

1. 5:30 P.M. Town Council Agenda

Documents:

[TOWN COUNCIL AGENDA 5-13-21.PDF](#)

1.I. 5:30 PM Town Council Packet

Documents:

[COUNCIL PACKET 5-13-21.PDF](#)

1.II. May 13, 2021 - MEETING SLIDE DECK

[MAY 13, 2021 - MEETING SLIDE DECK](#)



Rena Hardeman, Place 1
Michael Ganz, Place 2
Brian Montini, Place 3

David Rettig, Mayor

Roger Sessions, Place 4
Bill Moore, Place 5
Wes Boyer, Place 6

**NORTHLAKE TOWN COUNCIL
REGULAR MEETING AGENDA
MAY 13, 2021 AT 5:30 PM
CHAMBER ROOM
1500 COMMONS CIRCLE SUITE 300
NORTHLAKE, TEXAS 76226**

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Northlake Town Council will meet in a regular meeting on Thursday, May 13, 2021 at 5:30 pm at the Northlake Town Hall in the Chamber Room, 1500 Commons Circle, Suite 300, Northlake, Texas 76226. The items listed below are placed on the agenda for discussion and/or action.

1. Call to Order
Roll Call
Invocation
Pledge of Allegiance
2. Announcements, Proclamations and Presentations
 - A. Recognitions
 - o Thomas W. Hobbs, Municipal Court Judge, 22 Years of Service
 - o Danny Simpson, Council Member - Place 5, 14 Years of Service
 - o Eric Tamayo, Director, Public Works Department, 10 Years of Service
 - B. Proclamations
 - o National Police Week May 9 – 15, 2021
 - o National Public Works Week May 16 – 22, 2021
 - C. Fiscal Year 2021 Quarterly Reports
 - o Investment
 - o Budget
 - D. Briefing on Chadwick Farms Annexation and Zoning
 - E. FY 2022 Budget Focus & Planning
3. Public Input
This item is available for citizens to address the Town Council on any matter. The presiding officer may ask the citizen to hold his or her comment on an agenda item until that agenda item is reached. By law, no deliberation or action may be taken on the topic if the topic is not posted on the agenda. The presiding officer reserves the right to impose a time limit on this portion of the agenda.

4. Consent Items

Any Council member may request an item on the Consent Agenda to be taken up for individual consideration

- F. Town Council Meeting Minutes 4-8-21
- G. Town Council Meeting Minutes 4-29-21

5. Action Items

- H. Approval of Ordinance No. 21-0513A of the Town Council of Town of Northlake, Texas, declaring the adoption of a Home Rule Charter; requiring the Mayor to certify to the Secretary of State an authenticated copy of the Charter; recording the Charter in the Office of the Town Secretary and providing an effective date
- I. Approval of Ordinance No. 21-0513B of the Town Council of Town of Northlake, Texas, declaring results of a Special Election held on May 1, 2021 for the purpose of electing one Council Member Place 6
- J. Administer the Oaths of Office to the following Council Members:
Mayor- David Rettig Place 4 - Roger Sessions Place 5 – Bill Moore Place 6 – Wes Boyer
- K. Appointment of a Mayor Pro Tem for a one-year term
- L. Appointment of a Municipal Court Judge for a two-year term and authorize Town Manager to negotiate a contract
- M. Planning and Zoning Commission and Board of Adjustment
 - i. Approval of Ordinance No. 21-0512C amending the Unified Development Code to modify provisions related to a Planning and Zoning Commission, establishing a Board of Adjustment, and providing rules and procedures for operation both
 - ii. Planning and Zoning Commission Appointments
 - iii. Board of Adjustment Appointments
- N. Economic Development Corporations
 - i. Economic Development Corporation Board of Directors
 - ii. Community Development Corporation Board of Directors
- O. Approval of Ordinance No. 21-0513D amending chapters 1 and 2 of the Town Code of Ordinances to conform to provisions of the home-rule charter
- P. Approval of Ordinance No. 21-0513E adopting a Code of Ethics
- Q. Approval of Resolution No. 21-12 amending certain provisions of the Rules of Order and Procedures to conform to provisions of the home-rule charter
- R. Approval of modifying, continuing and/or suspending the First Amended Declaration of Local and Public Health Emergency as modified by the Town Council on April 23, 2020
- S. Continue with Declaration of Local Disaster in response to severe weather in Town of Northlake, Texas, ordered by Mayor Rettig on February 22, 2021

6. Executive Session

Pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except: (1) When the governmental body seeks the advice of its attorney about: (a) pending or contemplated litigation; or (b) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The Town Council may adjourn into executive session for consultation with the Town Attorney regarding:

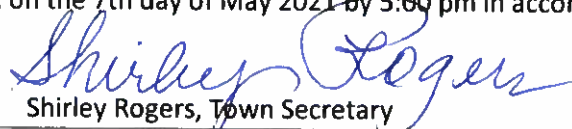
- i. Legal advice on any matter related to any posted agenda item; and
- ii. Legal advice related to the development and annexation of the CKD Holdings Tracts, 24.8-acre, 11.9-acre, and 1.8-acre tracts of land general located north of Oliver Creek and west of FM 156 in the extraterritorial jurisdiction of the Town; and
- iii. Legal advice related to the development and annexation of the IMA Development Group and AMI Development Group tracts, 3.4-acre, 1.7-acre and 1.3-acre tracts of land generally located at the northwest corner of FM 407 and Thompson Road in the extraterritorial jurisdiction of the Town; and
- iv. Pending or contemplated litigation; and
- v. Town of Northlake vs. City of Justin, Denton County District Court Cause No. 15-08170-367; and
- vi. City of Justin v. Toby Baker, Cause No. D-1-GN-20-002084.
- b. Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee
 - i. Town Manager Appointment
- 7. Reconvene into Open Session

In accordance with Texas Government Code, Section 551, the Town Council will reconvene into Open Session and consider action, if any, on matters discussed in Executive Session

 - T. Consider for approval Resolution No. 21-11 approving amendments to that certain 2020 Interlocal Agreement between the Town of Northlake and the City of Fort Worth for allocating and transferring extraterritorial jurisdiction between the parties; amending the parcel map; providing additional methods for transferring ETJ between the parties; authorizing the Mayor to execute such First Amendment and providing an effective date
 - U. Consider for approval Resolution No. 21-13, a Joint Resolution of the Town of Northlake, Texas, and the City of Fort Worth, Texas, transferring ETJ between the municipalities; providing for official map adjustments; providing for severability; providing an effective date and providing for recordation
 - V. Consider appointment of Town Manager and Town Manager contract renewal
- 8. Adjourn

CERTIFICATION

I hereby certify that the above agenda was posted on the bulletin board at Town Hall 1500 Commons Circle, Suite 300, Northlake, Texas 76226, on the 7th day of May 2021 by 5:00 pm in accordance with Chapter 551, Texas Government Code.


Shirley Rogers, Town Secretary

NOTE: The Town Council reserves the right to adjourn into executive session at any time the course of this meeting to discuss any of the matters listed above as authorized by Texas Government Code Section 551.071 (Consultation with Attorney); Section 551.072 (Deliberations about Real Property); 551.073 (Deliberations about Gifts and Donations); 551.074 (Personnel Matters); 551.076 (Deliberations about Security Devices); 551.087 (Economic Development Negotiations).



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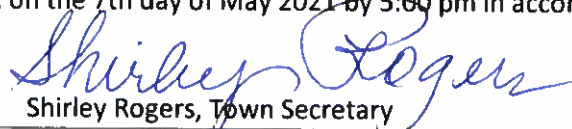
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TOWN OF NORTHLAKE COUNCIL ITEM NO. 1

DATE: MAY 13, 2021

ITEM: CALL TO ORDER



TOWN OF NORTHLAKE COUNCIL ITEM NO. 2

DATE: MAY 13, 2021

ITEM: ANNOUNCEMENTS-PROCLAMATIONS-PRESENTATIONS



NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC.:

SUBJECT: RECOGNITION – THOMAS W. HOBBS, NORTHLAKE MUNICIPAL COURT JUDGE 22 YEARS OF SERVICE



With the creation of the Northlake Police Department in September 1998, a municipal court was needed to be established for the trial of misdemeanor offenses, with all such powers and duties prescribed by the laws of the State of Texas relative to municipal court. Town Council approved the creation of a municipal court on March 11, 1999 by ordinance.

At the same meeting an ordinance was approved to establish the Office of Municipal Court Judge to serve for a term of two years, concurrent with the term of the mayor. The judge would need to comply with the statutory training requirements. At the April 8, 1999 council meeting, Thomas W. Hobbs was appointed as Northlake 1st and only Municipal Court Judge and has served in that capacity for 22 years.

During his 22 years as Municipal Judge, he has sat thru approx. 35,000 cases consisting of pre-trials, attorney dockets, jury and bench trials before the court. Never missed a court session, had to schedule around opening day of hunting season. Always available to stop by and sign court documents when called upon to and came to council meetings when requested and attended town functions.

His commitment to Northlake was never in question. He is held in high regard by Court Personnel and Northlake Staff.

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC.:

SUBJECT: RECOGNITION – DANNY SIMPSON, NORTHLAKE COUNCIL MEMBER
14 YEARS



Danny Simpson was appointed to Place 3 position to fill an open seat on January 11, 2007. For the May 2007 election, Danny filed for Place 5 position and has held the position for 14 years. Danny ran unopposed during 7 election seasons. He attended approx. 240 meetings, approved approx. 300 ordinances and resolutions. Has seen town staff increase from 12 employees to 50+ employees. Danny has always fully supported his fellow council members and town staff throughout the years by volunteering his time to serve on committees, attend events.

During his time as a council member, saw the town's population grow from 1,200 to over 7,300. Has been a part of the approval process and implementation of the following plans:

- Northlake Park Master Plan 2012
- Industrial Sector Plan 2012
- Comprehensive Land Use Plan 2009 & 2016
- Water – Wastewater Impact Fee Study 2012 &
- Roadway Impact Fees 2016
- CIP & Impact Fees 2017
- Engineering Design Manual 2010
- Unified Development Code 2013
- Master Thoroughfare Plan 2016
- Various Homestead Exemption 2018, 2019, 2020
- 14 years voted to keep ad valorem rate at \$.295

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC.:

SUBJECT: RECOGNITION – ERIC TAMAYO, PUBLIC WORKS DIRECTOR
10 YEARS OF SERVICE



Eric has served as the Public Works Director for 10 years. He has over 32+ years of experience in the water/sewer utilities and road work/maintenance and holds several licenses. His department has grown from 1 employee to 15 employees.

Currently oversees:

- 111.6 miles of water lines
- 65.5 miles of sewer lines
- 124 miles of paved roads
- 6.7 miles of gravel roads

Holds the following licenses:

- Class B Water
- WW Collection and Treatment Operator
- Ground Water
- Treatment Operator
- OSSF Designated Representative
- Customer Service Inspector

Manages the following locations:

- Water Storage Facility – PW Building - 200,000 storage tank
- North Water Tower – Old Justin Road - 1.25 MG Elevated Storage Tank and 16 inch water line
- South Water Tower – Sam Lee Road - .75 MG Elevated Storage Tank
- South Ground Storage Tanks – Chadwick Farms - 1 MG Pump Station and Ground Storage Tank and Water Transmission Line
- Canyon Falls Storage Facilities - 750,000 Storage Tank
- Lift Stations – 2 Harvest and Dale Earnhardt Way



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL PROCLAMATION**

No. 21-1

**Police Week & Peace Officer Memorial Day
May 9 – 15, 2021**

WHEREAS, law enforcement officers play an essential role in ensuring our safety and in safeguarding our rights and freedoms; and

WHEREAS, our officers partner with citizens to keep our community as safe as possible, by enforcing traffic laws, proactive policing, and forming neighborhood watch groups; and

WHEREAS, when an unsafe situation does arise, officers are the first to respond and provide assistance, often at a great risk to their own personal safety; and

WHEREAS, Northlake police officers continue to face increased danger, both seen and unseen, scrutiny in the performance of their official duties; and

WHEREAS, in 2020 Northlake police officers responded to over 3,800 calls for service, arrested 167 suspects, made 3,342 traffic stops, removed 30 impaired drivers from our roadways and provided needed security and participated in numerous community events; and

WHEREAS, Congress and the President of the United States have established May 15, 2021 as Peace Officers' Memorial Day and the week in which it falls as National Police Week.

NOW, THEREFORE, I, **David Rettig, Mayor, of the Town of Northlake** proclaim May 15, 2021 as Peace Officer Memorial Day and the week of May 9th through May 15th as Police Week in the Town of Northlake and urge all citizens to mark the occasion with appropriate ceremonies, commemorating police officers, past and present, who by their faithful and loyal devotion have collectively preserved our rights and our security.

Dated this the 13th day of May 2021.

David Rettig, Mayor, Northlake, Texas

Seal





National Public Works Week Proclamation No. 21-2

May 16 – 23, 2021

“Stronger Together”

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of **Town of Northlake, Texas**; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in **Town of Northlake** to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, **David Rettig, Mayor, Town of Northlake, Texas**, do hereby designate the week May 16 – 22, 2021 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town (to be affixed).

Proclaimed by the Town of Northlake, Texas, on this 13th day of May 2021.


David Rettig, Mayor, Northlake, Texas



NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC.: NORTHLAKE INVESTMENT POLICY UPDATED 2020

SUBJECT: FISCAL YEAR 2021 SECOND QUARTER INVESTMENT REPORT (JAN-MAR 2021)



GOALS/OBJECTIVES:

- Operate Efficiently and Effectively (Council Goal)
- Sustain Balance Budget and low municipal tax rate (Mayor Goal)

BACKGROUND INFORMATION:

- Fiscal Year 2021, first quarter total cash and investment book value - \$34,654,377
- Fourth quarter total interest earnings - \$20,972
- Up 5% or \$1,075 from last quarter



Town of Northlake
Quarterly Investment Report
For the Quarter Ended March 31, 2021

13 Weeks Treasury Bill Yield: 0.03%

Wells Fargo Bank

Investment Description	Beginning Balance	Deposits	Withdrawals	Interest	Ending Balance
Wells Fargo - Investment Account	\$ 3,647,147.87			\$ 1,439.15	\$ 3,648,587.02
Wells Fargo - General Account	\$ 4,774,280.50	\$ 8,308,190.62	\$ (7,806,365.95)		\$ 5,276,105.17
Wells Fargo - Payroll Account	\$ -	\$ 2,812,157.06	\$ (2,812,157.06)		\$ -
First Financial Totals	\$ 8,421,428.37	\$ 11,120,347.68	\$ (10,618,523.01)	\$ 1,439.15	\$ 8,924,692.19

APR: 0.16%
 Avg WAM* in Days : N/A

LOGIC

Investment Description	Beginning Balance	Deposits	Withdrawals	Interest	Ending Balance
LOGIC - 2016 Comb Tax Ltd. Surplus	\$ 1,338,626.22		\$ (1,338,626.22)		\$ -
LOGIC - General Fund	\$ 4,647,937.35	\$ 1,668,968.66		\$ 1,696.93	\$ 6,318,602.94
LOGIC - CO'S Series 2018	\$ 330,342.44		\$ (330,342.44)		\$ -
LOGIC Totals	\$ 6,316,906.01	\$ 1,668,968.66	\$ (1,668,968.66)	\$ 1,696.93	\$ 6,318,602.94

APR: 0.0964%
 Avg WAM* in Days : 55

LAMAR

Investment Description	Beginning Balance	Deposits	Withdrawals	Interest	Ending Balance
Lamar - ICS Accounts	\$19,392,170.85			\$ 18,911.75	\$ 19,411,082.60
LOGIC Totals	\$ 19,392,170.85	\$ -	\$ -	\$ 18,911.75	\$ 19,411,082.60
Total Cash & Investments	\$ 34,130,505.23	\$ 12,789,316.34	\$ (12,287,491.67)	\$ 22,047.83	\$ 34,654,377.73

APR: 0.40%
 Avg WAM* in Days : 57

*WAM (Weighted Average Maturity) is the mean average of the periods of time remaining until the securities held are (1) scheduled to be repaid or (2) would be repaid upon demand or (3) are scheduled to have their interest rate readjusted to reflect current market rates.

The undersigned serves as the Investment Officer* for the Town of Northlake. I certify that all instruments held in the Town's investment portfolios for the period January 1, 2021 through March 31, 2021 (a) met the investment guidelines and complied with the investment strategies as authorized by the Town's Investment Policies, and (b) did not violate any applicable provisions of section 2256 of the Government Code of Texas.

SIGNED:

INVESTMENT OFFICER _____

DATE _____

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC.: FISCAL YEAR 2020-2021 ADOPTED BUDGET

SUBJECT: FISCAL YEAR 2021 SECOND QUARTER FINANCIAL REPORT (JAN-MAR 2021)



GOALS/OBJECTIVES:

- Operate Efficiently and Effectively (Council Goal)
- Sustain Balance Budget and low municipal tax rate (Mayor Goal)

BACKGROUND INFORMATION:

- The Town utilizes OpenGov Reporting and Transparency
- The new tool offers many advantages:
 - Mobile Friendly
 - Customizable
 - Updates Daily
 - Interactive
- New tool located on the Town of Northlake's website under the Finance Departments Page
- URL: <https://northlaketx.opengov.com>
- Budget Highlights
 - 50% of the year has transpired
 - 70% of revenues have been received
 - 40% of expenditures have been spent

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF DOC.: NORTHLAKE UNIFIED DEVELOPMENT CODE; THE PATHWAY TO 2040 NORTHLAKE COMPREHENSIVE PLAN UPDATE; CHADWICK FARMS MIXED-USE PLANNED DEVELOPMENT ORDINANCE

SUBJECT: CHADWICK FARMS ANNEXATION & PLANNED DEVELOPMENT AMENDMENT



GOALS/OBJECTIVES:

- Responsibly Manage Growth; Adhere to the Comprehensive Plan (Council Goal)
- Diversify the Tax Base (Council Goal)

ANNEXATION & PLANNED DEVELOPMENT AMENDMENT INFORMATION:

Site:	Approximately 143.209-acre tract of land currently in the Town limits zoned Mixed-Use Planned Development (MPD) plus a 7.930-acre tract of land to be annexed, being situated in the Lewis Medlin Survey, Abstract No. 830, generally located on the south side of SH 114 from approximately 1,000 feet east of IH 35W and continuing along the frontage of SH 114 to the eastern limits of the Town of Northlake at Cleveland-Gibbs Road.
Applicant/Owner:	Chadwick Farms, Ltd.
Current Zoning:	Mixed-Use Planned Development (MPD) – Mix of commercial and multi-family uses
Proposed Zoning:	Mixed-Use Planned Development (MPD) – Mix of commercial and multi-family uses with amendment to incorporate the 7.930-acre tract to be annexed and to revise the development standards to permit Single-family attached dwelling (townhouse) as a development option on Tract 1 of the development plan
Future Land Use Designation:	Workforce Residential (WR) – This area caters to a range of workers from contractors to executives. Hotels, apartments, condos, mixed-use developments both horizontal and vertical are all appropriate in this area. Horizontal mixed-uses would have residential dwellings within 800 feet. One would also expect to see neighborhood services, retail, commercial, and professional services offices in the area.
Staff Analysis:	The area proposed to be annexed was formerly in the City of Fort Worth. It was released from the City of Fort Worth's jurisdiction and into Northlake's extraterritorial jurisdiction in accordance with an interlocal agreement and subsequent disannexation.

