

CITY OF DENTON CHARTER AMENDMENTS

Voter Approved and City Council Adopted Amendments to the Home-Rule Charter of the City of Denton, Texas

In accordance with the provisions of Texas Local Government Code § 9.004, a special charter election was held on May 3, 2025 wherein the below amendments to the Home-Rule Charter of the City of Denton, Texas were submitted to the voters of the City of Denton, Texas. The amendments were adopted by Ordinance 25-445 of the Denton City Council on May 13, 2025 in accordance with Tex. Loc. Gov't Code § 9.005(b). The adopted amendments to the Home-Rule Charter of the City of Denton are shown as follows by including those portions of the existing Charter which will be retained in normal type, the deleted text in the existing Charter being shown as strikeouts, and new or additional text to the existing Charter shown as underlined.

AMENDMENT A

SHALL THE CITY CHARTER BE AMENDED TO REPLACE ALL INSTANCES OF GENDERED LANGUAGE WITH NON-GENDERED LANGUAGE?

Proposition A was approved by the majority of voters voting at the election, and therefore the City Charter is amended to read as follows:

1. Article I, Section 1.07 of the Charter shall be amended to read as follows:

Sec. 1.07. Gender neutral.

Whenever used in this Charter, a word importing a specific gender only shall extend and be applied to include all genders, and, where applicable, to firms, partnerships, and corporations.

2. Article II, Section 2.02(a)-(b) of the Charter shall be amended to read as follows:

- (a) Each member of the council, in addition to having the other qualifications prescribed by law:

- (1) Shall be registered to vote in the city;
- (2) Shall have domiciled for at least one year next preceding the member's election within the corporate limits of Denton and, if running within a single member geographic district, or at large place five (5) requiring a domicile in district one (1) or two (2), or at large place six (6) requiring a domicile in district three (3) or four (4), as set forth in Section 2.01, for at least one year preceding the election in the district in which elected; further, shall continuously be domiciled within the corporate limits of Denton and, if elected within a single member geographic district, or at large place five (5) requiring a domicile in district one (1) or two (2), or at large place six (6) requiring a domicile in district three (3) or four (4), in the district in which elected throughout the term of office.
- (3) Shall not hold any other public office of emolument;
- (4) Shall have and maintain the eligibility requirements for municipal officers set forth in Section 141.001 of the Texas Election Code, Vernon's Texas Civil Statutes Annotated hereinafter referred to as "Election Code" as it may now read or hereafter be amended.

- (b) If a member of the council shall, after being elected, cease to possess any of these qualifications or eligibility requirements, or shall hold another office of emolument, or enter a plea of guilty to a felony, or be convicted of a felony the member shall immediately forfeit office.

3. Article II, Section 2.10 of the Charter shall be amended to read as follows:

Sec. 2.10. Council not to interfere in appointments or removals.

Neither the council nor any of its members shall direct or request the appointment of any person to, or removal from, office by any officer appointed by the city council under Section 2.08 of this Charter or by any of the officer's subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the officers appointed by the city council and neither the council nor any member thereof shall give orders to any subordinates of the officers appointed by the city council, either publicly or privately.

4. Article II, Section 2.12 of the Charter shall be amended to read as follows:

Sec. 2.12. City secretary.

The city secretary shall be appointed by the city manager subject to the approval of the council. The city secretary shall serve as clerk of the council, give notice of its meetings, keep the journal of its proceedings, authenticate by the city secretary's 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 or as the city manager may assign

5. Article II, Section 2.13(a) of the Charter shall be amended to read as follows:

- (a) Prior to the end of each fiscal year, the council shall designate a certified public accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit a report to the council and to the city manager. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. The accountant shall not maintain any accounts or records of the city business, but within specifications approved by the council, shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department or agency of the city government.

6. Article III, Section 3.01(e) of the Charter shall be amended to read as follows:

- (e) Neither the mayor nor any member of the council shall become a candidate for election to any position on the council, other than for reelection to the same seat, unless such candidate shall first submit to the city secretary a written resignation from the council to be effective at the time of the canvass of the results of the next regularly scheduled election. If such candidate's unexpired term would otherwise extend beyond the date of such canvass, the city secretary shall notify the council and an election shall be held on the date of the next regularly scheduled election to fill the unexpired term of said resigning councilmember.

