

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 26, 1997

97-0655

Item 53: Actions related to May 3, 1997, City election

- * Ordinance ordering a special election to be held in the City of Dallas on Saturday, May 3, 1997, for the purpose of submitting to the qualified voters of the City proposed amendments to the Dallas City Charter - Financing: This action has no cost consideration

Councilmember Luna requested that the question be divided so that each proposition can be voted upon separately.

Mayor Pro Tem Wells asked Councilmember Luna if it would be satisfactory to divide the question on the first five propositions separately that deal with policy and then vote on the remaining propositions that are procedural and cleanup in total.

Councilmember Luna accepted Mayor Pro Tem Wells recommendation.

Mayor Kirk ordered the question divided, there being no objection raised to Councilmember Luna's request.

Proposition A

Councilmember Blumer moved to amend the proposition by deleting everything after \$212.20.

Motion seconded by Councilmember Duncan.

Mayor Pro Tem Wells accepted Councilmember Blumer's motion to amend Proposition A.

Mayor Kirk called the vote on Proposition A as amended by Councilmember Blumer:

Voting Yes: [15] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Mallory
Caraway, Lipscomb, Poss, Walne, Fielding, Blumer, McDaniel

Voting No: [0]

Mayor Kirk declared the motion adopted.

Proposition B

Councilmember Blumer moved to amend the proposition by placing a limit on those meetings other than regular and called meetings of the council or council committees at three meetings per month.

Motion seconded by Councilmember Duncan.

Mayor Pro Tem Wells accepted Councilmember Blumer's motion to amend Proposition B.

Mayor Kirk called the vote on Proposition B as amended by Councilmember Blumer:

Voting Yes: [15] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Mallory
Caraway, Lipscomb, Poss, Walne, Fielding, Blumer, McDaniel
Voting No: [0]

Mayor Kirk declared the motion adopted.

Proposition C

Councilmember Blumer moved to approve Proposition C.

Motion seconded by Councilmember Duncan.

Mayor Kirk called the vote on Proposition C:

Voting Yes: [8] Salazar, Duncan, Hicks, Mallory Caraway, Lipscomb, Fielding, Blumer,
McDaniel
Voting No: [7] Kirk, Wells, Mayes, Luna, Stimson, Poss, Walne

Mayor Kirk declared the motion adopted.

Proposition D

Councilmember Duncan moved that the transfer of an unencumbered balance could take place with the recommendation of the city manager by a simple majority of the council and that a two-third vote would be needed without the recommendation of the city manager.

Motion seconded by Councilmember Blumer.

Mayor Pro Tem Wells accepted Councilmember Duncan's motion to amend Proposition D.

Mayor Kirk called the vote on Proposition D as amended by Councilmember Duncan:

Voting Yes: [11] Mayes, Salazar, Luna, Stimson, Duncan, Hicks, Mallory Caraway,
Lipscomb, Fielding, Blumer, McDaniel
Voting No: [4] Kirk, Wells, Poss, Walne

Mayor Kirk declared the motion adopted.

Proposition E

Councilmember Stimson moved to strike the first sentence and vote only on the remaining portion starting with "to authorize absences of a city board or commission member to be excused either by the city council or by the board or commission on which the member services; and to make certain substantive changes."

Motion seconded by Councilmember Blumer.

Mayor Pro Tem Wells accepted Councilmember Stimson's motion to amend Proposition E.

Mayor Kirk called the vote on Proposition E as amended by Councilmember Stimson:

Voting Yes: [5] Duncan, Hicks, Lipscomb, Poss, McDaniel
Voting No: [10] Kirk, Wells, Mayes, Salazar, Luna, Stimson, Mallory Caraway, Walne,
Fielding, Blumer

Mayor Kirk declared the motion lost.

Propositions F through N

Mayor Kirk called the vote on Propositions F through N and declared the motion unanimously adopted.

Deputy Mayor Pro Tem Mayes moved to pass the ordinance ordering the charter election with the approved propositions.

Motion seconded by Councilmember Hicks.

After discussion, Mayor Kirk called the vote ordering a special election with the propositions as approved:

Voting Yes: [11] Wells, Mayes, Salazar, Luna, Duncan, Hicks, Mallory Caraway,
Lipscomb, Walne, Fielding, Blumer
Voting No: [4] Kirk, Stimson, Poss, McDaniel

Mayor Kirk declared the motion adopted.

Assigned ORDINANCE NO. 23039.

2/26/97

ORDINANCE NO. 23039

An ordinance ordering a special election to be held in the city of Dallas on May 3, 1997 on the question of adoption of amendments to the Charter of the City of Dallas; providing for the per diem compensation of city council members and the meetings to which it applies; providing for medical benefits for city council members; authorizing the city council by a two-thirds vote to transfer appropriations without the city manager's recommendation; providing for the effective date of boundary changes; correcting gender-based references to uniformed members of the police and fire departments; providing dates for the general election and the swearing in of city council members; providing for the title, term, and function of the civil service board secretary; deleting an obsolete reference to the city transit system; correcting references to persons responsible for and state laws relating to public improvements and assessments; providing for the discharge of assistant city attorneys; increasing alternate members to the board of adjustment; making the process for assessing and collecting taxes on property omitted from city tax appraisal rolls and the redemption period for tax foreclosed property consistent with state law; authorizing the frequency of selection and other requirements for the official city newspaper to be established by city council ordinance; making certain semantic, grammatical, and structural changes; prescribing the form of the ballot; designating polling places; providing for voting by an

