



TOWN OF NORTHLAKE, TEXAS

HOME RULE CHARTER

PRESENTED BY:
**THE NORTHLAKE HOME RULE
CHARTER COMMISSION**

BRIAN MONTINI, CHAIR

DELINDA BAILEY
WESLEY BOYER
BRYAN DAVENPORT
TODD DIPIETRO
TOM DUDARK
THERESA FAUGHT
AARON FOWLER
NATHAN FOWLKES
JACKIE FULLERTON

VINCE GODDARD
SHANNON JOSKI
JOEL MCGREGOR
MICHAELA MONSON
BILL MOORE
TAMMIE NUOCI
TERESA ROSS
JOHN STEWART
SUMMER WRIGHT



Honorable Mayor and Councilors of the Town of Northlake, Texas

We, the Northlake Charter Commission, submit to the Town of Northlake Council the Town's proposed charter. As a group of diverse perspectives, we created language after healthy and thorough discussions on many topics of municipal governance. We met at six workshops, conducted research between workshops, and responded to various surveys to develop the proposed charter language. We respectfully request the Council call a special election so that the residents of Northlake may decide on this proposed charter.

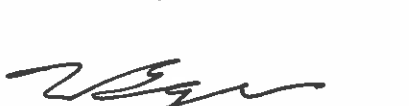
Sincerely,


Brian Montini, Chair

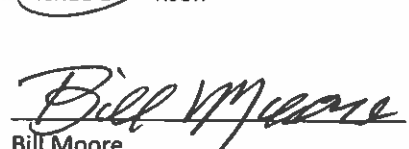

Delinda Bailey


Vince Goddard


Michaela Monson

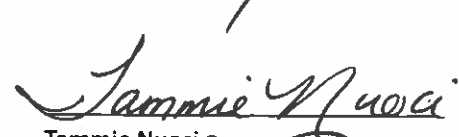

Wesley Boyer

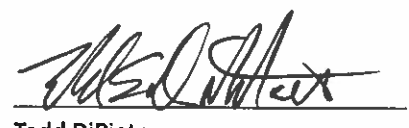

Shannon Joski


Bill Moore


Bryan Davenport


Joel McGregor


Tammie Nuoci


Todd DiPietro


Aaron Fowler

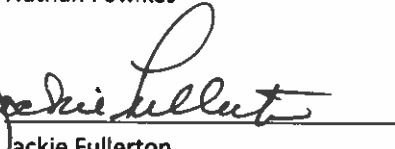

Teresa Ross

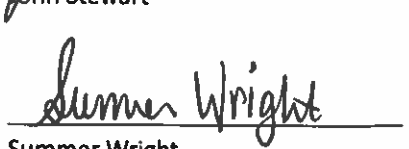

Tom Dudark


Nathan Fowlkes


John Stewart


Theresa Faught


Jackie Fullerton


Summer Wright

CHAPTER I - INCORPORATION AND POWERS OF TOWN

1.01 Incorporation, Corporate Name

All inhabitants of the Town of Northlake, Denton County, Texas, residing within the boundaries of the Town now established or as hereinafter established in the manner provided by law, shall constitute a municipal body politic incorporated under the name of "Town of Northlake", hereinafter referred to as the "Town", with such powers, rights, authority, privileges, obligations and immunities as are herein provided in accordance with the Constitution and statutes of the State of Texas.

1.02 Form of Government

The municipal government provided by this Charter shall be known as "Council-Manager Government." Pursuant to the provisions of, and subject only to the limitations imposed by the State Constitution, State Laws and this Charter, all powers of the Town shall be vested in an elective council, hereinafter referred to as the "Council." The Council shall appoint a Town Manager, who shall be directly responsible to the Council, for the execution of the laws and the administration of the government of the Town.

1.03 Corporate Boundaries

- (a) The boundaries of the Town shall be as they exist when this Charter is adopted, until changed by the Town Council.
- (b) The boundaries and limits of the Town shall be those established and described on an official map duly adopted by the Town Council by ordinance and amended from time to time to include annexations and disannexations from the corporate limits. The Town Secretary shall at all times keep a correct and complete description and official map on file, with recent annexations and disannexations.

1.04 Modification of Corporate Boundaries

The Council shall have the full power to fix the boundary limits of the Town, to provide for the extension of said boundary limits and the annexation of additional territories lying adjacent to the Town, to provide for the disannexation of territory within the Town and to provide for the exchange of territory with other cities and towns, according to such rules as may be provided by this Charter or any other method that may be prescribed by the laws of the State of Texas. Such rules or methods shall not be inconsistent with the procedural rules of the Municipal Annexation Act of the State of Texas. If the Council determines that any territory within the corporate boundaries of the Town is not necessary or suitable for Town purposes, and approves by resolution or ordinance the exchange or release of territory from the Town, the disannexed territory shall cease to be a part of the Town but the disannexed territory shall remain liable for its pro rata share of any indebtedness incurred while the area was a part of the Town and the Town shall continue

to levy, assess and collect taxes on the property in the disannexed territory until such indebtedness has been paid, unless the council determines that it is not necessary or advisable.

CHAPTER II - POWERS OF THE TOWN

2.01 General Powers of the Town

The Town shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the Constitution and laws of the State of Texas as fully and completely as though they were specifically enumerated in this Charter, together with all of the implied powers necessary to carry into execution such granted powers, unless such power or right is expressly prohibited or restricted by this Charter.

2.02 Power to Acquire Property Inside and Outside the Town for Public Purposes

The Town shall have the full power to sell and to acquire by any lawful means, including condemnation, purchase, or exchange, private or public property located inside or outside of the corporate limits for public purposes. The Town shall have the full right, power and authority to exercise the power of eminent domain when necessary to carry out any of the powers conferred upon it by this Charter, or by the Constitution or laws of the State of Texas. The power of eminent domain hereby conferred shall include the right of the Town to take fee title and easement interest in the lands so condemned. An affirmative 3/4 vote of the entire membership of Council shall be required to authorize the use of eminent domain.

2.03 Street Powers

The Town shall have exclusive domain, control and jurisdiction in, upon, over, and under all highways, alleys, streets, gutters and sidewalks, situated in the Town. The Town shall have the power to layout, establish, open, alter, widen, lower, extend, grade, drain, abandon, and improve highways, streets, alleys, sidewalks, squares, parks, public places, and bridges and regulate the use thereof including, among other things, by establishing regulations relating to vehicle speed as permitted by State law. The Town shall have the full ability to require the removal from highways, streets, sidewalks, alleys, and other public property or places of all obstructions, telegraph, telephone, or other poles carrying electric wires or signs, encroachments of every nature or character upon any said streets and sidewalks, and to vacate and close private ways; and when a street or alley has been vacated or abandoned, the Town shall have the right to sell the same in any lawful manner. The Town shall have the power to assess property owners for improvements and collect attorney's fees for the collection of assessments as allowed under state law. Such exclusive dominion, control and jurisdiction in, upon, over or under the public streets, avenues, sidewalks, parkways, alleys and highways of the Town shall

also include, but not be limited to, the right to regulate, locate, relocate, remove, or prohibit the location of all utility pipes, lines, wires, or other property of any sort. The right of control and use of the public streets, highways, sidewalks, and alleys is hereby declared to be inalienable to the Town, except by ordinances not in conflict with this Charter.

2.04 Health and Police Powers

- (a) The Council shall have the power to provide for and/or own and regulate the following, but not to the exclusion of other powers:
 - (1) a solid waste collection and disposal system;
 - (2) a sanitary sewer utility or system;
 - (3) a water utility or system;
 - (4) an electric utility or system;
 - (5) a fire department;
 - (6) a police department;
 - (7) a health department;
 - (8) parks and playgrounds.
- (b) The Council shall have the power to define all nuisances and prohibit them within the Town and outside the Town limits for at least a distance of 5,000 feet.
- (c) The Council shall have the power to provide for fixing of penalties for failure of any person, firm, corporation or association to comply with any such rules and regulations so prescribed by the Council under the provisions of this section; it being the intention to vest in the Council not only powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health, safety and welfare of the Town and its inhabitants.

2.05 Intergovernmental Relations

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more municipalities, States, and divisions or agencies thereof, the United States or any agency thereof.

