

ORDINANCE NO. _____

An ordinance ordering a special election to be held in the city of Dallas on November 8, 2005 on the question of adopting amendments to the Charter of the City of Dallas; clarifying that Place 15 on the city council is designated as the mayor; increasing the mayor's annual compensation to \$120,000; providing for the city manager to be appointed by the mayor and removed by the mayor or by a majority vote of the full city council; requiring the city manager and mayor to jointly prepare the city's annual budget; requiring the city manager to appoint the police chief and fire chief with the concurrence of the mayor; creating a city council finance, audit, and accountability committee appointed by a majority vote of the full city council (excluding the mayor, who may not vote or participate in the matter or serve on the committee); providing for the appointment, discharge, and compensation of a council finance and budget oversight officer by a majority vote of the full city council (excluding the mayor, who may not vote on the matter); providing for the appointment, discharge, and duties of assistants to the council finance and budget oversight officer; providing for the appointment, discharge, and compensation of the city auditor by a majority vote of the full city council (excluding the mayor); providing for the selection of an independent auditor by a majority vote of the city council (excluding the mayor); providing residency requirements for the city manager, city attorney, city auditor, city secretary, and council finance and budget oversight officer; providing for the city attorney and the city secretary to be discharged by a majority vote of the full city council; authorizing the city secretary to terminate assistants without city council consent; clarifying the duties of the city

auditor; providing for the appointment, discharge, and duties of assistants to the city auditor; exempting the city secretary's office, the city auditor's office, and the office of the council finance and budget oversight officer from civil service; authorizing city council members to select their professional and administrative assistants; providing for the removal of municipal judges; correcting obsolete references to the municipal courts as corporation courts; authorizing the adoption of a disaster emergency preparedness ordinance; authorizing the city attorney to initiate court action for an election to fill city council vacancies in the event of the simultaneous death or disability of all city council members; eliminating the provision allowing a police chief or fire chief, or an assistant above the rank of captain, to be restored to a prior held rank or a lower appointive rank upon being removed from his or her position for unfitness; clarifying the process for disciplining employees of the police and fire departments; eliminating requirements that the city manager, the city attorney, and department directors be given a public hearing before the city council prior to being discharged; clarifying that city employees in the unclassified civil service and city employees exempt from civil service have no right to appeal disciplinary actions; requiring a "reasonable person" standard to be used in civil service trial board hearings and administrative law judge hearings; providing that charter provisions and city personnel rules prevail over any conflicting civil service rule; authorizing the city to adopt regulations governing campaign contributions and expenditures for city elections; requiring publication of all campaign contributions made to city council candidates; providing for general elections to be held on the first authorized election date after March 1 of each odd-numbered year, or, if state law ceases to restrict election dates, in May of odd-numbered years; changing the date on which council members elected at a general election take office; increasing the size of the civil service board; providing for removal of a civil service board member or adjunct member without written

reasons or an opportunity to present a defense; providing for city board and commission members to be appointed during September of each odd-numbered year and to serve a term not to exceed two years from October 1 or until their successors are appointed and qualified; providing that advisory board and commission members may not hold over in their positions longer than nine months after the expiration of their terms or after the creation of vacancies in their positions; providing that members of the city's redistricting commission serve a term ending upon completion of the redistricting commission's work; requiring the city council to appoint a charter review commission at least every 10 years to review the city charter; providing that moneys to be derived from the sale of lawfully authorized commercial paper notes are deemed to be in the city's treasury; designating the city's chief financial officer as the city treasurer; clarifying that city money is deposited into the city treasury or city depository instead of with the city treasurer; correcting obsolete references to the director of revenue and taxation and the director of finance; authorizing the city to grant franchises for solid waste hauling, solid waste pickup, solid waste recycling, and solid waste disposal, which franchises would be exempt from rate regulation; renaming the city's fire department as the fire-rescue department; authorizing members of the fire-rescue department to exercise police powers in rescue situations; eliminating the charter requirement for an official city newspaper; providing for city notices to be published in newspapers of general circulation in the city; clarifying the process for annexing and disannexing territory to and from the city; making the charter language gender neutral; correcting obsolete references to state law; making certain other conforming and nonsubstantive changes; providing transitional provisions for the proposed charter amendments; prescribing the form of the ballot; designating polling places; providing for the use of an electronic voting system for early voting by personal appearance and a computerized voting system for voting on election day and early

voting by mail; permitting only resident qualified voters to vote; providing for early voting; providing for an early voting ballot board to process early voting; providing for notice of the election; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That a special election is ordered to be held in the city of Dallas on November 8, 2005, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the city 13 propositions on whether the Charter of the City of Dallas should be amended. The proposed amendments will affect only the sections listed below and will read as set forth below (the new portions being underlined and the repealed portions being crossed through):

CHAPTER I. INCORPORATION AND TERRITORY

SEC. 3. ADDITIONAL TERRITORY.

The city may from time to time alter its boundaries by annexing or disannexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by state law. ~~[In addition thereto, the city may annex additional territory lying adjacent to the city with or without the consent of the territory and the inhabitants of the territory annexed where the same is not inconsistent with the state law. Such annexations shall be accomplished by ordinance providing for the alteration and extension of the boundary limits, which ordinance shall describe the territory to be annexed and shall be published one time in the official newspaper. Amendments reducing the area may be incorporated into the proposed ordinance without the necessity of publishing said amendments and without the necessity of republication of said ordinance as amended. The proposed ordinance shall not thereafter be finally acted upon until at least 30 days have elapsed after the publication thereof; and upon the final passage of any such ordinance, the boundaries of the city shall thereafter be as fixed in such ordinance. The additional territory annexed shall be a part of the city and the property situated therein shall bear its pro rata part of the taxes levied by the city as provided by state law. The inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances and resolutions of the city.]~~

CHAPTER II. POWERS OF CITY

SEC. 1. POWERS OF THE CITY.

The City of Dallas, as such body politic and corporate, shall have perpetual succession and shall have the following powers:

- (1) To [~~to~~] use a corporate seal. [;]
- (2) To [~~to~~] sue and be sued. [;]
- (3) To [~~to~~] implead and be impleaded in all courts. [;]
- (4) To [~~to~~] institute and prosecute suits without giving security therefor, and to appeal from judgments of the courts without giving supersedeas or cost bonds, other bonds or security. [~~whatever;~~]
- (5) To [~~to~~] contract and be contracted with. [;]
- (6) To [~~to~~] acquire property within or without its boundaries or within the boundaries of other municipalities for any public purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease, or condemnation; to [~~and may~~] sell, rent, lease, hold, manage, and control any property now owned by it or that [~~which~~] it hereafter may acquire; and to construct, own, lease, operate, and regulate public utilities. [;]
- (7) To [~~to~~] assess, levy, and collect taxes for general and special purposes on all lawful subjects of taxation. [;]
- (8) To [~~to~~] borrow money on the faith and credit of the city by the issue or sale of bonds, warrants, or notes of the city. [;]
- (9) To [~~to~~] appropriate the money of the city for all lawful purposes. [;]
- (10) To [~~to~~] create, provide for, construct, regulate, and maintain public works and public improvements of any nature. [;]
- (11) To [~~to~~] levy and collect assessments for local improvements. [;]
- (12) To [~~to~~] levy an occupation tax on any person, occupation, calling, or business where permitted under the laws of this state. [;]
- (13) To [~~to~~] license and regulate vehicles operated for hire and fix and regulate the rates to be charged [~~there~~] for the use of such vehicles. [;]

(14) To [~~to~~] license and regulate persons, corporations, and associations engaged in any business, occupation, profession, or trade. [;]

(15) To [~~to~~] license and regulate all places of public amusement. [;]

(16) To [~~to~~] define nuisances and prohibit the maintenance of any nuisance within the corporate limits of the city to within 5,000 feet of the corporate lines, outside of the city limits, and abate such nuisances by summary proceedings and provide for the punishment of persons who create or maintain such nuisances. [~~the authors thereof;~~]

(17) To [~~to~~] regulate the use and speed of automobiles, motorcycles, and other motor-driven vehicles [~~and the speed thereof~~] and prescribe the proper lighting of such vehicles [~~the same~~] when used at night. [;]

(18) To [~~to~~] provide for the inspection of buildings and all works of construction and prescribe and enforce proper regulations in regard thereto. [;]

(19) To [~~to~~] regulate and locate or prohibit the erection of all poles in the city and cause them [~~the same~~] to be removed or changed at any time. [;]

(20) To [~~to~~] provide for the inspection of weights and measures and fix standards of weights and measures. [;]

(21) To [~~to~~] provide for the regulation of bakeries and prescribe the weight and quality of bread manufactured or sold in the city. [;]

(22) To [~~to~~] provide for the inspection and regulation of dairies located inside the city limits or at any other place from which milk or other products are sold within the city, and for the inspection of all cows and facilities from which milk is sold in the city, and prescribe fees to be charged in connection with such inspection, and establish and maintain a standard of quality of all dairy products sold in the city. [;]

(23) To [~~to~~] regulate, restrain, or prohibit the running at large of all animals in the city, and to license animals [~~same~~]. [;]

(24) To [~~to~~] adopt any ordinance or regulation having for its purpose the prevention of fires or the removal of fire hazards. [;]

(25) To [~~to~~] regulate burial grounds, cemeteries, and crematories and condemn and close them [~~same~~] in the thickly settled portions of the city when public interest and public health may demand [;] and to regulate the burial of the dead. [;]

(26) To [~~to~~] provide for a system of vital statistics. [;]

(27) To [tø] define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the city. [;]

(28) To [tø] regulate the construction and height of, and materials used in, all buildings and structures, and the maintenance and occupancy [~~there~~] of buildings and structures. [;]

(29) To [tø] regulate and control the use, for whatever purpose, of the streets and all other public places. [;]

(30) To [tø] create, establish, abolish, and organize offices and fix the salaries, working conditions, and compensation of all officers and employees, except those set out in the Charter. [;]

(31) To [tø] make and enforce all police, health, sanitary, and other regulations, and pass such ordinances as may be expedient for maintaining and promoting the peace, good government, and welfare of the city, for the performance of the functions thereof, for the order and security of its inhabitants and to protect the peace, lives, health, and property of such inhabitants, and to provide suitable penalties for the violation of any ordinance enacted by the city. [;]

(32) To [tø] open, extend, straighten, widen, or alter any street, alley, avenue, boulevard, sidewalk, parkway, or public way [;] and to close or vacate and abandon the same. [;]

(33) To [tø] expend public funds for purposes of advertising and public information. [;]

(34) To [tø] have the exclusive right to erect, own, maintain, and operate a waterworks and sanitary sewer system, or any part thereof, for the use of the [~~said~~] city and its inhabitants, and to regulate such system [~~the same~~], but shall not have the power or right to sell the [~~said~~] waterworks system, except that excess property in the waterworks system may be sold as other property; to prescribe rates for water and sanitary sewer services furnished to the inhabitants, and to make such rules and regulations as the council may deem expedient, including the power to extend water and sanitary sewer lines and assess a portion or all of the cost therefor and affix a lien against the property and the property owner [~~thereof~~]; to do anything whatsoever necessary to operate and maintain the [~~said~~] waterworks system, and to compel the owners of all property and the agents of such owners to pay all charges for water and sanitary sewer services furnished upon such property. [~~excess property in the waterworks system may be sold as other property;~~]

(35) To [tø] make provision for the care and sustenance of police officers, firefighters, and other uniformed personnel of the police and fire-rescue departments who have been disabled while in the service of the city, or who, after long and continued service, become by reason of old age and infirmities incapacitated to discharge their duties, or because of longevity of service alone, and to make provision for the aid and relief of the widows, minor

children, and dependents of deceased police officers, firefighters, and other uniformed personnel of the police and fire-rescue departments and may provide for the creation of a fund or funds for such purposes, from the general revenue of the city or from such other sources as may be prescribed by the council under such rules and regulations as the council may adopt, and the city may exercise all of the powers as may be conferred upon the city council by acts of the legislature of the State of Texas. [;]

(36) To [tø] make provision for the care and sustenance of all of the officers and employees of the city who have been disabled while in the service of the city, or who after long and continued service, [~~shall~~] become by reason of old age and infirmities incapacitated to discharge their duties, or because of longevity of service alone, to provide for the aid and relief of the widows, minor children, and dependents of deceased officers and employees; to provide for the creation of a fund or funds for such purposes, from the general revenue of the city or from such other sources as may be prescribed by the council under such rules and regulations as the council may adopt. [;]

(37) By [by] ordinance or resolution, to provide for and construct a general storm sewer and drainage system in the city, which may be divided into public and private sewers and drains and be built, maintained, and conducted in such manner [;] as the city council may provide. For the purpose of establishing a general storm sewer and drainage system, the city council shall have full power to change any river, creek, bayou, or other drain, or any part thereof, so as to divert the drainage thereof in accordance with a general drainage plan or any special plan providing therefor. [;]

(38) To [tø] adopt rules and regulations for the civil service system. [;]

(39) To [tø] fix and regulate the rates of gas, water, electricity and other utilities, and to regulate and fix the fares, tolls and charges of local telephones and exchanges; of public carriers and motor vehicles, where they are transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls or charges and the kind of service of all public utilities of every kind, unless otherwise required by state law. [;]

(40) To [tø] regulate the speed of engines, locomotives, electric railways, or other power-driven equipment operating upon tracks, rails, or defined routes, either at ground level, overhead or underground within the limits of the city, and to regulate the operation of the same so as to prohibit the blocking of intersections, streets, alleys, avenues or impeding the free flow of vehicular traffic or pedestrians. [;]

(41) To [tø] contract with public service carriers, common carriers, or private carriers or with transportation authorities for the furnishing of transportation facilities within the city limits of Dallas and connecting the adjoining areas; including the joint use of publicly owned and privately owned or joint publicly owned facilities to provide an interregional transportation network, both within and without the city limits of Dallas. [;]

(42) To [tø] require any and all railroad companies operating any track upon or across any public street of the city, to reduce any such track below the level of the streets intersected or occupied by any such track, or to elevate any such track above the level of the streets intersected or occupied by any such track, and to require the company or companies owning or operating any such track to provide necessary and proper crossing for the public travel at intersecting streets; all such work to be done in the manner required by the city. [;]

(43) To [tø] require any holder of a franchise from the city to allow the use of its tracks, poles, underground conduits and wires by any other holder to which the city shall grant a franchise upon payment of a reasonable rental therefor to be fixed by the city council. [;]

(44) To [tø] 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 the State of Texas, any county of this state or any of the civil agencies thereof which have any of the municipal powers, or the United States or any agency thereof. [;]

(45) To [tø] acquire, construct, or own, within or without the city, either wholly or in cooperation with any other city, county or political subdivision of the state, an airport or airports, either by purchase, donation, bequest, eminent domain or otherwise; to provide for the operation, maintenance, control and financing thereof, the same as though wholly owned by the city within its city limits. [;]

(46) To [tø] acquire, by purchase, gift or devise, or by the exercise of the right of eminent domain by and through condemnation proceedings, and own, in fee simple or otherwise, either public or private property located inside or outside of the corporate limits of the city or within any county in the state, for the extension, improvement and enlargement of its waterworks system, including riparian rights, water supply reservoirs, standpipes, watersheds, dams, the laying, building, maintenance and construction of water mains, rights-of-way in connection therewith, and the laying, erection, establishment or maintenance of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water; for sewerage plants and systems; rights-of-way for water and sewer lines; parks, playgrounds, fire-rescue stations, police stations, airports and landing fields, burial grounds and cemeteries, incinerators or other garbage disposal plants, electric light and power plants and rights-of-way for lines in connection therewith, gas plants and rights-of-way for gas lines in connection therewith; streets, boulevards and alleys or other public ways; city jails, prison farms, city halls and other municipal buildings, municipal garages, and parking facilities, or any rights-of-way needed in connection with any property used for any purpose hereinabove named; for the straightening or improving of the channel of any stream, branch or drain and for any other municipal purpose. The procedure to be followed in any condemnation proceedings hereunder and authorized herein shall be in accordance with the provisions of the state law with reference to eminent domain. The provisions of Title 52 of the Revised Civil Statutes of Texas (1925), as amended, or as may hereafter be amended, shall apply to such proceedings, or such proceedings may be under any other state law now in existence or that hereafter may be passed governing and relating to the condemnation of land for public purposes by a city. [;]

(47) To [tø] exercise all the powers conferred upon water improvement districts or water control and preservation districts under the state law as the same now exists or may hereafter be amended, providing for the exercise of the rights of eminent domain by and through condemnation proceedings. It shall also have all the powers authorized by Article 7880-126, Revised Civil Statutes of the State of Texas, as the same presently exists or may hereafter be amended, and all other powers conferred upon cities and towns in the State of Texas acting individually or jointly, in the furnishing of an adequate supply of wholesome water. It shall have authority to sell any surplus water not needed by the City of Dallas. [;]

(48) To [tø] erect and establish work houses, houses of correction, or rehabilitation facilities within or without the city limits; to make all necessary rules and regulations therefor; to employ personnel necessary to manage and control the same; to assign persons confined to the city jail to any such facility so established. [;]

(49) To [tø] provide a code of ethics by ordinance which shall be binding on all officers, employees, and elective and appointive officials as provided herein, setting out the acts, conduct and financial interest which shall be considered to be in conflict with the position they hold and providing the procedure for enforcing the same. This may be either in addition to, or incorporated into personnel rules and regulations as pertain to various employees.

