretary shall publish the proposed or referred ordinance or resolution at least once in the official newspaper of the city or publish on the city's website or give notice in any other legally approved manner not more than fifteen (15) nor less than five (5) 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 7.07. Adoption of ordinances.**

If a majority of the registered voters voting on any proposed ordinance or resolution or measure shall vote in favor thereof, the measure shall become effective as law or as a mandatory order of the city council, but no measure shall take effect until after the election occurs and the votes are counted. The date to take effect may be contained in the measure, ordinance or resolution, so long as the effective date is after the election date.

**Section 7.08. Inconsistent ordinances.**

If the provisions of two (2) 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 7.09. Ordinances passed by popular vote: repeal or amendment.**

No ordinance or resolution which may have been passed by the city council upon a petition or adopted by popular vote under the provisions of this article shall be repealed or amended for five (5) years except by the city council in response to a referendum petition or by submission as provided in Section 7.04 of this Charter.

**Section 7.10. 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.

**ARTICLE VIII. FINANCE**

**Section 8.01. Finance and fiscal control by city.**

The city shall have the power to control and manage the finances of the city as may be directed by the city council. No expenditure shall be made by the city unless such is budgeted or is paid for with bond funds.

**Section 8.02. Submission of budget and budget message.**

The fiscal year of the city shall begin on the first day of October and end on the last day of the following September.

On or before August 15 of each year, the city manager shall submit to the city council a budget for the ensuing fiscal year and an accompanying message in the form and with the content as prescribed by the council.

**Section 8.03. Budget a public record.**

The budget and budget message and all supporting schedules shall be a public record in the office of the city secretary open to public inspection by anyone. The city manager shall cause sufficient copies of the budget and budget message to be prepared for distribution to the council and to the public library.

**Section 8.04. Notice of public hearing.**

The city shall provide all statutory notices required to give the public notice of the budget hearing or hearings. If there are no statutory requirements, the City shall publish, either in the newspaper or on its website, notice of all upcoming budget hearings at least seven (7) days in advance of said hearing or hearings or in accordance with state law.

**Section 8.05. Public hearing on budget.**

At the time and place given in the notice, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as

submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

**Section 8.06. Further consideration of budget.**

After the conclusion of such public hearing, the city council may make such changes as it shall deem proper, except that such proposed expenditures as are fixed by law cannot be changed.

**Section 8.07. Addition to budget.**

Based upon information heard at the hearing or hearings, the city council may insert any additional item or items, and make the increase or increases, to the amount indicated in the notice of the budget. The city council shall not increase the total proposed expenditures, unless it shall also increase the total anticipated revenue to at least equal such total proposed expenditures.

**Section 8.08. Majority of full council required.**

The budget shall be adopted by the favorable votes of at least a majority of all the members of the council.

**Section 8.09. Date of final adoption; failure to adopt.**

The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year. Should the council take no final action on or prior to such date, the budget, as submitted, shall be deemed to have been finally adopted by the council.

**Section 8.10. Effective date of budget; certification; copies made available.**

Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the mayor and city secretary and filed in the office of the city secretary. The budget as certified may be printed or otherwise reproduced and sufficient copies

thereof may be made available for the use of all offices, departments and agencies and for the use of interested persons.

**Section 8.11. Budget establishes appropriation.**

From the effective date of the budget the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

**Section 8.12. Amendment.**

The city council may during the fiscal year amend the budget by ordinance if such amendment will not increase the total of all budget expenditures. If such expenditures are necessary to protect public property or the health, safety or general welfare of the citizens of Keller, the total budget may be increased after notice and public hearing as prescribed for adoption of the original budget.

**Section 8.13. Appropriation of excess revenue.**

If at any time the total accruing revenue of the city shall be in excess of the total estimated income thereof; as projected in the budget, the city council may by ordinance amend the budget so as to appropriate such excess revenue to such purposes as they may deem appropriate after notice and public hearing as required for adoption of the original budget.