CHAPTER III – TOWN COUNCIL AND MAYOR

3.01 Governing Body

The governing and lawmaking body of the Town shall consist of the Mayor and six (6) Councilmembers and shall be known as the “Town Council.”

3.02 Elective Officers

- (a) The members of the Council shall be elected and hold office as herein provided. All members of the Council, and the Mayor, shall be elected under the place system. The Mayor shall hold office for a three (3) year term. Each member of the Council shall hold office for a two (2) year term. Upon expiration of the terms of the current Mayor and Councilmembers, their successors shall be elected for terms as follows:

Place 4, Place 5 and Place 6 shall be elected for a term of two (2) years, beginning with a Town election held in May 2021.

Place 1, Place 2 and Place 3 shall be elected for two (2) year terms, beginning with the regular Town election held in May 2022.

The Mayor shall be elected for three (3) year terms, beginning with the regular Town election held in May 2021.

- (b) Upon the expiration of the above term of the Mayor, his or her successor shall be elected for terms of three (3) years. Upon the expiration of the above terms for Councilmembers, their successors shall be elected for terms of two (2) years. All places, including Mayor, will be elected at large by a majority vote.
- (c) The Mayor and each Councilperson, unless sooner removed under the provisions of this Charter, shall hold office until his successor is elected and qualified.

3.03. - Limitation of consecutive terms for elected officials.

- (a) A Town councilmember who has served as a councilmember, regardless of place, for three consecutive terms shall not again be eligible to become a candidate for, or to serve as a councilmember until the next general election after the fourth consecutive two (2) year term has expired.
- (b) A Mayor who has served as mayor for four consecutive terms as mayor shall not again be eligible to become a candidate for or to serve in, that office until the next general election after the fifth consecutive three (3) year term has expired. Terms served as a councilmember shall not be included in the calculation of terms under this subsection.
- (c) As used in this section, any length of service within a two-year term that exceeds 360 days is a term served, and "councilmember" means Places 1 through 6 and does not mean "mayor".

3.04 Qualifications of Candidates

Each person who becomes a candidate for mayor or councilmember shall meet the qualifications as set out in Section 141.001 of the Texas Election Code, as may be hereafter amended. Notwithstanding anything to the contrary herein, the following additional qualifications shall apply to each person who becomes a candidate for mayor or councilmember:

- (1) Have resided in the Town for at least 12 months prior to the date of the election;
- (2) Abide by the nepotism law (Chapter 573, Texas Government Code), and as provided in Section 15.01 of the Charter; and
- (3) Not be disqualified by reason of any other provision of law.

A member of the Council who ceases to possess any of the qualifications specified in the Texas Election Code or in this section for a period of sixty (60) days following notice from the Town Secretary regarding same, or who is convicted of a felony while in office, shall immediately forfeit the office and the Town Council shall proceed to fill the vacancy in accordance with Section 3.09 of this Charter.

3.05 Council to be the Judge of Qualifications

The Council shall be the judge of the election and qualifications of its own members, and of the grounds for forfeiture of their office.

3.06 Compensation of Elective Officers

Compensation of the Town councilmembers shall be \$75.00 per council meeting for which the councilmember is present, not to exceed \$150.00 per month. The compensation of the Mayor shall be \$125.00 per council meeting for which the Mayor is present, not to exceed \$250.00 per month. For council meetings during which the Mayor Pro-Tem acts as Mayor in the absence of the Mayor, that person shall receive \$125.00 per council meeting, not to exceed \$250.00 per month. In addition, the Town Council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties, and other compensation or tools, including technological devices, as may be authorized by the Town Council at a regular council meeting.

3.07 Presiding Officer - Duties of the Mayor

- (a) The Mayor shall preside over the meetings of the Council, and perform such other duties consistent with the office as may be imposed upon the Mayor by this Charter and by ordinances and resolutions passed in pursuance thereof. The Mayor shall be recognized as the official head of the Town by the courts for the purpose of enforcing military law and for all ceremonial purposes. The Mayor shall vote on all matters coming before the Town Council.
- (b) The emergency powers of the Mayor shall be set forth by State law and local ordinances.
- (c) The Mayor or his or her designee shall appoint a chairperson(s) for any special or ad hoc commissions or committees established by the Town Council.

3.08 Mayor Pro Tem

At the first meeting after each general election or general election run-off, if any, or as soon thereafter as practicable, the Council shall appoint one of the Councilmembers as Mayor Pro Tem who shall hold office for one (1) year. The Mayor Pro Tem shall perform the duties of Mayor in case of the absence or disability of the Mayor.

3.09 Vacancies; Forfeiture of Office: Filling of Vacancies

(a) *Vacancies*. The office of the Mayor or a Councilmember shall become vacant upon the Mayor or Councilmember's death, resignation, removal from office (in any manner authorized by law), or forfeiture of office.

(b) *Forfeiture of Office*. The Mayor or a Councilmember shall forfeit his or her office if during a term of office, the Mayor or Councilmember:

- (1) lacks any qualification for the office prescribed by this Charter or by other law;
- (2) violates any expressed prohibition of this Charter;
- (3) is convicted of a felony, whether final for purposes of appeal or not; a crime involving moral turpitude; or violating any state laws regulating conflicts of interest of municipal officers; or
- (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council.

(c) *Council to be Judge*. The Council shall, by an affirmative 3/4 vote of the entire membership, be the final judge in matters involving forfeiture of office by a Council member or the Mayor.

(d) *Filling of Vacancies*.

- (1) If there is a vacancy in the office of Mayor, a new Mayor shall be elected by special election within one hundred twenty (120) days after such vacancy occurs, in accordance with the Texas Constitution and the Texas Election Code, as amended. If the vacancy occurs with less than 12 months remaining in the term, Council, by majority vote, shall appoint a qualified person to fill the unexpired term.
- (2) If a vacancy occurs in the office of Place 1, Place 2, Place 3, Place 4, Place 5, or Place 6 and there is more than six months remaining in the term of office so vacated, then in that event the Council may call a special election to elect a person to serve the remainder of the unexpired term or

appoint a qualified person to serve until the next regular municipal election. If there is less than six months remaining, then the Council, by majority vote, shall appoint a qualified person to fill the unexpired term. If the vacated office is that of Mayor Pro-Tem the Council shall elect a new Mayor Pro-Tem at the next regular meeting.

3.10 Prohibitions

- (a) *Holding other office:* Except where authorized by law, no Mayor or Councilmember shall hold any other compensated Town office or employment by the Town during the term for which they are elected to the Council, and no former Mayor or Councilmember shall hold any compensated appointive Town office or employment until one (1) year after the expiration of the term for which they were elected to the Council.
- (b) *Appointment and Removals:* Neither the Council nor any of its members shall in any way dictate the appointment or removal of any Town administrative officer or employees whom the Town Manager or any of the Town Manager's subordinates are empowered to appoint, unless otherwise provided in this Charter. The Council may express its views and fully and freely discuss with the Town Manager anything pertaining to appointment and removal of such officers and employees.
- (c) *Interference with Administration:* Except for the purpose of inquiries and investigations by the direction of the Council, unless provided otherwise in this Charter, the Council or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.
- (d) *Admission of Liability:* Neither the Mayor or Councilmembers shall accept or admit liability or pay any claim for damages asserted against the Town without first obtaining a written opinion from the Town Attorney regarding the Town's liability therein.

3.11 Meetings of the Town Council

The Council shall hold at least two (2) regular meetings each month at a time to be fixed by ordinance, unless the date falls on a regularly observed Town holiday, provided that the Council may establish as many additional regular meetings during the month as may be necessary for the transaction of the business of the Town and its citizens. Prescribed meeting dates may be cancelled by a vote of the Council at a regular scheduled meeting or in accordance with Town policies and procedures. All meetings of the Council shall be open in accordance with and except as provided by the Texas Open Meetings Act, and shall be held at the Town Hall, except that the Council may designate another place for the meetings.

3.12 Special Meetings

Special meetings of the Town Council shall be held at the call of the Mayor or three (3) councilmembers upon provision of public notice in accordance with state law.