(50) To adopt rules and regulations regarding campaign contributions and expenditures for city elections.

(51) To adopt a disaster emergency preparedness ordinance that provides for the development and adoption of a comprehensive city emergency management plan, to take effect in the event of the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause. The comprehensive city emergency management plan must ensure the continuity of governance.

SEC. 3. CHARTER REVIEW PROCESS.

At intervals of not more than 10 years (the first interval to occur not more than 10 years after adoption of this section), the Charter shall be reviewed by a commission appointed by the council. The commission shall complete the review and report to the council within one year after its appointment. Notwithstanding this section, amendments to the Charter may at any time be framed and proposed as provided by law.

CHAPTER III. CITY COUNCIL

SEC. 1. COMPOSITION OF CITY COUNCIL.

Except as otherwise provided by this Charter, all powers conferred on the city shall be exercised by a city council to be composed of 15 members, nominated and elected in the manner

hereinafter provided unless otherwise provided by law. One member of the city council, Place 15 (which place is designated as the mayor), shall be elected by the qualified voters of the entire city and 14 members by the qualified voters residing in a particular district, Places 1 through 14 respectively, as provided in Chapter IV of this Charter. Members of council, Places 1 through 14, shall each be elected for a term of two years and member of council, Place 15 (which place is designated as the mayor), shall be elected for a term of four years. The city council members so elected shall take office on the first Monday following the 30th calendar day after the final canvass of the general election, and they shall serve until their respective successors have been elected and qualified.

SEC. 3. COUNCIL QUALIFICATIONS.

Each member of the city council shall, in addition to the other qualifications prescribed by law, be at the date of [his] election a qualified voter of the city, and shall not be in arrears in the payment of any taxes or other liabilities due the city.

SEC. 3A. LIMITATION OF TERMS.

(a) A person who has served as a member of the city council other than Place 15 (which place is designated as the mayor) for four consecutive two-year terms shall not again be eligible to become a candidate for, or to serve in, any place on the city council except Place 15 until at least one term has elapsed.

(b) A person who has served two consecutive terms as a member of the city council, Place 15 (which place is designated as the mayor), shall not again be eligible to become a candidate for, or to serve in, Place 15 on the city council until at least one term for Place 15 has elapsed.

(c) A "term" as used in Subsection (a) shall include any period of service during a city council term when that period is in excess of one year, including a term from which the member resigned.

(d) For the purpose of limiting terms under Subsection (b), a term includes a period of time less than four years when the period of service by a mayor during a term is in excess of 731 days.

SEC. 4. COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

(a) Effective October 1, 2001, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$37,500 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive as compensation for services the sum of \$120,000 [~~60,000~~] for each year (prorated for partial years) served as mayor on the city council.

(b) For purposes of this section, a “year” means a 12-consecutive-month period.

(c) The compensation provided for in Subsection (a) will be paid on a biweekly basis.

(d) In addition to receiving the compensation provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized by the city council.

(e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member’s compensation provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business.

SEC. 5. VACANCIES IN THE CITY COUNCIL; HOW FILLED.

(a) If a vacancy occurs on the city council, the vacancy must be filled at a special election for that purpose unless a general election that would fill the vacant place is scheduled to occur within 120 days after the vacancy occurred. As soon as practicable after the occurrence of the vacancy, the city council shall call a special election to be held at the next authorized election date that is at least 60 days after the date of the occurrence of the vacancy.

(b) A person selected to fill a vacancy on the city council shall serve only until the next general city election for that place.

(c) If a candidate duly elected to the city council at the general election fails to take the oath of office on or before 10 days after the beginning of the term, then that place will be considered a vacancy and filled as provided in this section for other vacancies. If a candidate elected to the city council at a special election fails to take the oath of office on or before 10 days after the official canvass of the election, then that place will be considered a vacancy and filled as provided in this section for other vacancies.

(d) In the event of the death or disability of all members of the city council for any reason, such that the city council is unable to call an election to fill vacancies on the city council, the city attorney is authorized to institute an action on behalf of the city in the district court of Dallas County, Texas to obtain an appropriate order declaring an emergency and calling a special election to fill the city council vacancies. If state law provides for the manner and method of calling such an election, then state law shall be followed in lieu of the instituting of court action by the city attorney.

SEC. 10. COUNCIL VOTE.

No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, or where his or her financial interests are involved, and in these instances, the member [~~he~~] shall not vote. The council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.

SEC. 11. ELECTION AND DUTIES OF THE MAYOR PRO TEM AND [s] DEPUTY MAYOR PRO TEM [~~]; DUTIES OF~~].

The city council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor in the case of the absence or inability of the mayor to perform the duties of [~~his~~] office, who shall, during that time, be vested with all the powers belonging to the mayor. The council shall also elect one of its members as deputy mayor pro tem to act in the absence of both the mayor and the mayor pro tem and to exercise the powers of the mayor during that time.

SEC. 13. POLICY-MAKING PROCEDURES AND OVERSIGHT RESPONSIBILITIES.

(a) In the performance of the powers of government, it is the duty of the mayor and the city council to make suitable provision for the assurance of adequate and appropriate prior review and consideration of official actions to be taken by the city council, and to ensure [~~assure~~] that a high performance level of services to the citizens is maintained, responsiveness to the people is provided, and accountability in municipal government is assured. To this end, the city council shall:

(1) adopt rules of procedure governing the conduct of city council meetings and the introduction, consideration, and method of review of actions to be considered by the city council, consistent with the city manager's authority to present directly to the entire city council the city manager's operational agenda;

(2) create a standing audit, finance, and accountability committee of the city council that:

(A) is composed of at least five members of the city council (excluding the mayor, who may not serve on the committee);

(B) has all members, including the chair and vice-chair, appointed by a majority vote of the full city council (excluding the mayor, who may not vote on the appointments); and

(C) is charged with the responsibility for financial and audit oversight of the operations of city government;

(3) establish such additional standing committees and their duties as the city council determines is appropriate; and

(4) establish the process by which the committees shall conduct their business and review matters for city council consideration, consistent with the city manager's authority to present directly to the entire city council the city manager's operational agenda.

(b) The mayor shall appoint the members and chairs of all city council committees (except for the audit, finance, and accountability committee), and it shall be the duty of each member of the city council to serve and to participate on each committee to which the member is appointed. The mayor shall have the power to remove and reassign members to and from the various city council committees (except for the audit, finance, and accountability committee).

**SEC. 14. PROFESSIONAL AND ADMINISTRATIVE ASSISTANTS
[~~SECRETARIAL ASSISTANCE~~] TO MAYOR AND COUNCIL.**

The city manager shall provide professional and administrative assistants [~~secretarial assistance~~] to aid the council in [~~as may be needed for~~] the performance of its [~~their~~] official duties. Assistants to individual council members shall be selected by the respective council members from a pool of applicants provided by the city manager. An individual council member may, at any time, require the city manager to reassign his or her council assistant and provide a pool of applicants from which the council member may select a new assistant. [~~In addition, the council may provide for an assistant to the council to represent the mayor and the council at ceremonial occasions.~~] Personnel filling these positions shall not be subject to civil service.

SEC. 15. NO INTERFERENCE BY COUNCIL WITH APPOINTMENTS OR SUBORDINATES OF CITY MANAGER.

Neither the council nor any of its committees or members shall dictate or attempt to dictate any person's [~~the~~] appointment [~~of any person~~] to, or [~~his~~] removal from, office or employment by the city manager or any of the city manager's [~~his~~] subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the manager by this Charter. Except for the purpose of inquiry, the council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such manager, and neither the council nor any city council member [~~thereof~~] shall give orders to any of the subordinates of the city manager in those [~~said~~] departments, either publicly or privately. This section shall not apply to those professional and administrative [~~secretarial~~] assistants provided for in Section 14 of this chapter.

SEC. 17. PROHIBITING HOLDING OR RUNNING FOR OTHER OFFICE.

(a) No person elected to the city council^[5] shall, during the term for which he or she was elected, be appointed to any office or position of emolument in the service of the city. If a member of any board appointed by the council or any appointive officer of the city ~~[shall]~~ becomes a candidate for nomination or election to any public office, he or she shall immediately forfeit his or her place or position with the city.

(b) A member of the city council shall forfeit his or her place on the council if he or she becomes a candidate for nomination or election to any public office other than a place on the city council or if he or she becomes a candidate for election to any different place on the city council that ~~[which]~~ requires taking ~~[him to take]~~ office prior to the end of his or her elective term.

(c) If any employee of the city ~~[shall]~~ becomes a candidate for nomination or election to any elective public office within Dallas County; or elective public office in another county within the state, having contractual relations with the city, direct or indirect; or any elective public office that ~~[which]~~ would conflict with his or her position as an employee of the city, the employee ~~[he]~~ shall immediately forfeit his or her place or position with the city.

SEC. 19. INDEPENDENT AUDIT.

The city council shall cause an independent audit to be made of the books of account, records, and transactions of all the administrative departments of the city at least once yearly. Such audits, during such fiscal year, shall be made by one or more certified public accountants who, for the three years next preceding, have held a certificate issued by the state board of accountancy of the State of Texas, or by a state maintaining an equal standard of professional requirements, which entitled the holder of such certificate to a Texas certificate. The auditor or auditors to make the audit shall be selected by a majority vote of the members of the city council (excluding the mayor, who may not vote on the matter), and shall be responsible to the council. The duties of the auditor or auditors so appointed shall include the certification of all statements required of the city manager in the city manager and mayor's joint ~~[his]~~ annual budget estimate. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules, and schedules for each utility publicly owned or operated, summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the last previous year. The report of such auditor or auditors for the fiscal year shall be printed and a copy ~~[thereof]~~ shall be furnished to each city council member ~~[of the council]~~ and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any citizen upon request. A summary of such report of the auditor or auditors shall also be published once in a ~~[the official]~~ newspaper of general circulation in the city. The original report of the auditor or auditors shall be kept among the permanent records of the city.

SEC. 20. CITY TREASURER AND SELECTION OF CITY DEPOSITORY.

(a) The person designated ~~[There shall be an officer appointed]~~ by the city manager as the chief financial officer of the city shall serve ~~[council to be known]~~ as the city treasurer, who shall have the custody of all the public moneys, funds, notes, bonds, and other securities belonging to the city. The ~~[office of]~~ city treasurer shall ~~[be let by contract to the highest and best bidder, in the discretion of the council. He shall be appointed for a two year term and serve until his successor shall be duly qualified. Prior to the appointment of the city treasurer, the city council shall advertise for bids for said office, stating what said bids shall specify and the terms on which the bids shall be received; except, that the city council, in its discretion, may appoint the city treasurer for one additional two year term and extend the contract for two years without readvertising for bids. The city treasurer appointed by contract shall be an independent contractor, but shall be subject to the same duties as a city treasurer otherwise selected. Said treasurer shall]~~ give such bond as the council may require, conditioned on the faithful discharge of his or her duties, and the premium of such bond shall be paid by the city. ~~In~~ ~~[in]~~ addition to such bond, the city may require the city treasurer to hypothecate securities in such amount as it shall prescribe.

(b) The city council shall, in accordance with state law, select and designate a depository for the moneys and funds of the city. The city council may at any time, in accordance with state law, select and designate more than one depository. The city treasurer shall be responsible for administering the contract with the depository. The depository ~~[He]~~ shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the city manager and countersigned by the city controller ~~[director of finance]~~, after authorization of the city council. The city treasurer ~~[He]~~ shall ensure that ~~[render]~~ a full and correct statement of ~~[his]~~ receipts and payments is provided to the city manager and the city council, ~~[on or before the 10th day of each month, and]~~ at such ~~[other time or]~~ times as the city manager or council may require and ~~[, such statement to be made]~~ in such form as the city manager may prescribe. The city treasurer shall perform such other acts and duties as the city manager ~~[council]~~ may prescribe. ~~[He shall receive for his services \$5 per annum.]~~

CHAPTER IIIA. CITY SECRETARY

SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

The city council shall appoint a city secretary who shall serve for a period of two years from the date of ~~[his]~~ appointment or until a [his] successor is appointed and qualified, unless sooner discharged by the council. The city secretary shall be a resident of the City of Dallas. If at the time of appointment, the city secretary resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. The city secretary ~~[He]~~ shall be appointed by a majority vote of all of the members of the city council and shall not be discharged during his or her term of office except upon a majority ~~[two-thirds]~~ vote of all of the

members of the council. The city secretary [~~He~~] shall receive such compensation as shall be fixed by the council.

SEC. 2. ASSISTANTS AND EMPLOYEES.

The city council shall provide the city secretary with such assistants as it may deem necessary, and they shall receive such compensation as may be fixed by the council. Any such assistant may be discharged at any time by the city secretary [~~with the consent of the city council~~]. All powers and duties imposed on the city secretary may be exercised and performed by any assistant under the city secretary's [~~his~~] direction.

CHAPTER IV. ELECTIONS AND REFERENDUMS

SEC. 3. GENERAL ELECTION.

No primary election shall be held for the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held on the first authorized election date after March [~~February~~] 1 of each odd-numbered year. If state law does not restrict election dates, the city council shall by ordinance establish an election date in May [~~April~~] of odd-numbered years. The members elected shall compose the city council of the City of Dallas and shall serve for the terms provided in Chapter III of this Charter, or until their respective successors shall have been elected, qualified, and taken office.

SEC. 4. ELECTION OF CITY COUNCIL MEMBERS.