The area proposed to be annexed is vacant and adjacent to the Chadwick Apartments in Tract 1 of the Chadwick Farms MPD. The Development Plan within the Chadwick Farms MPD divides the site into four tracts with Tract 1 being limited to multi-family residential uses and Tract 2 for Commercial along the SH 114 frontage. Tract 3A is where the Chadwick Commons retail building has been developed and is limited to Commercial uses, and Tract 3B is developed as the Ruby at Chadwick Commons apartments.

The purpose of the Planned Development Amendment is to incorporate the 7.930 acres to be annexed and to revise the development standards to permit Single-family attached dwelling (townhouse) as a development option on Tract 1 of the development plan. No other changes to the MPD are proposed.

NEXT STEPS:

- Briefing scheduled at this meeting for Council to hear presentation from applicant on annexation and Planned Development amendment and to seek input from Council
- Public hearings and action on annexation and planned development amendment scheduled for May 27, 2021 Town Council Meeting

ATTACHMENTS:

- Area to be annexed
- Development Plan from MPD with Tract 1 & area to annexed identified
- Draft Development Standards for Townhomes
- Concept Plan for Townhome development at corner of Cleveland-Gibbs Road & Chadwick Parkway

Area to be Annexed

EXHIBIT "A"

GRAPHIC SCALE: 1"=200'



**SEE SHEET 4
FOR LINE AND
CURVE DATA**

LOT 1, BLOCK 1
OF
LOTS 1 AND 2, BLOCK 1
CHADWICK FARMS SUBDIVISION,
BEING THE CHADWICK APARTMENTS
2010-41, O.R.D.C.T.

(REMAINDER)
TRACT 1
CHADWICK FARMS, LTD.
VOL. 4387, PG. 566
VOL. 4850, PG. 2754
O.R.D.C.T.

(REMAINDER)
TRACT 1
CHADWICK FARMS, LTD.
VOL. 4861, PG. 1173
VOL. 4861, PG. 1180
VOL. 5534, PG. 4450
O.R.D.C.T.

P.O.B.

NORTHLAKE N 88°05'38" E 1079.02'

FORT WORTH

CHADWICK HOLDINGS, LTD.
VOL. 4851, PG. 1073
VOL. 5019, PG. 2723
O.R.D.C.T.

(REMAINDER)
TRACT TWO

(REMAINDER)
TRACT ONE

LOT 1X, BLOCK 26
CHADWICK FARMS
ADDITION
2009-218, O.R.D.C.T.

345,417 S.F.
7.930 AC.

FORT WORTH
L1 NORTHLAKE

CAB. W. PG. 277
P.R.D.C.T.
CLEVELAND-GIBBS
ROAD
(R.O.W. VARIES)

L2 NORTHLAKE
FORT WORTH

S 70°53'08" W 605.43'

LOT 1, BLOCK 25
OF
LOT 1X, BLOCK 24
AND
LOT 1, BLOCK 25
CHADWICK FARMS
ADDITION
2010-2, O.R.D.C.T.

LOT 1X, BLOCK 24
OF
LOT 1X, BLOCK 24
AND
LOT 1, BLOCK 25
CHADWICK FARMS
ADDITION
2010-2, O.R.D.C.T.

LEWIS MEDLIN SURVEY
ABSTRACT No. 830

SAINT PETER
LUTHERAN CHURCH
2009-111646
O.R.D.C.T.

SAINT PETER
LUTHERAN CHURCH
2009-111647
O.R.D.C.T.

CLEVELAND-GIBBS ROAD
(120' R.O.W.)
2009-30, O.R.D.C.T.

LOT 1X, BLOCK 27
CHADWICK FARMS
ADDITION
2009-217, O.R.D.C.T.

LOT 1, BLOCK A
PREMIER ACADEMY - NORTHLAKE
2015-285, O.R.D.C.T.

**GOODWIN &
MARSHALL &**

CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS

2405 Mustang Drive, Grapevine, TX 76051

Metro (817) 329-4373

TBPLS FIRM No. 10021700

Joel S. Barton

Scale: 1"=200'

Date: 7/10/2019

Job No.: 10313

Drafted: T.J.M.

Checked: J.S.B.



Sheet

3
of
4

NO.	REVISION	DATE
1		
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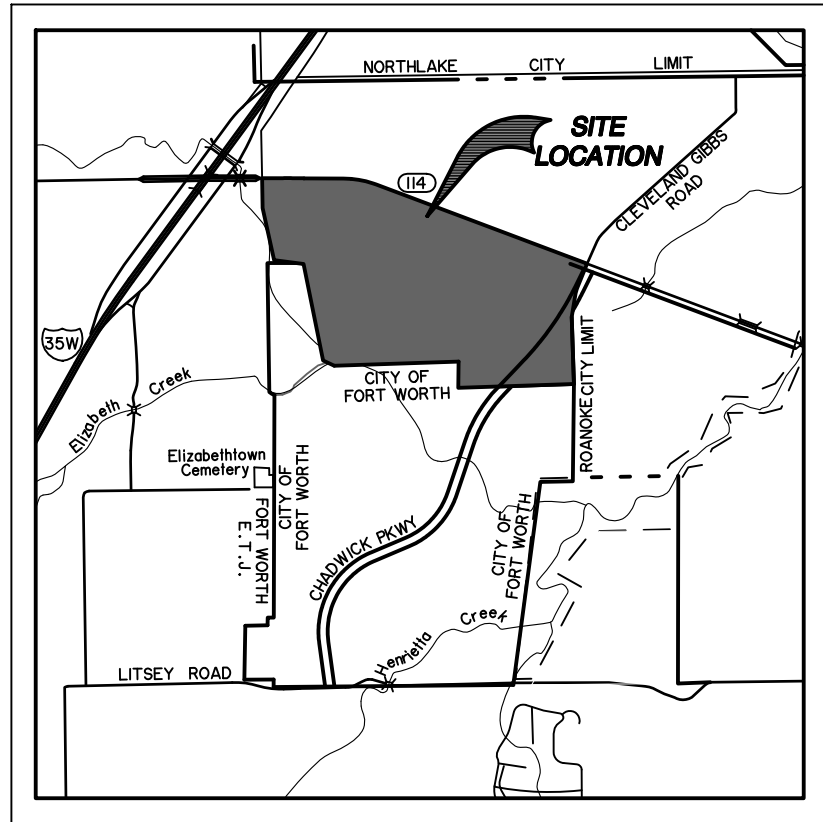
Chadwick Farms, Ltd.
4000 West Windsor Drive
Flower Mound, Texas 75028

GOODWIN
AND
MARSHALL
CIVIL ENGINEERS-PLANNERS-SURVEYORS
4001 BRIDGE STREET, SUITE 100, FORT WORTH, TEXAS 76112

CHADWICK FARMS
NORTHLAKE LAND USE EXHIBIT
DEVELOPMENT PLAN

JOB NO. :	9933
DATE :	February 2017
DSGN/DRFT :	BAC
REVIEW :	EWE
SHEET	1
OF	1

E:\10551 - Chadwick Farms\ZONING\NORTH LAKE MP ZONING 2.pro Tue Feb 14 16:51:59 2017



VICINITY MAP
NTS

TABULATIONS

TRACT 1-MULTIFAMILY

PHASE ONE - (BUILT OUT)

264 TOTAL UNITS
528 PARKING SPACES REQUIRED @ 2 TO 1
528 PARKING SPACES PROVIDED
+11 HC ACCESSIBLE SPACES PROVIDED

PHASE TWO

188 TOTAL UNITS
376 PARKING SPACES REQUIRED @ 2 TO 1
376 PARKING SPACES PROVIDED
+10 GUEST PARKING PROVIDED
(ALLOWABLE BASED ON DENSITY OF 16 UNITS/AC)

TRACT 2- COMMERCIAL

660,201 SQUARE FEET OF BUILDING
3,301 PARKING SPACES REQUIRED @ 1:200
3,710 PARKING SPACES PROVIDED
(PROPOSED AS SHOWN)

TRACT 3A - COMMERCIAL

49,300 SQUARE FEET OF BUILDING
247 PARKING SPACES REQUIRED @ 1:200
327 PARKING SPACES PROVIDED
(PROPOSED AS SHOWN)

TRACT 3B - MULTI-FAMILY

249 TOTAL UNITS
448 PARKING SPACES REQUIRED @ 1.8 TO 1
455 PARKING SPACES PROVIDED
(PROPOSED AS SHOWN)

THE MAXIMUM BUILDING COVERAGE FOR THE
PROPOSED DEVELOPMENT SHALL NOT EXCEED
50%.

NOTE: All buildings and parking layout and square
footage calculations are conceptual only, to be
approved as part of the final site plan.

Current Tract 1 which allows multi-family residential development only. MPD amendment proposes a Townhome development option.

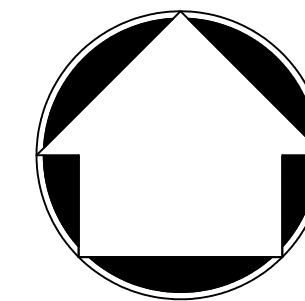
Area to be annexed and incorporated in the MPD as Tract 1.

No changes proposed outside of Tract 1 & area to be annexed.

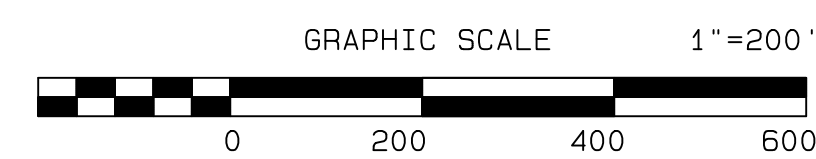
HODGES AND ASSOCIATES
13642 Omega Drive
Dallas, Texas 75244
(972) 387-1000

BGO ARCHITECTS
2211 North Lamar, Ste. 300
Dallas, TX 75202
(214) 740-0080

NOTE: ALL BUILDINGS SHOWN ARE FOR CONCEPTUAL PLANNING ONLY.



DEVELOPMENT PLAN



Development Standards

Development shall be in accordance with the following special conditions, restrictions and regulations:

General:

1. Development shall be in general accordance with the information shown on the following attached exhibits:
 - a. Exhibit A - Concept Plan
 - b. Exhibit B - Typical Street Section and Utilities Location Exhibit
2. A homeowner's association (HOA) shall be established prior to final platting of the tract.
3. The HOA will be responsible for the improvement and maintenance of all common areas and/or common facilities contained within the area of the Concept Plan and Conceptual Landscape & Screening Plan.

Streets:

1. Streets shall be designed with a 50-foot street right-of-way, a 31-foot "back-to-back" pavement cross section and a 5-foot easement on either side of the street in accordance with Exhibit B.
2. Homes will be front-entry with minimum of a 2-car garage. Alleys are not required.
3. 24" Mountable curbs will be constructed for the proposed streets.
4. 4-foot sidewalks shall be construction by homebuilder 1-foot inside the public right-of-way when homes are developed. Sidewalks adjacent to open spaces to be constructed by the developer with the public improvements.

Landscaping/Screening/Open Space:

1. Perimeter screening/fencing along Cleveland Gibbs Road shall consist of a 6-foot solid masonry wall with stone columns.
2. Screening/fencing along all other property boundaries may consist one of the following at the developer's discretion:
 - a. 6-foot board-on-board, wooden privacy fence;
 - b. 4-foot wrought iron fence;
 - c. 6-foot solid masonry wall;
3. The following landscaping may be placed within the westerly 5-feet of the existing 20-foot sanitary sewer easement and 15-foot water easement adjacent to Cleveland Gibbs Road along the east side of the screening walls.
 - a. Ornamental trees
 - b. Shrubs or ornamental grasses.
4. The following landscaping and monument signage may be placed within the existing 20-foot sanitary easement and 15-foot water easement adjacent to Cleveland Gibbs Road:
 - a. Groundcover or decomposed granite and ornamental boulders;
 - b. Planting beds;
 - c. Entry monument sign
5. Alternative landscaping requirements along the frontage of Cleveland Gibbs Road as approved by the Town may be utilized.
6. At the time of home construction, home builders shall plant a minimum of one street tree in the front yard for every two lots.
7. A minimum of 1.5 acres of open space (20% of Property) shall be provided in general conformance with Exhibit A. No park land dedication or park fees shall be required.

Lots and Homes:

1. Minimum lot width shall be 25 feet.
2. Minimum lot depth shall be 100 feet.
3. Minimum lot area shall be 2,500 square feet.
4. Minimum setbacks:
 - a. Front yard setback: 20 feet.
 - b. Side yard setback:
 - i. 0' for attached units. A maximum number of 8 units may be attached consecutively in a single structure
 - ii. 10 feet shall be provided between detached structures.
 - c. Rear yard setback: 20 feet.
5. Front-entry garages shall be allowed.
6. Carports are prohibited.
7. On corner lots, the "corner clips" shall not be considered when measuring setbacks.
8. Driveway radii to be 2 feet on lots with adjacent driveways and 4 feet for all others.
9. Minimum floor area of homes: Minimum 1,400 square feet.
10. Maximum building coverage shall be 70%.
11. Any required fire protection sprinkler systems for homes to be in accordance with NFPA 13D design standards.
12. The edge of driveway on Lot 61 as shown on Exhibit A shall be allowed within 20 feet of the projected gutter line for Street A.
13. At the time of home construction, home builders shall construct additional driveway areas for Lots 20 and 41 in order to provide for additional space for vehicles backing out of garages in general conformance with Exhibit A.

Plotted By: Milan, Craig Date: April 20, 2021 08:57:05am File Path: K:\CEL_Civil\Single Family Pursuits\2020\2020043 - TDI-CHADWICK\CAD\PRELIMINARY\EXHIBITS\CHADWICK-LP6-041921-DRAFT.dwg
This document, together with the concepts and designs presented herein, is for information only. It is not intended to be used for any other purpose without the written consent of the engineer. The engineer assumes no responsibility for the use of this document for any other purpose without the written consent of the engineer.



Exhibit A - Concept Plan
Chadwick Farms (61 Townhome Lots on ~7.5-Acres)
Northlake, Texas
March 25, 2021

DWG NAME K:\CEL_Civil\Single Family Pursuits\2020\2020043 - TDI-CHADWICK\CAD\PRELIMINARY\EXHIBITS\CHADWICK-LP6-041921-DRAFT.DWG
LAST SAVED 4/20/2021 8:56 AM

TD
TAYLOR • Duncan
INTERESTS

Kimley»Horn
400 N. Oklahoma Dr.
Suite 105
Celina, Texas 75009
469-501-2200
State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC.: LOCAL GOVERNMENT CODE, SECTION 102, MUNICIPAL BUDGET

SUBJECT: FISCAL YEAR 2021-2022 BUDGET FOCUS AND PLANNING



GOALS/OBJECTIVES:

- Effectively Manage Public Resources (Council Goal)
- Diversify the Tax Base (Council Goal)
- Operate Efficiently and Effectively (Council Goal)
- Responsibly Manage Growth (Council Goal)

BACKGROUND INFORMATION:

- Town Budget will conform to the policy direction of Town Council
- Town Budget will focus on four primary Council goals as shown above
- FY 2022 Budget Focus:
 - Maintain the \$0.295 per \$100 valuation tax rate
 - Invest in infrastructure to sustain commercial tax base
 - Maintain employee compensation at regional market position
 - Maintain existing service levels by adding up to ten new positions
- Staff proposes the following dates to discuss functional aspects of budget
 - May 13, 2021 – FY 2022 Budget Focus
 - May 27, 2021 – FY 2022 Preliminary Budget with revenue overview and budget requests
 - June 10, 2021 – FY 2022 Capital Improvement Projects and Tax Increment Zone Budgets
 - June 24, 2021 – FY 2022 Departmental and Programmatic Budgets
 - July 22, 2021 – FY 2022 Property Tax Rate and Debt Issuance Discussion
 - August 12, 2021 – FY 2022 Proposed Budget Presentation
 - September 9, 2021 – FY 2022 Budget and Tax Rate Adoption

COUNCIL DIRECTION:

- Confirm continued budget focus



1

Page 2

VISION

Northlake honors its rural legacy while thriving as a multi-generational, family-oriented and highly engaged community.

MISSION

Our mission is to create and sustain a high quality of life for Northlake citizens by respecting its heritage and partnering with the community to provide exceptional services, responsive governance, and thoughtfully managed growth.