7. Article III, Section 3.02 of the Charter shall be amended to read as follows:

Sec. 3.02. Nominations.

- (a) Any qualified person may have their name placed on the ballot as a candidate for councilmember by filing with the city secretary not more than ninety (90) days nor less than thirty (30) days prior to the date of election an application in substantially the following form:

I, _____, do hereby declare that I am a candidate for the Council of the City of Denton and request that my name be printed upon the official Ballot for that office in the next city election. I am aware of the nepotism law, chapter 573 of the Government Code. I am qualified to serve on the council with respect to the qualifications set forth in the Charter. I reside at _____, Denton, Texas.

	Signed
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The foregoing petition was filed with the City Secretary on the ____ day of _____, 19__.

	City Secretary
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- (b) As an alternative method, any qualified person may be nominated for councilmember by a written petition signed by the greater twenty five (25) qualified voters of the city or one-half of one percent of the total votes received by all candidates for mayor in the most recent mayoral general election, provided the candidate signs the petition certifying acceptance. One such petition shall be circulated and signed for each nominee or candidate. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it. Nominating petitions shall be filed with the city secretary not more than ninety (90) days nor less than thirty (30) days before the election day, and shall be in substantially the following form:

We, the undersigned electors of the City of Denton, hereby nominate _____ whose residence address is _____ as a candidate for councilmember of the City of Denton, to be voted for at the election to be held on the ____ day of _____, 19__; and we individually certify that we are qualified to vote for a candidate for the council.

Name	Address	Date of Signing
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(Spaces for the greater twenty five (25) or one-half of one percent of the total votes received for candidates for Mayor signatures and required data)

Acceptance of Nomination

I am qualified to serve on the council of the City of Denton with respect to the qualifications set forth in this Charter. I hereby accept the nomination for councilmember and agree to serve if elected.

	Signature of Candidate
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Statement of Circulator

The undersigned is the circulator of the foregoing petition containing signatures. Each signature was appended thereto in my presence and is the genuine signature of the person whose name it purports to be.

	Signature of Circulator
	Address of Circulator

The foregoing petition was filed with the City Secretary on the ____ day of _____, 19__.

	City Secretary
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8. Article III, Section 3.03 of the Charter shall be amended to read as follows:

Sec. 3.03. Official ballot.

The city secretary shall make up the official ballot from the names presented to the city secretary. The order in which the names of the candidates for each place shall appear on the ballot shall be determined by lot in a drawing held under the supervision of the city secretary, at which drawing each candidate or the candidate's designated representative shall have a right to be present. All official ballots shall be printed at least twenty (20) days prior to the date of any general or special election, and absentee voting shall be governed by the general laws of the State of Texas.

9. Article III, Section 3.04(c) of the Charter shall be amended to read as follows:

- (c) Immediately after the election results have been declared the mayor shall deliver certificates of election to the successful candidates. Each councilmember shall take the oath of office as soon thereafter as practicable at which time the term of office shall begin.

10. Article IV, Section 4.03 of the Charter shall be amended to read as follows:

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

Initiative petition papers shall contain the full text of the proposed ordinance. Referendum petition papers shall contain the full text of the ordinance which they propose to repeal. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer shall sign the signer's name in ink or indelible pencil and shall give after the signer's name the signer's place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of the same five (5) electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that the circulator, and the circulator only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all the signatures were appended thereto in the circulator's presence and that the circulator believes them to be the genuine signatures of the persons whose names they purport to be.

11. Article IV, Section 4.04 of the Charter shall be amended to read as follows:

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

All papers comprising an initiative or referendum petition shall be assembled and filed with the city secretary as one instrument. Within twenty (20) days after a petition is filed, the city secretary shall determine whether each paper of the petition bears the required affidavit of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing an examination of the petition, the city secretary shall certify the result thereof to the council at its next regular meeting. If the city secretary shall certify that the petition is insufficient the city secretary shall set forth in the certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of those findings.

12. Article IV, Section 4.05 of the Charter shall be amended to read as follows:

Sec. 4.05. Amendment of petitions.