All qualified voters of the city shall be entitled to vote for a candidate in Place 15 (which place is designated as the mayor). The qualified voters of the respective districts shall be entitled to vote for one candidate from Place 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, corresponding to the district of which the voter is a resident.

SEC. 5. DISTRICT LIMITS.

(a) The city shall be divided into 14 districts, known as Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

(b) Redistricting commission.

(1) Not later than the date of receipt of any federal census, each member of the city council shall appoint one member of a redistricting commission. The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council. In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the

redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the commission's work.

(2) A member of the city council is not eligible for appointment to the redistricting commission. A member of the redistricting commission is not eligible to be a candidate for a place on the city council in the next succeeding general election of the city, and may not be appointed or elected to the city council or to any other official board or commission of the city for a period of one year after service on the redistricting commission.

(3) The redistricting commission shall promptly convene in such sessions as are necessary, including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter. Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor. The mayor shall present the recommended plan to the city council at its next meeting. The city council shall adopt the plan as submitted or shall modify and adopt the plan, in either case within 45 days of receipt by the mayor. If neither of such actions is taken within 45 days, then the recommended plan of the redistricting commission will become the final districting plan for the city.

(4) The districting plan developed in accordance with this section must be implemented at the next general election of the city council conducted at least 90 days following the date the final districting plan becomes effective for the city.

SEC. 6. CANDIDATE'S RESIDENCE.

(a) No person shall be eligible as a candidate for member of council, Place 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, unless the person is at the time a bona fide resident of District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, respectively, and has resided within the district in which the person is a candidate for a period of at least six months prior to the date of the election. Any person elected to a place representing a district must continuously reside in the district during that person's term of office. A candidate for member of council, Place 15 (which place is designated as the mayor), may be a resident of any portion of the city, must have resided in the city for a period of at least six months prior to the date of the election, and must continuously reside within the city during the person's term of office.

(b) If the district in which a person will have resided for at least six months prior to the date of an election will change because of the relocation of a district boundary, the person is eligible to become a candidate:

(1) for the new district assigned to the person's residence; or

(2) for the previous district of the person's residence if the person moves to a residence within the revised boundaries of that district prior to becoming a candidate for election.

(c) No person may appear on the official ballot as a candidate for a place on the city council unless:

(1) that person files with the city secretary a signed, sworn, and dated affidavit certifying compliance with the residency requirements of this section, except that a sworn application for a place on the ballot filed with the city secretary in accordance with the Texas Election Code will satisfy the requirements of this paragraph; and

(2) the city secretary is reasonably able to verify the truth of the affidavit of residency.

SEC. 13. DISCLOSURE OF CANDIDATE CONTRIBUTIONS.

(a) The city secretary shall cause to be published, in a newspaper of general circulation or on the city's website, on at least two separate dates (20 and two days, respectively) prior to each election or recall election, a notice disclosing the names and contribution amounts of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council that have been reported to the city secretary prior to the dates of publication.

(b) The city secretary shall also cause to be published, in a newspaper of general circulation or on the city's website, a notice disclosing the names and contribution amounts of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council reported to the city secretary following any election or recall election.

(c) The city council shall provide sufficient resources to the city secretary to implement the mandate of this section.

CHAPTER VI. THE CITY MANAGER

SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.

The mayor [council] shall appoint a city manager, who shall be the chief administrative and executive officer of the city. The city manager shall be chosen by the mayor [council] solely on the basis of [his] executive and administrative training, experience, and ability, and without regard to political consideration. The city manager shall [-and need not, when appointed,] be a resident of the City of Dallas [or the State of Texas]. If at the time of appointment, the city manager resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. No member of the council shall, during the time for which elected, be chosen as city manager. The city manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the mayor, or by the city council upon a majority [two-thirds] vote of all [the] members of the council [unless otherwise provided by

~~contract. He shall be given at least 60 days' notice prior to his removal from office. If removed after serving three months he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but pending such hearing the council may suspend him from office]. The action of the mayor or the council in [~~suspending or~~] removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such [~~suspension or~~] removal in either the mayor or the council. The city manager shall receive such compensation as may be fixed by the mayor [~~council~~].~~

SEC. 2. POWERS AND DUTIES OF THE CITY MANAGER.

The powers and duties of the city manager shall be as follows:

(1) To be responsible to the council for the proper administration of all the city affairs placed in the city manager's [~~his~~] hands, and shall to that end appoint and employ all directors of departments and other employees not otherwise provided for in this Charter or by ordinance, except that the appointment of the chief of the police department and the chief of the fire-rescue department shall require the concurrence of the mayor. Appointments made by the city manager [~~him~~] shall be on the basis of executive and administrative experience and ability and of training fitness and efficiency of such appointees in the work that [~~which~~] they are to administer. All such directors of departments shall be immediately responsible to the city manager and may be removed by the city manager [~~him~~] at any time. [~~In case of removal after six months' service, if the director removed so demands, a written statement shall be made by the city manager of the reason of his removal, and the director shall, if he so demands, be given a public hearing by the council before the order of removal is made final. The statement of the manager and any written reply of the director thereto shall be filed as a public record in the office of the city secretary.~~]

(2) To see that all laws and ordinances are enforced.

(3) Except as otherwise provided by the Charter of the City of Dallas, to appoint and remove all heads of departments and all subordinate officers and employees of the city. All [~~;- all~~] appointments must [~~to~~] be upon merit and fitness alone, and, in the classified civil service, all appointments are [~~shall be~~] subject to the civil service provisions of this charter.

(4) To exercise control over all departments and subdivisions [~~there~~] of departments created by the Charter, or that may hereafter be created by the council, except as hereinafter provided.

(5) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and, upon knowledge of any violation [~~there~~] of such terms and conditions, to call the matter [~~same~~] to the attention of the city attorney, whose duty it shall be to take such steps as may be necessary to enforce such terms and conditions [~~the same~~].

(6) To attend all meetings of the council, with the right to take part in the discussion, but having no vote. The city manager [~~He~~] shall be entitled to notice of all special meetings.

(7) To recommend to the council for adoption such measures as the city manager [~~he~~] may deem necessary or expedient.

(8) To keep the council at all times fully advised as to the financial condition and needs of the city.

(9) To act as budget commissioner and jointly with the mayor, [~~as such~~] prepare and submit to the council an annual budget after receiving estimates made by the directors or heads of the various departments of the city, and submit recommended capital programs.

(10) To see to it that the city lives within its budget.

(11) To execute deeds, deeds of trust, easements, releases, contracts, and all other legal instruments on behalf of the city when authorized by ordinance or resolution of the city council, and approved as to form by the city attorney.

(12) Appoint assistants and employees to fill the positions established by ordinance of the city council.

(13) When requested by the city council, to cause to be prepared an actuarial determination and appraisal of any or all city pension systems.

(14) In the absence or inability of the city manager, the city manager's [~~his~~] duties, including the execution of legal instruments, shall be performed by the assistant city managers in the order of precedence as may be designated by city ordinance, and the city manager may designate any of the assistant city managers to perform any of the powers and duties imposed on the city manager by this Charter.

(15) To perform such other duties as may be prescribed by this Charter, or by ordinance or resolution of the council.

CHAPTER VII. LEGAL DEPARTMENT

SEC. 1. CREATION OF LEGAL DEPARTMENT; APPOINTMENT OF CITY ATTORNEY.

There is hereby created a department to be known as the legal department. The director or head of this department shall be a competent practicing attorney of recognized ability [~~residing~~]

~~in the city,~~ and [he] shall be known as the city attorney. The city attorney shall be a resident of the City of Dallas. If at the time of appointment, the city attorney resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. The city attorney [He] shall be appointed by a majority vote of all the members of the city council and shall serve for a period of two years from the date of [his] appointment and thereafter until a [his] successor is appointed, unless sooner discharged by the council, and the city attorney [he] shall not be discharged during his or her term of office except [~~after a public hearing upon written charges and~~] upon a majority [~~two-thirds~~] vote of all [the] members of the city council. The city attorney [He] shall receive such compensation as shall be fixed by the council at the time of [his] appointment and such compensation may [~~shall~~] not be diminished during the term for which he or she is appointed.

SEC. 3. DUTIES OF THE CITY ATTORNEY.

The city attorney shall have the following powers and duties:

- (1) Representing [~~represent~~] the city in all litigation and controversies. [;]
- (2) Administering [~~have authority to administer~~] oaths and affidavits. [;]
- (3) Prosecuting [~~prosecute~~], in person or by assistants, all cases brought before the municipal [~~corporation~~] court. [;]
- (4) Approving [~~approve~~] as to form in writing all proposed ordinances before they are [~~shall be~~] adopted, or filing [~~file~~] with the city council, in writing, any [his] objection [~~there~~] to an ordinance. [;]
- (5) Drafting [~~draft~~] all proposed ordinances granting franchises. [;]
- (6) Inspecting [~~inspect~~] and passing upon all papers, documents, contracts, and other instruments in which the city may be interested. [;]
- (7) Being [~~be~~] the legal adviser to the city manager, the council, or any committee thereof, all official boards and commissions and all city officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City of Dallas. [;]
- (8) Whenever [~~whenever~~] it is [~~shall be~~] brought to the city attorney's [his] knowledge that any person, firm, or corporation exercising and enjoying any franchise or privilege from the City of Dallas has been guilty of a breach of any condition of such grant, or has failed to comply in any material matter with the terms and stipulations [~~there~~] of such grant, [~~make~~] reporting the [~~of said~~] matter to the city council, together with all facts bearing upon the matter that [~~same which~~] may be brought to the city attorney's [his] attention. If the [~~said~~] council [~~shall~~] determines that the [~~said~~] complaints are well founded, it shall be the council's [its] duty to take such action as may be necessary, [;] and if [~~in the event~~] the offending party

[shall] fails or refuses to conform to such order as the council [~~it~~] may make with respect [~~there~~] to the matter, it shall be the duty of the council to direct the city attorney to institute suit against the offending party in the court having jurisdiction over the matter [~~thereof against such party so offending~~] to obtain a judgment of forfeiture of the [~~said~~] franchise or privilege. [;]

(9) Advising [~~advise~~] the city council, the city manager, and all the departments of the city concerning new or proposed state or federal legislation and [~~to~~] representing the city before all legislative bodies in matters affecting the city. [;]

(10) Upon [~~upon~~] the city attorney's [~~his~~] own initiative or upon the direction of the city council, [~~to~~] appearing in any and all litigation affecting the city and [~~to~~] representing the city in such manner as he or she deems to be to the best interest of the city, and instituting [~~to institute~~] such legal proceedings as may be necessary or desirable on behalf of the city. [;]

(11) Hiring [~~to hire~~] or discharging [~~discharge~~] such clerical personnel or other personnel as may be authorized for the city attorney's [~~his~~] department by the city council. [;]

(12) When [~~when~~] deemed for the best interest of the city, advising [~~to advise~~] or representing officers and employees of the city in litigation in matters arising out of the official conduct of their office or duties or in the course of their employment. [;]

(13) Performing [~~perform~~] such other duties as the council may direct or request.

CHAPTER VIII. MUNICIPAL COURTS

SEC. 3. PRACTICE AND PROCEDURE.

Except as otherwise provided by state law, practices and procedures in the municipal [~~corporation~~] courts and appeals therefrom [;] shall be as established by ordinances of the city council.

SEC. 4. MUNICIPAL JUDGES; APPOINTMENT.

Each of the municipal courts of the City of Dallas shall be presided over by a judge or judges, each of whom shall be designated as municipal judge. Each judge shall be a practicing attorney of good standing. Biennially in May of each even-numbered year, the municipal judges shall be appointed by the council, which appointment shall designate the administrative judge. Each municipal judge shall hold office for two years from the date of appointment or until a [~~his~~] successor is appointed and qualified, unless sooner removed by the council. In the event of any vacancy in the office of municipal judge by death, resignation, or otherwise, the city council shall appoint a qualified attorney to fill the unexpired term as municipal judge. The administrative judge designated by the city council shall be the administrative head of the judiciary of the city.

As such, the administrative judge [~~he~~] shall promulgate work rules concerning the administration of the court dockets, the times and places for holding court, equalizing of the case assignments, the vacation schedules, and other administrative details concerned with the judicial performance of the municipal courts, which rules shall be submitted to the city manager and city attorney for comment prior to adoption by the city council. Once adopted, the administrative judge shall be responsible to see that the [~~said~~] rules are adhered to by all courts. The administrative judge [~~He~~] shall make such reports as may be required by the city council.

SEC. 4A. REMOVAL OF MUNICIPAL JUDGES.

A full-time or associate municipal judge may be removed from office by a majority vote of all members of the city council if the council determines, after a hearing before the council, that the municipal judge failed to comply with, or maintain compliance with:

(1) any residency requirements for municipal judges established by city council ordinance; or

(2) any other qualifications or requirements for municipal judges established by city ordinance, state or federal law, or other applicable law.

SEC. 6. ASSOCIATE MUNICIPAL JUDGES.

If, for any cause, any of the municipal judges shall temporarily fail to act, then and in such case the council is hereby authorized to appoint some qualified attorney who shall act in the place and stead of such municipal judge, and who shall have powers and discharge all the duties of said office and shall receive the compensation therefor accruing while [~~he is~~] so acting. Such temporary judges shall be known as associate municipal judges. Associate municipal judges, during their appointments, shall not represent clients on matters pending in the municipal courts. The appointment of an associate municipal judge shall be by resolution of the city council, filed in the office of the city secretary. In the event of civil emergency, such appointment may be made by the mayor; provided, however, no compensation shall be paid to such judges so appointed unless confirmed by the city council.

SEC. 7. COMPENSATION.

Each of the municipal [~~said-city~~] judges shall receive such compensation as may be determined by the council.

SEC. 8. CLERK OF COURT.

There shall be a clerk or clerks of the municipal [~~said~~] court and such deputies as may be provided for by ordinance. The clerks shall be appointed by the city manager and shall receive such salary as may be fixed by the council. The deputies shall be those as selected under the civil service system. The [~~Said~~] clerks shall have the power to [~~and~~] perform [~~;~~] all things and acts usual and necessary to be performed by clerks of court in issuing process of said courts and

conducting the business thereof, and such other duties as may be prescribed by ordinance of the city council.

SEC. 9. GENERAL LAWS; ACT CUMULATIVE OF.

This chapter is [The foregoing sections are hereby declared to be] cumulative of any laws that may now or hereafter be passed by the legislature regulating or increasing the jurisdiction of municipal [corporation] courts in cities of the grade and size of the City of Dallas.

CHAPTER IX. CITY AUDITOR

SEC. 1. SELECTION OF CITY AUDITOR.

(a) There is hereby created the office of city auditor [which official shall hold office for a period of two years and until a successor shall be chosen and shall qualify]. The city auditor must be a person knowledgeable in public administration, public financial and fiscal theory, municipal accounting, and auditing, and must be licensed as a Certified Public Accountant. The city auditor shall be a resident of the City of Dallas. If at the time of appointment, the city auditor resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. The city auditor shall be appointed by the city council after being nominated in accordance with a nomination procedure established by ordinance. Appointment or reappointment of the city auditor must be made by a majority vote of all members of the city council (excluding the mayor, who may not vote on the matter).

(b) The city auditor shall serve for a period of two years from the date of appointment and thereafter until a successor is appointed, unless sooner discharged by the council. The city auditor shall not be discharged during the appointed term of office except by a majority vote of all members of the city council (excluding the mayor, who may not vote on the matter).