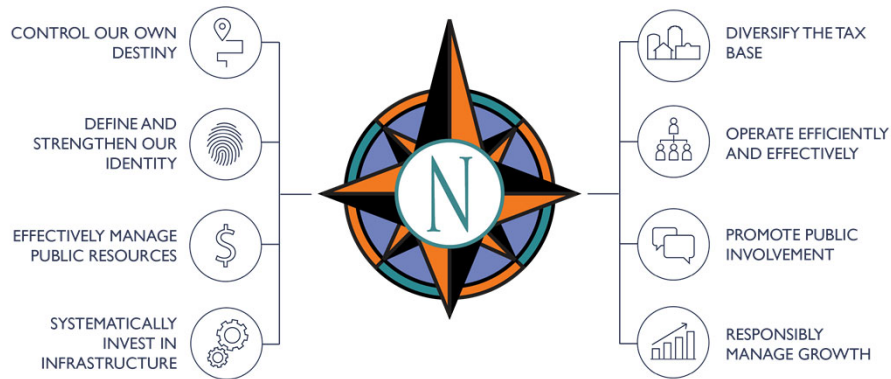
VALUES

Accountability, Respect, Integrity, Service, Excellence, Ethics, Stewardship

WWW.TOWN.NORTHLAKE.TX.US

2

COUNCIL STRATEGIC GOALS

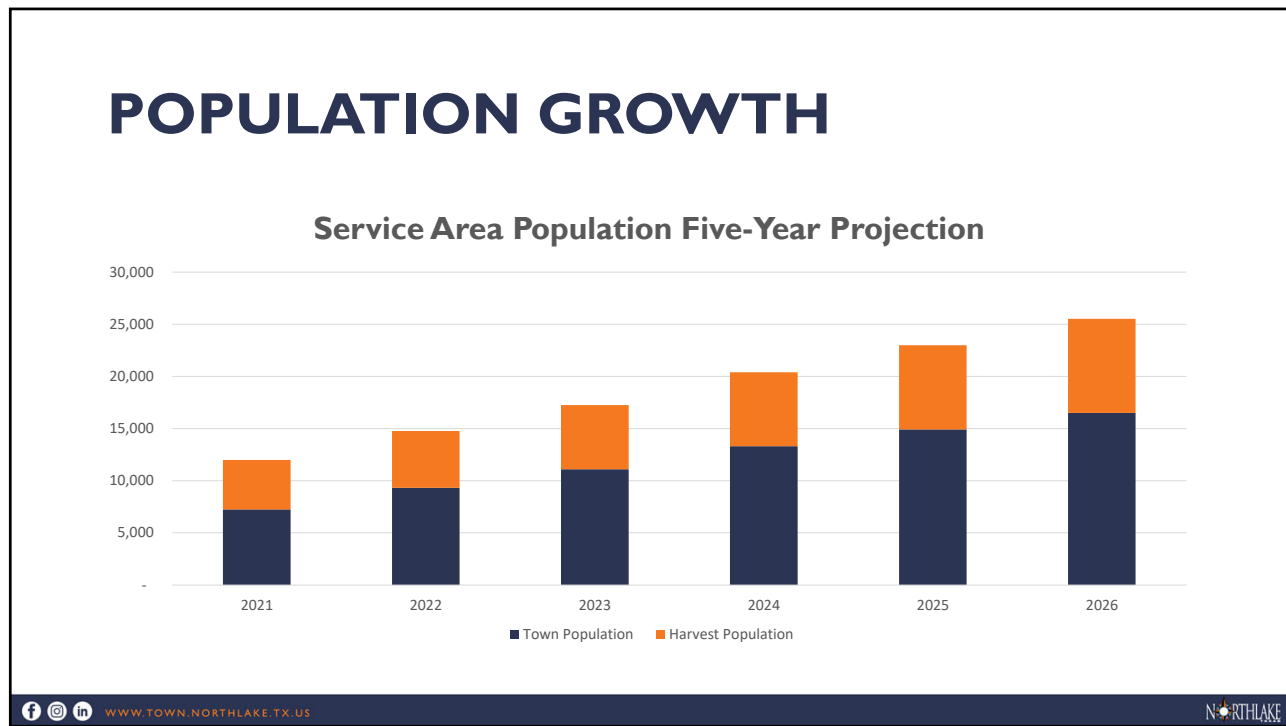


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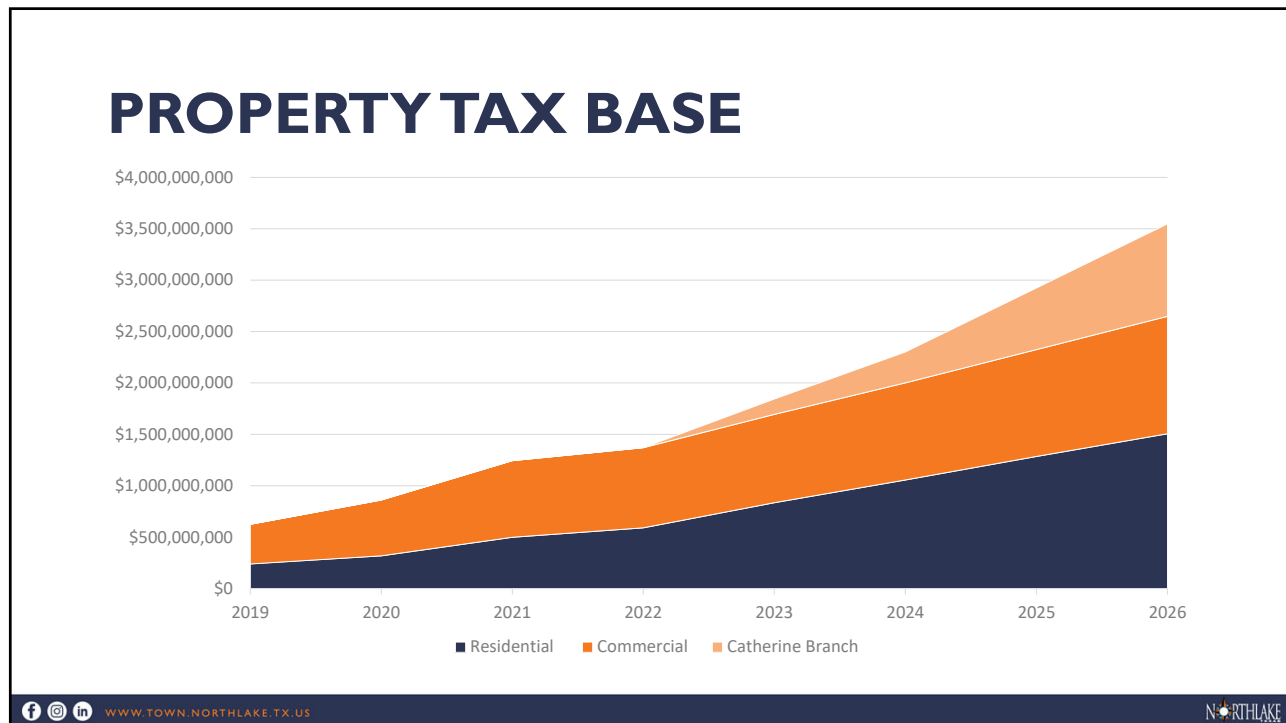
FY 2022 BUDGET FOCUS

-  **EFFECTIVELY MANAGE PUBLIC RESOURCES**
 - Maintain property tax rate at \$0.295
-  **DIVERSIFY THE TAX BASE**
 - Invest in infrastructure to sustain commercial tax base
-  **OPERATE EFFICIENTLY & EFFECTIVELY**
 - Maintain employee compensation at regional market levels
-  **RESPONSIBLY MANAGE GROWTH**
 - Maintain current customer service levels

4

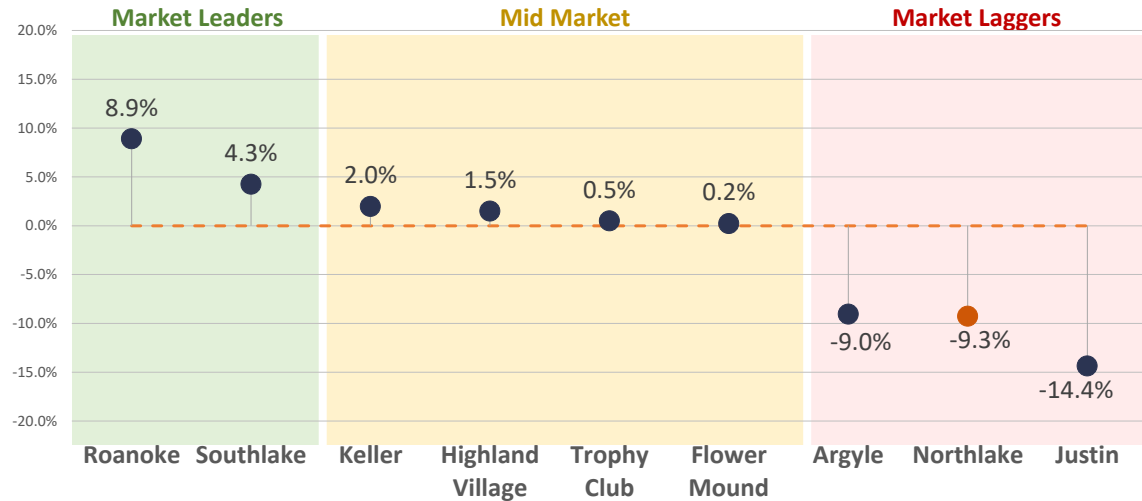


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6

CURRENT MARKET POSITION



7

PROJECTED STAFFING

Department	FY2022	FY2023	FY2024	FY2025	FY2026
Police	3*	2	2	2	2
Public Works	3	2	2	1	2
Development	2		1		
Finance		1		1	
Court	1			1	
Administration	1*				1
Total	10	5	6	5	5

* Only 3 positions funded by General Fund tax revenues (HR, 2 Patrol)

8

KEY BUDGET DATES

Date	FY 2021 Budget
May 13, 2021	Budget Focus and Planning
May 27, 2021	Preliminary Budget with revenue overview and budget requests
June 10, 2021	Capital Improvement Projects and Tax Increment Zone budgets
June 24, 2021	Departmental and Programmatic budgets
July 22, 2021	Property Tax Rate and Financing Discussions
August 12, 2021	Proposed Budget Presentation
September 9, 2021	Budget and Tax Rate Adoption

TOWN OF NORTHLAKE COUNCIL ITEM NO. 3

DATE: MAY 13, 2021

ITEM: PUBLIC INPUT



TOWN OF NORTHLAKE COUNCIL ITEM NO. 4

DATE: MAY 13, 2021

ITEM: CONSENT ITEMS





DAVID A. RETTIG, MAYOR
RENA HARDEMAN, COUNCIL PLACE 1
MICHAEL C. GANZ, COUNCIL PLACE 2

BRIAN MONTINI, MAYOR PRO TEM, COUNCIL PLACE 3
ROGER SESSIONS, COUNCIL PLACE 4
DANNY SIMPSON, COUNCIL PLACE 5

**NORTHLAKE TOWN COUNCIL
REGULAR MEETING MINUTES OF APRIL 8, 2021
1500 COMMONS CIRCLE SUITE 300, NORTHLAKE, TEXAS 76226**

1. Mayor David Rettig called the regular meeting to order at 5:33 pm, quorum present

Roll Call:

David Rettig, Mayor	present	Brian Montini, Mayor Pro Tem	present
Rena Hardeman, Place 1	present	Roger Sessions, Place 4	present
Michael Ganz, Place 2	absent	Danny Simpson, Place 5	present

Staff present:

Drew Corn, Town Administrator	Nathan Reddin, Development Director
John Zagurski, Finance Director	Robert Crawford, Chief of Police
Eric Tamayo, Public Works Director	John Thomson, Management Analyst
Shirley Rogers, Town Secretary	Michael Coleman, Police Captain
Emily Harville, PD Admin. Asst.	Kyle Brown, PW Crew Leader
Lisa Perea, PD CID Officer	Alvin Carey, PD Officer
Tyler Lenderman, PD Officer	

Consultant's present:

Ashley Dierker, Town Attorney	Ben McGahey, PE, Town Engineer
Terry Morgan, Legal Counsel	

Invocation given by Mayor David Rettig

Pledge of Allegiance led by Mayor David Rettig

2. Announcements, Proclamations and Presentations

B. Mayor Rettig recognized two employees for 5 Years of Service

- o Kyle Brown, Crew Leader, Public Works Department
- o Emily Harville, Administrative Assistant, Police Department

A. Denton County Commissioner Precinct 4 Dianne Edmondson presented 'County Government Month'

- o Awards received by the County (Budget, Purchasing, Veteran's Affairs Office, Public Health Department)
- o COVID vaccine hub located at Texas Motor Speedway and COVID weekly meetings

- CARES funds received and distributed for housing relief, business grants, and communities
 - County Budget Overview, funding sources and expenditures, property taxes and exemptions
 - County Services
 - Boards and Commissions open to residents
 - County Growth, current and projected
 - Recent changes within the County
- C. Louis Breedlove, Sr. Audit Manager BrooksWatson & Co CPAs, presented the FY 2020 Annual Financial Report
- Overview of the audit process
 - Components of the Comprehensive Annual Financial Report
 - Financial Highlights: Town Wide - Governmental Funds - General Fund Balance – Proprietary Funds
 - Communications Letters
- D. Mayor Pro Tem Brian Montini and Drew Corn, Town Administrator spoke on the Home Rule Charter Transition on Council Changes
- Council make-up and voting, term limits, compensation, filling vacancies, recall of elected official, initiative, referendum
 - Code of Ethics adoption
 - Appointment/Removal of Town Manager with a 2/3 votes
 - Town Manager appointments (Town Secretary & Police Chief) subject to Council approval
 - Town Manager submission of annual budget
- E. Mayor Pro Tem Brian Montini and Drew Corn, Town Administrator briefed the council on Dangerous Buildings Ordinance Overview
- Current ordinance adopted in 1999, follows LGC Chapter 214 Municipal Regulations of Housing and Other Structures, Dangerous Structures
 - Definition of substandard conditions, due process/notice and immediate danger
- F. Drew Corn, Town Administrator and John Zagurski, Finance Director briefed the council on Digital Utility Service Application
- Exploring different applications
 - Automates application information, integrates with Town financial software, digital signature, open to other utilities, mobile friendly, customizable, no cost to customer or town
3. Public Input
- Northlake resident Joel McGregor spoke on Item 2E Dangerous Buildings Overview
4. Consent Items
- G. Town Council Meeting Minutes 3-25-21
- H. Ordinance No. 21-0408 providing for the annexation of a territory more specially described herein, but generally comprising approximately 5.424 acres located in a portion of the Patrick Rock Survey, Abstract No. 1063, the J.M. Paine Survey, Abstract No. 1529, and the Texas and Pacific Railway Company Survey, Abstract No. 1305, situated in the extra-territorial jurisdiction of the Town of Northlake, Denton County, Texas; extending the boundary limits of said Town of Northlake, Texas for all municipal purposes

Mayor Pro Tem Montini made the motion to approve the Consent Items. 2nd by Council Member Sessions

Vote: motion passed unanimous
For: Montini, Sessions, Simpson, Hardeman
Against: none
Absent: Ganz

5. Action Items

- I. Council Member Simpson made the motion to accept the Annual Financial Report ending 30, 2020. 2nd by Council Member Hardeman

Vote: motion passed unanimous
For: Simpson, Hardeman, Montini, Sessions
Against: none
Absent: Ganz

- J. Mayor Pro Tem Montini made the motion to re-appoint Lyle Drescher to the Upper Trinity Regional Water District Board of Directors for a four year term. 2nd by Council Member Sessions

Vote: motion passed unanimous
For: Montini, Sessions, Simpson, Hardeman
Against: none
Absent: Ganz

- K. No action taken to modify, continuing and/or suspending the First Amended Declaration of Local and Public Health Emergency as modified by the Town Council on April 23, 2020

- L. No action taken to continue with Declaration of Local Disaster in response to severe weather in Town of Northlake, Texas, ordered by Mayor Rettig on February 22, 2021

6. By general consent, Mayor Rettig convened the council into Executive Session at 7:21 pm pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D to discuss the sections listed below:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except: (1) When the governmental body seeks the advice of its attorney about: (a) pending or contemplated litigation; or (b) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The Town Council may adjourn into executive session for consultation with the Town Attorney regarding:
- i. Legal advice on any matter related to any posted agenda item; and

- ii. Legal advice related to the development and annexation of the Hatfield, Brasher, Green Tract on approximately 97.9 acre tract of land generally located south of Evelyn Lane, west of Faught Road and north of Faith Lane in the extraterritorial jurisdiction of the Town; and the development of the Charles Faught tracts totaling approximately 152.3 acres of land generally located north of Evelyn Lane, west of Faught Road, and south of Robson Ranch Road; and
- iii. Legal advice related to the development and annexation of the Scrivner Tract totaling 44.8 acres of land generally located east of Florance Road approximately 2,533 feet north of FM 407 in the extraterritorial jurisdiction of the Town; and
- iv. Legal advice related to the development and annexation of the IMA Development Group and AMI Development Group tracts, 3.4-acre, 1.7-acre and 1.3-acre tracts of land generally located at the northwest corner of FM 407 and Thompson Road in the extraterritorial jurisdiction of the Town; and
- v. Pending or contemplated litigation; and
- vi. Town of Northlake vs. City of Justin, Denton County District Court Cause No. 15-08170-367; and
- vii. City of Justin v. Toby Baker, Cause No. D-1-GN-20-002084.

- b. Section 551.072 Deliberation regarding the purchase, exchange, lease or value of real property to be acquired as right-of-way out of certain 12.6 acre tract of land

- 7. Mayor Rettig reconvened the council into Open Session at 8:33 pm
 - o No action was taken as a result of the closed session

- 8. Mayor Rettig adjourned the meeting at 8:33 pm

Passed and approved by the Town Council on this the 13th day of May 2021.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary



DAVID A. RETTIG, MAYOR
RENA HARDEMAN, COUNCIL PLACE 1
MICHAEL C. GANZ, COUNCIL PLACE 2

BRIAN MONTINI, MAYOR PRO TEM, COUNCIL PLACE 3
ROGER SESSIONS, COUNCIL PLACE 4
DANNY SIMPSON, COUNCIL PLACE 5

**NORTHLAKE TOWN COUNCIL
SPECIAL MEETING MINUTES OF APRIL 29, 2021
1500 COMMONS CIRCLE SUITE 300 - NORTHLAKE, TEXAS 76226**

1. Mayor David Rettig called the special meeting to order at 5:30 pm, quorum present

Roll Call:

David Rettig, Mayor	present	Brian Montini, Mayor Pro Tem	present
Rena Hardeman, Place 1	present	Roger Sessions, Place 4	present
Michael Ganz, Place 2	present	Danny Simpson, Place 5	present

Staff present:

Drew Corn, Town Administrator	Shirley Rogers, Town Secretary
Robert Crawford, Chief of Police	Michael Coleman, Captain PD
Eric Tamayo, Public Works Director	

Consultants present:

Ashley Dierker, Legal Counsel	Terry Morgan, Legal Counsel
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2. Mayor Rettig convened the council into Executive Session at 5:32 pm to discuss pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D Section 551.071 as noted below:
- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except: (1) When the governmental body seeks the advice of its attorney about: (a) pending or contemplated litigation; or (b) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The Town Council may adjourn into executive session for consultation with the Town Attorney regarding:
 - i. Legal advice on any matter related to any posted agenda item; and
 - ii. Legal advice related to the development and annexation of the CKD Holdings Tracts, 24.8-acre, 11.9-acre, and 1.8-acre tracts of land general located north of Oliver Creek and west of FM 156 in the extraterritorial jurisdiction of the Town; and
 - iii. Pending or contemplated litigation; and
 - iv. Town of Northlake vs. City of Justin, Denton County District Court Cause No. 15-08170-367, including consideration of settlement agreement, interlocal agreement and resolutions implementing settlement agreement; and
 - v. City of Justin v. Toby Baker, Cause No. D-1-GN-20-002084.