3.13 Rules of the Council: Minutes and Procedures

- (a) Council shall determine its own rules of procedure and may compel the attendance of its members. Minutes of the proceedings of the Council shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the Town.
- (b) The vote upon the passage of all ordinances and resolutions shall be taken by any method to indicate the vote of each member and entered into the minutes, and every ordinance or resolution upon its final passage, shall be authenticated by the signature of the presiding officer and the person performing the duties of the Town Secretary, and kept as required by law.
- (c) Any item requested by the Mayor, the Mayor Pro Tem, two (2) councilmembers, or the Town Manager shall be placed on the agenda by the Town Secretary. The Mayor will establish the order of the agenda for each Council meeting. The Town Secretary shall prepare the agenda, which shall be publicly posted at Town Hall in accordance with the Texas Open Meetings Act.

3.14 Quorum and Voting

Four (4) Councilmembers, including the Mayor, shall constitute a quorum to do business. No action of the Town Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the Council present, and qualified to act. A number less than a quorum may adjourn from time to time and compel the attendance of absent members. If the Council is reduced to less than four (4) members on account of vacancies or other disqualifications, the remaining members shall constitute a quorum for the purpose of transaction of business.

3.15 Code of Ethics and Conduct

Council shall adopt by ordinance a code of ethics and conduct that is consistent with the provisions of this Charter and state and federal law applicable to elected officers, appointed board, commission, and committee members, and employees of the Town.

CHAPTER IV - RESPONSIBILITIES OF THE TOWN COUNCIL

4.01 Powers of the Council

All powers and authority, including determination of all matters of policy, which are expressly or by implication conferred on or possessed by the Town, shall be vested in and exercised by the Council; provided, however, that the Council shall have no authority

to exercise those powers which are expressly conferred upon other Town officers by this Charter.

4.02 Appointment of Members of Boards

The members of all boards, commissions or committees created by this Charter or by the Council shall be appointed by the Council and shall be residents of the Town.

4.03 Investigative Powers of the Council

The Council shall have the power to inquire into or investigate the official conduct of any department, office, or agency of the Town and for that purpose shall have the power to administer oaths; subpoena witnesses; compel the production of books, papers, records, or other evidence material to the inquiry. The Town Council shall provide, by ordinance, penalties for contempt for failing or refusing to obey any such subpoena or to produce any such books, papers, or other evidence, and shall have the power to punish any such contempt in the manner provided by the ordinance.

4.04 Depository of Town Funds

The Council is authorized to select a depository, according to State law, for all Town funds.

4.05 Independent Audit

The Council shall provide for an independent annual audit of all Town accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with Section 10.16 herein.

4.06 Appointive Offices

In addition to the elected officers, the other officers of the Town shall be the Town Manager, Town Attorney, and such other officers as the Council may from time to time direct. The Council may appoint, abolish or consolidate such offices and positions as it may deem to be in the best interest of the Town and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions and discontinue any office or position at its discretion except the offices of Town Manager and Town Attorney. Removal of officers appointed by the Council shall be at the discretion of the Council and shall require an affirmative 2/3 vote of the entire membership except for the Town Attorney which may be removed by an affirmative vote of a majority of the Council as provided in Section 7.01.

4.07 State of Emergency

(a) A state of emergency shall be deemed to exist during periods of impending or actual public crisis or disaster. If a meeting of the Council cannot be called within the time

available, whenever conditions threaten to render inadequate the normal procedures of the Town for protection of persons or property, a state of emergency may be declared by the vote of the Council, or by order of the Mayor, or, in the Mayor's absence or disability, the Mayor Pro Tem,

- (b) During a state of emergency, the Mayor, or, in the Mayor's absence or disability, the Mayor Pro Tem shall have all the powers that would be vested in the Council by State law to the extent he considers reasonable, or necessary for the protection of persons or property.
- (c) The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency.

4.08 Validation of all Ordinances, Rules and Regulations

All ordinances, resolutions, rules and regulations of the Town heretofore ordained, passed, adopted, or enacted, that are in force at the time this Charter becomes effective, and which are not in conflict with such Charter, shall remain in full force until altered, amended, or repealed by the Council after such Charter takes effect.

4.09 Action Requiring an Ordinance

- (a) The Council shall legislate by ordinance. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Council shall be by ordinance which:
 - (1) adopt, amend, or establish an administrative code;
 - (2) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
 - (3) levy taxes;
 - (4) adopt a budget;
 - (5) grant, renew, extend, or abolish a franchise;
 - (6) convey, lease, or authorize the conveyance or lease of any Town lands;
 - (7) regulate the rate charged for services by a public utility;
 - (8) authorize the borrowing of money that cannot be repaid within the current fiscal year;
 - (9) regulate land use development;

- (9) adopt, with or without amendment, ordinances proposed under the initiative power; and
- (10) amend or repeal any ordinance previously adopted, except as otherwise provided in Chapter IX of this Charter with respect to repeal of ordinances reconsidered under the referendum power.

(b) Acts other than those referred to in the preceding sentence may be done either by ordinance, resolution or minute order.

4.10 Form of Ordinances

Every proposed ordinance shall be introduced in writing and in substantially the form required for final adoption. The subject of the ordinance shall be clearly expressed in its title except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. The enacting clause of every ordinance shall be: "Be it ordained by the Town Council of the Town of Northlake . . ." but the same shall be omitted when the ordinances of the Town are codified and published in a book or pamphlet form by the Town. Any ordinance which repeals or amends an existing ordinance or part of the Town code shall clearly set forth the provision or provisions being repealed or amended (which may be done by reference to code provisions) and, if amended, shall further clearly set forth the amendment being made.

4.11 Procedure for Enacting Ordinances and Resolutions; Publications

- (a) Ordinances and resolutions may be passed at any regular meeting or special meeting called for that purpose provided notice has been given in accordance with the Texas Open Meetings Act.
- (b) All ordinances and resolutions, unless otherwise provided by State law, this Charter, or the ordinance itself shall be effective on the passage or adoption by the required majority of the Council. Every ordinance, resolution or motion shall require on final passage the affirmative vote of a majority of a quorum of the Council unless more is required by State law or this Charter.
- (c) The descriptive caption or title of an ordinance that imposes a penalty, fine or forfeiture and the penalty for violating the ordinance may be published at least once in the official newspaper of the Town or in accordance with State law.
- (d) An ordinance required to be published takes effect when the publication requirement is satisfied, unless the ordinance provides otherwise, and an ordinance that is not required to be published takes effect when adopted unless the ordinance provides otherwise.

- (e) All ordinances and resolutions may be admitted and received in all courts, subject to the rules of evidence and laws of jurisdictions where proof of such ordinances and resolutions are tendered, without further proof.

4.12 Emergency Ordinances

- (a) To meet a public emergency affecting life, health, property, or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its service; or authorize the borrowing of money except as provided elsewhere in this Charter.
- (b) An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that they shall be plainly designated in the title as an emergency ordinance and shall contain after the enacting clause a declaration stating that an emergency exists and describe the emergency in clear and specific terms.
- (c) An emergency ordinance may be introduced at any Council meeting and can be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of 5 members of the Council shall be required for adoption.
- (d) Emergency orders shall become effective upon adoption and shall be published as soon as thereafter practicable. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, is automatically repealed as of the sixty-first (61st) day following the day on which it became effective. This shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists.

4.13 Codification of Ordinances

The Town Manager, as soon as practical after the adoption of this Charter shall cause to be codified and properly entered and published for public distribution or for anyone desiring same, the ordinances of the Town, which codification shall be revised and updated at least annually.

CHAPTER V - TOWN ADMINISTRATION

5.01 Appointment and Qualifications of Town Manager

- (a) The Council, by an affirmative vote of a 2/3 majority of the entire membership, shall appoint a Town Manager, who shall be the chief administrative and executive officer of the Town. The Town Manager shall be responsible to the Council for administration of all affairs of the Town, with only those exceptions that are named in this Charter.