(c) The city auditor shall receive such compensation as shall be fixed by a majority vote of all members of the city council (excluding the mayor, who may not vote on the matter) at the time of appointment, and such compensation shall not be diminished during the term for which the city auditor is appointed.

SEC. 2. ASSISTANTS AND EMPLOYEES.

The council shall provide the city auditor with such assistants as it may deem necessary, and those assistants shall receive such compensation as may be fixed by the council. Any such assistant may be discharged at any time by the city auditor. All powers and duties imposed on the city auditor may be exercised and performed by any assistant under the city auditor's direction.

SEC. 3 [2]. DUTIES OF THE CITY AUDITOR.

The city auditor shall have the following duties and responsibilities:

(1) Conducting financial audits, compliance audits, economy and efficiency audits, special audits, and investigations.

(2) Conducting, at the direction of the city council or the city council audit, finance, and accountability committee, an audit or investigation of any entity receiving funds from the city.

(3) Ensuring the quality and accuracy of information received for business decision-making and for improvement of the processes and controls used to effectively manage city resources.

(4) Monitoring [monitoring] and evaluating [surveillance-of] the city's accounting and property records, funds, general accounting system, and records of city officers authorized to receive money or other property belonging to the city. [;]

(5) [(2)] Examining [examination-of] the books, accounts, reports, vouchers, and records of city officers, of funds of the city, and of funds for which the city is responsible as trustee. [;]

(6) [(3)] Appraising [appraisal] and verifying [ication-of] the accounting accuracy of financial records, statements, and reports, and determining [ation] that generally accepted accounting procedures and principles are followed. [;]

(7) [(4)] Evaluating [evaluation-of] the adequacy of the city's accounting system and controls. [;]

(8) [(5)] Reporting [reporting] to the city council, the city council audit, finance, and accountability committee, and the city manager any irregularities or failures to maintain adequate and accurate records. [;]

(9) [(6)] Making [making] such studies and reports as the city council shall request or approve as to the efficiency, economy, and effectiveness of the programs, projects, or departments, and reporting such data to the city council, the city council audit, finance, and accountability committee, and the city manager.

(10) Acting, on behalf of the city, as liaison to external auditing agencies that are reviewing or auditing city operations or city programs that may be federally or state funded.

SEC. 4 [3]. SPECIAL AUDIT.

Upon the death, resignation, removal, or expiration of the term of any officer of the city, other than the city auditor, the city auditor shall cause an audit and investigation of the accounts of such officer to be made and shall report to the city manager and the council. Either the council or the city manager may at any time provide for an investigation or audit of the accounts of any officer or department of the city government. In case of the death, resignation, or removal of the city auditor, the city manager shall cause an audit to be made of the city auditor's [his] accounts. If, as a result of any such audit, an officer is [be] found to be indebted to the city, the city auditor, or other person making such audit, shall immediately give notice [there] of such indebtedness to the council, the city manager, and the city attorney, [;] and the city attorney [latter] shall, as directed by the city council, [forthwith] proceed to collect such indebtedness.

**CHAPTER IXA. COUNCIL FINANCE AND
BUDGET OVERSIGHT OFFICER**

**SEC. 1. APPOINTMENT OF THE COUNCIL FINANCE AND BUDGET
OVERSIGHT OFFICER.**

(a) There is hereby created the position of council finance and budget oversight officer. The council finance and budget oversight officer must be a person knowledgeable in public administration, public financial and fiscal theory, municipal accounting, and auditing. The council finance and budget oversight officer shall be a resident of the City of Dallas. If at the time of appointment, the council finance and budget oversight officer resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. Appointment or reappointment of the council finance and budget oversight officer must be made by a majority vote of all members of the city council (excluding the mayor, who may not vote on the matter).

(b) The council finance and budget oversight officer shall serve for a period of two years from the date of appointment and thereafter until a successor is appointed, unless sooner discharged by the council. The council finance and budget oversight officer shall not be discharged during the appointed term of office except by a majority vote of all members of the city council (excluding the mayor, who may not vote on the matter).

(c) The council finance and budget oversight officer shall receive such compensation as shall be fixed by a majority vote of all members of the city council (excluding the mayor, who may not vote on the matter) at the time of appointment, and such compensation shall not be diminished during the term for which the council finance and budget oversight officer is appointed.

SEC. 2. ASSISTANTS AND EMPLOYEES.

The city council shall provide the council finance and budget oversight officer with such assistants as it may deem necessary, and those assistants shall receive such compensation as may be fixed by the city council. Any such assistant may be discharged at any time by the council finance and budget oversight officer. All powers and duties imposed on the council finance and budget oversight officer may be exercised and performed by any assistant under his or her direction.

SEC. 3. DUTIES OF THE COUNCIL FINANCE AND BUDGET OVERSIGHT OFFICER.

The council finance and budget oversight officer shall have the following duties and responsibilities:

(1) Ensuring that the city's annual budget is proposed, adopted, and implemented in compliance with all applicable city and state requirements and procedures.

(2) Analyzing and evaluating each annual city budget proposed by the city manager and the mayor.

(3) Monitoring and evaluating the implementation and administration of the city's annual budget during each fiscal year.

(4) Conducting special examinations to determine whether any irregularity or noncompliance exists relating to the city's annual budget.

(5) Reporting to the city council and the city council audit, finance, and accountability committee any irregularities or noncompliance relating to the city's annual budget.

(6) Performing such other duties as the city council or the city council audit, finance, and accountability committee may direct or request.

CHAPTER X. ADMINISTRATIVE DEPARTMENTS

SEC. 2. DIRECTION.

Except as otherwise provided in the Charter, all departments of the city shall be under the supervision and direction of the city manager, including any department hereafter established by ordinance. The directors of such departments shall be appointed by the city manager [~~him~~], and they shall serve until removed by the city manager [~~him~~], or until a successor has been appointed and qualified. The city manager [~~He~~] shall coordinate the work of the various departments in the

execution of their duties of office. Subject to the direction and supervision of the city manager, the director of a department shall manage the [~~his~~] department.

CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

SEC. 1. ANNUAL BUDGET ESTIMATE.

The fiscal year of the city shall begin on the first day of October of each year and shall end with the 30th day of September next following. On the 15th day of August of each year, the city manager, jointly with the mayor, shall submit to the council a budget estimate of the revenue of the city and the expense of conducting the affairs [~~there~~] of the city for the ensuing fiscal year. This estimate shall be compiled from information obtained from the several departments, divisions, and offices of the city on uniform forms furnished by the city manager. It shall be in accordance with uniform accounting procedures with comparisons to the last two fiscal years and an estimate of the probable income for the period covered with the significant underlying assumptions.

SEC. 2. BUDGET ESTIMATES TO BE FURNISHED TO CITY MANAGER AND MAYOR BY ALL DEPARTMENTS NOT UNDER CITY MANAGER'S [~~HIS~~] IMMEDIATE DIRECTION.

Every department of the city government not under the direct control of the city manager shall furnish to the city manager and the mayor, for use in the preparation of their joint [~~his~~] recommendations to the council regarding the annual budget, a detailed budget estimate of the needs and requirements of such department for the coming year.

SEC. 3. ANNUAL APPROPRIATION ORDINANCE.

Upon receipt of the city manager and mayor's joint estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance and shall cause it to be published in a [~~the official~~] newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager and mayor's joint estimate that [~~which~~] were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least 10 days after its publication. Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year. Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year.

SEC. 4. TRANSFER OF APPROPRIATIONS.

Upon the joint written recommendation of the city manager and the mayor, the city council may at any time transfer an unencumbered [~~unincumbered~~] balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose.

SEC. 5. APPROPRIATION OF EXCESS REVENUE.

If at any time the total accruing revenue of the city is [~~shall be~~] in excess of the total estimated income thereof, as set forth in the annual budget [~~estimate in compliance with Subdivisions (4) and (5) of Section 1 hereof~~], the council may from time to time appropriate such excess to such uses as will not conflict with any uses for which such revenues specifically accrued.

SEC. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city treasury [~~treasurer~~], nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation made by the council and, whenever an appropriation is so made, the city secretary shall forthwith give notice to the city manager. At the close of each fiscal year, the unencumbered [~~unincumbered~~] balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the city that [~~which~~] will not be completed within the current year.

SEC. 7. ACCOUNTS OF APPROPRIATIONS.

Accounts shall be kept for each item of appropriation made by the council and every warrant on the city treasury shall state specifically against which of such items the warrant is drawn. Each [~~such~~] account shall show in detail the appropriations made [~~there~~] to the account by the council, the amount drawn [~~there~~] on the account, the unpaid obligations charged against the account, [~~it~~] and the unencumbered [~~unincumbered~~] balance to the credit [~~there~~] of the account.

SEC. 10. MONEY DEEMED IN TREASURY.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come in the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales of service product, or by-products, or from any city undertaking, fees, charges, accounts and bills receivable, or other credits in process of collection, and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the city treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in the process of delivery, and moneys to be derived from the sale of lawfully authorized commercial

paper notes, shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

SEC. 11. OBLIGATIONS; WHEN VOID.

All contracts, agreements, or other obligations entered into, and all ordinances passed and resolutions and orders adopted, that are contrary to the preceding sections of this chapter [-] shall be void, and no person [~~whomsoever~~] shall have any claim or demand against the city thereunder, nor shall the council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution, or order, as provided in Section 10 [~~here~~] of this chapter, or fasten upon the city any liability [~~whatever~~] in excess of such limits, or relieve any party from an exact compliance with a [~~his~~] contract under such ordinance, resolution, or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure or [-, ~~nor~~] to the exceptions contained in Section 12 of this chapter [~~following~~].

SEC. 13. DISPOSITION OF FUNDS.

The city controller [~~director of revenue and taxation~~ [~~finance~~]] shall pay over into the city treasury [~~treasurer~~] all moneys collected by the city controller [~~him~~] and belonging to the city within [~~a period of~~] 24 hours after receiving such moneys [~~the same~~]. Upon failure [~~Should he fail~~] to do so, the city controller [~~he~~] and the [~~his~~] sureties on the city controller's [~~his~~] bond shall be required to pay interest thereon at the rate of 10 percent per annum until such deposit is made.

CHAPTER XII. POLICE DEPARTMENT

SEC. 4. DISCIPLINE [~~SUSPENSION~~] OF POLICE; HEARING.

The chief of police shall have the right to discipline [~~suspend for a definite time or discharge~~] any of the officers or employees who may be under the chief's jurisdiction and control for violations of city ordinances or federal or state law [~~incompetence, neglect of duty, immorality, drunkenness~~], or for failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief of police. The chief of police may delegate this authority to discipline as he or she deems fit. If any officer or employee is [~~suspended or~~] discharged, [~~as herein provided,~~] the chief of police shall forthwith in writing certify the fact, together with the cause for the action, to the city manager. A disciplined [~~The~~] officer or employee [~~suspended or discharged~~] shall have five days from receipt of notice of a suspension, demotion, or discharge [~~such action~~] within which to demand a hearing before the city manager, as provided in this Charter, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the discipline [~~suspension or discharge~~] and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such other discipline [~~modification or amendment~~] as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged or demoted officer or employee

desires to exercise the right of a public hearing before a trial board or an administrative law judge as provided by this Charter.

SEC. 5. RESERVED. ~~[REMOVAL OF CHIEF OR ASSISTANTS.~~

~~If the chief of the police department, or any assistant above the rank and grade of captain, was selected to that position from the ranks of the police department and is removed from the position on account of unfitness for the discharge of the duties of the position, and not for any cause justifying dismissal from the service, the chief or the assistant shall be restored to the rank and grade held prior to appointment to the position, or reduced to a lower appointive rank.]~~

SEC. 6. AUTHORITY OF POLICE OFFICERS.

(a) The officers and privates constituting the police department of the City of Dallas are vested with all the power and authority given to them as peace officers under the laws of the state, the federal law, and the ordinances and regulations of the city, and it shall be the duty of each such officer and private:

- (1) to use every endeavor to prevent the commission within the city of offenses against the laws of the state, the federal government, and the ordinances and regulations of the city;
- (2) to observe and enforce all such laws, ordinances, and regulations;
- (3) to detect and arrest offenders against all such laws, ordinances, and regulations; and
- (4) to preserve the public peace, health, and safety.

(b) All police officers shall execute any criminal warrant, warrant of arrest, writ, subpoena, or other process that may be placed in their hands by the duly constituted authorities of the city. No police officer shall receive any fee or other compensation for any service rendered in the performance of the officer's duty other than the salary paid by the city, nor shall the police officer receive a fee as a witness in any case arising under the criminal laws of this state or under the ordinances or regulations of the city and prosecuted in the municipal ~~[corporation]~~ court of the city or in any criminal court in Dallas County.

CHAPTER XIII. FIRE-RESCUE DEPARTMENT

SEC. 1. CREATION OF FIRE-RESCUE DEPARTMENT; PERSONNEL.

There is hereby created a fire-rescue department of the City of Dallas, at the head of which shall be the chief of the fire-rescue department. The fire-rescue department shall be

composed of the chief of the fire-rescue department, whose office is hereby created and established, and other unclassified positions of assistants, limited to the two grades or ranks immediately below the grade or rank of chief, and classified employees as the council may provide by ordinance upon the recommendation of the city manager. The chief of the fire-rescue department shall designate the order of succession of the assistant chiefs, who shall perform the duties of the chief in the event of the chief's disability, absence from the city, or inability to perform duties from any other cause.

SEC. 2. DUTIES.

The chief of the fire-rescue department shall:

(1) have exclusive control of the stationing and transfer of all firefighters and other officers and employees constituting the fire-rescue department [foree], under such rules and regulations as may be established by the city manager, to whom the chief shall be immediately responsible, or according to the ordinances of the city;

(2) take all necessary measures to protect the city and the property of its citizens from destruction by fire or conflagration;

(3) devote the chief's entire time to the discharge of official duties, and shall not be absent from the city except in the performance of official duties, unless granted a written leave by the city manager;

(4) classify the fire-rescue service of the city in conformity with the ordinances of the city council concerning the number of persons to be employed therein and make rules for the regulation and discipline of such service and the employees;

(5) prescribe the uniform and badges for the members of the fire-rescue department;

(6) provide fire-rescue equipment, personnel, and services for emergency use;
and

(7) perform such other duties as may be required by the city manager or by ordinance of the city council.

SEC. 3. RESERVED. [REMOVAL OF CHIEF OR ASSISTANTS.]

~~If the chief of the fire department, or any assistant provided for by council ordinance, was selected to that position from the ranks of the fire department and is removed from the position on account of unfitness for the discharge of the duties of the position, and not for any cause justifying dismissal from the service, the chief or the assistant shall be restored to the rank and grade held prior to appointment to the position, or reduced to a lower appointive rank.]~~

SEC. 4. APPOINTMENT OF MEMBERS.

The members of the fire-rescue department [~~fire~~], other than the chief of the fire-rescue department and the chief's assistants provided for by council ordinance, shall be certified from the list of eligibles prepared by a civil service commission, in accordance with such rules and regulations as may be prescribed by the civil service commission; provided, however, that in case of civil disturbance, the city manager or the chief of the fire-rescue department may appoint additional firefighters and officers for temporary service, who need not be in the classified service.

SEC. 5. ADDITIONAL COMPENSATION FOR CONTINUOUS SERVICE.

All firefighters and other uniformed personnel of the fire-rescue department shall receive additional compensation for continuous service as is provided by the laws of the State of Texas and, in the absence of such provisions, as is provided for by ordinances of the city.

SEC. 6. DESTRUCTION OF BUILDINGS.