3. Mayor Rettig reconvened the council into open session at 7:06 pm to take action on the items listed below

4. Action Items

- A. Mayor Pro Tem Montini made the motion to approve Resolution No. 21-7 of the Town Council of the Town of Northlake, Texas, approving a Settlement Agreement between and among Town of Northlake, the City of Justin and the City of Fort Worth and authorizing execution by the mayor as drafted and made an amendment to the Resolution authorizing the Mayor to negotiate with the City of Justin's Mayor on Section 1.04 of the Settlement Agreement, with approval of any amendments by Town Council. 2nd by Council Member Ganz

Vote: motion passed unanimous Time: 7:09 pm
For: Montini, Ganz, Hardeman, Sessions, Simpson
Against: none

- B. Mayor Pro Tem Montini made the motion to approve Resolution No. 21-8 of the Town Council of the Town of Northlake, Texas, approving an Interlocal Agreement between and among Northlake, the City of Justin and the City of Fort Worth allocating extra-territorial jurisdiction and retail water and sewer service areas among the municipalities and authorizing execution by the mayor. 2nd by Council Member Simpson

Vote: motion passed unanimous Time: 7:12 pm
For: Montini, Simpson, Sessions, Ganz, Hardeman
Against: none

- C. Council Member Ganz made the motion to approve a Joint Resolution between and among Town of Northlake, the City of Justin and the City of Fort Worth transferring extra-territorial jurisdiction among the municipalities in accordance with Settlement Agreement. 2nd by Council Member Sessions

For: motion passed unanimous Time: 7:14 pm
For: Ganz, Sessions, Simpson, Montini, Hardeman
Against: none

(Northlake's Resolution No. 21-9)

- D. Council Member Simpson made the motion to approve Resolution No. 21-10 of the Town Council of the Town of Northlake, Texas, releasing extra-territorial jurisdiction in accordance with Settlement Agreement. 2nd by Council Member Ganz

Vote: motion passed unanimous Time: 7:26 pm
For: Simpson, Ganz, Sessions, Montini, Hardeman
Against: none

On the advice of Legal Counsel, Mayor Rettig asked for a recess at 7:16 pm so that Mayor, Town Secretary and Legal Counsel could execute the documents A-D. Upon verification by the Town Secretary that all documents had been executed, the Mayor reconvened the council into open session at 7:32 to continue with the meeting.

- E. Mayor Pro Tem Montini made the motion to approve Ordinance No. 21-0429 of the Town Council of the Town of Northlake, Texas, declaring the town is a municipality with more than 5,000 inhabitants and authorizing Town to execute all statutory powers arising from inhabitants declaration and providing for an immediate effective date. 2nd by Council Member Simpson

Vote: motion passed unanimous
For: Montini, Simpson, Sessions, Ganz, Hardeman
Against: none

For the record, used NCTCOG methodology for Northlake's population of 7,140 as of this date.

- F. Memo of Understanding related to the future development of the Westview Trails, LLC Tracts, approx. 66-acre and 70-acre tracts of land generally located at the northwest corner of Sam Reynolds Road and Boss Range Road in the extraterritorial jurisdiction of the Town.
- G. Memo of Understanding related to the future development on the Oneta Lee Cope Trust Tracts, approx. 70-acre tract of land generally located at the northwest corner of Sam Reynolds Road and FM 156 in the extraterritorial jurisdiction of the Town.
- H. Memo of Understanding related to the future development of the Petrus Investment LP Tracts, approx. 100.6-acre, 64.9-acre tract, 225.8-acre tract, and 168.4-acre tracts of land generally located south of Harmonson Road, east of FM 156, and north of Victory Circle in the extraterritorial jurisdiction of the Town.

Mayor Pro Tem Montini made the motion to approve Items F-G-H in one motion and to authorize the Town Administrator to finalize the documents and sign. 2nd by Council Member Ganz

Vote: motion passed unanimous
For: Montini, Ganz, Hardeman, Sessions, Simpson
Against: none

5. As a final act, Council Member Simpson moved to adjourn the meeting at 7:41 pm.

Passed and approved by Northlake Town Council on this the 13th day of May 2021.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

TOWN OF NORTHLAKE COUNCIL ITEM NO. 5

DATE: MAY 13, 2021

ITEM: ACTION ITEMS



NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF DOC.: TOWN OF NORTHLAKE PROPOSITION A ELECTION RESULTS

SUBJECT: NORTHLAKE HOME RULE CHARTER ADOPTION



GOALS/OBJECTIVES:

- Control our Own Destiny; Plan and prepare for a future Home Rule Charter Election (Council Goal)

BACKGROUND INFORMATION:

- October 8, 2020, Mayor Rettig appointed Northlake Charter Commission
- From November to January over six meetings, Commission developed proposed Charter and presented to Council
- February 11, 2021, Town Council called charter election for May local election dates
- April 29, 2021, Town Council declared Northlake over 5,000 inhabitants
- Unofficial results of the Charter election:
 - For 652 votes or 84%
 - Against 124 votes or 16%

COUNCIL ACTION:

- Adopt Home Rule Charter effective upon adoption
- Certify authenticated copy to Secretary of State
- Record Charter in Office of Town Secretary



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. 21-0513A

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS DECLARING THE RESULTS OF THE MAY 1, 2021 SPECIAL HOME RULE CHARTER ELECTION; DECLARING THE HOME RULE CHARTER ADOPTED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 9 of the Local Government Code provides for the holding of an election for the adoption of a Home Rule Charter; and

WHEREAS, an election was held in the Town on May 1, 2021 in conformity with the laws of the State of Texas for this purpose; and

WHEREAS, the Town Council has considered the returns of the election and tabulated the results.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. At a special election held on May 1, 2021, the following proposition was submitted to the voters and approved:

“THE ADOPTION OF A HOME RULE CHARTER FOR THE TOWN OF NORTHLAKE TO INCLUDE PROVISIONS FOR THE INCORPORATION AND POWERS OF THE TOWN; TOWN COUNCIL AND THE MAYOR; RESPONSIBILITIES OF THE TOWN COUNCIL; TOWN ADMINISTRATION; MUNICIPAL COURT; TOWN ATTORNEY; MUNICIPAL ELECTIONS; INITIATIVE, REFERENDUM, AND RECALL; FINANCE; FRANCHISES AND PUBLIC UTILITIES; TAXATION; BOARDS AND COMMISSIONS; PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT; NEPOTISM, PROHIBITIONS, AND PENALTIES; AND GENERAL AND TRANSITIONAL PROVISIONS.”

SECTION 2. The tabulation of votes cast in the election, made and certified by the Town Secretary, a copy of which is attached to and made part of this Ordinance, is adopted as the official tabulation of votes cast at the election. The official canvass of the returns of the election reflects the following votes cast:

For the proposition: 652 votes

Against the proposition: 124 votes

Therefore, the proposition was approved by: 652 votes.

SECTION 3. The Town Council, finding the results of the election favorable, declares that the Home Rule Charter of the Town of Northlake, Texas is hereby adopted.

SECTION 4. The Mayor is hereby authorized to certify to the Secretary of State an authenticated copy of the Charter under the Town's seal showing the approval by the voters of the Town.

SECTION 5. This Ordinance shall be effective upon its adoption.

PASSED AND APPROVED BY TOWN COUNCIL on the 13th day of May 2021.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

Northlake Cumulative

Run Time 1:36 PM
Run Date 05/04/2021

Denton County**General & Special Elections**

5/1/2021

Page 1

Unofficial Results**Registered Voters**

785 of 4076 = 19.26%

Precincts Reporting

1 of 1 = 100.00%

Town of Northlake Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		1	100.00%	437	86.36%	214	79.55%	652	84.02%
Against		0	0.00%	69	13.64%	55	20.45%	124	15.98%
Cast Votes:		1	100.00%	506	100.00%	269	100.00%	776	100.00%
Undervotes:		0		7		2		9	
Overvotes:		0		0		0		0	

Town of Northlake Council Member, Place 6

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Wes Boyer		0	0.00%	257	55.99%	134	59.82%	391	57.16%
Jeff Nichols		1	100.00%	202	44.01%	90	40.18%	293	42.84%
Cast Votes:		1	100.00%	459	100.00%	224	100.00%	684	100.00%
Undervotes:		0		54		45		99	
Overvotes:		0		0		2		2	

*** End of report ***

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

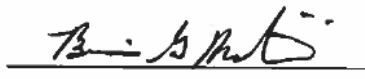
The Council may appoint a Charter Review Commission, composed of no less than nine (9) and no more than fifteen (15) registered voters of the Town. The Charter Review Commission shall be composed of an odd number of members and up to three (3) members of the Commission may be members of the Council. 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

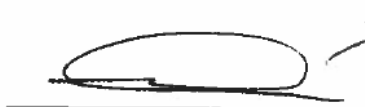
The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted 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.

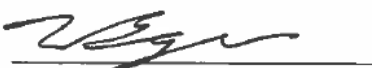
We, the undersigned members of the Town of Northlake Charter Commission heretofore duly selected to prepare a Charter for the Town of Northlake, Texas, do hereby certify that this publication constitutes a true copy of the proposed Charter for the Town of Northlake, Texas, as adopted by the members thereof.

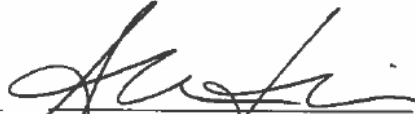

Brian Montini, Chair


Delinda Bailey


Vince Goddard


Michaela Monson

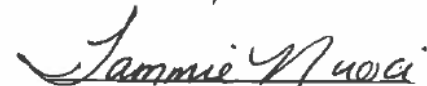

Wesley Boyer


Shannon Joski


Bill Moore

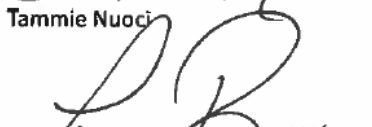

Bryan Davenport


Joel McGregor


Tammie Nuoci


Todd DiPietro

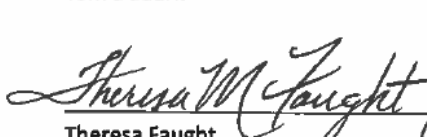

Aaron Fowler

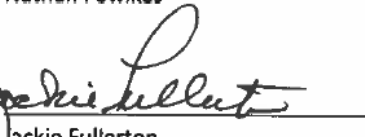

Teresa Ross


Tom Dudark


Nathan Fowlkes


John Stewart


Theresa Fought


Jackie Fullerton


Summer Wright

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2011

REF. DOC. : TOWN OF NORTHLAKE COUNCIL PLACE 6 ELECTION RESULTS

SUBJECT: DECLARE RESULTS ELECTING ONE COUNCIL MEMBER



STRATEGIC GOALS/OBJECTIVES:

- Promote Public Involvement (Council Goal)

BACKGROUND INFORMATION:

- February 11, 2021, Town Council called special election for Place 6 contingent of Charter passing
- Charter proposition passed on uniform election date of May 1, 2021
- Unofficial results of Place 6 election:
 - For Wes Boyer 391 or 57%
 - For Jeff Nichols 293 or 43%

COUNCIL ACTION:

- Declare results electing Wes Boyer to Council Place 6



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

No. 21-0513B

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, DECLARING RESULTS OF A SPECIAL ELECTION HELD ON MAY 1, 2021 FOR THE PURPOSE OF ELECTING ONE COUNCIL MEMBER TO PLACE 6 FOR A TWO-YEAR TERM

WHEREAS, the Town Council of the Town of Northlake, Texas ("Town") caused to be published in accordance with the laws of the State of Texas, notice of the election held May 1, 2021, to elect one Council Member for Place 6; and

WHEREAS, notice of election was properly given by the Town as required by law; and

WHEREAS, the Town Council has considered the returns of said election held May 1, 2021; and

WHEREAS, said election was duly and legally held on May 1, 2021, in the Town and in conformity with the election laws of the State of Texas, and the results of said election have been certified and returned by the proper judge and clerks thereof; and

WHEREAS, the election returns, duly and legally made, showed that there were cast in said election a total of 785 valid and legal votes, of which 1 were cast absentee, 513 were cast early, and 271 were cast on election day; and that each of the candidates in said election received the following votes:

COUNCIL MEMBER PLACE 6

Candidate	Absentee	Early Voting	Election Day	Total	Percentage
Wes Boyer	0	257	134	391	57.16%
Jeff Nichols	1	202	90	293	42.84%

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

Section 1. That it is found and determined that the results of the election as canvassed and tabulated in the preamble reflect the expressed desires of the residents, qualified electors of the Town, and that the canvass of votes cast in said election and returns thereof, which is attached hereto as Exhibit A, were made in accordance with the law.



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

Section 2. That the duly elected members of the Town Council of the Town of Northlake, Texas, elected on May 1, 2021, for Council Member Places 6 subject to the taking of the oaths as provided by the laws of the State of Texas are as follows:

Council Place 6 – Wes Boyer

PASSED AND APPROVED ON THIS THE 13TH DAY OF MAY 2021.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Shirley Rogers, Town Secretary

Northlake Precinct

Denton County

Unofficial Results

Registered Voters

785 of 4076 = 19.26%

Precincts Reporting

1 of 1 = 100.00%

Run Time 1:41 PM

Run Date 05/04/2021

General & Special Elections

5/1/2021

Page 1

4035

785 of 4,076 registered voters = 19.26%

Town of Northlake Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		1	100.00%	437	86.36%	214	79.55%	652	84.02%
Against		0	0.00%	69	13.64%	55	20.45%	124	15.98%
Cast Votes:		1	100.00%	506	100.00%	269	100.00%	776	100.00%
Undervotes:		0		7		2		9	
Overvotes:		0		0		0		0	

Town of Northlake Council Member, Place 6

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Wes Boyer		0	0.00%	257	55.99%	134	59.82%	391	57.16%
Jeff Nichols		1	100.00%	202	44.01%	90	40.18%	293	42.84%
Cast Votes:		1	100.00%	459	100.00%	224	100.00%	684	100.00%
Undervotes:		0		54		45		99	
Overvotes:		0		0		2		2	

*** End of report ***

TOWN OF NORTHLAKE COUNCIL ITEM NO. 5

DATE: MAY 13, 2021

ITEM: ACTION ITEMS



Oaths of Office

David Rettig, Mayor

Roger Sessions, Place 4

Bill Moore, Place 5

Wes Boyer, Place 6

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC.: NORTHLAKE HOME RULE CHARTER

SUBJECT: ANNUAL APPOINTMENT OF MAYOR PRO TEMPORE



GOALS/OBJECTIVES:

- Operate Efficiently and Effectively (Council Goal)

BACKGROUND INFORMATION:

- At first meeting after general election, or as soon as practicable, council appoints a member of council as mayor pro tempore
- Mayor pro tempore term one year
- If mayor fails, is unable, or refuses to act, the mayor pro tempore shall perform the mayor's duties
- If mayor and mayor pro tempore are absent, any council member may be appointed presiding officer by council present

COUNCIL ACTION:

- Per Mayor Rettig's request, please submit nominations to him prior to meeting
- Appoint Mayor Pro Tem

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC. : NORTHLAKE HOME RULE CHARTER

SUBJECT: MUNICIPAL JUDGE APPOINTMENT, LICENSED ATTORNEY



STRATEGIC GOALS/OBJECTIVES:

- Control our Own Destiny; Plan and prepare for a future Home Rule Charter election (Council Goal)
- Operate Efficiently and Effectively; Attract and retain top-quality staff (Council Goal)

BACKGROUND INFORMATION:

- Charter requires Municipal Court Judge be licensed attorney
- Requirement effective immediately upon adoption of charter
- Recommended attorneys who are willing to serve as municipal judge of Northlake
 - Greg Bertrand
 - Patricia A. Adams
 - Harris Hughey

COUNCIL DIRECTION:

- Appoint Municipal Judge

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC. : NORTHLAKE HOME RULE CHARTER

SUBJECT: MODIFY PLANNING AND ZONING COMMISSION, CREATE BOARD OF ADJUSTMENT, AND APPOINT BOARD MEMBERS



STRATEGIC GOALS/OBJECTIVES:

- Control our Own Destiny; Plan and prepare for a future Home Rule Charter election (Council Goal)
- Responsibly Manage Growth (Council Goal)

BACKGROUND INFORMATION:

- Northlake Home Rule Charter requires:
 - Adoption of ordinances creating Planning and Zoning Commission and Board of Adjustment
 - Appoint members to boards
- Planning and Zoning Commission (P&Z)
 - Seven (7) members, removal discretionary, Councilors cannot serve
 - Duties include reviewing and recommending development activities
 - Powers include final approval of certain plats and some plans
- Board of Adjustment (BOA)
 - Five (5) members, removal for cause only, Councilors cannot serve
 - Duties and powers include hearing administrative appeals and variance petitions
 - Requires three-quarter vote to reverse administrative decision (4 of 5)
- Board member requirements per proposed Charter
 - Registered voter and Northlake resident
 - Equitable representation of areas and neighborhoods of Town
 - Chair selected by specific board
- Meeting calendar additions and changes
 - Planning and Zoning monthly meeting – Tuesday nine (9) days prior to first Council meeting
 - Board of Adjustment monthly meeting – Tuesday following first Council meeting

BOARD APPLICANTS:

- Twenty residents applied to serve on P&Z
- Fifteen residents applied to serve on BOA
- Thirteen of above applicants applied for both P&Z and BOA
- Information table for all applicants to all boards attached

COUNCIL ACTION:

- Adopt ordinances creating boards and terms, duties, functions
- Review applicants and appoint members

List of Applicants for Boards and Commissions

Name	P&Z	BOA	EDC	CDC	NL Voter	Subdivision
Chris Amarante	Yes	Yes			Yes	North Ridge Estates
Marie Amarante *			Yes		Yes	North Ridge Estates
Bryan Davenport			Yes	Yes	Yes	The Highlands
Todd DiPietro *				Yes	Yes	Brian's Place
Kristen Dixon	Yes	Yes		Yes	Yes	Canyon Falls
Tom Dudark *	Yes	Yes		Yes	Yes	North Ridge Estates
Aaron Fowler			Yes	Yes	Yes	Prairie View Farms
Matthew Garrett	Yes				Yes	Canyon Falls
Amy Goodwin	Yes			Yes	Yes	Stardust Ranch
Dynise Hiebert	Yes	Yes	Yes	Yes	Yes	Stardust Ranch
Traci Honeycutt	Yes	Yes	Yes	Yes	Yes	Pecan Square
Linda King *			Yes		Yes	Canyon Falls
Terry King			Yes		No	Lamar Bank
Kathy Kliever	Yes	Yes	Yes	Yes	Yes	North Ridge Estates
Kristal Mantyh				Yes	Yes	Stardust Ranch
Michaela Monson	Yes		Yes	Yes	Yes	Stardust Ranch
Bill Moore *			Yes		Yes	Prairie View Farms
Michele Newby *				Yes	Yes	North Ridge Estates
Cody Nicholson	Yes	Yes	Yes	Yes	Yes	Pecan Square
Cody Norwood	Yes	Yes	Yes	Yes	Yes	Pecan Square
Kyla Oberg	Yes		Yes	Yes	Yes	Pecan Square
Robert Parker	Yes	Yes	Yes	Yes	Yes	The Ridge
Zolaina Parker	Yes	Yes	Yes	Yes	Yes	Stardust Ranch
Gabe Rios	Yes		Yes	Yes	Yes	The Highlands
Danny Simpson	Yes				Yes	Rural/Ranchland
LePaula Smith	Yes	Yes	Yes	Yes	Yes	Stardust Ranch
John Stewart	Yes	Yes		Yes	Yes	Pecan Square
Dennis Tatsch	Yes	Yes			Yes	Pecan Square
Marc Thompson		Yes			Yes	Stardust Ranch
Ian Waya			Yes	Yes	Yes	Pecan Square
Cale Welborn			Yes	Yes	No	Harvest-ETJ
Sonya Wooley			Yes		Yes	Prairie View Farms

* - EDC/CDC Incumbent



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. 21-0513C

AN ORDINANCE AMENDING CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS AMENDING THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS AND THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF NORTHLAKE, TEXAS; PROVIDING FOR THE CREATION OF A PLANNING AND ZONING COMMISSION; AMENDING PROVISIONS RELATED TO THE BOARD OF ADJUSTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, Texas is a home rule municipality acting under its charter adopted by the electorate pursuant to article XI, section 5 of the Texas Constitution and chapter 9 of the Texas Local Government Code; and

WHEREAS, the Town previously adopted the Town's Unified Development Code ("UDC") on January 24, 2013 which includes regulations designating the Town Council as the Planning and Zoning Commission and establishing the Board of Adjustment; and

WHEREAS, the UDC provides for text amendments in certain situations; and

WHEREAS, upon review, the Town Council determined that provisions regarding the Planning and Zoning Commission and Board of Adjustment require updating to conform with Charter provisions regarding those boards; and

WHEREAS, the Town Council held a public hearing on May 13, 2021 after proper notification thereof with respect to the adoption of the proposed UDC text amendments in accordance with the UDC and the Texas Local Government Code; and

WHEREAS, the Town Council has determined that the amendment as outlined herein is in the best interest of the health, safety, and general welfare of the citizens of the Town of Northlake and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS THAT:

SECTION 1. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. Section 9.01.001, "Planning and zoning Commission," in Article 9.01, "General Provisions," of Chapter 9, "Planning and Miscellaneous Development Regulations," of the Code of Ordinances of the Town Northlake is hereby amended to read as follows:

“Sec. 9.01.001 Planning and Zoning Commission

There is hereby created an advisory board known as the planning and zoning commission responsible for performing the duties outlined in Unified Development Code.”

