

**CITY OF HEATH, TEXAS
ORDINANCE NO. 251014A**

AN ORDINANCE OF THE CITY OF HEATH, TEXAS AMENDING SECTION 30.04 “TERM LIMITS”, CHAPTER 30 “GENERAL PROVISIONS” OF THE HEATH CODE OF ORDINANCES TO IMPOSE RETROACTIVE TERM LIMITS; PROVIDING A CUMULATIVE AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Heath (the “City”) 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, Section 2.02(12) of the City Charter and Section 26.041 of the Texas Local Government Code provide that the City Council may “create offices, determine the method for selection of officers, and prescribe the qualifications, duties, and tenure of office for officers”; and

WHEREAS, in response to the result of the November 5, 2024, election amending the City Charter, the City Council passed Ordinance No. 241210A on December 10, 2024, that adopted Section 30.04 “Term Limits” of Chapter 30 “General Provisions” of the Heath Code of Ordinances imposing City Council term limits prospectively; and

WHEREAS, on January 28, 2025, the City Council adopted Ordinance No. 250128C acknowledging a scrivener’s error in the signed copy of Ordinance No. 241210A that inadvertently applied term limits retroactively and correcting Ordinance No. 241210A to apply term limits prospectively; and

WHEREAS, the City Council now wishes to adopt this Ordinance amending Section 30.04 “Term Limits” of Chapter 30 “General Provisions” of the Heath Code of Ordinances to retroactively impose term limits upon the positions of Mayor and Council Members applying said term limits to the current elected officials.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT OF CHAPTER 30. Section 30.04 “Term Limits” of Chapter 30 “General Provisions” of the Heath Code of Ordinances is hereby amended to read as follows, with all other provisions of Section 30.04 to remain in full force and effect:

“§ 30.04 TERM LIMITS.

...

(E) All time served prior to October 14, 2025 will count towards these term limit restrictions.

...

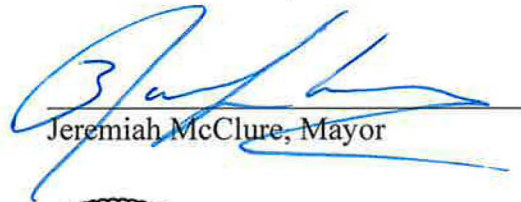
SECTION 3. CUMULATIVE AND REPEALER CLAUSE. This Ordinance shall be cumulative of all provisions of Ordinances of the City of Heath, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. It is hereby declared to be the intent of the City Council of the City of Heath 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 of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon passage and approval.

PASSED AND APPROVED by the City Council of the City of Heath, Texas, this 14th day of OCTOBER, 2025.

CITY OF HEATH, TEXAS:


Jeremiah McClure, Mayor

ATTEST:


Norma Duncan, City Secretary



APPROVED AS TO FORM:


Marie Johnson, Assistant City Attorney