When any building in the city is on fire, it shall be lawful for the chief of the fire-rescue department or any assistant [~~fire~~] chief of the fire-rescue department, with the concurrence of the city manager, to direct such building, or any buildings that they may deem hazardous and likely to communicate fire to other buildings, to be torn down, blown up, or destroyed, and no action shall be maintained against any person or against the city therefor. Any person interested in any building so destroyed or injured may, within six months, and not thereafter, apply in writing to the council to assess and pay the damages claimed to have been sustained. If the council and the claimant cannot agree upon the terms of adjustment, then the application of the claimant shall be referred for decision to three disinterested arbitrators, who shall be qualified voters and owners of real estate within the city. One arbitrator shall be appointed by the claimant, and one by the council, and the third by both arbitrators previously selected, and the decision of the majority shall constitute the award in the case. The arbitrators shall be sworn to faithfully execute their duties according to the best of their ability. They shall have power to subpoena and administer oaths to witnesses; to give all parties a fair and impartial hearing; and to give reasonable notice beforehand of the time and place of the hearing. They shall take into account the probability as to whether the building would have been destroyed by fire if it had not been pulled down and destroyed and the loss of insurance upon the property, if any, caused by the pulling down, blowing up, and destroying of the building, and may report that no damages should equitably be allowed to the claimant. Whenever such report appraising the damages is made and finally confirmed by the council, compliance therewith by the council shall be deemed full satisfaction of the damages.

SEC. 7. FIREFIGHTERS TO EXERCISE POLICE POWERS IN ATTENDING AND RETURNING FROM FIRES AND RESCUE SITUATIONS.

Each member of the fire-rescue department acting under orders of a commanding officer is authorized to exercise powers of police officers while going to, attending, or returning from any fire, ~~[or]~~ alarm of fire, or rescue situation and shall be issued a warrant of appointment signed by the city manager, in which the date of appointment shall be stated, and such warrant shall be the firefighter's commission.

SEC. 8. FALSELY WEARING UNIFORM OR BADGE.

Any person, other than a member of the fire-rescue department of the City of Dallas, who wears the uniform or badge as prescribed by the ~~[fire]~~ chief of the fire-rescue department of the City of Dallas, or a uniform or badge so closely similar as to be mistaken for the uniform or badge of the fire-rescue department of the City of Dallas, shall be subject to such fine as may be prescribed by the city council by ordinance.

SEC. 9. DISCIPLINE ~~[SUSPENSION]~~ OF FIREFIGHTERS AND OTHER FIRE-RESCUE DEPARTMENT PERSONNEL; HEARING.

The chief of the fire-rescue department shall have the right to discipline ~~[suspend for a definite time or discharge]~~ any officers or employees who may be under the chief's control and management for violations of city ordinances or federal or state law ~~[incompetence, neglect of duty, immorality, drunkenness]~~, or for failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief for the department. The chief of the fire-rescue department may delegate this authority to discipline as he or she deems fit. If any officer or employee is ~~[suspended or]~~ discharged, ~~[as herein provided,]~~ the chief of the fire-rescue department shall forthwith in writing certify the fact, together with the cause for the action, ~~[suspension or discharge]~~ to the city manager. A disciplined ~~[The]~~ officer or employee ~~[suspended or discharged]~~ shall have five days from receipt of notice of a suspension, demotion, or discharge ~~[such action]~~ within which to demand a hearing before the city manager, as provided in this Charter, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the discipline ~~[suspension or discharge]~~ and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such other discipline ~~[modification or amendment]~~ as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged or demoted officer or employee desires to exercise the right of a public hearing before a trial board or an administrative law judge as provided by this Charter.

CHAPTER XIV. FRANCHISES

SEC. 1. FRANCHISE BY ORDINANCE.

The city council shall have the power, subject to the provisions [~~here~~] of this chapter, by ordinance to confer upon any person, firm, [~~or~~] corporation, or other business entity operating as a general public service provider the franchise or right to use the public streets, alleys, highways, thoroughfares, easements, or other public property of the city for the purpose of furnishing to the public any general public service or benefit, including, but not limited to, heat, light, power, telephone service, solid waste pickup, solid waste hauling, solid waste recycling, solid waste disposal, and transportation, for compensation or hire; provided that no franchise shall be granted by the city council to any person, firm, [~~or~~] corporation, or other business entity to own, control, or operate a water or wastewater utility system within the city limits [~~works therein~~]. Any franchise granted may be voided upon the failure of the grantee to exercise the same in compliance with the terms [~~there~~] of the franchise.

SEC. 2. FRANCHISE ORDINANCE PROCEDURE.

The granting of franchises by the city council shall be governed by the following regulations:

- (1) No exclusive franchise or privilege shall ever be granted.
- (2) No determinate or fixed term franchise shall ever be granted for a longer term than 40 years.
- (3) Within 10 years of the date of expiration of any fixed term franchise, the city council may grant a new franchise to commence upon the expiration of the franchise in question, or grant a new franchise if the existing franchise is released.
- (4) Actual operation under a franchise must commence within six months after the granting of the franchise. As a part of the actual operation, the city council may grant a reasonable time beyond the six month period for research, development and construction upon terms and conditions as set forth in the franchise.
- (5) No franchise, nor the assets held by the franchise holder, may be sold, assigned, transferred, or conveyed to any other person, firm, [~~or~~] corporation, or other business entity without the consent of the city first had and obtained by ordinance or resolution, unless otherwise provided in the franchise. If [~~In the event that~~] the purchaser is the holder of a like franchise, the franchise purchased shall be canceled and merged into the franchise held by the purchaser upon terms and conditions as may be set out by the city council when permission for merger is granted.

(6) The purchaser of any franchise must assume and promptly discharge all of the payments due and owing the city by the holder of the franchise being purchased.

(7) An indeterminate franchise (that is, with no fixed or determinate duration) may be granted, provided that the ordinance granting the franchise [~~same~~] gives to the city, in express terms, the right to purchase the property of the franchise holder or to cause a purchaser to buy such property, fixing the times, the rights, and the conditions under which they may be exercised. In the event of purchase by the city, the franchise itself shall not be deemed to have any market value.

(8) All holders of franchises for public services from the city, their successors or assigns, as compensation for the right or privilege enjoyed shall pay to the city a sum not less than four percent per annum of gross receipts of the business pursued by the franchise holder rendered in the city. Such sum shall be exclusive of, and in addition to, all special assessments and taxes of whatever nature, including ad valorem taxes upon the value of the franchise and other property of the franchise holder. The sum due [~~here~~] under this subsection shall be due and payable on or before [~~the 15th day of~~] February 15 of each year for the preceding calendar year.

(9) All rights held under any such ordinance, shall at all times be subject to the power of the city council to require the holder thereof to make any necessary changes in or reasonable extensions of facilities and service in or to any portion of the city, which in the judgment of the city council may be necessary and proper (subject to the terms and conditions of any franchise). The city reserves the right to prevent the making of unnecessary or unprofitable extensions.

SEC. 3. CONTESTING OF RATES.

No person, firm, [~~or~~] corporation, or other business entity enjoying any franchise to operate a public utility within the City of Dallas shall ever make any charge or fix any rate for public service to its patrons or the inhabitants of the City of Dallas without first being authorized by the city council by an ordinance or order approving the same, and no public utility shall contest any rate or charge or order fixed by the city council under the authority otherwise conferred in the charter of the city, in any suit or cause of action in any court until after such utility has filed a motion for a rehearing with the city council specifically setting out the grounds of complaint against any such order or ordinance fixing any rate or charge and until the city council shall have passed upon the [~~said~~] motion for rehearing, provided that if the council has not acted within 60 days, the motion shall be deemed overruled. This section does not apply to a person, firm, corporation, or other business entity engaged in the business of solid waste pickup, solid waste hauling, solid waste recycling, or solid waste disposal.

SEC. 5. SERVICE WITHOUT DISCRIMINATION.

Every public service franchise holder shall furnish and provide equal and uniform service alike to all persons, firms, ~~and~~ corporations, and other business entities in the City of Dallas. It shall be unlawful and a sufficient ground for forfeiture of any franchise for any such holder, after notice, to grant free service or furnish better service, or to furnish service for a lower price or rate, conditions or quantity of service considered, to any person, firm, ~~or~~ corporation, or other business entity, than to other persons, firms, ~~or~~ corporations, or other business entities under like circumstances, or to otherwise discriminate in the manner of rates or service, except as may be provided by state law. Any such public service franchise holder may, from time to time, with the consent and approval of the city council, adopt the schedules governing rates, conditions or quantities of service considered, and allow the applicants to choose between alternative schedules. No such schedule shall be operative, nor shall service be furnished in accordance therewith, until filed with and approved by the city council.

SEC. 7. RATE HEARINGS.

The city council shall provide for a fair hearing to any person, firm, ~~or~~ corporation, or other business entity enjoying a public service franchise in the City of Dallas, prior to the change in the rates, rules, or regulations applicable to such franchise. In fixing or changing the charges, rates, fares, or compensation, or determining the reasonableness thereof, no stocks or bonds authorized or issued by any corporation, nor any indebtedness created by any person, firm, ~~association or~~ corporation, or other business entity, enjoying a franchise, shall be considered unless upon proof that the stocks, bonds, or indebtedness ~~shall~~ have been actually issued for money paid and used in the reasonable development of the property of the franchise holder, for labor done or property actually received in accordance with the laws and constitution of the state applicable thereto. No hearing shall be required for a reduction in rates unless requested in writing by an interested person, firm, corporation, or business entity ~~[organization]~~.

SEC. 8. ACQUISITION BY EMINENT DOMAIN.

The city shall have the power through eminent domain proceedings to acquire any public utility operating with or without a franchise and furnishing a public service to the citizens of Dallas. The procedure to be used in the acquisition of such property~~;~~ shall be that as set forth in Chapter 21 [Article 3264 to Article 3271 inclusive, Title 52, Revised Civil Statutes] of the ~~[State~~ ~~of]~~ Texas Property Code, as amended, and other applicable state law. In valuing the property, the measure of damages shall be the fair market value of the physical properties together with its franchise, if any, taken together as one system. This power shall be in addition to and cumulative of any other powers of acquisition granted to or reserved by the city in a franchise ordinance.

CHAPTER XV. PLANNING AND ZONING

SEC. 3. ZONING COMMISSION.

The city council shall appoint 15 qualified voters of the City of Dallas who shall constitute the zoning commission of the City of Dallas, and shall be the city plan commission as the same is referred to by state statute for the approval of plats and subdivisions. The members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or general laws of the State of Texas. The city council shall name one of the members to be the chair~~[man]~~ and one to be the vice chair~~[man]~~.

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

SEC. 1. ORGANIZATION OF CIVIL SERVICE.

There is hereby created and established a civil service board to be composed of seven ~~[five]~~ members who shall be qualified taxpaying citizens of the City of Dallas and a number of adjunct members equal to the number of members on the city council who shall have qualifications established by the city council. Biennially in September ~~[August]~~ of each odd-numbered year, the city council shall appoint the members and adjunct members to serve for two years and until their successors have been appointed and qualified, and the mayor shall designate one member as chair subject to confirmation by a majority of the city council. The adjunct members shall not have voting privileges on matters to be determined by the civil service board but shall perform such duties as prescribed for them by this Charter. The members and adjunct members of the civil service board shall not hold any other position under the city, county, or state government. The city council may remove any member or adjunct member of the board ~~[upon stating in writing the reasons for removal and allowing the member or adjunct member an opportunity to present a defense]~~. Any vacancies on the board must be filled by the city council for the unexpired term.

SEC. 3. CIVIL SERVICE DIVIDED INTO CLASSIFIED AND UNCLASSIFIED SERVICE.

(a) The civil service of the city is ~~[hereby]~~ divided into the "unclassified" and "classified" service, ~~[, to wit:]~~

(b) ~~[(1)]~~ The unclassified service shall include:

(1) ~~[(a)]~~ the directors of departments, assistant directors of departments, and other managerial personnel as designated by rules of the board;

(2) [(b)] the [city auditor, city secretary,] municipal court clerk and the [s] secretary of the civil service board; and

(3) [(e)] the labor class, which shall include all ordinary unskilled labor.

(c) [(2)] The classified service shall include all positions not exempted or otherwise designated according to the Charter. There shall be in the classified service two classes to be known as the "competitive class" and the "noncompetitive class," as follows [to-wit]:

(1) [(a)] The competitive class shall include all positions and employment for which it is practical to determine the merit and fitness of the applicant by competitive examination.

(2) [(b)] The noncompetitive class shall consist of all positions designated to respond to special needs identified by directors of departments and approved by the board or positions requiring peculiar and exceptional qualifications or management accountability as may be determined by the rules of the board.

SEC. 4. CIVIL SERVICE BOARD TO ADOPT RULES AND REGULATIONS, SUBJECT TO THE APPROVAL OF THE CITY COUNCIL.

(a) The civil service board, subject to the approval of the city council, shall:

(1) adopt, amend, and enforce a code of rules and regulations providing for appointment and employment in all positions in the classified service, which shall have the force and effect of law;

(2) adopt [~~also~~] rules regulating reduction of force of employees and in what order they shall be dismissed and reinstated; and

(3) [~~shall~~] make investigation concerning the enforcement and effect of this section of the Charter and of the rules adopted under the powers [~~herein~~] granted in this section.

(b) The rules as adopted shall provide for the following:

(1) [(a)] Notice of no less than seven days of any public meeting of the board.

(2) [(b)] A lapse of 15 days between a recommended change in the rules by the board and action by the city council.

(3) [(e)] Notice [~~Notification~~] to all department heads and through them to their employees regarding any recommended changes.

(4) [(d)] No changes in the rules shall become effective without complying with the notice provisions as [~~herein~~] stated in this section.

(c) If the civil service rules or any rule adopted by the civil service board, the civil service trial board, or an administrative law judge, and approved by the city council, conflicts with a provision of this Charter or the personnel rules adopted by ordinance of the city council, then this Charter and the personnel rules will prevail.

(d) The civil service board [H] shall make an annual report to the city council at the end of each fiscal year, giving a complete statement of the board's activities and containing such recommendations with regard to improving the efficiency of the civil service as it may deem advisable.

SEC. 9. DEPARTMENTS EXEMPTED FROM CIVIL SERVICE.

The legal department, the city manager's office, the city auditor's office, the city secretary's office, the office of the council finance and budget oversight officer, the library department, the park and recreation department, the radio department, municipal [~~corporation~~] court judges, and the city council office staff are exempted from the provisions applicable to the civil service.

SEC. 11. EMPLOYEE ACTIONS AFTER PROBATION PERIOD.

(a) Any classified or unclassified officer or employee may be removed, laid off, or reduced in grade by the city manager, or the head of the department in which the officer or employee is employed, after the six months' probationary period has expired. The officer taking the action shall, upon request, furnish the discharged or reduced officer or employee with a written statement of the reasons for the action. The discharged or reduced officer or employee shall have the right to demand a public hearing upon the charges, within a reasonable time after notice of the action, before the trial board as provided by this Charter. This right of appeal does not apply to department directors, assistant department directors, and other managerial personnel designated by the city council, or to employees in departments exempted from the provisions applicable to the civil service.