SECTION 3. Section 3.2, “Town Council,” in Article 3 “Boards and Commissions,” of the Unified Development Code of the Town Northlake is hereby amended by amending subsection B to read as follows:

“Sec. 3.2 Town Council

B. Duties and Approval Authority

In addition to other rights of approval, the Town Council shall have final approval authority on the following applications:

1. An application for amendment to the text or maps within the Comprehensive Plan.
2. An application for amendment to the text of this UDC.
3. An application for annexation.
4. An application to establish or amend a zoning district map classification including the creation of a Planned Development District.
5. An application for a Specific Use Permit.
6. An application for approval of a community facilities agreement within the Town’s corporate boundaries and a development agreement in the Town’s ETJ.
7. An application to extend Town utilities to land located in the Town’s ETJ.
8. An appeal of any Town Board, Commission, or Town staff except as expressly provided for in this UDC.
9. An application for a plat requesting a waiver of the obligations of this UDC.
10. An application for a site plan requesting a waiver of the obligations of this UDC.
11. Waiver to provisions pertaining to platting requirements.”

SECTION 4. Section 3.3, “Town Council Designated as Planning and Zoning Commission,” in Article 3, “Boards and Commissions,” of the Unified Development Code of the Town Northlake is hereby amended to read as follows:

“Sec. 3.3 Planning and Zoning Commission

A. Organization

1. The planning and zoning commission shall consist of seven regular members appointed by a majority vote of the town council.
2. In addition to seven regular members of the commission, two alternate members of the commission, who shall serve in the absence of one or more regular members, may be appointed by a majority vote of the town council. In determining which of the two alternate members shall serve in the absence of a regular member, the alternate member with the longest tenure shall so serve. If, for any reason, the alternate member with the longest tenure is unavailable to serve, the second alternate member shall so serve.
3. Regular members shall be designated as place number one through seven and alternate members (if applicable) shall be designated as alternate place number eight and alternate place number nine.
4. Each member or alternate member of the planning and zoning commission shall be a resident citizen and qualified voter of the town at the time of their appointment. A member or alternate member who ceases to reside in the town during their term of office shall immediately forfeit their office.
5. The term of office of members or alternate members of the planning and zoning commission shall be for one year. Members and alternate members of the commission may be removed, with or without cause, by the town council before their terms of office expire.
6. Members and alternate members shall serve without compensation.
7. Other qualifications for regular or alternate membership shall be a genuine interest in the planning and zoning of the town, ability to work with the public, and time to devote to this service.
8. Regular members and alternate members of the planning and zoning commission shall be appointed by the town council in accordance with established procedures.

B. Officers and Procedures.

1. At the first scheduled commission meeting in June of each year, or as soon thereafter as practicable, the first item of business shall be the selection of the commission's chairperson and vice-chairperson from among the membership of the commission. Alternate members of the commission are not eligible to serve as commission chairperson or vice-chairperson or to participate in the selection of said chairperson or vice-chairperson.
2. The chairperson shall preside over meetings and shall be a voting member of the commission.
3. The vice-chairperson shall assist the chairperson in directing the affairs of the planning and zoning commission. In the absence of the chairperson, the vice-chairperson shall assume the

duties of the chairperson. The vice-chairperson, when acting as chairperson, shall retain the right to vote.

4. In the event of the absence of both the chairperson and vice-chairperson, any member of the commission may be selected as the acting chairperson for that particular meeting by majority vote of the members present. Any commission member acting as chairperson shall retain the right to vote. No member shall be required to act as chairperson if the member so declines.
5. The recording of minutes of all commission meetings shall be the responsibility of the town staff.
6. A majority of the commission shall constitute a quorum (four members) to do business and the affirmative vote of the majority of those attending shall be necessary to pass any motion.

C. Duties and Powers.

1. The planning and zoning commission shall, acting in its advisory role, have the following powers and duties:
 - a. Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the Council for action to be taken.
 - b. To hear, recommend, or determine any matter relating to zoning, planning, or subdivision control as they may be specified or required under this Unified Development Code, or applicable laws of the state.
 - c. To have final approval authority for site plans and plat applications that do not require a waiver of the requirements of this UDC.
 - d. Exercise the duties and powers as may be now or hereafter conferred by this Unified Development Code, Town Charter, or applicable laws of the state.”

SECTION 5. Section 3.4, “Board of Adjustment,” in Article 3, “Boards and Commissions,” of the Unified Development Code of the Town Northlake is hereby amended by amending Subsections 3.4.A., 3.4.B., and 3.4.C.1.a. to read as follows:

A. Creation and Organization

There is hereby created a board known as the board of adjustment, which shall be organized as follows:

1. The board of adjustment shall consist of five regular members appointed by a majority vote of the town council.
2. Members shall be designated as places one through five.
3. Each member of the board shall be a resident citizen and qualified voter of the town, at the time of appointment. A member who ceases to reside in the town during his term of office shall immediately forfeit his office.

4. The term of office for members of the board shall be for one year. Members may be removed for cause before their terms of office expire.

- a. Cause for removal may include any of the following:
 - i. Refusal or failure to attend board meetings;
 - ii. Violation of state law involving conflicts of interest;
 - iii. Violation of the Town's code of ethics;
 - iv. Incompetency; or
 - v. Any other cause that impedes the ability of the member to perform his or her duties.

5. Members of the board shall serve without compensation.

B. Officers and procedures.

1. At the first scheduled board meeting in June of each year, or as soon thereafter as practicable, the first item of business shall be the selection of the board of adjustment's chairperson and vice-chairperson from among the membership of the board.
2. The chairperson shall preside over meetings. If a question over procedures arises, Robert's Rules of Order shall apply.
3. The vice-chairperson shall assist the chairperson in directing the affairs of the board of adjustment. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson.
4. The recording of the minutes of the board of adjustment meetings shall be the responsibility of the town personnel assigned by the Town Manager.
5. The board of adjustment may adopt rules to govern its proceedings and conduct the business before the board; provided, however, that such rules are not inconsistent with this UDC or laws of this state.
6. The concurring vote of not less than seventy-five percent (75%) of board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which the board is required to act under this UDC, or to grant any variance authorized by this UDC.
7. The filing fee for every petition to be submitted to the board of adjustment shall be as provided for in the fee schedule in appendix A to the Town of Northlake Code of Ordinances.

C. Powers of the Board. The BOA shall have the powers and exercise the duties of a BOA in accordance with LGC section 211.008. The BOA's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications, and to that end shall have the necessary authority to ensure continuing compliance with its decision.

1. The BOA shall have the following powers:

- a. Interpretation. To render an interpretation of the zoning regulations or the manner of their application where it is alleged that there is error in any order, requirement, or determination made by the administrative official in the administration of such provisions. In reaching its decisions the BOA shall establish firm guidelines for future administrative actions on like matters. To hear and decide appeals of alleged code violations in accordance with the procedures set out in subsections 3.4.D and 3.4.E herein.

***"

SECTION 6. Section 3.5, "Administrative Authority," in Article 3, "Boards and Commissions," of the Unified Development Code of the Town Northlake is hereby amended by amending Subsections 3.5.C. to read as follows:

"Sec. 3.5 Administrative Authority

C. Duties and Approval Authority

1. The Town Manager or designee shall have the authority to review and make a recommendation to the Town Planning and Zoning Commission or to the Town Council unless otherwise stated within this UDC on the following applications:

***"

SECTION 7. Article 4, "Procedures and Applications," of the Unified Development Code of the Town Northlake is hereby amended to read as follows:

"Sec. 4.1 Purpose and Intent

The purpose of this Article is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the Town of Northlake.

Sec. 4.2 Initiation of Application

- A. Application Submittal. All development applications to be considered by the Town shall be initiated by the filing of the application by the owner of the property on which the permit is applicable or by the owner's designated agent. In the event an application is submitted by a designated agent, the application must be accompanied by a written statement, signed by the owner, authorizing the agent to file the application on the owner's behalf.

Sec. 4.3 Notice Requirements

- B. Written Notice. Whenever written notice of a public hearing before a Board, Commission, or the Town Council is required, before the tenth (10) day before the hearing date, the Town Manager or designee shall cause written notice to be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the exterior boundary of the property in question. Said notice shall be set forth the date, time, place, and purpose of the hearing as required under LGC section 211.007(c). The notice may be served by its deposit, properly addressed with postage paid, in the United States mail. If the property within two hundred (200) feet of the property in question is located in territory within the Town and is not included on the most recently approved municipal tax roll, notice to such owners shall be given by one publication in an official newspaper or a newspaper of general circulation in the Town at least fifteen (15) days before the date of the hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

Sec. 4.4 Public Hearings

- B. Conduct of Hearing. Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her name, address, and if appearing on behalf of an organization, state the name and mailing address of the organization for the record. Subject to the inherent authority of the Mayor, or the chairperson conducting the hearing, to conduct meetings, public hearings shall generally be conducted as follows:

5. At the discretion of the Mayor, or the chairperson conducting the hearing, the Town staff and the applicant may respond to any statement by the public.

9. The Board, Commission, or Town Council shall make a decision, or deference of decision if so desired.

Sec. 4.5 Post-Decision Procedures

- A. Notification Required. Within ten (10) business days following final action on any development application, the appropriate Town Department shall provide written notification to the applicant of the decision of the Board, Commission, or Town Council considering the request. If an application has been denied, the notification should include the reason for the denial if identified by the body considering the request, as well as any information relating to the reapplication procedures for the appropriate application.

Sec. 4.6 Comprehensive Plan Amendment

C. Processing of Application and Decision.

1. Submittal. An application for an amendment to the Comprehensive Plan shall be submitted to the Town Manager or designee. The Town Manager or designee shall review the application for completeness in accordance with section 4.2 of this Article. The Town Manager or designee may, at their option, request a recommendation from any other Town Department or consultant. The Town Manager or designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the Town Manager or designee shall forward a written recommendation to the Planning and Zoning Commission and Town Council.
2. Review by planning and zoning commission.
 - a. *Generally.* Before taking action on any proposed comprehensive plan, zoning map, or zoning text amendment, supplement, or change, the Town Council shall submit the same to the planning and zoning commission for its recommendation and report.
 - b. *Hearing.* The planning and zoning commission shall hold a public hearing on any application for any such amendment or change prior to making its recommendation and report to the town council.
 - c. *Notification Requirements.* Prior to consideration, an application for an amendment to the Comprehensive Plan requires published and written notice in accordance with section 4.3 of this Article.
3. Decision by Town Council.
 - a. *Generally.* The Town Council shall hold a public hearing in accordance with the Texas Open Meetings Act and Sec. 4.4 of this Article before taking action on any proposed comprehensive plan, zoning map, or zoning text amendment, supplement, or change.
 - b. *Notification Requirements.* Prior to consideration, an application for an amendment to the Comprehensive Plan requires published and written notice in accordance with section 4.3 of this Article.

- D. Criteria for Approval. The following criterial should be considered in evaluating action on an amendment to the Comprehensive Plan:

6. Other criteria deemed relevant and important by the reviewing body in the consideration of the amendment.

Sec. 4.7 Unified Development Code Text Amendment

C. Processing of Application and Decision.

1. Submittal. An application for an amendment to the text of this UDC shall be submitted to the Town Manager or designee. The Town Manager or designee shall review the application for completeness in accordance with section 4.2 of this Article. The Town Manager or designee may, at their option, request a recommendation from any other Town Department or consultant. After appropriate review, the Town Manager or designee shall forward a written recommendation to the Planning and Zoning Commission and Town Council.
2. Review by planning and zoning commission.
 - a. *Generally.* Before taking action on any proposed amendment to the text of this UDC, the Town Council shall submit the same to the planning and zoning commission for its recommendation and report.
 - b. *Hearing.* The planning and zoning commission shall hold a public hearing on any application for any such amendment or change prior to making its recommendation and report to the town council.
 - c. *Notification Requirements.* Prior to consideration, an application for an amendment to the Comprehensive Plan requires published notice in accordance with section 4.3 of this Article.
3. Decision by Town Council.
 - a. *Generally.* The Town Council shall hold a public hearing in accordance with the Texas Open Meetings Act and Sec. 4.4 of this Article before taking action on any proposed amendment to the text of this UDC. The Town Council may vote to approve, approve with conditions, or deny the amendment.
 - b. *Notification Requirements.* Prior to consideration, an application for an amendment to the Comprehensive Plan requires published notice in accordance with section 4.3 of this Article.

- E. Criteria for Approval. The following criterial should be considered in evaluating action on an amendment to text of this UDC:

4. Other criteria deemed relevant and important by the reviewing body in the consideration of the amendment.

***"

Sec. 4.8 Annexation

In processing a request for voluntary annexation by a property owner wishing to extend the corporate limits of the Town to incorporate property adjacent to the Town's existing municipal boundaries, the Town shall comply with all requirements of state law.

Sec. 4.9 Development Agreements

The purpose of a Development Agreement is to determine whether the Town wishes to authorize a plan of development for land located within its ETJ or Town limits, to prescribe land uses, environmental standards, development standards, and public facilities standards governing development of the land for the term of the agreement, to provide for the delivery of public facilities to the property, and to provide for annexation of property to the Town. The Town shall comply with all requirements of state law in processing a request for a Development Agreement.

Sec. 4.10 Utility Service Extension

A request for approval of a Utility Service Extension shall be required where a property owner seeks water or wastewater services from the Town for a proposed project that will be located within the Town's ETJ at the time of the proposed extension and subsequent development. Any application for a Utility Service Extension shall be accompanied by a request for voluntary annexation. The Town shall comply with all requirements for state law in processing a request for a Utility Service Extension.

Sec. 4.13 Building Permits

- D. Appeals. Any person or persons aggrieved by any decision of the Town Manager or designee, or any taxpayer or any officer, department or Board of the Town may appeal the decision to the Board of Appeals.

***"

SECTION 8. Section 5.4, "Zoning Change/Zoning Map Amendment," of Article 5, "Zoning Districts," of the Unified Development Code of the Town Northlake is hereby amended to read as follows:

"Sec. 5.4 Zoning Change/Zoning Map Amendment

C. Processing of Application and Decision.

1. Submittal. An application for a zoning change or zoning map amendment shall be submitted to the Town Manager or designee. The Town Manager or designee shall review the application for completeness in accordance with section 4.2 of this UDC. The Town Manager or designee may, at their option, request a recommendation from any other Town Department or consultant. The Town Manager or designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After

appropriate review, the Town Manager or designee shall forward a written recommendation to the Planning and Zoning Commission and Town Council for consideration.

2. Review by Planning and Zoning Commission.

- a. *Generally.* Before taking action on any proposed zoning change or zoning map amendment, the Town Council shall submit the same to the planning and zoning commission for its recommendation and report.
- b. *Hearing.* The planning and zoning commission shall hold a public hearing on any application for any such change or amendment prior to making its recommendation and report to the Town Council.
- c. *Notification Requirements.* Prior to consideration, an application for a zoning change or zoning map amendment requires published and written notice in accordance with section 4.3 of this UDC.

3. Decision by Town Council.

- a. *Generally.* The Town Council shall hold a public hearing in accordance with the Texas Open Meetings Act and Sec. 4.4 of this UDC before taking action on any application for a zoning change or zoning map amendment.
- b. *Notification Requirements.* Prior to consideration, an application for a zoning change or zoning map amendment requires published and written notice in accordance with section 4.3 of this UDC.
- c. *Determination.* The Town Council may vote to approve, approve with conditions, or deny the request. The Town Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days from the date of the current consideration in order to review additional information or modifications that may have a direct bearing on the final decision.

4. Consideration of Previously Denied Amendment. A request for a zoning change or zoning map amendment for a tract of land shall not be considered by the Planning and Zoning Commission within six (6) months of the Council's decision to deny the request unless the request is to a different zoning classification or there has been a substantial change in the conditions surrounding the parcel since the initial request. For the purpose of this section, a request may be considered substantially different if the change is to a different zoning classification, there is a change in conditions relating to zoning principles of the property or surrounding properties, or there is a change in the nature of the development of the property or surrounding properties. The Town Manager, or designee, shall have the authority to determine whether the request is substantially different from the initial request.

