

ORDINANCE NO. 2404

AN ORDINANCE OF THE CITY OF EULESS, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EULESS, TEXAS, BY REPEALING CHAPTER 95, "FAIR OVERTIME AND SCHEDULING STANDARDS," IN ITS ENTIRETY; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Euless (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Article IV of the City Charter, an initiative election was held on November 3, 2020, wherein the citizens of Euless approved the adoption of regulations regarding fair overtime and scheduling standards, codified in Chapter 95 of the Code of Ordinances, City of Euless, Texas (the "Code"); and

WHEREAS, since the adoption of these regulations the Texas Legislature adopted HB 2127 which, among other things, adopted Section 1.005 of the Texas Labor Code to prohibit a municipality from adopting, enforcing, or maintaining an ordinance, order, or rule regulating employment leave, hiring practices, breaks, employment benefits, scheduling practices, and any other terms of employment that exceed or conflict with federal or state law for employers, including any field or regulation that is occupied by a provision in the Texas Labor Code; and

WHEREAS, Article IV, Section 6 of the City Charter provides that an ordinance adopted by initiative election may be repealed or amended at any time after the expiration of two (2) years by a four-fifths (4/5) vote of the city council; and

WHEREAS, more than two years has passed since the adoption of the fair overtime and scheduling standards set forth in Chapter 95 of the Code; and

WHEREAS, the City Council has determined that repealing the regulations in Chapter 95 of the Code is in the best interest of the health, safety, and general welfare of the citizens of the City of Euless and the public.

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

SECTION 1.

Chapter 95, "Fair Overtime and Scheduling Standards," of the Code is hereby repealed in its entirety.

SECTION 2.

This Ordinance shall be cumulative of all provisions of the Code and other ordinances of the City of Euless, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of other ordinances, in which event the

conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

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

SECTION 4.

SAVINGS CLAUSE. All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the Code that 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 this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PRESENTED AND APPROVED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on the ___ day of September 24, 2024, by a vote of ___ ayes, ___ nays, and ___ abstentions.

Linda Martin, Mayor

ATTEST:

Kim Sutter, TRMC, CMC
City Secretary / Chief Governance Officer

APPROVED AS TO FORM:

Wayne K. Olson, City Attorney