An initiative or referendum petition may be amended at any time within ten (10) days after the notification of insufficiency has been sent by the city secretary, by filing a supplementary petition upon additional papers signed

and filed as provided in the case of an original petition. The city secretary shall within five (5) days after such an amendment is filed, examine the amended petition and, if the petition is still insufficient, the city secretary shall file a certificate to that effect in the city secretary's office and notify the committee of the petitioners of those findings and no further action shall be had on such insufficient petition. The findings of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

13. Article IV, Section 4.12 of the Charter shall be amended to read as follows:

Sec. 4.12. Recall petition, committee of petitioners.

Recall petition papers shall contain the name of the councilmember (or names of the councilmembers) whose removal is sought, and a clear and concise statement of the grounds for removal. There shall appear at the head of each petition the names and addresses of five electors, who, as a committee of the petitioners shall be regarded as responsible for the circulation and filing of the petition. Each signer of any petition paper shall sign the signer's name in ink or indelible pencil and give after the signer's name the signer's place of residence by street and number, or other description sufficient to identify the place, and the date his signature was affixed. No signature to such petition shall remain effective or be counted which was placed thereon more than forty-five (45) days prior to the filing of such petition with the city secretary. The signatures to a recall petition need not all be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator thereof that the circulator, and the circulator only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures were appended thereto in the circulator's presence and that the circulator believes them to be the genuine signatures of the persons whose names they purport to be.

14. Article IV, Section 4.13 of the Charter shall be amended to read as follows:

Sec. 4.13. Filing and certification of petitions, recall election.

- (a) All papers comprising a recall petition shall be assembled and filed with the city secretary as one instrument. Within seven (7) days after a petition is filed, the city secretary shall determine whether each paper bears the names of five (5) electors who constitute a committee of the petitioners, and the required affidavit of the circulator thereof, and whether the petition is signed by qualified voters of the constituency of the councilmember whose removal is sought equal in number to at least twenty-five (25) percent of the number of the votes cast for that councilmember and all of that councilmember's opponents in the last preceding general municipal election in which the councilmember was a candidate. As used herein "constituency" shall mean the qualified voters eligible to vote for the councilmember whose removal is sought, either by geographical district or at large, as the case may be.
- (b) If the city secretary finds the petition insufficient the city secretary shall return it to the committee of the petitioners, without prejudice, however, to the filing of a new petition based upon new and different grounds, but not upon the same grounds. If the city secretary finds the petition sufficient and in compliance with the provisions of this Article of the Charter the city secretary shall submit the petition and the certificate of its sufficiency to the council at its next regular meeting and immediately notify the councilmember whose removal is sought of such action.
- (c) If the councilmember whose removal is sought does not resign within seven (7) days after such notice the city council shall thereupon order and fix a date for holding a recall election not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the council. If no general election is to be held within this time the council shall provide for a special election.

15. Article IV, Section 4.15 of the Charter shall be amended to read as follows:

Sec. 4.15. Results of recall election.

If a majority of the votes cast at a recall election shall be against the recall of the councilmember named on the ballot, the councilmember shall continue in office. If a majority of the votes cast at a recall election be for the recall of the councilmember named on the ballot, the councilmember shall be deemed removed from office and the vacancy shall be filled in the manner prescribed in Article II, section 2.04 of this charter.

16. Article IV, Section 4.16 of the Charter shall be amended to read as follows:

Sec. 4.16. Limitations on recalls.

No petition shall be filed against a councilmember within six (6) months after the councilmember takes office nor against a councilmember who has been subjected to a recall election and not removed thereby until at least six (6) months after such election. Should a regular election occur during the time when a recall petition is current and should the person(s) being recalled be reelected, the recall petition shall be null and void.

17. Article V, Section 5.01 of the Charter shall be amended to read as follows:

Sec. 5.01. The city manager: Qualifications.

The city manager shall be chosen by the council solely on the basis of the appointee's executive and administrative qualifications with special reference to the appointee's actual experience in or the appointee's knowledge of accepted practice in respect to the duties of the office, as hereinafter set forth, provided that any person who is appointed city manager must have had at least two (2) years of experience as a city manager or assistant city manager, or the equivalent thereof. At the time of the appointment the appointee need not be a resident of the city or state but during the appointee's tenure of office the appointee shall reside within the city.