- (b) The method of selection shall be left to the discretion of the Council so long as the method insures orderly, non-partisan action toward securing a competent and qualified person to fill the position. The Town Manager shall possess suitable executive management experience to be determined in the sole discretion of the Council.
- (c) Neither the Mayor nor any Council member shall be appointed Town Manager or acting Town Manager while holding office, or for a period of one (1) year after leaving office.
- (d) The Town Manager shall establish residency in the Town of Northlake within six months of appointment. The Town Council may permit the Town Manager longer than six months to establish residency, but in no event shall the Town Manager be excused from the requirement to establish residency in the Town.

5.02 Compensation of Town Manager

The Town Manager shall receive compensation as may be fixed by the Council, and amended from time to time, according to the person's experience, education, training, and performance.

5.03 Term and Removal of Town Manager

- (a) The Town Manager shall serve at the will and pleasure of the Council and may be removed from office with or without cause by an affirmative vote of a 2/3 majority of the entire membership of the Council.
- (b) The action of the Council in suspending or removing the Town Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the Council.
- (c) In case of the absence, disability, or suspension of the Town Manager, Council may designate a qualified administrative officer of the Town to perform the duties of the office.
- (d) The Council is authorized to enter into a contract with a Town Manager to establish additional terms of employment.

5.04 Bond of Town Manager

The Council shall require the Town Manager before entering office, to execute a good and sufficient surety company bond, in such amount as the Council may demand, payable to the Town and conditioned for the faithful performance of the duties of the Town Manager's office. The premium of such bond is to be paid by the Town.

5.05 Powers and Duties of Town Manager

The Town Manager shall be the chief administrative officer and head of the administrative branch of the Town. The Town Manager shall be responsible to the Council for the proper administration of all the affairs of the Town and to that end shall have the power and be required to:

- (1) In cooperation with the Town Attorney, see that all State laws and Town ordinances are effectively enforced.
- (2) Appoint, suspend, and/or remove all or any one of the heads of departments and all subordinate officers and employees of the Town; provided, however, that the Council by ordinance may provide for personnel procedures or policies that permit designated department heads an appeal to the Council regarding termination of employment.
- (3) Direct and supervise the administration of all departments and subdivisions thereof created by this Charter, or that may hereafter be created by the Council, except as hereinafter provided.
- (4) See that all terms and conditions imposed in favor of the Town or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the Town Attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.
- (5) Attend all meetings of the Council, except when excused by the Council. The Town Manager shall have the right to take part in discussion but shall not vote.
- (6) Prepare a proposed budget annually and submit it to the Council not less than sixty (60) days prior to the close of the fiscal year of each year and be responsible for its administration after its adoption.
- (7) Administer the budget of the Town.
- (8) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the Town for the preceding year.
- (9) Keep the Council advised of the financial condition and future needs of the Town and make such recommendations as may seem to him advisable.
- (10) Prepare personnel rules subject to the approval of the Council.
- (11) Prepare the official agenda of all Council meetings and meetings of the boards and commissions.

- (12) Perform such other duties as may be prescribed by this Charter or by the Council.

5.06 Appointment of Town Secretary

The Town Manager shall appoint a Town Secretary subject to approval of the Council. The Town Secretary shall act as the clerk of the council, give notice of its meetings, keep the journal of its proceedings, authenticate by signature and record in full in a book kept for the purpose all ordinances and resolutions, and perform such other duties as this Charter may provide, as the Town Manager may assign, or as required by state law.

5.07 Duties of the Town Secretary

The duties and powers of the Town Secretary shall be as follows:

- (1) Give notices of all official Town Council meetings in a manner consistent with this Charter and state law.
- (2) Attend all public meetings and hearings of the Town Council.
- (3) Record the minutes of all official meetings of the Council; provided, however, only the captions of duly enacted ordinances and resolutions shall be recorded in the minutes.
- (4) Be the custodian of all municipal records of the Council.
- (5) Recommend to the Council rules and regulations to be adopted by ordinances to protect the safety and security of the municipal records.
- (6) Hold and maintain the Town Seal and affix to all instruments requiring such seal.
- (7) Inquire into or investigate the genuineness of any signature on and the factual sufficiency of any initiative, referendum or recall petition filed with the Town Secretary in accordance with the provisions of this Charter, and for that purpose the Town Secretary shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, records, and other evidence.
- (6) Perform such other duties as may be required by the Council, or required by law.

5.08 Appointment of Police Chief

The Town Manager shall appoint a Chief of Police subject to approval of the Council. The

Chief of Police shall be responsible for the operation and management of the Town's law enforcement personnel, and shall perform such other duties as this Charter may provide, as the Town Manager may assign, or as required by state law.

5.09 Administrative Departments

- (a) There shall be such administrative departments as are established by this Charter and may be established by ordinance and excepting as otherwise provided in this Charter, these administrative departments shall be under the direction of the Town Manager. Council shall have the authority to establish administrative departments or offices not herein provided by this Charter. Council may discontinue, redesignate, or combine any of the administrative departments or offices.
- (b) The head of each department shall be a chief, director, superintendent or coordinator who shall be appointed by the Town Manager, and such chief, director or superintendent or coordinator shall have supervision and control over that department. Two or more departments may be headed by the same individual, and the Town Manager may act as Town Secretary and may head one or more departments.

CHAPTER VI - MUNICIPAL COURT

6.01 Purpose of the Municipal Court

There shall be established and maintained a court, designated as a Municipal Court of the Town of Northlake for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be prescribed by the laws of the State of Texas relative to Municipal Courts.

6.02 Judge of the Court

The "Judge of the Municipal Court," shall be appointed by the affirmative vote of a majority of the full membership of the Council. The Judge shall be a resident of this State, a citizen of the United States, and a competent, duly qualified attorney licensed in the State of Texas. The Council shall fix the compensation for the Judge and such compensation shall never be based on fines assessed or collected. The Judge of the Municipal Court shall be appointed to a term of two (2) years and may be appointed to additional consecutive terms upon completion of the term of office. The appointment or removal of the Judge shall be at the sole discretion of the Council, by majority vote of the full membership of Council. The Judge may request a public hearing prior to his or her removal. The Judge may receive compensation as may be determined by the Council.

6.03 Court Administration

The Court Administrator and any Deputy Clerk shall have the power to administer oaths

and affidavits, make certificates, keep minutes of the proceeding of the court, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary as performed by clerks and deputies of courts.

6.04 Absence of Judge

The Council shall be empowered to appoint one or more alternate Judge(s) who shall have the same qualifications as the Judge of the Municipal Court and who shall receive such salary as may be fixed by the Council. In case of the temporary disability or absence of the Judge of the Municipal Court, an alternate Judge shall have authority to act as Judge of said court. The Council shall by appointment fill a vacancy in the office of the Judge for the remainder of the unexpired term.

6.05 Fines

All monies received as court-imposed fines or penalties shall be paid into the general fund of the Town treasury, unless otherwise required by State law.

CHAPTER VII - TOWN ATTORNEY

7.01 Town Attorney

- (a) The Council shall appoint by the affirmative vote of a majority of the full membership of the Council, a competent, duly qualified, licensed and practicing attorney in the State of Texas, to be an attorney for the Town, hereinafter referred to as the "Town Attorney." The Town Attorney shall serve at the pleasure of the Council and shall receive such compensation as may be fixed by the Council.
- (b) The Town Attorney shall:
 - (1) Serve as the legal advisor to Council and the Town Manager;
 - (2) Represent the Town in litigation and legal proceedings as directed by the Council and Town Manager;
 - (3) Review and provide opinions as requested by Council or the Town Manager on contracts, legal instruments, and ordinances of the Town; and
 - (4) Perform other duties prescribed by this Charter, by ordinance, or as directed by the Council.
- (c) The Council may contract with an attorney or with a firm of attorneys who may designate one (1) member of said firm, with Council approval, to serve as Town Attorney.
- (d) Compensation shall be fixed by contract with approval of Council or by appointment subject to the approval of Council.

- (e) The Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate.
- (f) The Town Attorney serves at the pleasure of the Council and may be removed by the affirmative vote of a majority of the full membership of Council.

7.02 Town Prosecutor

All cases in the Municipal Court shall be prosecuted by the Town Attorney, or such designated Prosecutor as the Council may authorize.

CHAPTER VIII – ELECTIONS

8.01 Town Elections

The regular Town Election shall be held annually on the May uniform election date, unless specifically prescribed otherwise by State law. The Council shall fix the hours and place(s) for holding elections.