(b) An officer or employee who has been disciplined by the head of any department under the city manager shall have five days from receipt of notice of such action within which to demand, in writing, a hearing before the city manager. At the hearing, the city manager shall inquire into the cause of the disciplinary action and render a decision either affirming the action of the department head, setting aside the action of the department head, or directing the department head to enter a new order that the city manager determines is just and equitable. Notwithstanding any other provision of this Charter, the city manager is not limited in determining the extent of any discipline ordered. The decision of the city manager is final unless the disciplined officer or employee exercises any right to a public hearing before the trial board as provided by this Charter. This right of appeal does not apply to department directors, assistant

department directors, and other managerial personnel designated by the city council, or to employees in departments exempted from the provisions applicable to the civil service.

SEC. 12. TRIAL BOARD.

(a) There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade, a board to be known as the trial board, which shall be composed of one member of the civil service board as designated by the chair and two adjunct members of the civil service board as designated by the chair. The city council shall designate a secretary to the trial board.

(b) The trial board has final jurisdiction to hear and decide all appeals made to it by any discharged or reduced officer or employee. The judgment or decision of a majority of the trial board is final, unless the decision is appealed by either party within one year to the district court of the State of Texas, in which hearing the matter must be decided based upon the review of the record of the trial board hearing. An appeal by the city of a trial board decision to district court must be approved by the city manager and city attorney. An appeal by either party to district court does not suspend the execution of the trial board order being appealed. The prevailing party in an appeal to district court is entitled to reasonable attorney's fees incurred from the date the trial board order is issued.

(c) Any aggrieved officer or employee who desires to appeal to the trial board must do so in writing within 10 days from the date of notification of dismissal or reduction. The aggrieved officer or employee has the right to be represented by counsel, to have an open hearing, and to compel the attendance of witnesses to testify for the aggrieved officer or employee. The appeal to the trial board does not suspend the execution of the order being appealed. The trial board, by majority vote, or the administrative law judge may either sustain, ~~[or] reverse, modify, or amend the disciplinary action [of the city manager or the department head, as the case may be, or modify and amend the action]~~ as is determined [the trial board deems] just and equitable, provided that the disciplinary action must be sustained if a reasonable person could have taken the same disciplinary action against the employee [under all the facts and circumstances of the particular case].

SEC. 16. NO DISCRIMINATION BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(a) No person shall be appointed, reduced, removed, or in any way favored or discriminated against because of race, sex, political or religious opinions or affiliations. No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever.

(b) To avoid undue influence of city employees on the outcome of city council elections and to avoid undue influence of city council members or candidates for city council on city employees, the following restrictions are imposed:

(1) No employee of the city or association of such employees may publicly endorse or actively support candidates for the city council or any political organization or association organized to support candidates for the city council.

(2) No employee of the city may circulate petitions for city council candidates, although an employee may sign such a petition.

(3) No employee of the city may contribute, directly or indirectly or through an organization or association to such a campaign nor solicit or receive contributions for a city council candidate.

(4) No employee of the city may wear city council campaign buttons nor distribute campaign literature at work or in a city uniform or in the offices or buildings of the City of Dallas.

(c) In elections other than for city council of the City of Dallas, an employee of the city may not:

(1) use the prestige of the employee's position with the city for any partisan candidate;

(2) manage a partisan political campaign;

(3) solicit or receive contributions for such a campaign; or

(4) actively support a candidate except on the employee's own time while not in a city uniform nor in an office or building of the City of Dallas.

(d) Notwithstanding any conflict with Subsections (b) and (c) of this section, a sworn employee of the fire-rescue department or the police department may engage in political activities to the extent permitted by state law.

SEC. 17. FALSIFICATION OR PAYMENT FOR OFFICE PROHIBITED.

No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the personnel system or civil service provisions of this Charter or the rules and regulations made [~~there~~] under those provisions, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations. No person who seeks appointment or promotion with respect to any city position shall directly or indirectly give, render, or pay any money, service, or other

valuable thing to any person for or in connection with a his test, appointment, proposed appointment, promotion, or proposed promotion.

CHAPTER XVII. PARK AND RECREATION DEPARTMENT

SEC. 9. DISBURSEMENTS OF FUNDS.

All ad valorem tax funds and other funds appropriated by the city council for park purposes, and all sums received from other sources for park purposes, shall be held in ~~by~~ the city treasury ~~treasurer~~ subject to the order and disbursement of the park and recreation board, and shall be paid out upon warrants issued by the park and recreation board signed by either the president of the ~~said~~ board or the individual designated by the ~~said~~ board ~~;~~ and countersigned by the city controller ~~director of finance~~.

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS.

SEC. 7. PUBLICATION OF ORDINANCES.

The descriptive caption or title of each ordinance stating in summary the purpose of the ordinance and the penalty for violation ~~there~~ of the ordinance, shall be published at least once in a ~~the official~~ newspaper of general circulation in the city, unless otherwise provided by state law or this Charter, in which event the specific provisions shall be followed.

SEC. 13. CITY COUNCIL EITHER TO PASS ORDINANCE OR CALL ELECTION.

If the petition, properly signed, is presented to the city council, the council shall either:

(1) pass the ~~said~~ ordinance without alteration within 20 days after the attachment of the city secretary's certificate of sufficiency to the accompanying petition (subject to referendary vote under provisions of this Charter); or

(2) after the attachment of ~~forthwith~~ the city secretary's certificate of sufficiency ~~shall attach~~ to the petition accompanying the ~~such~~ ordinance ~~his certificate of sufficiency~~, promptly ~~the city council of the city shall proceed to~~ call a special election, at which the ~~said~~ ordinance, without alteration, shall be submitted to a vote of the people.

SEC. 15. PROMULGATION OF ORDINANCES BEFORE ELECTION.

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be printed in a ~~the official~~ newspaper of general circulation in the city and published once at least 10 days prior to election.

CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES

SEC. 4. ~~[FRANCHISES;]~~ TAXATION OF FRANCHISES.

All rights, privileges, and franchises heretofore or hereafter granted to and held by any person, firm, ~~or~~ corporation, or other business entity in the streets, alleys, highways, or public grounds or places in the city shall be subject to taxation by the city separately from and in addition to the other assets of such person, firm, ~~or~~ corporation, or other business entity, and the city council may require the rendition and assessment thereof accordingly.

SEC. 6. RENDITION.

All property, real and personal, shall be rendered for taxation by the owner ~~there~~ of the property or the owner's ~~his~~ agent, as provided by the laws of the state.

SEC. 8. SEIZURE TO PREVENT REMOVAL.

If anyone against whom a personal tax is assessed, ~~and~~ which is due and unpaid, whether the tax is ~~same be~~ delinquent or not, has moved ~~shall have removed~~ out of the city ~~;~~ or is ~~shall be~~ about to ~~re~~move out of the city, or has ~~shall have~~ removed or is about to remove his or her personal property out of the city, it shall be the duty of the tax assessor and collector to proceed at once and collect such taxes by seizure and sale of any personal property of such person to be found in the city, or anywhere in the State of Texas.

SEC. 11. CITY MAY PURCHASE.

The city shall have the right to become a purchaser of property at tax sales, and the city manager or the person designated by the city manager ~~him~~, may attend such sales and bid on behalf of the city.

SEC. 17. ASSESSMENT OF PROPERTY; SEPARATE ASSESSMENT OF JOINT, COMMON, AND CONFLICTING INTERESTS IN REAL ESTATE ~~;~~ SEPARATE ASSESSMENT OF.

The tax assessor and collector shall not be required to make separate assessments of individual, joint, common, or conflicting interest in any real estate, but the owner of such interest

may furnish to the tax assessor and collector at any time before ~~[the 1st day of]~~ May 1 of each year, and not thereafter, a written description of any parcel of land in which the owner ~~[he]~~ has an interest less than the whole, showing the amount of ~~[his]~~ the owner has ~~[there]~~ in the parcel, and the tax assessor and collector may ~~[thereupon]~~ assess such interest as a separate parcel and the remaining interest as a different parcel and proceed to fix the value of each.

CHAPTER XX. PUBLIC IMPROVEMENTS AND ASSESSMENTS

SEC. 10. ASSESSMENTS FOR STORM SEWERS; ASSIGNABLE CERTIFICATES.

(a) Wherever any creek, waterway, bayou, or other public drain or any part thereof is diverted or changed in its course, in accordance with the drainage system adopted, and wherever property is reclaimed, improved, or otherwise specially benefitted by reason of such diversion or alteration, or whenever, by reason of the laying of any storm sewer ~~[;]~~ or the establishment of any drainage system, property is specially benefitted, it shall be liable to be assessed therefor to the extent the ~~[said]~~ property is specially benefitted, and all of the provisions relative to the opening and widening of streets or other laws and the assessment of property therefor and the making of a personal charge against the owners of such property specially benefitted, and the issuance of assignable certificates therefor, shall govern as far as practicable the procedure relating to the character of ~~[if]~~ improvements contemplated in this section, particularly where condemnation of land is necessary to accomplish the building and construction of the ~~[said]~~ drainage system. Such assignable certificates may be spread over a period of 15 years, according to such terms as may be authorized by the city council.

(b) The city council, in carrying out this power, may pass all suitable ordinances or resolutions in order to carry out and effectuate the purposes of this section and adopt such assessment plans as it may deem advisable, it being one of the purposes of this section that the city council may create drainage districts and seek to reclaim property that is now affected by rivers, creeks, bayous, waterways, and other public drains, or any part thereof, and the property that may be located in the vicinity of or in the territory that is specially benefitted by reason of such alteration or change of any such river, creek, bayou, waterway, or other public drain or any part of any river, creek, bayou, waterway, or other public drain, may be specially assessed for the special benefits received by it by reason of the changing, abolition, modification, or discontinuance of such river, creek, bayou, waterway, or other public drain or any part thereof.

(c) Provision may be made for the regulation and control of private drains, as well as for the levying of special assessments therefor, as herein provided for. In addition the city may exercise all of the rights granted by Chapter 372, Subchapter B ~~[Articles 1179 and 1180 of the Revised Civil Statutes]~~ of the ~~[State of]~~ Texas Local Government Code, as amended ~~[or as hereafter amended]~~.

SEC. 11. STATE LAW ADOPTED AS TO WATER AND SEWER SYSTEM IMPROVEMENTS.

All of the powers conferred by Chapter 402, Subchapter D of the Texas Local Government Code, as amended, and other applicable state laws, [~~Aets of the 58th Legislature~~] authorizing cities to improve their waterworks and sanitary sewer systems and to make assessments therefor, [~~known as Chapter 192 of said Session Laws and being presently Article 1110c of the Revised Civil Statutes of the State of Texas, as amended or as may hereafter be amended,~~] are hereby adopted in all respects insofar as they may apply to the City of Dallas. Insofar as it is allowable under the state law, the city council shall have the option as an alternative to use any other methods of obtaining the same services and improvements as may be provided by state law.

CHAPTER XXII. PUBLIC CONTRACTS

SEC. 4. EMERGENCY SPENDING, ETC.

The provisions regarding competitive bidding shall not apply in the following instances:

- (1) In [~~in~~] case of a public calamity where it becomes necessary to act at once to relieve the necessity of the citizens or to preserve the property of the city. [~~;~~]
- (2) Where [~~where~~] it is necessary to preserve or protect the public health of the citizens of the city. [~~;~~]
- (3) In [~~in~~] the case of unforeseen damage to public property, machinery, or equipment. [~~;~~]
- (4) Work [~~work~~] done by employees of the city and paid for as such work progresses. [~~;~~]
- (5) The [~~the~~] purchase of land, buildings, existing utility systems, or rights-of-way for authorized needs and purposes. [~~;~~]
- (6) Expenditures [~~expenditures~~] for or relating to improvements to the city's water system, sewer system, streets or drainage (any one or all) where the cost of at least one-third of which is to be paid by special assessments levied against the properties to be benefitted thereby. [~~;~~]

(7) Where [~~where~~] the entire contractual obligation is to be paid from bond funds or current funds, or where an advertisement for bids has previously been published (in the manner authorized by law) but the current funds or bond funds are not adequate to permit the awarding of a contract, and the city council authorizes the issuance of certificates of obligation to provide the deficiency. [~~;~~]

(8) The [~~the~~] sale of any public security as such term is defined in Chapter 1204 of the Texas Government Code, as amended [~~Article 717k 2, Vernon's Texas Civil Statutes~~].

SEC. 12. LIENS AND RETAINAGES.

No lien of any kind can ever exist against the public buildings, public halls, public works, or any public property of the city except as herein otherwise provided. All subcontractors, materialmen, mechanics, and laborers [~~up~~] on any public works or contracts of the city on which no payment bond is required or made, are [~~hereby~~] required to notify the chief financial officer [~~director of finance~~] of all claims that they may have on account of such work against the city. When such notice has been given, the city may retain an amount from any funds due the contractor or contractors, sufficient to satisfy all such claims. Such notice may be given at any time after such indebtedness becomes due and before final settlement with the contractor or contractors, and no contractor or subcontractor shall issue any time checks on account of any contract with the city. No claims against the city shall constitute a valid claim over and above the amount of the retainage made by the city.

CHAPTER XXIII. CLAIMS FOR DAMAGE OR INJURY

SEC. 4. PAYMENT OF MERITORIOUS CLAIMS.

(a) Subject to Sections 1, 2, and 3 of this chapter, in order to accomplish justice and fairness, the city council shall have the power and authority to pay claims that [~~which~~] it deems to be meritorious for damages to real or personal property and for personal injury whether resulting in death or not, suffered by any member of the public through no fault of his or her own, but that [~~which~~] results from direct, positive, affirmative action or physically doing of something that should not have been done by officers, agents, or employees of the city while engaged in the performance of a governmental function; provided, however, that no claim may be settled, compromised, and paid if such claim would be barred by applicable statutes of limitations.

(b) No payment shall be made unless the claimant accepts the amount allowed as in full compromise and settlement of all amounts claimed or to be claimed against the city, its officers or employees, arising from the same facts. In the event that no settlement is made, nothing herein contained or done hereunder shall prejudice the city in any defense that it may have in any suit or action. Nothing contained herein shall be construed as creating a cause of action or [~~nor~~] the giving of any right to institute or maintain any suit or action that [~~which~~]

would not otherwise exist or be cognizable under the law as a legal claim; provided, however, this section may never be used to pay any claim arising under Section 5 of this chapter [~~immediately following~~] concerning claims arising out of floods, war, insurrection, riot, civil disorder, or commotion.

SEC. 6. WAIVER OF NOTICE.

Neither the mayor, any city council member [~~man~~], the city manager, the city secretary, the city attorney, nor any other officer or employee of the city, shall have authority to waive any of the provisions of this chapter, but the same may be waived only by resolution of the city council made and passed before the expiration of the [~~said~~] six month period provided for in this chapter [~~the above sections~~], which resolution shall be evidenced by the minutes of the city council. Such waiver shall never be made in regard to claims arising out of [~~the immediately preceding~~] Section 5 of this chapter.

CHAPTER XXIV. MISCELLANEOUS PROVISIONS

SEC. 10. MUNICIPAL RADIO AND TELEVISION STATIONS.

The city shall have full power or authority to acquire or own, within or without the City of Dallas, either by purchase, donation, bequest, or otherwise, all property that may be necessary for the purpose of establishing a radio and television broadcasting station. The radio and television broadcasting station [~~H~~] may be used for the police and fire-rescue communications system and such other communicating systems as the council may deem appropriate. It shall be used for the convenience and edification of the people of Dallas, and for such purpose the city council may appoint a suitable commission to operate and conduct the same, and to exercise all powers in connection therewith. The exercise of the power to operate the radio and television broadcasting station [~~same~~] shall be deemed governmental in character and for municipal purposes.