**Section 8.14. Accounting procedures.**

Accounting procedures shall be maintained by the city in order to establish and maintain budgetary control over each of its offices, departments, and agencies. Accounting records shall be maintained in accordance with generally accepted standards of accounting for municipalities.

**Section 8.15. Independent audit.**

The city council shall cause an independent audit to be made of all the accounts of the city at least once annually, or such other times as may be deemed necessary, by a certified public accountant. The certified public accountant so selected

shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. Upon completion of the audit, the results shall be furnished to each member of the city council, and placed on file in the city secretary's office. The report of the auditor shall be prepared in accordance with generally accepted standards of financial reports for municipalities.

**Section 8.16. Power to tax.**

The city council shall have the power under the provisions of state law to levy, assess and collect an annual tax upon taxable property within the city.

If for any cause the city council shall fail to pass a tax ordinance for any one (1) year, levying taxes for that year, then and in that event the tax levying ordinance and rate established therein last passed shall and will be considered in force and effect.

**Section 8.17. Defect shall not invalidate tax levy.**

Defects in the form or preparation of the budget or the failure to perform any procedural requirement shall not invalidate any tax levy or the tax roll.

**Section 8.18. Bonds and evidences of indebtedness.**

In keeping with the Constitution of the State of Texas, and not contrary thereto, the City of Keller shall have the right to issue all tax bonds, general obligation and revenue bonds, funding and refunding bonds, certificates of obligations, time warrants and other evidences of indebtedness, authorized to be issued by home rule cities by the laws of the State of Texas or for any public purpose, so long as not prohibited by the general laws of the State of Texas, including, but not limited to bonds or other evidences of indebtedness to promote or finance economic development within the city. All general obligation bonds shall be submitted to the voters for approval.

**Section 8.19. Manner of issuance.**

Bonds, certificates of obligations and time warrants of the City of Keller shall be issued in the manner provided by the laws of the State of Texas applicable to home rule cities.

**ARTICLE IX. MISCELLANEOUS**

**Section 9.01. Present ordinances.**

All ordinances of the City of Keller now in existence and not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the city council. If parts of ordinances now in existence are inconsistent with the provisions of this Charter, then such parts are hereby repealed, but the remaining parts of such ordinance shall remain in full force and effect until altered, amended or repealed by the city council.

**Section 9.02. Ordinances and resolutions.**

Each proposed ordinance or resolution shall be introduced in written or printed form.

**Section 9.03. City exempt from appeal bonds.**

It shall not be necessary in any action, suit or proceeding in which the City of Keller is a part, for any bond, undertaking or security to be executed on 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 given and executed.

**Section 9.04. Not subject to garnishment.**

No fund of the city or within custody of the city or any of its officials in any official capacity shall be subject to garnishment and the city shall never be required to answer in any garnishment proceedings.

**Section 9.05. Special provision covering damage suits.**

Before the city shall be liable to damage claim or suit for personal injury or damage to property,

the person who is injured or whose property is damaged, or someone on his/her behalf, shall give the city secretary notice in writing within thirty (30) days after the occurring of the alleged injury or damage, stating specifically in such notice when, where, and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses upon whose testimony such person is relying to establish the injury or damage.

councilmembers, comprising the present city council, shall continue to hold their offices for the remainder of the terms to which they have been elected, and shall constitute the city council of the City of Keller.

**Section 9.06. Preservation of contract rights.**

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

**Section 9.07. Construction.**

The use of the singular number includes the plural, and the plural the singular, and words used in the masculine gender include the feminine also, unless by reasonable construction, it appears that such was not the intention of the language of this Charter.

**Section 9.08. Partial invalidity.**

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

**Section 9.09. Amendment of Charter.**

This Charter may be amended by the voters of the city at any time in accordance with the provisions of state law and this Charter.

**Section 9.10. Interim municipal government.**

From and after the date of the adoption of this Charter, the incumbent mayor and five (5)