8.02 Special Elections

The Council may, by ordinance or resolution, call special elections as are authorized by State law, this Charter, or for any other reason the Council deems necessary, fix the time and place of holding same, and provide all means for holding special elections in accordance with State law.

8.03 Publicizing Town Elections

It is the responsibility of the Council to publicize all municipal elections in accordance with the Texas Election Code, as amended. Sample ballots shall be posted outside the Town offices and shall be published on the Town's website not less than fifteen (15) days prior to the election.

8.04 Regulation of Elections

All general and special elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this Charter and ordinances or resolutions adopted by the Council for the conduct of elections. The Council shall appoint the election judges and shall provide for the compensation of all election officials in the Town elections and for all other expenses in holding the elections.

8.05 Exception of Election Code

In the event there is a conflict between any of the provisions of this Charter and the Texas

Election Code or an omission of any elements or provisions necessary for the conduct of an election, then those provisions of the Texas Election Code then existing shall prevail.

8.06 Voter Qualification

All duly qualified electors under the laws of the State of Texas, who are residents of the Town, shall be qualified to vote in any Town election.

8.07 Filing for Office/Procedures

- (a) Each candidate for an elective office shall meet the qualifications set forth in Section 3.04 and the Texas Election Code, as amended.
- (b) Any person so qualified who desires to become a candidate for election shall file an application with the Town Secretary, in accordance with the Texas Election Code. Such an application shall be in compliance with the Texas Election Code.

8.08 Holding Other Office

- (a) No person elected to the Council shall, during the term for which the person is elected to the Council, hold or be appointed to any compensated office, position, or employment in the service of the Town. This Section shall not prohibit a Council member from serving on the board of an economic development corporation, crime control and prevention district, or other instrumentality of the Town.
- (b) If any appointive officer or employee of the Town shall become a candidate for election to hold an elective Town office the officer or employee shall, immediately upon becoming a candidate, forfeit the office held with the Town.

8.09 Official Ballots

- (a) *Candidate Names on Ballots*: The names of all candidates who have filed for office shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each office or position shall be determined by lot in a drawing to be held under the supervision of the Town Secretary, or as otherwise required by State law.
- (b) *Absentee Balloting*: Voting shall be permitted in accordance the Texas Election Code.
- (c) *Write-in Votes*: Write-in voting shall be permitted in accordance with the Texas Election Code.

8.10 Canvassing and Election Results

- (a) Canvassing shall be conducted in accordance with state law. Returns of every municipal election shall be delivered forthwith by the election judges to the Town

Secretary with a copy of the returns being sent to the Mayor. The Council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election in accordance with the Texas Election Code. The results of every municipal election shall be recorded in the minutes of the Council.

- (b) *Majority Rules:* The candidate for each place on the ballot who shall have received the majority of the votes cast for such place shall be declared elected. In the event that no candidate for a designated office receives a majority of the votes cast for that place in the regular or special election, a runoff election shall be held between the candidates who received the two (2) greatest number of votes for such place. Such a runoff election shall be held in accordance with State law.

8.11 Notification of Town Officers

The Town Secretary, with the concurrence of the Council, shall promptly notify all persons elected to office. A candidate who is elected in a regular, special or run-off Town election shall, after taking the oath of office as prescribed herein, take office, and enter upon his or her duties at the next Council meeting after the date of the election.

8.12 Oath of Office

Every officer of the Town, whether elected or appointed, shall take the oaths of office prescribed by the Texas Constitution prior to assuming office.

CHAPTER IX - INITIATIVE, REFERENDUM, AND RECALL

9.01 Recall

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

9.02 Petitions for Recall

Before the question of recall of such officer shall be submitted to the qualified voters of the Town, a petition demanding such question to be submitted shall first be filed with the person performing the duties of Town Secretary, which said petition shall be signed by qualified voters of the Town equal in number to at least thirty percent (30%) of the number of votes cast at the municipal election of the Town in which the officer was elected or thirty percent (30%) of the number of votes cast at the last municipal regular election if the officer to be recalled was appointed to fill a vacancy in accordance with this Charter. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and year his signature was affixed.

9.03 Form of Recall Petition

The recall petition mentioned above must be addressed to the Council of the Town of Northlake, must be 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 office sought to be removed notice of the matters and things with which they are charged. Each signer of such recall petition shall provide all requisite information as required by the Texas Election Code, as amended, and this Charter. The signature shall be verified by oath in the following form:

"State of Texas)
County of Denton)

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.

Sworn and subscribed before me this _____ day of _____, 2____.

Notary Public in and for the State of Texas."

9.04 Various Papers Constituting Petition

The petition may consist of one (1) or more copies, or subscription lists, circulated separately, and the signatures thereon may be upon the paper or papers containing the form of petition or upon other papers attached thereto. Verifications provided for in the preceding section 9.03 of this Chapter may be made by one (1) or more petitioners; and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than thirty (30) days prior to the filing of such petition or petitions with the person performing the duties of Town Secretary on the same day, and the said Secretary shall immediately notify, in writing, the officer sought to be removed, by mailing such notice to their Town address.

9.05 Presentation of Petition to the Town Council

Within 21 days after the date of the filing of the papers constituting the recall petition, the person performing the duties of the Town Secretary shall present such petition to the Town Council.

9.06 Public Hearing to be Held

The officer whose removal is sought may, within 5 days after such recall petition has been presented to the Town Council, request that a public hearing be held to permit the officer to present the facts pertinent to the charges specified in the recall petition. In this event, the 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.

9.07 Calling of Recall Election

If an officer whose removal is sought does not resign, then it shall become the duty of the Council to order an election to be held on the first uniform election date that permits the compliance with the requirements of law.

9.08 Ballots in Recall Election

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 person) be removed from the office of (name of office) by recall?”

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

“YES”

“NO”

9.09 Results of Recall Election

If the majority of the votes cast at a recall election shall be “NO,” that is against the recall of the person named on the ballot, the officer shall continue in office for the remainder of their unexpired term, subject to recall as before. If a majority of the votes cast at such election be “YES,” that is for the recall of the person named on the ballot, the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy be filled as vacancies in the Council are filled, as provided in this Charter.

9.10 Recall, Restrictions Thereon.

No recall petition shall be filed against any officer of the Town within 3 months after the officer’s election, nor within 3 months after an election for such officer’s recall. Nothing herein shall prevent impeachment of an officer of the Town nor removal for other causes as provided herein.

9.11 General Power of Initiative and Referendum

The registered voters of the Town, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

- (1) *Initiative*: The qualified voters of the Town shall have power to propose ordinances to the Council, and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a Town election, provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning, appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries or duties of Town officers or employees, or matters related to administration of municipal employees, annexation, or municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the initiated ordinance has been removed from the field of initiative. Such initiative power may be used to enact a new ordinance, or to repeal or to amend sections of any existing ordinances.
- (2) *Referendum*: The qualified voters of the Town shall have power to require reconsideration by the Council of any adopted ordinance, and if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning, appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries or duties of Town officers or employees, or matters related to administration of municipal employees, annexation, or municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the referred ordinance has been removed from the field of referendum.

9.12 Commencement of Proceedings for Initiative and Referendum; Petitioners' Committee; Affidavit

- (a) Any ten (10) qualified voters may commence initiative or referendum proceedings by filing with the Town Secretary an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. The Petitioners' Committee shall designate one contact person for communications with the Town and to receive all notices.
- (b) Promptly after the affidavit of the Petitioners' Committee is filed the Town Secretary shall verify that the applicants are qualified voters, and if they are, shall issue the appropriate petition blanks to the Petitioners' Committee.

9.13 Petitions for Initiative and Referendum

- (a) *Number of Signatures*: Initiative and referendum petitions must be signed by qualified voters of the Town equal in number to at least five (5) percent, or 250, whichever is

greater, of the total number of current qualified voters registered to vote on the date the affidavit of the Petitioners' Committee is filed with the Town Secretary.