18. Article V, Section 5.02(a) of the Charter shall be amended to read as follows:

- (a) The council shall appoint the city manager for an indefinite term and may remove the city manager by a majority vote of its members. At least thirty (30) days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for the removal. The city manager may reply in writing and may request a hearing at a public meeting of the council, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. Pending such hearing the council may suspend the city manager from duty but may not suspend or reduce the city manager's salary. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal.

19. Article V, Section 5.03 of the Charter shall be amended to read as follows:

Sec. 5.03. The city manager: Powers and duties.

The city manager shall be the chief executive officer and the head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the city placed under the city manager's control by this Charter or by ordinance or resolution of the council, and to that end the city manager shall:

- (a) Appoint and remove any employee of the city, except as otherwise provided by this Charter and except as the city manager may authorize the head of a department to appoint and remove subordinates in such department.

- (b) Prepare the annual budget and submit it to the council and be responsible for its administration after adoption.
- (c) Prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
- (d) Attend all meetings of the council, with the right to take part in the discussion, but having no vote.
- (e) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to the city manager desirable.
- (f) Appoint, subject to the approval of the council, the city secretary.
- (g) Perform such other duties as may be prescribed by this Charter or required of the city manager by the council not inconsistent with this Charter.

20. Article V, Section 5.04 of the Charter shall be amended to read as follows:

Sec. 5.04. Absence of city manager.

To perform the duties during the temporary absence or disability, the [city] manager shall designate by letter filed with the city secretary a qualified administrative officer of the city. The administrative officer thus designated shall perform the duties of the [city] manager until the city manager shall return or the city manager's disability shall cease or until the council by resolution designates another officer of the city to perform such duties.

21. Article VI, Section 6.01 of the Charter shall be amended to read as follows:

Sec. 6.01. City attorney: appointment.

The city attorney, who shall be head of the legal department, shall be a qualified attorney-at-law licensed to practice in the State of Texas. The city attorney shall be appointed by the council, and serve at the pleasure of the city council the city attorney shall receive such compensation as may be fixed by the council.

22. Article VI, Section 6.02 of the Charter shall be amended to read as follows:

Sec. 6.02. City attorney: powers and duties.

- (a) The city attorney shall represent the city in all litigation and controversies and shall prosecute all cases brought before the municipal court. The city attorney shall draft, approve or file the city attorney's written opinion on the legality of every proposed ordinance before it is acted upon by the council, and shall pass upon all documents, contracts and other legal instruments in which the city may have an interest.
- (b) The city attorney shall be the legal advisor of the city manager, city council, and of all boards, commissions, agencies, officers and employees with respect to any legal question involving their official powers or duties. The city attorney shall perform such other duties as may be required by statute, by this Charter or by ordinance.
- (c) The council may authorize the appointment of such assistant city attorneys as may be needed to perform the duties of this department. The city attorney may designate an assistant city attorney to act as city attorney in case of the city attorney's temporary absence of not more than three weeks. The council may authorize the appointment of a temporary city attorney to act for the city attorney in the case of a longer temporary absence or disability.

23. Article VI, Section 6.03(b, d) of the Charter shall be amended to read as follows:

(b) The municipal judge shall preside over the municipal court. The municipal judge shall be a qualified attorney-at-law licensed to practice in the State of Texas in good standing and shall have such other qualifications as required by subchapter FF of chapter 30 of the Texas Government Code and other applicable laws as these laws may now read or hereafter be amended. The municipal judge shall be appointed by, and shall serve at the pleasure of the council. The municipal judge shall receive such compensation as may be fixed by the council. The municipal judge shall have all the powers and duties assigned to a municipal judge by the Charter, other city ordinances, subchapter FF of chapter 30 of the Texas Government Code, or other applicable state laws.

...

(d) The council may appoint such assistant municipal judges or additional municipal judges as may be necessary to perform the duties of the municipal court or a temporary municipal judge to act for the municipal judge in the case of the municipal judge's temporary absence or disability, and such assistant, additional, or temporary municipal judge shall receive such compensation as may be set by the council. All such assistant, additional, or temporary municipal judges, when appointed, shall have all of the other powers and duties assigned to the municipal judge herein.