SEC. 11. RESERVED. [~~DESIGNATION OF OFFICIAL NEWSPAPER.~~

(a) ~~— All ordinances and official notices required to be published must be published in the official newspaper of the city, which newspaper must be selected as the official newspaper, after competitive bidding.~~

(b) ~~— The official newspaper must:~~

(1) ~~— devote not less than 25 percent of its total column lineage to the carrying of items of general interest;~~

(2) ~~— be published not less frequently than once each week;~~

~~(3) — be entered as second class postal matter in Dallas County; and~~

~~(4) — have been published regularly and continuously and have been in general circulation in the city for not less than one year prior to its selection as the official newspaper.~~

~~(e) — The city council may by ordinance establish the frequency with which the official newspaper must be selected and other requirements relating to the official newspaper that are not in conflict with the city charter or any applicable state or federal law.]~~

SEC. 12. OWNERSHIP OF MAPS, PLANS, WORK PRODUCT, ETC.

All maps, plats, plans, profiles, reports, field notes, estimates, and other memoranda of professional work done by the head of any department of the city or under the department head's ~~his~~ direction and control during his or her tenure or term of office, shall be the property of the city.

SEC. 13. APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.

(a) During September ~~[August]~~ of each odd-numbered year, the city council shall appoint all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from October ~~[September]~~ 1 or until their successors are appointed and qualified, except that a member of a board or commission that is only advisory in nature may not hold over in his or her position longer than nine months after the expiration of his or her term or after the creation of a vacancy in his or her position.

(b) The city council shall provide by ordinance for each commission and board to have a number of members equalling or exceeding the number of members of the city council, unless otherwise required by law. The appointments to commissions and boards having a number of members equalling or exceeding the number of members of the city council shall be made with each member of the city council having at least one appointment. This subsection does not apply to boards of employee retirement funds or boards to which the city manager is required by ordinance to make nominations. The city council may waive the application of this subsection to a particular board by a vote of three-fourths of the members of the city council.

(c) The mayor shall appoint the chair of each commission and board from among the members appointed in accordance with Subsection (b), subject to confirmation by a majority of the city council.

(d) It is the policy of the city to include persons of all races and ethnicity in the affairs of city government. Accordingly, the city council shall, as nearly as may be practicable, cause the membership of commissions and boards to reflect the racial and ethnic makeup of the city's population.

SEC. 14. BONDS OF OFFICERS AND EMPLOYEES.

The city council may require any of the officers and employees of the city, before entering upon the duties of their office, to execute a good and sufficient bond with a surety company doing business in the State of Texas, as approved by the city council. The bonds shall be in such amount as the council may demand, payable to the City of Dallas, and conditioned for the faithful performance of the duties of the office. The premium on such bonds shall be paid by the city. Bonds shall be required of the city manager, the chief financial officer, the city controller [~~director of finance~~], the purchasing agent, and the municipal court clerk.

SEC. 17. BOARD AND COMMISSION MEMBERS.

(a) Other than members of the city council, no person shall be appointed to more than two permanent boards or commissions of the City of Dallas at any one time. Any member of any commission or board appointed by the city council [~~;~~] shall forfeit that [~~his~~] office if the member [~~he~~] misses more than three regular meetings in succession, unless for medical reasons certified to by a [~~his~~] physician or unless excused by the board or commission of which he or she is a member and the city council. In such case, the city council shall declare the position vacant and appoint a new member to fill the vacancy.

(b) A [~~The~~] member[s] of any commission or board appointed by the city council may be removed from office for any cause deemed by the city council sufficient for [~~their~~] removal in the interest of the public, but only after a public hearing before the city council on charges publicly made, if demanded by such member within 10 days.

SEC. 22. TRANSITIONAL PROVISIONS TO THE 2005 AMENDMENTS.

Amendments to this Charter that are approved at an election on November 8, 2005 take effect as follows:

(1) If approved by the voters, all city charter amendments contained in Proposition No. 1, as submitted on the November 8, 2005 election ballot, shall take effect on the date of inauguration of the city council members elected at the May 5, 2007 general election.

(2) All city charter amendments, other than those described in Subsection (1), that are approved by the voters at the November 8, 2005 election shall take effect immediately.

(3) Notwithstanding any other provision of this section, no amendment that is approved at the election on November 8, 2005 shall be effective unless and until the Voting Rights Section of the Civil Rights Division of the United States Department of Justice issues a letter interposing no objection to the implementation of the amendment, if voting rights review is required for the amendment.

SEC. 23 [21[A]]. SAVINGS PROVISION.

(a) The repeal of any provision, section, or chapter of any charter by the amendments to this Charter shall not affect or impair any act done or obligation, right, license, permit, or penalty accrued or existing under the authority of the provision, section, or chapter repealed. Such provision, section, or chapter shall be treated as still remaining in force for the purpose of sustaining any proper action concerning any such obligation, right, license, permit, or penalty. In addition, any franchise, contract, permit, or license obtained under any provision, section, or chapter repealed by any amendments to this Charter shall remain effective for the term and under the conditions prescribed by the repealed portion under which the franchise, contract, permit, or license was granted or issued; provided that if the franchise, contract, permit, or license provides that the same shall be governed by the Charter of the City of Dallas, as amended, then the amended section shall control.

(b) All civil and criminal ordinances and all resolutions of a general and permanent nature in force and effect when this Charter or any amendment [~~there~~] to this Charter [~~shall~~] becomes effective, which are inconsistent or in conflict with this Charter or any charter amendment [~~thereto~~], are hereby repealed except as herein provided. Any [~~Where any~~] such civil or criminal ordinance or resolution of a general and permanent nature in force and effect when this Charter or any charter amendment [~~thereto, shall~~] becomes effective, which is consistent with and not in conflict with the charter provisions [~~hereto~~], [~~same~~] shall continue in full force and effect unimpaired by the charter provisions [~~hereof~~].

SECTION 2. That a computerized voting system must be used for voting at and on the date of the special election in compliance with the provisions of the Texas Election Code, as amended, and the vote must be upon an official ballot prepared in such a manner as will permit the voters to vote “Yes” or “No” upon the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

PROPOSITION NO. 1

Expanded Powers and Compensation of Mayor and Expanded City Council Finance and Audit Oversight

Shall Chapter III, Sections 1, 3A, 4, 13, and 19; Chapter IV, Sections 4 and 6; Chapter VI, Sections 1 and 2; Chapter IX, Sections 1 and 2 (before renumbering); Chapter XI, Sections 1, 2, 3, 4, and 5; Chapter XVI, Section 9, and Chapter XXIV, Section 21A (before renumbering) of the Charter of the City of Dallas be amended, and shall new Chapter IXA be added and shall new Section 22 be added to Chapter XXIV, to clarify that Place 15 on the city council is designated as the mayor; to increase the mayor's annual compensation from \$60,000 to \$120,000; to provide

for the city manager to be appointed by, and to have his or her compensation fixed by, the mayor (instead of the city council) and to be removed by the mayor or by a majority vote of the full city council; to require the city manager and mayor to jointly prepare the city's annual budget for presentation to the city council; to require the city manager to appoint the police chief and fire chief with the concurrence of the mayor; to create a finance, audit, and accountability committee (composed of at least five council members) that has all members and the chair and vice-chair appointed by a majority vote of the full city council (excluding the mayor, who may not vote or participate in the matter or serve on the committee); to provide for the appointment, discharge, and compensation of a council finance and budget oversight officer by a majority vote of the full city council (excluding the mayor, who may not vote on the matter); to provide residency requirements for the council finance and budget oversight officer; to provide for assistants to the council finance and budget oversight officer, who shall be exempt from civil service; to provide for the appointment, discharge, and compensation of the city auditor by a majority vote of the full city council (excluding the mayor, who may not vote on the matter); to provide for the selection of an independent auditor by a majority vote of the city council (excluding the mayor, who may not vote on the matter); and to make certain nonsubstantive changes, which amendments would take effect on the date of inauguration of the city council members elected at the May 5, 2007 general election, pending voting rights preclearance by the United States Justice Department?

PROPOSICIÓN NO. 1

Aumento de Poderes y Compensación del Alcalde y Aumento en la Vigilancia de Finanzas y Auditoría por parte del Concilio de la Ciudad

¿Deberán ser enmendadas las Secciones 1, 3A, 4, 13, y 19, del Capítulo III; las Secciones 4 y 6, del Capítulo IV; las Secciones 1 y 2, del Capítulo VI; las Secciones 1 y 2 (antes de volver a numerarse), del Capítulo IX; las Secciones 1, 2, 3, 4, y 5, del Capítulo XI; la Sección 9, del Capítulo XVI; y la Sección 21A (antes de volver a numerarse), del Capítulo XXIV; de los Estatutos de la Ciudad de Dallas, y deberá adicionarse el nuevo Capítulo IXA, y deberá adicionarse la nueva Sección 22 al Capítulo XXIV, para aclarar que la Posición 15 en el concilio de la ciudad, estará designada como alcalde; para aumentar la compensación anual del alcalde, de \$60,000 a \$120,000; para estipular que el gerente de la ciudad sea designado por, y que la compensación de él o ella sea establecida por, el alcalde (en lugar del concilio de la ciudad) y sea removido por el alcalde o por una mayoría de votos de todo el concilio de la ciudad; para requerir que el gerente de la ciudad y el alcalde preparen conjuntamente el presupuesto anual de la ciudad para presentarlo al concilio de la ciudad; para requerir que el gerente de la ciudad designe al jefe de la policía y al jefe de bomberos con la aprobación del alcalde; para crear un comité de finanzas, auditoría y responsabilidad (integrado por lo menos con cinco miembros del concilio) en el que todos los miembros y el presidente y vicepresidente hayan sido designados por una mayoría de votos de todo el concilio de la ciudad (excluyendo al alcalde, que no puede votar o participar en el asunto o estar en el comité); para estipular que una mayoría de votos de todo el concilio de la ciudad (excluyendo al alcalde, que no puede votar en el asunto) haga la designación, despido, y compensación de un oficial para vigilancia de las finanzas y presupuesto del concilio; para estipular los requisitos de residencia del oficial para

vigilancia de las finanzas y presupuesto del concilio; para proporcionar asistentes al oficial para vigilancia de las finanzas y presupuesto del concilio, que estará exento de servicio civil; para estipular que una mayoría de votos de todo el concilio de la ciudad (excluyendo al alcalde, que no puede votar en el asunto) haga la designación, despido, y compensación del auditor de la ciudad; para estipular que una mayoría de votos de todo el concilio de la ciudad (excluyendo al alcalde, que no puede votar en el asunto) haga la selección de un auditor independiente; y para hacer ciertos cambios no esenciales, para que tales enmiendas entren en efecto en la fecha de inauguración de los miembros del concilio de la ciudad, electos en la elección general del 5 de mayo de 2007, estando pendiente la aprobación previa de los derechos al voto por parte del Departamento de Justicia de los Estados Unidos?

PROPOSITION NO. 2

Residency Requirements for the City Manager, City Attorney, City Auditor, and City Secretary; Appointment and Removal of City Attorney, City Secretary, Assistants to the City Auditor, Assistants to the City Secretary, and Professional and Administrative Assistants to the Mayor and Council; Duties of City Auditor

Shall Chapter III, Sections 14 and 15; Chapter IIIA, Sections 1 and 2; Chapter VII, Section 1; and Chapter IX, Section 2 (before renumbering) of the Charter of the City of Dallas be amended, and shall new Section 2 be added to Chapter IX, to provide residency requirements for the city manager, city attorney, city auditor, and city secretary; to provide for the city attorney and the city secretary to be discharged during a term of office by a majority vote (instead of a two-thirds vote) of the full city council; to authorize the city secretary to terminate his or her assistants without city council consent; to clarify the duties of the city auditor; to provide for the appointment, discharge, and duties of assistants to the city auditor; to authorize city council members to select their professional and administrative assistants; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 2

Requisitos de Residencia para el Gerente de la Ciudad, el Abogado de la Ciudad, el Auditor de la Ciudad, y el Secretario de la Ciudad; Designación y Remoción del Abogado de la Ciudad, el Secretario de la Ciudad, los Asistentes del Auditor de la Ciudad, los Asistentes del Secretario de la Ciudad, y los Asistentes Profesionales y Administrativos del Alcalde y el Concilio; Deberes del Auditor de la Ciudad

¿Deberán ser enmendadas las Secciones 14 y 15, del Capítulo III; las Secciones 1 y 2, del Capítulo IIIA; la Sección 1, del Capítulo VII; y la Sección 2 (antes de volver a numerarse), del Capítulo IX; de los Estatutos de la Ciudad de Dallas, y deberá adicionarse la nueva Sección 2, al Capítulo IX, para estipular los requisitos de residencia para el gerente de la ciudad, el abogado de la ciudad, el auditor de la ciudad, y el secretario de la ciudad; para estipular que el abogado de la ciudad y el secretario de la ciudad, puedan ser despedidos durante un término en

el puesto, por medio de una mayoría de votos (en lugar de dos tercios de los votos) de todo el concilio de la ciudad; para autorizar al secretario de la ciudad a despedir a sus asistentes sin el consentimiento del concilio de la ciudad; para aclarar los deberes del auditor de la ciudad; para estipular la designación, despido, y deberes de los asistentes del auditor de la ciudad; para autorizar a los miembros del concilio de la ciudad a seleccionar a sus asistentes profesionales y administrativos; y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 3

Municipal Courts and Municipal Judges

Shall Chapter VII, Section 3; Chapter VIII, Sections 7 and 8; Chapter XII, Section 6; and Chapter XVI, Section 9 of the Charter of the City of Dallas be amended, and shall new Section 4A be added to Chapter VIII, to provide a procedure for the removal of municipal judges prior to the expiration of their terms; to correct obsolete references to the municipal courts as corporation courts; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 3

Cortes Municipales y Jueces Municipales

¿Deberá ser enmendada la Sección 3, del Capítulo VII; las Secciones 7 y 8, del Capítulo VIII; la Sección 6, del Capítulo XII; y la Sección 9, del Capítulo XVI; de los Estatutos de la Ciudad de Dallas, y deberá adicionarse la nueva Sección 4A, al Capítulo VIII; para estipular un procedimiento de remoción previa a la expiración de sus términos, para los jueces municipales; para corregir referencias obsoletas a las cortes municipales como cortes corporativas; y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 4

Emergency Management and Continuity of Governance

Shall Chapter II, Section 1 and Chapter III, Section 5 of the Charter of the City of Dallas be amended to authorize the city to adopt a disaster emergency preparedness ordinance that provides for the development of a comprehensive emergency management plan; to authorize the city attorney to initiate court action to order an election to fill city council vacancies in the event of the simultaneous death or disability of all city council members; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 4

Manejo de Emergencias y Continuidad de Gobierno

¿Deberán ser enmendadas la Sección 1, del Capítulo II; y la Sección 5, del Capítulo III, de los Estatutos de la Ciudad de Dallas, para autorizar a la ciudad a que adopte una ordenanza de preparación para emergencia en desastres, que estipule el desarrollo de un plan total para el manejo de emergencias; para autorizar al abogado de la ciudad a iniciar acción legal, convocando elecciones para ocupar las vacantes en el concilio de la ciudad, en caso de muerte o incapacidad simultánea de todos los miembros del concilio; y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 5