- (b) *Form and Content:* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. The form and content of a petition shall meet the requirements set forth in the Election Code. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) *Time for Filing Petitions:* Initiative and Referendum petitions must be filed within sixty (60) days after issuance of the appropriate petition blanks to the Petitioners' Committee. All petitions shall be filed with the Town Secretary.

9.14 Procedure After Filing Petition for Initiative or Referendum

- (a) *Review by Town Secretary.* Upon the filing of a petition, the Town Secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter. The Town Secretary shall also review the petition to determine the genuineness of the signatures. The Council may provide by ordinance the punishment and penalties for contempt for failure or refusal to obey any subpoena, or request for production of evidence issued by the Town Secretary or Town Attorney.
- (b) *Certificate of Town Secretary.* Within ten (10) days after the petition is filed, the Town Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail.
- (c) *Amendment by Petitioner.* A petition certified insufficient for lack of the required number of valid signatures or due to inadequate form or content may be amended once if the Petitioners' Committee files a notice of intention to amend it with the Town Secretary within five (5) days after receiving the copy of this certificate and files a supplementary petition with additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsection (b) of 9.13 and within five (5) days after it is filed the Town Secretary shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition.
- (d) *Submission to Town Council.* If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend as provided in subsection (c) of this 9.14 within the time required, the Town Secretary shall promptly present this certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

9.15 Action on Initiative or Referendum Petitions

- (a) *Action by Council*: When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the Town.
- (b) *Submission to Voters*: The vote of the Town on a proposed or referred ordinance shall be held on the next election date authorized by the Texas Election Code that allows sufficient time for compliance with the requirements of the Texas Election Code regarding deadlines to call elections. Copies of the proposed or referred ordinance shall be made available at the polls and shall be published in accordance with applicable State law and on the Town's website no later than fifteen (15) days before the date of the election.
- (c) *Withdrawal Signatures*: No signature shall be withdrawn from any petition after such petition has been filed with the Town Secretary.

9.16 Results of Election for Initiative and/or Referendum

- (a) *Initiative*: If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) *Referendum*: If a majority of the qualified electors voting on a referred ordinance vote in favor of repealing it, it shall be considered repealed upon certification of the election results.

9.17 Form of Ballots

The ballots used when voting upon such proposed and referred ordinance, 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” or

“Against the Ordinance” or

“For the Resolution” or

“Against the Resolution”

9.18 Limitation on Initiative and Referendum

The same initiative or referendum petition shall be prohibited to be filed within one (1) year of the Town Secretary's certification of the previous petition.

CHAPTER X – MUNICIPAL FINANCE

10.01 Fiscal Year

The fiscal year of the Town shall begin on the first day of October and end on the last day of September. Such fiscal year shall also constitute the budget and accounting year.

10.02 Submission of Budget

The Town Manager shall, not less than sixty (60) days prior to the close of the fiscal year, prepare and submit to the Council a proposed budget for the ensuing fiscal year and an accompanying message.

10.03 Budget

- (a) *Budget Message*: A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the Town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position, including factors affecting the ability to raise resources through debt issues; and include such other material as the Town Manager deems desirable.
- (b) *Operating Budget*. The operating budget shall provide a complete financial plan of all Town Funds and activities and, except as required by law or this Charter, shall be in such form as the Town Manager deems desirable or the Council may require. The budget message shall explain the budget in fiscal terms and in terms of work programs for the ensuing fiscal year. It shall outline the proposed financial policies of the Town, and shall include such other materials, as the Town Manager deems necessary. The authorized expenditures outlined in the operating budget may not exceed an amount greater than the total of estimated income plus funds available to the Town from any source.
- (c) The budget shall contain information as may be required by State law, the Council or as deemed appropriate by the Town Manager.

10.04 Public Notice and Hearing

The Council shall cause notice to be published as required by State law prior to any required public hearing on the budget. The notice must state the time and place where copies of the message and budget are available for inspection by the public, and the time and place of any public hearing on the budget.

10.05 Amendment before Adoption

The Council may adopt the budget with or without amendment at a regular or special meeting. In amending the budget, it may add or increase any programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

10.06 Adoption

The Council, by majority vote of the entire membership, shall adopt the budget. Adoption of the budget shall constitute appropriations of the amount specified therein as expenditures from the fund indicated, and shall constitute a levy of the property tax therein proposed.

10.07 Defect Shall Not Invalidate Tax Levy

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

10.08 Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

10.09 Failure to Adopt a Budget

If the Council fails to adopt the budget in accordance with State law, the amounts appropriated for the prior fiscal year just completed shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items in it pro-rated accordingly until such time as the Council adopts a budget for the ensuing fiscal year.

10.10 Public Records

Copies of the approved budget shall be filed with the Town Secretary and shall be public record available to the public for inspection upon request.

10.11 Specified Reserve Fund

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

10.12 Transfers

- (a) During the fiscal year, the Council shall have the power to transfer funds allocated by the budget to one activity, function, or department to another activity, function, or department, and to re-estimate revenues and expenditures.
- (b) During the fiscal year, the Town Manager may transfer funds between programs or general classifications of expenditures within an office, department, agency, or organizational unit.

10.13 Amendment after Adoption

Under conditions which may arise and which could not reasonably have been foreseen in the normal process of planning the budget, the Council may, by the affirmative vote of a majority of the full membership of the Council, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance, and shall become an attachment to the original budget. The amendments may be made effective immediately upon adoption of the ordinance.

10.14 Borrowing

- (a) *Authority to Incur Indebtedness:* The Council shall have the power to incur, create, refund and refinance indebtedness and borrow money for public purposes; to issue special or general obligation bonds, certificates of obligation, industrial bonds, revenue bonds, funding and refunding bonds, time warrants and any other evidences of indebtedness permitted by law, and to secure and pay the same in the manner and in accordance with the procedures provided and required by State law.
- (b) *Bonds Incontestable:* All bonds of the Town having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.
- (c) *Borrowing in Anticipation of Property Tax:* In any budget year, the Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the

property tax for the same year whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.

- (d) *Use of Bond Funds:* Any and all bond funds approved by a vote of the citizens of Northlake will be expended only for the purposes stated in the bond issue.

10.15 Purchasing

The Council may confer upon the Town Manager general authority to contract for expenditures without further approval of the Council for all budgeted items not exceeding limits set by Council or State law. All contracts for expenditures involving more than the set limits must be approved by Council. All contracts or purchases involving more than the set limits, shall be let as provided by law or ordinance; provided that the Council, or Town Manager in such cases as he is authorized to contract for the Town, shall have the right to reject any and all bids.

Emergency contracts as authorized by law may be negotiated by the Council, or Town Manager if given authority by the Council, without competitive bidding. Such emergency shall be declared by the Town Manager and approved by Council or may be declared by the Council.

10.16 Administration of the Budget

- (a) *Payments and obligations prohibited:* No payment shall be made or obligation incurred except those specifically allowed for in the budget. Any authorization of payment or incurring of any such obligation in violation of the provisions of this Charter will be void and any payment so made will be illegal. Such action may be the cause, at the discretion of the Town Manager, or the Council in reference to the Town Manager, for the removal of any officer who knowingly authorized or made such payment or incurred such obligation. However, this prohibition shall not be construed to prevent the making or authorizing of payment, or the making of contracts for, payments beyond the end of the fiscal year, provided that such action is made or approved by an ordinance.
- (b) *Financial reports:* The Town Manager shall submit to Council a report of the financial condition of the Town budget items for the fiscal year to date. The report shall be submitted periodically, as directed by Council, but in no event less than quarterly.
- (c) *Independent Audit:* At the close of each fiscal year, and at such times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the Town by a Certified Public Accountant. The Certified Public Accountant shall be chosen by the Council and shall have no personal interest, directly or indirectly, in the financial affairs of the Town or any of its officers. Upon completion of the audit, the results thereof in a summary form shall be presented to the Council. A copy of the Audit shall be made available to the public for inspection

upon request.

Chapter XI - Franchises and Public Utilities

11.01 Inalienability of Control of Public Property

The sole right of control, easement, use, ownership of and title to the public streets, sidewalks, highways, bridges, alleys, public places, and other real property of the Town is hereby declared to be inalienable, except by ordinance adopted by a majority of the Town Council.