D. Criteria for Approval. The following criterial should be considered in evaluating an application for a zoning change or zoning map amendment:

7. Other criteria the reviewing body, in its exercise of legislative authority, deems relevant and important in the consideration of the zoning change or zoning map amendment.

SECTION 9. Article 5, “Zoning Districts,” of the Unified Development Code of the Town Northlake is hereby amended by amending Sections 5.10, “Planned Development,” 5.11, “Specific Use Permit (SUP),” and 5.12 “Temporary Use Permit (TUP),” to read as follows:

“Sec. 5.10 Planned Development

B. Processing of Application and Decision.

1. Submittal. An application for PD shall be submitted to the Town Manager or designee. The Town Manager or designee shall review the application for completeness in accordance with section 4.2 of this UDC. The Town Manager or designee may, at their option, request a recommendation from any other Town Department or consultant. The Town Manager or designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the Town Manager or designee shall forward a written recommendation to the Planning and Zoning Commission and Town Council for consideration.
2. Review by Planning and Zoning Commission.
 - d. *Generally.* Before taking action on any proposed PD, the Town Council shall submit the same to the planning and zoning commission for its recommendation and report.
 - e. *Hearing.* The planning and zoning commission shall hold a public hearing on any application for a PD prior to making its recommendation and report to the Town Council.
 - f. *Notification Requirements.* Prior to consideration, an application for a PD requires published and written notice in accordance with section 4.3 of this UDC.
3. Decision by Town Council.
 - d. *Generally.* The Town Council shall hold a public hearing in accordance with the Texas Open Meetings Act and Sec. 4.4 of this UDC before taking action on any application for a PD.
 - e. *Notification Requirements.* Prior to consideration, an application for a PD requires published and written notice in accordance with section 4.3 of this UDC.
 - f. *Determination.* The Town Council may vote to approve, approve with conditions, or deny the request. The Town Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days from the date of the current consideration in order to review

additional information or modifications that may have a direct bearing on the final decision.

C. Development Standards Included.

1. Development standards for each PD shall be set forth in the ordinances granted by the PD and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements recommended by the Planning and Zoning Commission or that the Town Council may deem appropriate.
2. All PD applications shall list all required variances from the standard requirements set forth throughout this UDC (applications without this list will be considered incomplete).
3. The PD shall conform to all other sections of the UDC unless specifically exempted in the granting ordinance.

D. Concept Plan, Detailed Site Plan, and Preliminary Plat. In establishing a PD, the Town Council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each PD. During the review and public hearing process a concept plan shall be submitted. A detailed site plan may be submitted either concurrently with the concept plan or as a separate submittal.

3. Detailed Site Plan. The plan shall set forth the final plans for development of a non-single-family PD and shall conform to the data presented and approved on the concept plan. Approval of the detailed site plan shall be the basis for issuance of a building permit. The detailed site plan shall be acted upon by the Planning and Zoning Commission, which shall make a recommendation to the Town Council for final approval. A public hearing is not required. The detailed site plan may be submitted for the total area or any section of the planned development. The detailed site plan shall include:

- e. An architectural plan showing elevations and signage style to be used throughout the development. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the Town Staff, Planning and Zoning Commission, and the Town Council.

E. Criteria for Approval. The following criterial should be considered in evaluating an application for a zoning change or zoning map amendment:

6. Other criteria the reviewing body deems relevant and important in the consideration of the PD.

- F. Amendments. The Town Manager or designee may permit the applicant to make minor amendments to the Concept Plan without the necessity of amending the ordinances that establishes the PD. If the proposed amendments change and/or impact the nature or purpose of the approved PD, whether individually or cumulatively, the Town Manager or designee may deny the request for approval of the modifications and provide the applicant with the opportunity to revise the proposed amendments to bring them into compliance with the PD. If an applicant wishes to make any amendments to an approved Concept Plan other than minor amendments approved by the Town Manager or designee, the Town Manager or designee will submit the amendments to the Planning and Zoning Commission and Town Council for review and approval as a revised PD. Minor amendments shall only be as follows:

Sec. 5.11 Specific Use permit (SUP)

C. Processing of Application and Decision.

1. Submittal. An application for a SUP shall be submitted to the Town Manager or designee. The Town Manager or designee shall review the application for completeness in accordance with section 4.2 of this UDC. The Town Manager or designee may, at their option, request a recommendation from any other Town Department or consultant. The Town Manager or designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the Town Manager or designee shall forward a written recommendation to the Planning and Zoning Commission and Town Council for consideration.
2. Review by Planning and Zoning Commission.
 - a. *Generally*. Before taking action on any proposed SUP, the Town Council shall submit the same to the Planning and Zoning Commission for its recommendation and report.
 - b. *Hearing*. The Planning and Zoning Commission shall hold a public hearing on any application for any proposed SUP prior to making its recommendation and report to the Town Council.
 - c. *Notification Requirements*. Prior to consideration, an application for an SUP requires published and written notice in accordance with section 4.3 of this UDC.
3. Decision by Town Council.

- a. *Generally.* The Town Council shall hold a public hearing in accordance with the Texas Open Meetings Act and Sec. 4.4 of this UDC before taking action on any application for a SUP.
 - b. *Notification Requirements.* Prior to consideration, an application for a SUP requires published and written notice in accordance with section 4.3 of this UDC.
 - c. *Determination.* The Town Council may vote to approve, approve with conditions, or deny the SUP. The Town Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days from the date of the current consideration in order to review additional information or modifications that may have a direct bearing on the final decision.
- D. Criteria for Approval. The following criterial should be considered in evaluating an application for a SUP:

- 9. Other criteria the reviewing body deems relevant and important in the consideration of the zoning change or zoning map amendment.

E. Conditions.

- 1. The Planning and Zoning Commission, in making a recommendation, and the Town Council, in considering final action, may require such modifications in the proposed use and attach such conditions to the SUP as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include, but are not limited to, limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement, or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, and hours of operation.

Sec. 5.12 Temporary Use Permit (TUP)

B. Permitted Temporary Uses

- 5. Carnivals and Circuses. Carnivals and circuses may be allowed as a temporary use for a period not exceeding three consecutive days. Such events shall be on a site in nonresidential zoning districts. Adequate parking and sanitary facilities shall be made available to the satisfaction of the Town Manager or designee. No carnival or circus shall begin operation before 8:00 a.m. and operation shall cease before 11:00 p.m. on all nights except on Saturday when the event

shall cease operation at midnight. The Town Manager or designee shall establish the terms and conditions for temporary use at the time of approval. In the event that a sponsor is dissatisfied with the town enforcement officer's decision, the sponsor may appeal the request to the Board of Adjustment.

***"

SECTION 10. Section 8.5 "Outdoor Lighting Regulations, of Article 8, "Special Uses and General Regulations," of the Unified Development Code of the Town Northlake is hereby amended by amending subsection 8.5.C.8. "Temporary Exemptions," to read as follows:

8. Temporary Exemptions. Upon approval by the Town Manager or designee, temporary exemptions from the requirements of this ordinance for a period not to exceed thirty (30) days may be approved. At the discretion of the Town Manager or designee, approvals of temporary exemptions may be referred to the Town Council. Any person may submit a written request, on a form prepared by the Town for a temporary exemption request. The request shall contain the following information:

***"

SECTION 10. Section 8.5, "Outdoor Lighting Regulations, of Article 8, "Special Uses and General Regulations," of the Unified Development Code of the Town Northlake is hereby amended by amending subsection 8.5.J.2. "Consideration Application," to read as follows:

2. Consideration of Application. In considering whether to grant a SUP, the Planning and Zoning Commission and Town Council shall consider the following:

***"

SECTION 11. Section 9.1, "General Design Standards," of Article 9, "Design Standards," of the Unified Development Code of the Town Northlake is hereby amended by amending subsection A, "Conformity with Comprehensive Plan," to read as follows:

- A. Conformity with Comprehensive Plan. All development shall conform to the Comprehensive Plan for orderly and unified development of streets, utilities, neighborhood design, and public land and facilities, as well as all provisions of this UDC and other ordinances and codes adopted by the Town. Standards and design criteria contained herein represent minimum values considered necessary for the health, safety and welfare of the community. The design engineer and developer are required to meet the requirements of these standards. However, they shall not permit their design to fall below the standards of this UDC. Where there is a conflict between the regulations contained within this Article and regulations or standards contained within any other ordinance or code of the Town, the more restrictive regulation shall apply. Approval of plans and specifications by the Town shall not be construed as relieving the design engineer/developer of responsibility for compliance with this UDC, nor with any other local, county or state authority having jurisdiction. Neither the Planning and Zoning Commission nor the Town Council shall approve plat, and no completed improvements shall be accepted unless they conform to standards and detailed specifications as contained in this UDC or variances that have been approved in accordance with this UDC."

SECTION 12. Section 9.2, “Blocks,” of Article 9 “Design Standards,” of the Unified Development Code of the Town Northlake is hereby amended by amending subsection 9.2.C. to read as follows:

- C. The Board of Appeals may approve a waiver to the standards of this section in cases where physical barriers, property ownership or adjacent existing subdivisions create conditions where it is appropriate. The length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.”

SECTION 13. Section 11.17, “Meritorious Exceptions,” of Article 11, “Signs,” of the Unified Development Code of the Town Northlake is hereby amended by amending subsections 11.17.C. and 11.17.D to read as follows:

- C. Upon request of the applicant, the Town Council shall hear and shall seriously and fairly consider a request for a meritorious exception under this Article. Prior to consideration of an application for a meritorious exception, the Planning and Zoning Commission and Town Council shall hold public hearings, with notice given according to the procedure for a zoning change.
- D. The application for a meritorious exception shall be reviewed by staff and a report of findings shall be prepared and submitted to the Planning and Zoning Commission and Town Council. In considering the request, the reviewing body shall consider the following factors in determining the extent of any exception granted:

***”

Section 14. Section 11.18, “Definitions and Requirements,” of Article 11, “Signs,” of the Unified Development Code of the Town of Northlake is hereby amended by revising subsection 95, “Unified Sign Development Plan,” to read as follows:

- 95. “UNIFIED SIGN DEVELOPMENT PLAN - A Unified Sign Development Plan is required to be prepared for variance requests. A Unified Sign Development Plan is also required prior to the issuance of a sign permit for certain signs specified in this section, or as otherwise required herein, to determine overall sign locations on a property, the relationship of the signs to surrounding existing, and proposed improvements, and to determine consistency and uniformity among buildings and signs within a commercial or residential development.

- a. A Unified Sign Development Plan shall contain the following information:

- 6) A Unified Development Sign Plan required of certain signs specified in this section, or as otherwise required herein, shall be submitted to the town. The Unified Development Sign Plan will be reviewed in accordance with the town’s development review schedule. The Planning and Zoning Commission shall make a recommendation to the Town Council. The Town Council may approve or deny the Unified Development Sign Plan. The decision of the Town Council is discretionary. The Town Council’s decision is final.”

SECTION 15. Section 12.4, "Approval Process," in Article 12 "Subdivisions," of the Unified Development Code of the Town Northlake is hereby amended to read as follows:

"Sec. 12.4 Approval Procedure

- A. Applications for development are to be submitted for the approval of the Planning and Zoning Commission or the Town Council, as appropriate, in accordance with the provisions stated herein. The Planning and Zoning Commission or the Town Council, as appropriate shall act on a final plat application within the time period required by law.

- F. The Town shall approve a development application if it conforms to:
 - 1. The rules and ordinances of the Town and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
 - 2. The Comprehensive Plan, rules, and ordinances for the extension of the Town and its roads, streets, and public highways within the Town and int its ETJ taking into account access to and extension of sewer and water mains and the instrumentality's public utilizes;
 - 3. Any other rules adopted by this UDC to promote the health, safety, morals, or general welfare of the Town and the safe, orderly, and healthful development of the Town."

SECTION 16. Section 12.5, "Dedication and Maintenance of Property," in Article 12, "Subdivisions," of the Unified Development Code of the Town Northlake is hereby amended by amending Subsection 12.5.A. to read as follows:

"Sec. 12.5 Dedication and Maintenance of Property

- A. Disapproval of a Final Plat by the Planning and Zoning Commission or by the Town Council, as appropriate, shall be deemed a refusal by the Town to accept the offered dedication shown thereon. Approval of a Final Plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the Town concerning the maintenance or improvements of any such dedicated parts until the Town has actually appropriated the same by entry, use, or accepted improvements.

***"

SECTION 17. Section 12.8, "Development Plat Preparation and Approval," in Article 12 "Subdivisions," of the Unified Development Code of the Town Northlake is hereby amended by amending subsection 12.8.D.2. to read as follows:

- 2. The Planning and Zoning Commission or Town Council, as appropriate, shall in its action on the Development Plat, consider and endorse approval on a development plat filed with it if:

***"

SECTION 18. Section 12.9, "Preliminary Plat Preparation and Approval," in Article 12, "Subdivisions," of the Unified Development Code of the Town Northlake is hereby amended to read as follows:

"Sec. 12.9 Preliminary Plat Preparation and Approval

- A. General. The owner of land to be subdivided in the Town shall have a Surveyor, registered in the State of Texas prepare a Preliminary Plat in accordance with this Ordinance. The Preliminary Plat shall depict all planning factors necessary for Town Staff, the Planning and Zoning Commission, and/or Town Council to determine if the Preliminary Plat is in conformance with the purpose and requirements of this Ordinance.
- B. Filing Requirements. Applicant shall submit copies of the Preliminary Plat in the number and format stipulated by the Town. Upon determination that the submitted material constitutes a completed application, including the payment of all fees, the Preliminary Plat shall be placed on the regular agenda of the Planning and Zoning Commission and shall be deemed to be filed with the Town.

- E. Approval Procedure

- 4. The Planning and Zoning Commission shall act on the Preliminary Plat at the regularly scheduled meeting as specified in section 12.9.B. After considering a Preliminary Plat that requests a waiver of the requirements of this UDC, the Planning and Zoning Commission shall make a recommendation to approve, approve with conditions, or deny the Preliminary Plat to Town Council.
- 5. The approval of the Preliminary Plat by the Planning and Zoning Commission or Town Council, as appropriate, does not constitute official acceptance of the proposed subdivision by the Town, but does constitute an authorization to proceed with the preparation of the Final Plat. Denial shall constitute complete denial of the Preliminary Plat and will require re-submittal of the Preliminary Plat application in its entirety, including the filing fees.
- 6. Phasing: The applicant can request final plat approval of part of the tract contained in the Preliminary Plat if a final plat phasing plan was approved in the Planning and Zoning Commission or Town Council approval of the preliminary plat.
 - a. The final plat phasing plan should include the date by which the applicant needs to record final plats for the entire tract, the dates by which infrastructure will be extended to the boundaries of the entire tract, and the approximate number of the proposed final plats and general location of each phase.
 - b. The Planning and Zoning Commission or Town Council, as appropriate, can approve the final plat phasing plan if they find that the approval will not impede the orderly growth of public services and infrastructure necessary to efficiently serve the tract

included in the approved preliminary plat, and the areas adjacent to the tract served by the same public infrastructure.

- c. The Planning and Zoning Commission or Town Council, as appropriate, may condition a phasing plan on the submission of an agreement to dedicate easements or rights-of-way.
- d. If the owner fails to record complete final plats of the entire tract, the Town may seek a fine for the violation.

***"

SECTION 19. Section 12.10, "Final Plat Preparation and Approval," in Article 12, "Subdivisions," of the Unified Development Code of the Town Northlake is hereby amended to read as follows:

"Sec. 12.10 Final Plat Preparation and Approval

C. Filing Fee.

The Final Plat shall be accompanied by a filing fee as specified by the Town Council. The fee is not refundable to the applicant regardless of the action taken on the Final Plat by the Planning and Zoning Commission or Town Council, as appropriate.

D. Form and Content

- 18. If desired by the owner/applicant and approved by the Planning and Zoning Commission or the Town Council, as appropriate, the Final Plat may constitute only that portion of the approved Preliminary Plat which he/she proposes to immediately develop. However, partial development of an approved Preliminary Plat shall be in general accordance with designated phasing plan as indicated on the Preliminary Plat. In addition, the configuration of the portions selected for such incremental final platting shall not affect adjacent land, whether owned by the owner/applicant or others, in such a way as to render said adjacent land undevelopable in accordance with its current Zoning District classification.

E. Approval Procedure

- 4. The Planning and Zoning Commission shall act on the Final Plat at the regularly scheduled meeting as specified in section 12.10.B. After considering a Final Plat that requests a waiver of the requirements of this UDC, the Planning and Zoning Commission shall make a recommendation to approve, approve with conditions, or deny the Final Plat to Town Council.

5. The approval of the Final Plat by the Planning and Zoning Commission or Town Council, as appropriate, does not constitute official acceptance of the drainage, streets, infrastructure, or other public improvements of the proposed Subdivision by the Town.”

SECTION 19. Section 12.11, “Replat Preparation and Approval,” in Article 12, “Subdivisions,” of the Unified Development Code of the Town Northlake is hereby amended to read as follows:

- A. General. Any revision of any portion of a previously approved Final Plat shall require a request for a Replat. The Replat shall clearly depict all information pertaining to the changes from the previously approved Final Plat and all other information required for the Planning and Zoning Commission or the Town Council, as appropriate, to determine if the Replat is in conformance with the purpose and requirements of this UDC.

- B. Filing Fee. The Final Plat shall be accompanied by a filing fee as specified by the Town Council. The fee is not refundable to the applicant regardless of the action taken on the Final Plat by the Planning and Zoning Commission or Town Council.

- E. Approval Procedure.

4. The Planning and Zoning Commission shall act on the Replat at the regularly scheduled meeting as specified in section 12.11.B. After considering a Replat that requests a waiver of the requirements of this UDC, the Planning and Zoning Commission shall make a recommendation to approve, approve with conditions, or deny the Replat Town Council.
5. The approval of the Replat by the Planning and Zoning Commission or Town Council, as appropriate, does not constitute official acceptance of the drainage, streets, infrastructure, or other public improvements of the proposed Subdivision by the Town.”