24. Article X, Section 10.02(b) of the Charter shall be amended to read as follows:

(b) None of the appointed members shall hold any other public office or position in the city while serving on the planning and zoning commission. The planning and zoning commission shall elect its chair from among its members. Seven (7) members shall serve without pay and shall adopt such rules and regulations as they deem best governing their actions, proceedings, deliberations, and the times and places of meetings, subject to council review.

25. Article X, Section 10.03(b)(2) of the Charter shall be amended to read as follows:

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

(2) Request additional assistance for special survey work of the city manager, who may at the city manager's discretion assign to the planning and zoning commission, employees of any administrative department or direct such department to make special studies requested by the commission.

26. Article XII, Section 12.07(b, d) of the Charter shall be amended to read as follows:

(b) The city manager and director of utilities shall be ex officio members of the board. They shall attend all meetings of the board and shall have the right to discuss any matter that is under consideration by the board but shall have no vote.

...

(d) At its organizational meeting, and annually thereafter as soon as the newly appointed member (or members) has qualified; the board shall select from its own membership a chair, vice-chair, and secretary. A majority of the regularly appointed members shall constitute a quorum. The board shall determine its own rules and order of business. The board shall meet at least once each month; all meetings shall be conducted in accordance with the Texas Open Meetings Act, chapter 551 of the Texas Government Code, as it may now read or hereafter be amended and all other applicable laws and a permanent record of proceedings shall be maintained, except as otherwise provided by law.

27. Article XIV, Section 14.06 of the Charter shall be amended to read as follows:

Sec. 14.06. Oath of office.

Every officer of the city shall before entering upon the duties of office take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city secretary:

"I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the City of Denton, Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State and the Charter and ordinances of this City; and I furthermore solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. (or if the office is one of appointment, "to secure my appointment.") So Help Me God."

AMENDMENT B

SHALL THE CITY CHARTER BE AMENDED TO RESOLVE CONFLICTS WITH STATE LAW AND MODIFY VAGUE OR UNCLEAR LANGUAGE?

Proposition B was approved by the majority of voters voting at the election, and therefore the City Charter is amended to read as follows:

1. Article II, Section 2.04 of the Charter shall be amended to read as follows:

Sec. 2.04 - Vacancies in Council.

Where a vacancy in any place on the council, including that of mayor, shall occur, the vacant place shall be filled by a special election, and, where necessary, by a runoff election, in the same manner as provided in this Charter for the regular election of the councilperson. Such special election shall be held on the first authorized uniform election date following the creation of the vacancy in accordance with the requirements of the Election Code and all other applicable laws. The runoff election, where necessary, shall be held in accordance with the requirements of the Election Code and all other applicable laws; provided, however, that where a vacancy shall occur within one hundred and twenty (120) days of a regular election, no special election to fill the vacancy shall be called, unless more than one vacancy occurs.

2. Article III, Section 3.01(b) of the Charter shall be amended to read as follows:

(b) ~~On the first Saturday in April immediately following adoption of Section 2.01 and the drawing of election district boundaries by the council, On the uniform election day for municipal elections in May established by the Election Code,~~ the voters shall elect:

- (1) The mayor, place seven (7), for a term of two (2) years.
- (2) Two (2) councilmembers, places five (5) and six (6), for terms of two (2) years each.

- (3) One (1) councilmember for an interim term of one (1) year. This position shall be denominated for such interim term as place four (4) and such councilmember shall be elected from the city at large and may be a resident of any district.

At the next following regular annual municipal election after the one referred to above in this section, the district and at large system provided in Section 2.01 shall take full effect.

3. Article IV Section 4.08 of the Charter shall be amended to read as follows:

Sec. 4.08 - Submission of electors.

If the council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the council shall fail to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors ~~not less than thirty (30) days nor more than sixty (60) days from the date the council takes its final vote thereon. If no regular election is to be held within such period the council shall provide for a special election.~~ at the next uniform election date in accordance with the Election Code and all other applicable laws.

4. Article IV, Section 4.17 of the Charter shall be amended to read as follows:

Sec. 4.17 - District judge may order election.

Should the city council fail or refuse to order any recall election when all of the requirements for such election have been complied with by the petitioning electors in conformity with this Article of the charter, then any citizen may file for a writ of mandamus from a District Judge of Denton County or other court, upon proper application therefor, to order such election and effectuate the provisions of this Article of the charter.