11.02 Powers of the Town

The Town shall have the power to buy, sell, construct, lease, maintain, operate, and regulate public services and utilities within and without the Town limits, and to manufacture, distribute, and sell such utility services, including but not limited to water, gas, electric, telephone, cable, waste management, recycling, and transportation services. The Town shall have such regulatory powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

11.03 Power to Grant Franchise

The Council shall have the power by ordinance, to grant, amend, renew, and extend all franchises for all utilities of every character operating within the Town and, to amend the same, provided, however, that no franchise shall be granted for an indeterminate term, and that no franchise shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension. Council action on all ordinances granting, renewing, extending or amending a utility franchise shall comply with the applicable provisions set forth in this Charter.

11.04 Exclusiveness of Franchises

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

11.05 Transfer of Franchise

No utility franchise shall be transferable except with the approval of the Council expressed by ordinance. The term "transferable" as used herein, shall not be construed in such a manner as to prevent the franchise holder from pledging said franchise as security for a valid debt or mortgage.

11.06 Franchise Value Not to be Allowed

Franchises granted by the Town are of no value in fixing reasonable rates and charges

for utility service within the Town and in determining the just compensation to be paid by the Town for public utility property that the Town may acquire by condemnation or otherwise.

11.07 Right of Regulation

All grants, renewals, extensions, or amendments of utility franchises shall be subject to the following rights of the Town, whether or not specifically stated in the franchise ordinance:

- (1) To repeal the franchise by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise.
- (2) To require an adequate extension of plant and service as is necessary to provide adequate service to the public, and maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (3) To require at any time compensation and rental as may be permitted by the laws of the State of Texas for use of public streets, sidewalks, highways, alleys and public places.
- (4) To require reasonable standards of service and quality of product and prevent rate discrimination.
- (5) To examine and audit the accounts and other records of any such utility and to require annual and other reports on local operations of the public service or utility as may be allowed by law.
- (6) To require the franchisee to restore at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair or removal.
- (7) To require every franchisee to furnish within a reasonable time to the Town, without cost to the Town, a general map, with updates outlining the location, character, size, length, and terminals of all facilities of such franchisee in, over, and underground of property in the Town and to provide detailed information regarding the same upon request of the Town.
- (8) To impose other reasonable regulations, requirements, and conditions as may be deemed necessary to promote the health, safety, welfare, or accommodation of the public and to insure safe, efficient and continuous service to the public.
- (9) To require the franchisee to give notice to any subscriber to its services prior to permanent or temporary discontinuance of such service by the

franchisee, except in cases of emergency, and to require that no officer, agent, servant or employee of the franchisee nor any vehicles under their control shall make use of, go upon or cross any private property without first obtaining the permission of the owner or occupant, except in cases of emergency, and to provide a penalty for the violation of such requirements.

- (10) To require every franchisee to indemnify and hold harmless the Town against any liability, claims or damages (including attorney's fees and expenses) for injury to persons, including death, or damages to any property, arising out of any intentional or negligent act or omission of the franchisee, or any of its officers, agents, or employees, in connection with the franchisee's construction, maintenance and operation of the franchisee's facilities in the Town.

11.08 Regulation of Rates

- (a) The Council shall have full power after due notice and public hearing to regulate by ordinance the rates, charges and fares of all public utility franchise holders operating in the Town as authorized by state and federal law.
- (b) The Council, upon receiving a request from a public service desiring a change in rates, charges, or fares, shall call a meeting for consideration of such change.
- (c) A holder of a franchise to provide a public service or utility in the Town must show the necessity for such change by establishing by clear, competent, and convincing evidence:
 - (1) Cost of its investment for service in the Town;
 - (2) Amount and character of expenses and revenues connected with rendering the service; and
 - (3) Any additional evidence required by Council.
- (d) The Council may, if not satisfied with the sufficiency of the evidence furnished by the public service, select and employ rate consultants and auditors to investigate any requests or changes in rates, charges, or fares. The public service shall reimburse the Town for the Town's reasonable and necessary expenses incurred.

11.09 Municipal Owned Utilities

The Council shall have the right to:

- (1) Set rates of town-owned public services; and
- (2) Require any town-owned public services to keep accounts of financial

operations.

11.10 Franchise Records

The Town shall compile and maintain a public record of utility franchises.

11.11 Extensions

All extensions of service of utilities within the Town limits shall become a part of the aggregate property of the utility, shall operate as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in this Chapter. In the case of extension of a utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

11.12 Franchises Granted Before Ratification of this Charter

All franchises granted before ratification of the Charter are recognized as contracts between the Town and the grantee, shall continue in full force and effect, and the contractual rights contained in any such franchise shall not be impaired by the provisions of the Charter.

CHAPTER XII – TAXATION

12.01 Power to Tax

The Council shall have the power to levy, assess and collect taxes on property within the territory of the Town for any municipal purpose.

12.02 Tax Rate

The tax rate shall be calculated, publicized and adopted in accordance with State law.

12.03 Taxes – When Due and Payable

- (a) All taxes due to the Town of Northlake shall be payable at the office of the Town Tax Collector, or at such location or locations as may be designate by the Town Council, and may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year shall be paid on or before January 31st and all such taxes not paid on or prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as prescribed by State statute. The Council may provide further by ordinance that all taxes, either current or delinquent, due the Town of Northlake, may be paid by installments.

- (b) Failure to levy and assess taxes through omission in preparation of the appraisal rolls shall not relieve the person, firm, or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question.

12.04 Tax Liens

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

12.05 Other Rules and Regulations

Except as otherwise provided by law or this Charter, the Council shall have the power to provide by ordinance such rules, regulations and mode of procedure to enforce and facilitate the collection by and payment to the Tax Assessor and Collector of all taxes due the Town as it may deem expedient, and may provide such penalty and interest as prescribed by State law for the failure to pay such taxes.

CHAPTER XIII – BOARDS AND COMMISSIONS

13.01 Authority, composition and procedures

- (a) The Council shall create, establish, or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by Council, such boards,

commissions, and committees as it deems necessary to carry out the functions and obligations of the Town. Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability, and tenure of each board, commission, and committee where such are not prescribed by law or this Charter.

- (b) Individuals who are registered voters of the Town may be appointed by the Council to serve on one (1) or more boards, commissions or committees. Such appointees shall serve at the pleasure of the Council and may be removed at the discretion of the Council, except for the members of the Board of Adjustment, who may be removed only for cause. In appointing members to serve on any board, commission, or committee, the Council shall use discretion to ensure an equitable representation of all areas of the Town is achieved on said board, commission, or committee by appointing members who reflect broad geographical coverage of the Town's then existing neighborhoods.

CHAPTER XIV – PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT

14.01 Establishment of the Planning and Zoning Commission

- (a) There is hereby established a Planning & Zoning Commission which shall consist of at least seven (7) members who shall be appointed by the Town Council. The Commission members shall be registered Town voters. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the Council.
- (b) A majority of the full membership of the Commission members shall constitute a quorum for the purpose of transaction of business. No action or recommendation of the Commission, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the Commission members present. The Chairman shall be a voting member of the Commission. If the Vice-Chairman presides over the meeting in the Chairman's absence, the Vice-Chairman shall vote.
- (c) The Council shall, by ordinance, adopt procedures and rules related to operation of the Commission.

14.02 Duties and Powers of the Planning and Zoning Commission

- (a) The Commission shall be responsible to and act as an advisory board to the Council. The Commission shall:
 - (1) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the Council for action to be taken;

- (2) Make proposals to the Council to amend, extend and add to the Comprehensive Plan for the physical development of the Town;
- (3) Keep public records of its resolutions, findings and determinations; and
- (4) Review plats and zoning requests and make recommendations to the Council for their final approval of same.

(b) The Commission, shall have full power to:

- (1) Exercise the authority of the Commission as provided by state law, this Charter and Town ordinances;
- (2) Make reports and recommendations relating to the Comprehensive Plan and development of the Town; and
- (3) Approve plats, site plans, and landscape plans if it has been given that authority by the Town Council.