Disciplinary Actions, Appeals, Civil Service, and Other Personnel Matters

Shall Chapter VI, Sections 1 and 2; Chapter VII, Section 1; Chapter XII, Sections 4 and 5; Chapter XIII Sections 3 and 9; and Chapter XVI, Sections 3, 4, 9, 11, and 12 of the Charter of the City of Dallas be amended to eliminate the provision allowing a police chief or fire chief, or an assistant above the rank of captain, to be restored to a prior held rank or a lower appointive rank upon being removed from his or her position for unfitness; to clarify the process for disciplining employees of the police and fire departments; to eliminate requirements that the city manager, the city attorney, and department directors be given a public hearing before the city council prior to being discharged; to exempt the city secretary's office and the city auditor's office from civil service; to clarify that city employees in the unclassified civil service and city employees exempt from civil service do not have the right to appeal disciplinary actions; to require a "reasonable person" standard to be used in civil service trial board hearings and administrative law judge hearings; to provide that charter provisions and city personnel rules will prevail over any conflicting civil service rule; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 5

Acciones Disciplinarias, Apelaciones, Servicio Civil, y Otros Asuntos de Personal

¿Deberán ser enmendadas las Secciones 1 y 2, del Capítulo VI; la Sección 1, del Capítulo VII; las Secciones 4 y 5, del Capítulo XII; las Secciones 3 y 9, del Capítulo XIII; y las Secciones 3, 4, 9, 11, y 12, del Capítulo XVI; de los Estatutos de la Ciudad de Dallas, para eliminar la disposición que permite que un jefe de policía o jefe de bomberos, o un asistente de rango más alto que capitán, sea reintegrado en un rango previo, o asignado a un rango más bajo, después de ser removido de su puesto por incapacidad; para aclarar el proceso disciplinario de los empleados de los departamentos de policía y bomberos; para eliminar los requisitos de que al gerente de la ciudad, al abogado de la ciudad, y a los directores de departamento se les dé una audiencia pública ante el concilio de la ciudad, antes de ser

despedidos; para eximir de servicio civil, a la oficina del secretario de la ciudad y a la oficina del auditor de la ciudad; para aclarar que los empleados de la ciudad en el servicio civil no clasificado y los empleados de la ciudad exentos de servicio civil, no tienen el derecho de apelar las acciones disciplinarias; para requerir un estándar de "persona razonable", que sea usado en audiencias del consejo para juicios del servicio civil y audiencias de un juez de derecho administrativo; para estipular que las disposiciones de los estatutos y las reglas para el personal de la ciudad, prevalecerán sobre cualquier regla de servicio civil que esté en conflicto; y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 6

Election-related Matters

Shall Chapter II, Section 1; Chapter III, Section 1; and Chapter IV, Section 3 of the Charter of the City of Dallas be amended, and shall new Section 13 be added to Chapter IV, to authorize the city to adopt regulations governing campaign contributions and expenditures for city elections; to require publication (both before and after a city council election) of all campaign contributions made to city council candidates; to provide for general elections to be held on the first authorized election date after March 1 (instead of after February 1) of each odd-numbered year; to provide for general elections to be held in May (instead of April) of odd-numbered years if the state ceases to restrict election dates; to provide that council members elected at a general election shall take office the first Monday following the 30th calendar day after the final canvass of the general election; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 6

Asuntos relacionados a la Elección

¿Deberá ser enmendada la Sección 1, del Capítulo II; la Sección 1, del Capítulo III; y la Sección 3, del Capítulo IV, de los Estatutos de la Ciudad de Dallas, y deberá ser adicionada la nueva Sección 13, al Capítulo IV; para autorizar a la ciudad a adoptar regulaciones que controlen las contribuciones y gastos en las elecciones de la ciudad; para requerir la publicación (tanto antes como después de una elección del concilio de la ciudad) de todas las contribuciones de campaña, hechas a los candidatos al concilio de la ciudad; para estipular que las elecciones generales se lleven a cabo en la primera fecha autorizada para la elección, después del 1 de marzo (en vez del 1 de febrero) de cada año non; para estipular, que si el estado deja de restringir las fechas de las elecciones, las elecciones generales se lleven a cabo en mayo (en vez de abril) de los años nones; para estipular que los miembros del concilio electos en una elección general, ocupen sus puestos el primer lunes que siga al día calendario 30, después del sondeo final en la elección general; y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 7

City Boards and Commissions

Shall Chapter IV, Section 5; Chapter XVI, Section 1; and Chapter XXIV, Section 13 of the Charter of the City of Dallas be amended, and shall new Section 3 be added to Chapter II, to increase the size of the civil service board from five members to seven members; to provide for removal of a civil service board member or adjunct member without written reasons for removal or an opportunity to present a defense; to provide for city board and commission members (including civil service board members and adjunct members) to be appointed during September (instead of during August) of each odd-numbered year and to serve a term not to exceed two years from October 1 (instead of from September 1) or until their successors are appointed and qualified; to provide that advisory board and commission members may not hold over in their positions longer than nine months after the expiration of their terms or after the creation of vacancies in their positions; to provide that members of the city's redistricting commission serve a term ending upon completion of the redistricting commission's work; to require the city council to appoint a charter review commission at least every 10 years to review the city charter and make a report to the city council; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 7

Consejos de la Ciudad y Comisiones

¿Deberá ser enmendada la Sección 5, del Capítulo IV; la Sección 1, del Capítulo XVI; y la Sección 13, Del Capítulo XXIV; de los Estatutos de la Ciudad de Dallas, y deberá ser adicionada la nueva Sección 3, al Capítulo II; para aumentar el número de miembros del consejo de servicio civil, de cinco a siete miembros; para estipular que se remueva a un miembro del consejo de servicio civil o miembro adjunto, sin las razones de tal remoción por escrito, o la oportunidad de presentar una defensa; para estipular que los miembros del consejo y las comisiones (incluyendo a los miembros del consejo de servicio civil y miembros adjuntos) sean designados durante septiembre (en vez de agosto) de cada año non, y desempeñen sus funciones durante un término que no excederá dos años, a partir del 1 de octubre (en vez del 1 de septiembre) o hasta que sus sucesores sean designados y calificados; para estipular que los miembros del consejo consultivo y las comisiones, no podrán mantenerse en sus puestos más de nueve meses después de que expiren sus términos, o después de la creación de las vacantes en sus puestos; para estipular que los miembros de la comisión de reajuste de distritos de la ciudad, estén en funciones durante un término que acabará al completarse el trabajo de reajuste de distritos de la comisión; para requerir que el concilio de la ciudad nombre una comisión de revisión de los estatutos, por lo menos cada 10 años, para revisar los estatutos de la ciudad y que haga un reporte para el concilio de la ciudad; y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 8

City Treasurer and Financial Matters

Shall Chapter III, Section 20; Chapter XI, Sections 6, 7, 10, and 13; Chapter XVII, Section 9; and Chapter XXIV, Section 14 of the Charter of the City of Dallas be amended to provide that moneys to be derived from the sale of lawfully authorized commercial paper notes are deemed to be in the city's treasury; to designate the city's chief financial officer as the city treasurer; to clarify that city money is deposited into the city treasury or city depository instead of with the city treasurer; to correct obsolete references to the director of revenue and taxation and the director of finance; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 8

Tesorero de la Ciudad y Asuntos Financieros

¿Deberá ser enmendada la Sección 20, del Capítulo III; las Secciones 6, 7, 10, y 13, del Capítulo XI; la Sección 9, del Capítulo XVII; y la Sección 14, del Capítulo XXIV; de los Estatutos de la Ciudad de Dallas, para estipular que se considera que los dineros que provengan de la venta de documentos comerciales legalmente autorizados, deberán estar en la tesorería de la ciudad; para designar como tesorero de la ciudad, al jefe de finanzas de la ciudad; para aclarar que el dinero de la ciudad sea depositado en la tesorería de la ciudad o el depósito de la ciudad, en vez de hacerlo con el tesorero de la ciudad; para corregir referencias obsoletas al director de rentas públicas e impuestos y al director de finanzas; y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 9

Solid Waste Franchises

Shall Chapter XIV, Sections 1, 2, 3, 5, 7, and 8 and Chapter XIX, Section 4 of the Charter of the City of Dallas be amended to authorize the city to grant franchises for solid waste hauling, solid waste pickup, solid waste recycling, and solid waste disposal; to exempt such franchises from rate regulation; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 9

Franquicias de Desechos Sólidos

¿Deberán ser enmendadas las Secciones 1, 2, 3, 5, 7, y 8, del Capítulo XIV; y la Sección 4, del Capítulo XIX; de los Estatutos de la Ciudad de Dallas, para autorizar a la ciudad a otorgar franquicias para acarrear desperdicios sólidos, recoger desperdicios sólidos, reciclar desperdicios sólidos, y disponer de desperdicios sólidos; para eximir a tales franquicias de la regulación de tarifas; y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 10

Fire-Rescue Department

Shall Chapter II, Section 1; Chapter VI, Section 2; Chapter XIII, Sections 1, 2, 4, 5, 6, 7, 8, and 9; Chapter XVI, Section 16; and Chapter XXIV, Section 10 of the Charter of the City of Dallas be amended to rename the city's fire department as the fire-rescue department; to authorize members of the fire-rescue department to exercise police powers in rescue situations; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 10

Departamento de Bomberos y Rescate

¿Deberá ser enmendada la Sección 1, del Capítulo II; la Sección 2, del Capítulo VI; las Secciones 1, 2, 4, 5, 6, 7, 8, y 9, del Capítulo XIII; la Sección 16, del Capítulo XVI; y la Sección 10, del Capítulo XXIV; de los Estatutos de la Ciudad de Dallas, para cambiar el nombre del departamento de bomberos de la ciudad, a departamento de bomberos y rescate; para autorizar a los miembros del departamento de bomberos y rescate a ejercer poderes policíacos en situaciones de rescate; y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 11

Official City Newspaper

Shall Chapter III, Section 19; Chapter XI, Section 3; and Chapter XVIII, Sections 7 and 15 of the Charter of the City of Dallas be amended, and shall Chapter XXIV, Section 11 be repealed, to eliminate the charter requirement for an official city newspaper; to provide for city notices to be published in newspapers of general circulation in the city; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 11

Periódico Oficial de la Ciudad

¿Deberá ser enmendada la Sección 19, del Capítulo III; la Sección 3, del Capítulo XI; y las Secciones 7 y 15, del Capítulo XVIII; de los Estatutos de la Ciudad de Dallas, y deberá ser revocada la Sección 11, del Capítulo XXIV; para eliminar el requisito de un periódico oficial de la ciudad, por parte de los estatutos; para estipular que las noticias de la ciudad sean publicadas en periódicos de circulación general en la ciudad; y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 12

Annexations and Disannexations

Shall Chapter I, Section 3 of the Charter of the City of Dallas be amended to clarify the process for annexing and disannexing territory to and from the city and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 12

Incorporaciones y Desincorporaciones

¿Deberá ser enmendada la Sección 3, del Capítulo I; de los Estatutos de la Ciudad de Dallas, para aclarar el proceso de incorporación y desincorporación de territorio a y de la ciudad, y para hacer ciertos cambios no esenciales?

PROPOSITION NO. 13

Gender Neutral Language, Correction of State Law Cites, and Other Nonsubstantive Changes

Shall Chapter III, Sections 3, 10, 11, 15, 17, 19, and 20; Chapter IIIA, Sections 1 and 2; Chapter VI, Sections 1 and 2; Chapter VII, Sections 1 and 3; Chapter VIII, Sections 4 and 6; Chapter IX, Section 3 (before renumbering); Chapter X, Section 2; Chapter XI, Sections 2, 11, and 13; Chapter XIV, Section 8; Chapter XV, Section 3; Chapter XVI, Section 17; Chapter XVIII, Section 13; Chapter XIX, Sections 6, 8, 11, and 17; Chapter XX, Sections 10 and 11; Chapter XXII, Section 4; Chapter XXIII, Sections 4 and 6; and Chapter XXIV, Sections 12 and 17 of the Charter of the City of Dallas be amended to make the charter language gender neutral; to correct obsolete references to state law; and to make other nonsubstantive changes?

PROPOSICIÓN NO. 13

Lenguaje de Género Neutro, Corrección de Menciones en la Ley Estatal, y Otros Cambios No Esenciales

¿Deberán ser enmendadas las Secciones 3, 10, 11, 15, 17, 19 y 20, del Capítulo III; las Secciones 1 y 2 del Capítulo IIIA; las Secciones 1 y 2, del Capítulo VI; las Secciones 1 y 3, del Capítulo VII; las Secciones 4 y 6, del Capítulo VIII; la Sección 3 (antes de volver a numerarse), del Capítulo IX; la Sección 2, del Capítulo X; las Secciones 2, 11, y 13, del Capítulo XI; la Sección 8, del Capítulo XIV; la Sección 3, del Capítulo XV; la Sección 17, del Capítulo XVI; la Sección 13, del Capítulo XVIII; las Secciones 6, 8, 11, y 17, del Capítulo XIX; las Secciones 10 y 11, del Capítulo XX; la Sección 4, del Capítulo XXII; las Secciones 4 y 6, del Capítulo XXIII; y las Secciones 12 y 17, del Capítulo XXIV; de los Estatutos de la Ciudad de Dallas, para hacer de género neutro el lenguaje de los estatutos; para corregir referencias obsoletas a la ley estatal; y para hacer otros cambios no esenciales?

SECTION 3. That the election must be held and conducted in the manner provided by law governing the holding of city charter elections by home rule cities of the State of Texas. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, must be printed in both the English and Spanish languages and must contain such provisions, markings, and language as may be required by law.

SECTION 4. That the boundaries of the election precincts in which the election is to be held are defined by Ordinance No. 20231, as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, and 25696. Locations of the polling places in the respective election precincts in Dallas, Denton, and Collin Counties are as designated in Exhibit A, attached to and made a part of this ordinance by reference.

SECTION 5. That each voter must vote in the precinct in which the voter resides, and only resident qualified voters are entitled to vote.

SECTION 6. That a person qualified to vote and residing in the city of Dallas, but not within any precinct described in Ordinance No. 20231, as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, and 25696, may vote in the precinct nearest the person's residence, and for that purpose the person's residence will be considered as part of that city election precinct. A person who has registered in a city election precinct, but whose residence is not in the city of Dallas, is not entitled to vote in the special election even though the person may own property subject to taxation in the city.

SECTION 7. That early voting by personal appearance will be by the use of an electronic voting system in accordance with the Texas Election Code, as amended. Early voting by mail will be by the use of a computerized voting system in accordance with the Texas Election Code, as amended. Early voting in Dallas, Denton, and Collin Counties will be conducted at the locations and during the dates and times designated in Exhibit B, attached to and made a part of this ordinance by reference.

SECTION 8. That applications for early voting ballots to be voted by mail must be mailed to the following:

- For Dallas County: Early Voting Clerk, Elections Department, Dallas County Records Building, 500 Main Street, Dallas, Texas 75202.
- For Denton County: Denton County Elections Administration Office, P. O. Box 1720, Denton, Texas 76202.
- For Collin County: Collin County Elections Administration Office, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75609.

Applications for ballots by mail must be received no later than close of business on Tuesday, November 1, 2005.

SECTION 9. That the early voting ballots will be processed by an early voting ballot board to be created in accordance with the Texas Election Code, as amended.

SECTION 10. That the mayor or, in the mayor's absence or inability to act, the mayor pro tem shall give notice of the special election by causing the notice to be published in a newspaper within the city and posted on the city's public meeting bulletin board in accordance with applicable state law governing notice of charter elections.

SECTION 11. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

LC/UC/0114U