SECTION 19. Section 12.12, “Replatting Without Vacating Preceding Plat,” in Article 12, “Subdivisions,” of the Unified Development Code of the Town Northlake is hereby amended to read as follows:

“Sec. 12.12 Replatting Without Vacating Preceding Plat

- A. A Replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding Final Plat without vacation of that Final Plat if the Replat:
 1. Is signed and acknowledged by only the owner(S) of the property being replatted;
 2. Is approved, after a public hearing on the matter at which the parties in interest and citizens have an opportunity to be heard by the Planning and Zoning Commission and/or Town Council, as appropriate; and

3. Does not attempt to amend or remove any covenants or restrictions.

***"

SECTION 19. Section 12.13, "Amending Plat," in Article 12, "Subdivisions," of the Unified Development Code of the Town Northlake is hereby amended by amending subsection 12.13.A. to read as follows:

"Sec. 12.13 Amending Plat

- A. The Town Manager or designee may approve and issue an Amending Plat, which may be recorded and is controlling over the preceding Final Plat without vacation of that Final Plat, if the Amending Plat is signed by the applicants only and is solely for one or more of the following purposes:

6. Correct any other type of scrivener or clerical error or omission previously approved by the Planning and Zoning Commission or Town Council, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

10. To make necessary changes to the preceding Final Plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding Final Plat if:

- a. The changes do not affect applicable zoning and other regulations of the municipality;
- b. The changes do not attempt to amend or remove any covenants or restrictions; and
- c. The area covered by the changes is located in an area that the Planning and Zoning Commission or Town Council has approved, after a public hearing, as a residential improvement area;

***"

SECTION 20. Section 12.14, "Minor Plat Process," in Article 12, "Subdivisions," of the Unified Development Code of the Town Northlake is hereby amended by amending subsections 12.14.C. and 12.14.F to read as follows:

C. Processing of Application and Decision

2. Minor Plat Approval. In accordance with Texas Local Government Code Section 212.0065, the Town Manager or designee may approve a minor plat. The Town Manager or designee may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission or Town Council, as appropriate. The Town Manager or designee shall not disapprove a minor plat and shall be required to refer any plat

for which approval is refused to the Planning and Zoning Commission or Town Council, as appropriate. If a minor plat is referred to the Planning and Zoning Commission or Town Council, as appropriate, the Planning and Zoning Commission or Town Council, as appropriate, shall act on the plat within thirty (30) days after the date of the Town Manager or designee's determination.

F. Expiration and Extension

1. Expiration. The approval of a minor plat shall remain in effect for a period of two (2) years from the date the application was approved or conditionally approved by the Town Manager or designee or the Planning and Zoning Commission or Town Council on appeal, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the minor plat has not been recorded within the two (2) year period, the plat approval shall expire and the plat shall be deemed null and void.
2. Extension. At the request of the property owner or their representative, the expiration date for approval of a minor plat may be extended by the Planning and Zoning Commission or Town Council, as appropriate, for a period not to exceed six (6) months. A minor plat is not subject to reinstatement following expiration."

SECTION 21. Section 12.15, "Site Plan Process," in Article 12, "Subdivisions," of the Unified Development Code of the Town Northlake is hereby amended by amending subsections 12.15.C. and 12.15.E to read as follows:

C. Processing of Application and Decision.

1. Submittal. An application for a site plan shall be submitted to the Town Manager or designee. The Town Manager or designee shall review the application for completeness in accordance with section 4.2. The Town Manager or designee may, at their option, request a recommendation from any other Town Department or consultant. The Town Manager or designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the Town Manager or designee shall forward a recommendation to the Planning and Zoning Commission or Town Council, as appropriate for consideration.
2. Decision by Town. The Planning and Zoning Commission or Town Council, as appropriate, shall receive the recommendation of the Town Manager or designee and shall consider the proposed site plan. The Planning and Zoning Commission may vote to approve, approve with conditions, or deny a proposed site plan that requests no waivers from the obligations of this UDC. The Planning and Zoning Commission shall submit a recommendation to the Town Council regarding a proposed site plan that does request waivers of the obligations of this UDC. The Town Council may vote to approve, approve with conditions, or deny the proposed site plan.

E. Criteria for Approval

The Planning and Zoning Commission or Town Council, as appropriate, in considering action on a site plan, should consider the following criteria:

***"

SECTION 22. Section 13.7, "Requirements for Gas Wells Located within the Extraterritorial Jurisdiction," in Article 13, "Oil and Gas Well Drilling Regulations," of the Unified Development Code of the Town Northlake is hereby amended by amending subsection 13.7.A to read as follows:

- A. All oil and gas well drilling operations within the extraterritorial jurisdiction (ETJ) of the Town shall require Planning and Zoning Commission or Town Council, as appropriate, approval of a Development Plat in accordance with section 12.8."

SECTION 23. Section 13.8, "Oil and Gas Well Permitted," in Article 13, "Oil and Gas Well Drilling Regulations," of the Unified Development Code of the Town Northlake is hereby amended by amending subsection 13.8.B. to read as follows:

- B. An Oil and Gas Permit application may be filed with the Town concurrently with the application for a SUP; provided, however, that the Town shall not be required to consider the Oil and Gas Well Permit application unless and until a SUP is approved by the Planning and Zoning Commission or Town Council, as appropriate."

SECTION 24. Article 14 "Definitions," of the Unified Development Code of the Town Northlake is hereby amended by amending "Board of Appeals" to read as follows:

"Board of Adjustment (BOA): The Board established by Town Council. The BOA is the board allowed by the Texas Local Government Code that reviews and acts upon requests for variances, special exceptions, or appeals and whose duties and responsibilities are specifically provided for in Section 3.4 of this UDC."

SECTION 25. Any person violating any provision of this ordinance shall be fined for each and every day during which any violation of any provision of this ordinance is committed, continued, or permitted in the maximum amount allowed by law as provided in Section 1.01.009 of the Town Code.

SECTION 26. With the exception of those Ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of Ordinances of the Town of Northlake, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior Ordinance of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other provisions of the Ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of the Ordinance, shall remain in full force and effect.

SECTION 27. It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraph section of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 28. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by the Ordinance but may be prosecuted until final disposition by the courts.

SECTION 29. The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

SECTION 30. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED ON THIS THE 13th DAY OF May, 2021

Town of Northlake, Texas

David Rettig, Mayor

ATTEST:

Shirley Rogers, Town Secretary

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF DOC.: TEXAS TAX CODE CHAPTER 313 (TEXAS ECONOMIC DEVELOPMENT ACT); BYLAWS OF THE NORTHLAKE EDC & CDC

SUBJECT: NORTHLAKE EDC & CDC BOARD MEMBER APPOINTMENTS



GOALS/OBJECTIVES:

- Promote Public Involvement (Council Goal)

BACKGROUND INFORMATION:

- Multiple directors on the Northlake Economic Development Corporation's (EDC) and Northlake Community Development Corporation's (CDC) Boards terms expire May 31st
- Town Council typically makes appointments to fill expiring terms on these boards May of each year
- Charter encourages Council to appoint members to ensure equitable representation of all areas of Town
- Minimum of four (4) members of each board must be a resident of Northlake
- Non-resident of CDC must reside in Denton County or within 10 miles of Town limits
- No term limits for EDC and CDC board members

CURRENT BOARD MEMBERSHIP:

EDC Board of Directors (Term Expires)	CDC Board of Directors (Term Expires)
Laura Montini (May 2022) – President	Andy Gibson (May 2022) – President
Linda King (May 2021) – Secretary/Treasurer	Michele Newby (May 2021) – Secretary/Treasurer
Marie Amarante (May 2021)	Todd DiPietro (May 2021)
Brant Deranger (May 2022)	Tom Dudark (May 2021)
Matthew Garrett (May 2022)	Laura McGregor (May 2021)
Bill Moore (May 2021)	Lesley Miley (May 2022)
Hillary Simpson (May 2022)	Andrea Richardson (May 2022)

BOARD APPLICANTS:

- All but one board member with expiring terms have expressed an interest to continue to serve
- Twenty Northlake residents and two non-residents applied to serve on EDC
- Twenty-two Northlake residents and one non-resident applied to serve on CDC
- Sixteen of above applicants applied for both EDC and CDC
- Informational table for all applicants to all boards attached

COUNCIL ACTION:

- Appoint or reappoint board members to expiring positions on EDC and CDC

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC. : NORTHLAKE HOME RULE CHARTER

SUBJECT: REVISIONS TO CHAPTERS 1 AND 2 OF CODE OF ORDINANCES



STRATEGIC GOALS/OBJECTIVES:

- Control our Own Destiny; Plan and prepare for a future Home Rule Charter election (Council Goal)
- Promote Public Involvement (Council Goal)

BACKGROUND INFORMATION:

- Home Rule Charter requires changes affecting Chapters 1 and 2 of Code of Ordinances
- Council makeup and voting
 - Council Place 6 added for total of six councilors
 - Mayor may vote on any item for total of seven votes
 - Increasing quorum to four members
- Council and Mayor terms and term limits
 - Councilors terms remain two-year but limited to three consecutive terms
 - Mayor term three years and limited to four consecutive terms
- Revision to Municipal Judge requirements requiring State of Texas attorney license
- Change form of government to Council-Manager
- Creation of Town Manager position
- Appointment and removal of Town Manager requires two-thirds vote (5 of 7 votes)
- Duties and responsibilities of Town Manager, including but not limited to:
 - Appointment of Town Secretary and Police Chief, subject to Council approval
 - Organize employees into various departments and divisions with Council concurrence
 - Submission of proposed annual budget
 - Submission of financial audit report
 - Serve as lead development officer of Town
- Removes Council authority to hire and fire Police Chief and Police Officers unilaterally

COUNCIL ACTION:

- Adopt ordinance revising Chapters 1 and 2 of Code of Ordinances



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. 21-0513D

AN ORDINANCE AMENDING CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS AMENDING CHAPTER 1, "TOWN COUNCIL," AND CHAPTER 2, "ADMINISTRATION AND PERSONNEL" OF THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS AMENDING VARIOUS PROVISIONS TO BE IN ACCORDANCE WITH THE TOWN CHARTER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, Texas is a home rule municipality acting under its charter adopted by the electorate pursuant to article XI, section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the citizens of the Town approved a Home Rule Charter at an election held May 1, 2021; and

WHEREAS, upon review, the Town Council determined that certain provisions in the Town's Code of Ordinances must be updated to comply with the Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS THAT:

SECTION 1. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. Article 1.02 "Town Council," of Chapter 1, "General Provisions," of the Code of Ordinances of the Town Northlake is hereby amended to read as follows:

"Article 1.02

Sec. 1.02.001 Meetings

- (a) The regular meetings of the Town Council shall be held on the 2nd and 4th Thursdays of each month at 5:30 p.m. The mayor, on his/her own motion, or on the application of three members of the Town Council, may call special meetings upon provision of public notice in accordance with state law.
- (b) The mayor shall preside at all meetings of the town council. The mayor pro tempore shall perform the duties of the mayor in case of the absence or disability of the mayor. If the mayor and mayor pro tempore are absent, any councilmember may be appointed to preside at the meeting. Four (4) councilmembers, including the mayor, shall constitute a quorum for the transaction of business, and

the quorum shall have the power to enact such bylaws and ordinances not inconsistent with the town charter and laws and constitution of the state as shall be deemed proper for governing of the town.

- (c) The procedures at all meetings of the town council shall be governed by the rules of order and procedure adopted by the town council and, to the extent not in conflict therewith, shall be in accordance with the provisions of Robert's Rule of Order. In the event of a conflict between the provisions of Robert's Rules of Order and the rules of order and procedure adopted by the town council, the provisions of the rules of order and procedure adopted by the town shall control.

Sec. 1.02.002 Place system for election of councilmembers

- (a) From and after the date of adoption of this section, the office of councilmember in the Town shall be elected under a place system in accordance with the Texas Local Government Code.
- (b) The members of the Town Council shall be elected and hold office as herein provided. 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:
 - (1) 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.
 - (2) 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.
 - (3) The Mayor shall be elected for three (3) year terms, beginning with the regular Town election held in May 2021.
- (c) 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 the mayor, will be elected at large by a majority vote.
- (d) The mayor and each councilmember, unless sooner removed under the provisions of the Town Charter, shall hold office until their successor is elected and qualified.
- (e) When incumbent councilmember's terms of office expire, any candidate for the office of councilmember shall file an application for a specific place on the governing body, such as "Councilmember, Place No. 1."
- (f) The ballot for an election under the place system must show each office of councilmember as a separate office by place number."

SECTION 3. Section 1.04.002, "Judge," of Division 1, "Generally," of Article 1.04 "Municipal Court," of Chapter 1, "General Provisions," of the Code of Ordinances of the Town Northlake is hereby amended to read as follows:

“Sec. 1.04.002 Judge

- (a) Position created. There is hereby created the office of “Judge of the Municipal Court.” The municipal court judge shall be appointed by the affirmative vote of a majority of the full membership of the council. The council may appoint one or more alternate judge(s) who shall have the same qualifications as the Judge of the Municipal Court, to act when the Judge of the Municipal Court fails or is unable to act for any reason.
- (b) Term; removal. The Judge of the Municipal Court shall be appointed for 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 the Council. In the event that the town council seeks to remove the Judge prior to the completion of the Judge’s then current term of office, the Judge may request a public hearing prior to his or her removal.
- (c) Qualifications. The Judge of the Municipal Court, and all alternate judges, shall be duly qualified attorneys licensed in the State of Texas and shall comply with the statutory training requirements to serve as municipal judges. Applications with prior judicial experience shall be preferred.
- (d) Compensation. The Judge, and alternate judges, may receive compensation as determined by the Council.

Secs. 1.04.003-1.014.030 Reserved”

SECTION 4. Section 2.01.001, “Form of Government,” of Article 2.01, “General Provisions,” of Chapter 2, “Administration and Personnel,” of the Code of Ordinances of the Town of Northlake is hereby amended to read as follows:

“Sec. 2.01.001 Form of Government

- (a) The town hereby changes to a Home-Rule municipality operating under a “Council-Manager Government.”

- (c) The official name of the town shall hereafter be known as the “Town of Northlake,” and its governing body shall hereafter be known as the “Town Council.”

SECTION 5. Article 2.05, “Town Officers,” of Chapter 2, “Administration and Personnel,” of the Code of Ordinances of the Town of Northlake is hereby amended to read as follows:

“Article 2.05 Departments and Employees

Division 1. Generally

Secs. 2.05.001 – 2.05.030 Reserved.

Division 2. Town Manager

Sec. 2.05.031 Creation of office

The office of the Town Manager is hereby ratified and confirmed.

Sec. 2.05.032 Appointment

The Town Manager shall be appointed by an affirmative vote of 2/3 majority of the entire membership of the Town Council.

Sec. 2.05.033 Removal

- (a) The Town Manager shall be an at-will employee who shall serve at the pleasure of the council. However, additional terms of employment, consistent with this division and the Town Charter, may be memorialized in a written employment contract with a Town Manager.
- (b) The Town Manager may be removed from office with or without cause by an affirmative vote of a 2/3 majority of the entire membership of the Town Council.
- (c) The action of the Council in suspending or removing the Town Manager shall be final.
- (d) In the case of absence, disability, or suspension of the Town Manager, the Town Council may designate a qualified administrative officer of the Town to perform the duties of the office.

Sec. 2.05.034 Duties and responsibilities

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 Town Council for the proper administration of all affairs of the Town and to that end shall have the power and be required to:

- (a) Devote all of their working time and attention to the affairs of the Town and to be responsible to the Town Council for the efficient administration of the Town's affairs.
- (b) Report directly to the Town Council.
- (c) Attend all meetings of the Town Council, except when excused by the council. The Town Manager shall have the right to participate in discussions and be given the opportunity to respond to questions directed to the Town Manager by the Town Council, mayor, and/or town staff, but the town manager shall not vote. Unless exclusion of the Town Manager is necessary because of the subject matter to be addressed or by virtue of applicable law, the town manager shall be permitted to attend closed sessions of the Town council conducted pursuant to the Texas Open Meetings Act.
- (d) In cooperation with the Town Attorney, see that all state laws and town ordinances are effectively enforced.
- (e) Exercise supervision and control over all departments created by the Town Council. The Town Manager shall have hiring and firing authority over Town staff. Department heads in the Town shall report to the Town Manager and shall direct any and all communications intended for the Town Council through the Town Manager. In accordance with the Town Charter, the Town

Manager shall hire the police chief and the Town Secretary subject to the approval of the Town Council.

- (f) Organize the employees of the town into various departments and divisions with the concurrence of the Town Council.
- (g) See that all contracts with the town, including public utility franchises, 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. The Town Manager shall be the primary or initial contact for all contractors seeking to enter into a contract with the town, except for those matters in which the involvement of the town attorney might be required or warranted.
- (h) Prepare a proposed budget annually and submit it to the town council not less than sixty (60) days prior to the close of the fiscal year of each year. The proposed budget shall represent a budget of proposed revenue and expenditures for the ensuing year. Such proposed budget shall be presented to the Town Council for its consideration and approval prior to the beginning of each fiscal year. Upon approval of the fiscal year budget by the Town Council, the Town Manager shall file the budget as required by state law. Upon such approval, the Town Manager shall have the authority to transfer funds between accounts and departments. The Town Manager or designee shall be a signatory on all accounts in which funds are deposited. Transfer of funds between funds shall require approval of the Town Council.
- (i) Prepare and submit to the Town Council at the end of the fiscal year a complete report on the finances and administrative activities of the Town for the preceding year.
- (j) Keep the Town Council advised of the financial condition and future needs of the Town and make such recommendations as appropriate.
- (k) Act as the purchasing agent for the Town and be responsible for all purchases made in the name of the Town. The Town Manager shall have authority to obligate the Town, and to execute necessary contracts or documents in connection therewith, without first obtaining the approval of the Town Council, for all budgeted expenditures not exceeding \$25,000.00 as to one matter or item. All other expenditures, including those not included in the budget of the applicable year, must be first approved by the Town Council.
- (l) Prepare personnel rules subject to the approval of council.
- (m) Advise and assist the Mayor and Town Council in the formulation and establishment of administrative policies for operation of Town government departments and offices, as well as developing policy related to the general future direction of town government.
- (n) Prepare the official agenda of all Town Council meetings and meetings of the boards and commissions.
- (o) Assist the Town Council in advising and furnishing leadership to civic organizations dealing with specific items affecting the Town's welfare.

- (p) Communicate with residents, including answering questions and providing information on matters related to the business of the Town.
- (q) Serve as the lead development officer of the town and shall inform the Town Council of, and be informed by the Town Council in regard to, any communications or contacts initiated by, sent to, or made to the Town Council regarding any communications or contacts concerning economic development matters related to the Town.
- (r) Perform such other duties as may be prescribed by ordinance, resolution, or as directed by the Town Council.

Secs. 2.05.035 – 2.05.125 Reserved”

SECTION 6. Division 2, “Police Department,” of Article 2.06, “Police,” of Chapter 2, “Administration and Personnel,” of the Code of Ordinances of the Town of Northlake is hereby amended to read as follows:

“Division 2. Police Department

Sec. 2.06.031 Created

There is hereby created the police department of the Town of Northlake, Texas. All law enforcement personnel must hold an appropriate license or certification as required by state law.