14.03 Board of Adjustment

- (a) The Council shall create and establish a Board of Adjustment. The Council shall, by ordinance, provide standards and procedures for such Board to hear and determine appeals of administrative decisions, petition for variances in the case of peculiar and unusual circumstances which would create a hardship, and prevent the reasonable use of land, hear appeals related to code violations, and such other matters as may be required by the Council or by state law. Appointment and removal of members of the Board of Adjustment shall be in accordance with the provisions of this Charter and state law.
- (b) The Board shall consist of at least five (5) members who shall be appointed by the Council.
- (c) Each case before the Board of Adjustment shall be heard by not less than seventy-five percent (75%) of the members. The concurring vote of seventy-five percent (75%) of the members shall be required to reverse an order, requirement, decision or determination of an administrative official; decide in favor of an applicant on a matter on which the Board is required to pass under a zoning ordinance; or authorize a variation from the terms of the zoning ordinance.

CHAPTER XV – NEPOTISM, PROHIBITIONS, AND PENALTIES

15.01 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to any elected officer of the Town or to the Town manager shall be

appointed to any office, position, or clerkship or other service of the Town. This prohibition shall not apply to the following:

- (1) any person who shall have been continuously employed by the Town for a period of six (6) months prior to the election of the Councilmember or appointment of the Town Manager so related to him; or
- (2) to any person who serves in an unpaid capacity with the Town.

15.02 Personal Financial Interest

No officer, whether elected or appointed, or any employee, whether full or part-time, of the Town shall have a substantial financial interest, direct or indirect, in any contract, other than employment contracts, with the Town; or have a substantial financial interest, direct or indirect, in the sale to the Town of any land, materials, supplies or services, except on behalf of the Town as an officer or employee, except as allowed by state law.

15.03 Penalties

Any person who willfully engages in and is found in violation of any of the activities prohibited in this Chapter shall be ineligible for appointment or election to a position in the Town for a period of five (5) years from that time. If the person is an officer or employee of the Town at the time of the violation, they shall immediately forfeit their office or position, if found in violation. Any violation of Section 15.02 with the knowledge, express or implied, of the person or the corporation contracting with the governing body of the Town shall render the contract involved voidable by the Town Manager or the Council.

CHAPTER XVI - GENERAL AND TRANSITIONAL PROVISIONS

16.01 Effect of Charter on Existing Law

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

16.02 Continuation of Present Offices

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such

office. Upon the effective date of this Charter the Council shall attempt to negotiate an agreement with the currently serving Town Administrator to serve as Town Manager. The powers conferred and the duties imposed upon any office, department or agency of the Town by the laws of the State shall, if such office, department or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the Council unless otherwise provided herein.

16.03 Public Meetings

All meetings of the Council shall be governed by the provisions of the Open Meetings Act, and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by State law.

16.04 Public Records

Access to the records of every office, department, or agency of the Town shall be subject to public inspection as provided by the Public Information Act, and any amendments thereto. This section shall not be construed to require any action or measure beyond that required by State law.

16.05 Publication

The Council may designate by resolution one or more newspapers of general circulation in the Town as the official newspaper of the Town, and shall cause to be published therein all ordinances, notices and other matters which are required to be so published by the Constitution or laws of the State of Texas. All notices required to be published by this Charter, the ordinances of the Town, or the Constitution or laws of the State of Texas shall be posted on the Town's website.

16.06 Notice of Injury or Damage

Before the Town shall be liable for any claim for damages for the death or personal injuries of any person or for damages to property, the complainant or his authorized representative shall notify the Town Secretary. The notification shall be in writing and shall state specifically how, when and where the death, injury or damage occurred; the amount of loss claimed; and the identity of any witnesses upon whom it is relied to establish the claim. The person giving notice under this section shall give the addresses of every place that he has resided during the six (6) month period prior to the damage or injury and subscribe his name to the notice under oath that the statements and facts contained in said notice are true and correct. The notification shall be filed within ninety (90) days of the date of injury or damage or in the case of death, within ninety (90) days of the date of death.

16.07 Bond or Security Not Required

It shall not be necessary in any action, suit or proceeding in which the Town is a party,

for any bond, including supersedeas bond, undertaking or security to be demanded or executed by or on behalf of said Town in any of the State courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

16.08 Power to Settle Claims

The Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of, or against, the Town, including suits by the Town to recover delinquent taxes.

16.09 Service of Process against the Town

All legal process against the Town shall be served upon either the Town Secretary or the Town Manager.

16.10 No Waiver of Immunity

Nothing in this Charter is intended to waive the Town's governmental immunity from suit and/or liability.

16.11 Judicial Notice

This Charter shall be deemed a public act and shall have the force and effect of a general law; may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places without further proof.

16.12 Continuance of Contracts

All contracts entered into by the Town or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances. All suits, taxes, penalties, forfeitures and all other rights, claims, and demands, which have accrued under the laws, heretofore in force governing the Town shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the Town, and shall not in any way be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

16.13 Continuance of Present Governing Body

All members of the Council, including the Mayor, holding office at the time of passage of this Charter shall continue to hold their respective place and office until their respective term of office for which they were elected expires, in accordance with Chapter 2 of this Charter.

16.14 Indemnification of Officers

The Council shall by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the Town, including members of the Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorneys' fees, to the extent allowed by law, arising out of any claim, suit, or judgment, or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member, or volunteer during the discharge of his duties and within the scope of his office, employment, membership, or assigned voluntary position with the Town, or in any other case where the Town is directed or authorized by law to do so, provided however, that such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member or volunteer, or for the gross negligence or official misconduct, or willful or wrongful act or omission of such officer, employee, member or volunteer.

16.15 Property Not Subject to Execution

No property owned or held by the Town shall be subject to any execution of any kind or nature.

16.16 Garnishment

No funds of the Town shall be subject to garnishment and the Town shall never be required to answer in any garnishment proceedings.

16.17 Persons Serving on Boards

Persons serving on any board at the time of the adoption of this Charter shall continue to serve on the board to which they were appointed until their terms shall have expired or until their successors shall have qualified.

16.18 Assignment of Wages

The Town shall never be liable to the assignee of any wages of any officer, agent or employee of said Town, whether earned or unearned, upon any claim or account whatsoever, and as to the Town such assignment shall be absolutely void.

16.19 When General Law Applicable

The general laws of the State of Texas and ordinances of the Council shall furnish the authority for the power and exercise thereof and control all matters to the extent not specifically and completely covered by this Charter.

16.20 Severability Clause

If any section or part of 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 or part of section so held invalid may appear except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

16.21 Meaning of Words

The provisions of this Charter shall be liberally construed for the purpose of effecting the objects and ends thereof. Unless some other meaning is manifest the word "TOWN" shall be construed to mean the "TOWN OF NORTHLAKE", the words in the present tense include future tense, except when a more restricted meaning is manifest, and singular may mean plural. Throughout this Charter, words used in expressing masculine gender shall be construed to include the feminine. The word "TOWN SECRETARY" refers to the person performing the duties of Town Secretary. The word "COUNCIL" shall be construed to mean the "TOWN COUNCIL OF THE TOWN OF NORTHLAKE." All references to State law or the laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or hereafter amended."

16.22 Amendment of Charter

Amendments to this Charter may be framed and submitted to the voters of the Town in the manner provided by State law, as now or hereafter enacted or amended.

16.23 Charter Review Commission

The Council may appoint a Charter Review Commission, composed of no less than nine (9) and no more than fifteen (15) registered voters of the Town. The Charter Review Commission shall be composed of an odd number of members and up to three (3) members of the Commission may be members of the Council. In appointing the Charter Review Commission, the Council shall use discretion to ensure an equitable representation of all areas of the Town is achieved on the Commission by appointing members who reflect broad geographical coverage of the Town's then existing neighborhoods.

16.24 Submission of Charter to Voters

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the Town at an election to be held for that purpose on Saturday, May 1, 2021. Not less than thirty days prior to such election, the Council shall

cause the Town Secretary to mail a copy of this Charter to each qualified voter of the Town as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall immediately become the governing law of the Town, until amended or repealed.

We, the undersigned members of the Town of Northlake Charter Commission heretofore duly selected to prepare a Charter for the Town of Northlake, Texas, do hereby certify that this publication constitutes a true copy of the proposed Charter for the Town of Northlake, Texas, as adopted by the members thereof.