Sec. 2.06.032 Powers and duties of police officers

The chief of police and all police officers shall have the powers, rights, and jurisdiction as prescribed by state law. It shall be their duty to prevent the commission of offenses against the laws of the state and against the ordinances and regulations of the town; to obey, observe, and enforce all such laws, ordinances, and regulations; to detect and arrest offenders of all such laws, ordinances, and regulations; to preserve the good order of the town; and to secure the inhabitants of the town from violence, injury, and property damage. The chief of police and the police officers shall not receive any fee or other compensation for any services rendered in the performance of such officer's duty, other than the salary the town pays to such officer.

Secs. 2.06.33 – 2.06.035 Reserved”

SECTION 7. Any person violating any provision of this ordinance shall be fined for each and every day during which any violation of any provision of this ordinance is committed, continued, or permitted in the maximum amount allowed by law as provided in Section 1.01.009 of the Town Code.

SECTION 8. With the exception of those Ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of Ordinances of the Town of Northlake, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior Ordinance of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other provisions of the Ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of the Ordinance, shall remain in full force and effect.

SECTION 9. It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 10. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by the Ordinance but may be prosecuted until final disposition by the courts.

SECTION 11. The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

SECTION 12. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED ON THIS THE 13th DAY OF MAY 2021.

Town of Northlake, Texas

David Rettig, Mayor

ATTEST:

Shirley Rogers, Town Secretary

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC. : NORTHLAKE HOME RULE CHARTER

SUBJECT: CODE OF ETHICS, CODE OF ORDINANCES, CHAPTER 1



STRATEGIC GOALS/OBJECTIVES:

- Control our Own Destiny; Plan and prepare for a future Home Rule Charter election (Council Goal)
- Define and Strengthen Our Identity (Council Goal)

BACKGROUND INFORMATION:

- Home Rule Charter requires changes affecting Chapters 1 Code of Ordinances
- Adoption of Code of Ethics
 - Charter requires Town adopt Code of Ethics which cannot conflict with statute
 - Proposed Code of Ethics drafted by Town Attorney adheres to State statute

COUNCIL ACTION:

- Adopt ordinance revising Chapter 1 to adopt Code of Ethics



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. 21-0513E

AN ORDINANCE OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING CHAPTER 1, OF THE CODE OF ORDINANCES OF THE TOWN OF NORTHLAKE, TEXAS TO ADOPT A CODE OF ETHICS AND CONDUCT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, Texas is a home rule municipality acting under its charter adopted by the electorate pursuant to article XI, section 5 of the Texas Constitution and chapter 9 of the Texas Local Government Code; and

WHEREAS, the Town Council determined that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible only to the people of the town; that governmental decisions and policy should be made in the proper channels of the governmental structure; that no officer, employee, or member of any board, commission or committee should have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest; that public office and public employment are positions of public trust imposing the duty of a fiduciary upon all employees and officeholders, who are not to use their public position for personal gain; and that the public should have confidence in the integrity of its government; and

WHEREAS, to ensure the proper operation of democratic government, the Town Council of the Town of Northlake desires to adopt a Code of Ethics and Conduct applicable to the conduct of officers, employees and board members while acting in their official capacities in representing the Town of Northlake;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. Chapter 1, "General Provisions," of the Code of Ordinances, Town of Northlake, Texas is hereby amended to add the following article:

"Article 1.05 Code of Ethics and Conduct

Section 1.05.001 Policy.

The town council deems it advisable to enact this code of ethics and conduct for all officers, employees and advisory board members, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the town's public servants, but also as a basis for discipline for those who refuse to

abide by its terms. This code of ethics and conduct is cumulative of other ordinances, town Charter provisions and state statutes defining and prohibiting conflict of interest.

Section 1.05.002 Definitions.

For the purposes of this code of ethics and conduct the following words and phrases shall have the meanings ascribed to them by this section.

Advisory board means a board, commission, or committee of the town that functions only in an advisory or study capacity.

Business entity means a sole proprietorship, partnership, firm, corporation, association, holding company, joint stock company, receivership, trust, or any other entity recognized by law.

Employee means any person employed by the town, including those individuals on a part-time basis, but such term shall not be extended to apply to any volunteer or independent contractor.

Family member means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code.

Family relationship means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Gift means a favor, hospitality, honorarium, or benefit, as defined by state law. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.

Officer means any member of the Town Council, the Planning and Zoning Commission, the Board of Adjustment, and any member of a board, commission, or committee established by ordinance, charter or state law that has final approval authority over any application, permit, license, or other Town approvals; provided, no member of an Advisory Board shall be deemed an officer of the town.

Substantial interest is defined by Chapter 171 of the Local Government Code.

Vendor means a person who enters or seeks to enter into a contract with the Town. The term includes an agent of a vendor. The term does not include a state agency except for Texas Correctional Industries.

Section 1.05.003 Adoption of state statute.

Texas Local Government Code § 171.001 et seq., which regulates conflicts of interests of officers of municipalities, is hereby adopted and made a part of this code of ethics and conduct for all purposes. In the event there is a conflict between the provisions of this code of ethics and conduct and Section 171.001 et seq., the more restrictive provision shall govern.

Section 1.05.004 Penalties for violation of article; forfeited position; exemptions; injunctions.

- (a) The town council may discipline officers and officials who knowingly violating any provision of this code of ethics and conduct pursuant to applicable provisions of the town Charter, this Code, state statutes or other laws defining and prohibiting conflicts of interest.
- (b) The town manager may discipline those employees under the town manager's supervision, who knowingly violating any provision of this code of ethics and conduct pursuant to applicable provisions of the town Charter, this Code, the adopted personnel policies of the town, state statutes, or other laws defining and prohibiting conflicts of interest.

Section 1.05.005 Standards of conduct.

- (a) No town officer, employee, or advisory board member, or their spouses, shall knowingly:
 - (1) Accept or solicit any gift in violation of the Texas Penal Code.
 - (2) Use their official position to solicit or secure special privileges or exemptions for themselves or others;
 - (3) Knowingly disclose any confidential information gained by reason of the position of the officer, employee, or advisory board member.
 - (4) Use one's position or office of employment or town facilities, personnel, equipment, or supplies to secure special privileges or exemptions for himself or others.
 - (5) Transact any business on behalf of the town in his official capacity with any business entity of which he is an officer, agent, or member or in which he owns a substantial interest. If such a circumstance should arise, then in the case of an officer or official, he shall make known such interest and abstain from voting on the matter, or in the case of an employee, he shall turn the matter over to his supervisor for reassignment, state the reasons for doing so, and have nothing further to do with the matter involved.
 - (6) Have a substantial interest, direct or indirect, in any contract with the town or a substantial interest, direct or indirect, in the sale of the town of any land, or rights or interest in any land, materials, supplies, or service
 - (7) Hold himself/herself out as representing the town in any capacity other than that for which he was appointed, elected, or hired.
 - (8) Engage in or accept private employment or render a service when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independent judgment in the performance of his or her official duties.
 - (9) Make or permit the unauthorized use of town owned vehicles, equipment, materials, or property.
 - (10) Grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

- (11) After termination of service or employment with the town, appear before any board or commission of the town in relation to any case, proceeding, or application in which he or she personally participated or which was under his or her active consideration, during the period of his or her service or employment.
 - (12) Transact any business in his or her official capacity with the town with a business entity in which he/she has a substantial interest.
 - (13) Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the town or that reflects discredit upon the government of the town.
 - (14) Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of town ordinances, rules, or regulations or the achievement of official town programs.
- (b) No officer, advisory board member, or town employee shall knowingly represent, directly or indirectly, any person, group, or business entity:
- (1) Before the town council or any department, agency, board, or commission of the town;
 - (2) In any action or proceeding against the interests of the town or in any litigation in which the town or any department, agency, board, or commission thereof is a party; or
 - (3) In any action or proceeding in the municipal courts of the town which was instituted by a town officer or employee in the course of his or her official duties, or a criminal proceeding in which any town officer or employee is a material witness for the prosecution.
- (c) The restrictions in this section do not prohibit the following:
- (1) A town employee, officer, or advisory board member (other than town council), or his or her spouse, appearing before the town council or a town department, agency, board, or commission to represent himself or herself in a matter affecting his or her property; provided, however, that no such person, or his or her spouse, shall appear before the board or commission of which he or she is a member; or
 - (2) A town employee, or officer of an employee organization appearing before the town council or a town department, agency, board, or commission to address employment matters.
- (d) The restrictions in this section do not apply to business associates of officers, employees, or advisory board members, but only personally to the officers, employees, and advisory board members themselves.

Section 1.05.006 Disclosure of interest.

Any employee, officer, or advisory board member of the town who has a prohibited or substantial interest in any matter pending before the town shall disclose such interest to other members of the town council, committee, commission, or board of which they are a member or, in the case of an employee, to a supervisor, and shall refrain from further discussion of the matter; shall not be physically present when

the subject is discussed in open or executive session; and shall not vote on or participate further in any such matter.”

SECTION 2. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Northlake, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect/ the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. The Town Secretary of the Town of Northlake is hereby directed to publish this ordinance to the extent required by law.

SECTION 5. This Ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

PASSED AND APPROVED ON THIS THE 13TH DAY OF MAY 2021.

Town of Northlake, Texas

David Rettig, Mayor

ATTEST:

Shirley Rogers, Town Secretary

NORTHLAKE MAYOR AND COUNCIL COMMUNICATION

DATE: MAY 13, 2021

REF. DOC. : NORTHLAKE HOME RULE CHARTER

SUBJECT: REVISIONS TO COUNCIL RULES OF ORDER AND PROCEDURE



STRATEGIC GOALS/OBJECTIVES:

- Control our Own Destiny; Plan and prepare for a future Home Rule Charter election (Council Goal)
- Operate Efficiently and Effectively (Council Goal)

BACKGROUND INFORMATION:

- Home Rule Charter requires changes affecting Council Rules of Order and Procedure
 - Councilor appointments and assignments now require vote of 4 of 7 members
 - Placement of item on agenda to now include Town Manager
 - Town Hall Meeting posting now requires vote of 4 of 7 members
 - Quorum now four members of Council which include Mayor
 - Mayor continues as chair of Council meeting but may now vote on any item
 - Rules and procedures apply to Planning and Zoning Commission and Board of Adjustment
 - Lead development officer title change from Town Administrator to Town Manager

COUNCIL ACTION:

- Adopt ordinance revising Council Rules of Order and Procedure



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

No. 21-12

A RESOLUTION OF THE TOWN OF NORTHLAKE, TEXAS ADOPTING AMENDMENTS TO CERTAIN PORTIONS OF THE TOWN COUNCIL RULES OF ORDER AND PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council has previously adopted and amended the Rules of Order and Procedure providing rules for conducting Town business and procedures for meetings pursuant to the Town Charter and Section 1.02.001 of Town of Northlake Code of Ordinances; and

WHEREAS, the Town Council has determined that it is advisable to amend and revise its Rules of Order and Procedure as set out herein to conform with provisions adopted by the citizens in approving the Town Charter:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS THAT:

SECTION 1. The Town Council Rules of Order and Procedure as previously adopted and amended by the Town Council are amended by amending Section 1.3, "COUNCILMEMBER APPOINTMENTS AND ASSIGNMENTS," of Chapter 1, "Authority," to read as follows:

"1.3. COUNCILMEMBER APPOINTMENTS AND ASSIGNMENTS

The Town Council shall determine Councilmember appointments to outside agencies, committees, task forces, boards and commissions. Councilmembers provide a link for representing the values, beliefs and position of the Town Council to these entities. The representatives will periodically report to the Town Council on the activities of these organizations.

Appointments to outside agencies, committees, task forces, boards and commissions shall require an affirmative vote of a four (4) of the seven (7) members of the Town Council. Any appointment to any position in the Town of Northlake of a person related within the second degree of affinity or the third degree of consanguinity to the Mayor or any member of the Council shall require the affirmative vote of seven (7) of the seven (7) members of the Town Council. (See Section 2.09: Nepotism Policy Statement, Town of Northlake Personnel Policies for definitions). There shall be no ex-officio members of any outside agencies, committees, task forces, boards and commissions or corporation of the Town of Northlake.

No Councilmember appointed to any outside agency, committee, task force, board or commission shall have the authority to bind the Town in any contract, obligation or other undertaking. In accordance with applicable laws, the Town of Northlake shall act only and through its governing body."



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

SECTION 2. The Town Council Rules of Order and Procedure as previously adopted and amended by the Town Council are amended by amending Sections 2.6, "NOTICES OF MEETINGS," 2.7, "QUORUM," and 2.8, "CHAIR," of Chapter 2, "COUNCIL MEETINGS," to read as follows:

2.6 NOTICES OF MEETINGS

- a. Notice of meetings and the agenda for all Town Council meetings shall be posted by the Town Secretary in accordance with the requirements of the Texas Open Meetings Act. (Texas Government Code Section 551).

The Mayor, Mayor Pro Tem, two (2) Councilmembers, or the Town Manager may place an item for consideration on any Town Council meeting agenda. Preparation of the agenda shall be coordinated with the Town Secretary in order to permit time for appropriate legal notification in accordance with the Texas Open Meetings Act.

- b. Posting a Town Hall meeting shall require the affirmative vote of four (4) out of the seven (7) members of the Town Council.

The Town Hall meeting shall have a published subject(s) and be posted in accordance to the Open Meetings Act. In addition, the Town Hall meeting shall be posted fourteen (14) days in advance and the public notified of the published subject(s) on the agenda by posting the subject on the website and by either a letter or an email if the citizens is on the mailing list.

- f. Subject to subsection (g) below, requests for Agenda Items or Meetings can be made informally via telephone call, email, or letter to the Mayor or Town Manager.

2.7 QUORUM

Four (4) Councilmembers, including the Mayor, shall constitute a quorum to do business and the affirmative vote of a majority of those present shall be necessary to adopt any ordinance or resolution, except as required by the Town of Northlake Code of Ordinances or State law.

2.8 CHAIR

The Mayor shall preside at all meetings of the Town Council. The Mayor may participate in the discussion of all matters coming before the Town Council. The Mayor shall vote on all matters coming before the Town Council. The Mayor shall have the authority to preserve order at all Town Council meetings, to enforce the rules of the Town Council and to determine the order of business under the rules of the Town Council, provided, however, that a majority of the Council present and participating in any meeting shall have the right, by motion and vote, to suspend



TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION

these rules and/or to make any modification of same deemed appropriate and reasonable to a majority of the Council.

SECTION 3. The Town Council Rules of Order and Procedure as previously adopted and amended by the Town Council are amended by amending Sections 8.4, “APPLICABILITY OF PROCEDURES,” and 8.5, “VIOLATIONS OF TOWN POLICIES OR THESE RULES AND PROCEDURE,” of Chapter 8, “PROCEDURES ADMINISTRATION,” to read as follows:

8.4 APPLICABILITY OF PROCEDURES

The Town Council Rules of Order and Procedures shall also apply to the Town Council when sitting as other entities and agencies, and to the Planning and Zoning Commission and Board of Appeals. The role of the Mayor and Mayor Pro Tem shall be interchangeable with Chair and Vice Chair, or President and Vice President.

8.5 VIOLATIONS OF TOWN POLICIES OR THEIR RULES AND PROCEDURES

Should the Mayor, any Councilmember, or any employee or consultant to the Town believe that any person shall have violated any provision of these Rules and Procedures, or any other policy of the Town duly promulgated by the Town Council; such alleged violation shall be brought to the attention of the Town Council. The Town Council, by affirmative 2/3 majority vote of the entire membership of the Council shall determine appropriate and legal action to punish any person who shall be determined to have violated any provisions of these Rules and Procedures, or any other policy of the Town duly promulgated by the Town Council. Any deliberation or action by the Town Council with respect to any alleged violation of any provision of these Rules and Procedures, or any other policy of the Town duly promulgated by the Town Council, shall be in accordance with any and all applicable provision of the Texas Open Meetings Act and any and all other applicable laws, rules or regulations.”

SECTION 4. The Town Council Rules of Order and Procedure as previously adopted and amended by the Town Council are amended by amending Sections 9.5, “UNRESTRICTED FUND BALANCE,” 9.7, “RESTRICTED FUNDS,” and 9.8, “ENTERPRISE FUNDS,” of Chapter 9, “FISCAL POLICIES,” to read as follows:

9.5 UNRESTRICTED FUND BALANCE

The Town Council shall build up and maintain a three-month general fund unrestricted fund balance. Spending from the general fund unrestricted fund balance shall require approval of the Town Council.



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9.7 RESTRICTED FUNDS

All restricted purpose funds shall remain separate from the general fund and used for their legally intended purpose unless authorized of the Town Council.

9.8 ENTERPRISE FUNDS

All enterprise funds shall remain separate from the general fund and transfer of funds out of said funds require Town Council approval.”

SECTION 5. The Town Council Rules of Order and Procedure as previously adopted and amended by the Town Council are amended by amending Chapter 10, “ECONOMIC DEVELOPMENT,” to read as follows:

10. ECONOMIC DEVELOPMENT

10.1 ECONOMIC DEVELOPMENT AGREEMENTS

The Town Council shall approve all Town agreements and EDC agreements prior to signature and date of signature.

10.2 CONTACTS REGARDING DEVELOPMENT ISSUES OR ECONOMIC DEVELOPMENT

The Town Manager is the lead development officer of the Town. Any contacts made by developers or potential businesses to other Town officials shall be redirected to the Town Manager. Any and all contacts with developers or potential businesses by the Town Manager shall be reported to the Town Council. All meetings and telephone contacts, even first contact with developers or potential businesses, shall be positive in nature. No one shall reject or discourage a developer or potential business without written Council approval and permission to reject. Violation of this policy may result in denial of future participation in economic development negotiations of any type.”

SECTION 6. The amendments adopted herein shall be effective immediately upon passage.

Passed and approved on this the 13th day of May 2021.

Town of Northlake, Texas

Attest:

David Rettig, Mayor

Shirley Rogers, Town Secretary

TOWN OF NORTHLAKE COUNCIL ITEM NO. 5

DATE: MAY 13, 2021

ITEM: ACTION ITEMS



Modifying, continuing and/or suspending the First Amended Declaration of Local and Public Health
Emergency as modified by Town Council on April 23, 2020

TOWN OF NORTHLAKE COUNCIL ITEM NO. 5

DATE: MAY 13, 2021

ITEM: ACTION ITEMS



Continue with Declaration of Local Disaster in response to severe weather in Town of Northlake ordered by Mayor Rettig on February 22, 2021

TOWN OF NORTHLAKE COUNCIL ITEM NO. 6

DATE: MAY 13, 2021

ITEM: EXECUTIVE SESSION



TOWN OF NORTHLAKE COUNCIL ITEM NO. 7

DATE: MAY 13, 2021

ITEM: OPEN SESSION



TOWN OF NORTHLAKE COUNCIL ITEM NO. 8

DATE: MAY 13, 2021

ITEM: ADJOURNMENT