electronic voting system; 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 Saturday, May 3, 1997, 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 several propositions on whether the Charter of the City of Dallas should be amended. The proposed amendments will affect only those 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 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 must ~~[shall]~~ describe the territory to be annexed and must ~~[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 the ~~[said]~~ amendments or republishing the ~~[and without the necessity of republication of said]~~ ordinance as amended. Upon ~~[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 the ~~[any such]~~ ordinance, the boundaries of the city shall thereafter be as fixed in the ~~[such]~~ ordinance. The additional territory annexed shall be a part of the city, and the property situated in the territory ~~[therein]~~ shall bear its pro rata part of the taxes levied by the city as provided by state law. The inhabitants of the annexed territory ~~[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:

(35) to make provision for the care and sustenance of police officers ~~[men]~~, firefighters, ~~[men]~~ and other uniformed personnel of the police and fire departments ~~[alarm operators]~~ 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, and to make provision for the aid and relief of the widows, minor children, and dependents of deceased police officers ~~[men]~~, firefighters ~~[men]~~, and other uniformed personnel of the police and fire departments ~~[alarm operators]~~ 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 ~~[said]~~ 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;

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, 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, 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 ~~[in the month next succeeding]~~ the general election, and they shall serve until their respective successors have been elected and qualified.

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

(a) Effective at the first regular meeting of the city council in June 1997 ~~[May 1, 1969]~~, each member of the city council shall receive as compensation for ~~[his]~~ services the sum of \$212.20 ~~[50]~~ per diem for each of the following ~~[regular or called]~~

meetings attended by the city council member, except as provided in Subsection (b) of this section:

(1) Any regular or called meeting of the city council or of a committee of the city council.

(2) Any regular or called meeting of a committee, board, or commission:

(A) to which the city council member has been appointed by the mayor or by the city council to represent the interests of the city; and

(B) that has been designated for per diem compensation by resolution of the city council.

(3) One town hall meeting held each fiscal year to discuss the annual city budget [him].

(b) A city council member may not receive the per diem compensation established in Subsection (a):

(1) for more than one meeting attended in a single day; or

(2) for more than a total of three meetings, in addition to the regular and called meetings of the city council and the committees of the city council, attended within any calendar month.

(c) Each city council member, while serving on the city council, may participate in the health benefit program provided by the city to its employees, subject to qualifications and procedures set forth in master benefit plans adopted by the city council. The city will pay medical benefits for a city council member and any eligible dependents of the council member in an amount equal to the costs of medical benefits it pays for a permanent full-time employee of the city and any eligible dependents of the employee.

(d) In addition to receiving the compensation and health benefits provided in Subsections (a) through (c) [the above], all necessary expenses incurred by [members of the] city council members in the performance of their duties will [shall] be paid by the city, when authorized by the city council. A [When a] city council member who [man] is out of the city on the official business of the city council and at the direction of the city council [,-he] shall be paid the same as though the member [he] had attended the meetings that are missed [by him] while so engaged in city business.

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 February 1 ~~[March 31]~~ of each odd-numbered year. If state law does not restrict election dates, the city council shall by ordinance establish an election date in 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.

CHAPTER VII. LEGAL DEPARTMENT

SEC. 2. ASSISTANTS AND EMPLOYEES.

The city attorney shall have such assistants as shall be provided for by ordinance, and they shall receive such compensation as may be fixed by the city council. Any ~~[such]~~ assistant city attorney may be discharged at any time by the city attorney ~~[with the consent of the city council]~~. The city attorney and all ~~[such]~~ assistant city attorneys shall devote their entire time to the service of the city. All powers and duties imposed on the city attorney may be exercised and performed by any assistant city attorney under the [his] direction of the city attorney.

CHAPTER XI. THE BUDGET AND FINANCIAL
PROCEDURE RELATING THERETO

SEC. 4. TRANSFER OF APPROPRIATIONS.

Upon the written recommendation of the city manager, the city council may at any time, by a majority vote of its members present, 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. The city council may at any time, by a two-thirds vote of all of its members, make such a transfer without the city manager's written recommendation. The city manager shall provide the city council with a fiscal note disclosing the impact of each transfer of appropriations made by the city council.

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CHAPTER XII. POLICE DEPARTMENT

SEC. 1. CREATION OF POLICE DEPARTMENT; PERSONNEL.

There is hereby created a police department of the City of Dallas at the head of which shall be the chief of police. The police department shall be composed of the chief, whose office is hereby created and established, and other unclassified positions of assistants, limited to the three grades or ranks immediately below the grade or rank of chief, and classified employees as the council may provide by ordinance upon recommendation of the city manager. The chief of police 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 police shall:

(1) have immediate direction and control of the police department, subject to the supervision of the city manager, and also subject to such rules, regulations, and orders as the city manager may prescribe, not inconsistent with the ordinances of the city, and shall promulgate all orders, rules, and regulations for government of the police force;

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

(3) keep the ~~[his]~~ office of the chief of police open at all hours, day and night, and either the chief ~~[he]~~ or a ~~[his]~~ subordinate shall be in constant attendance of such office;

(4) prescribe the uniforms and badges for the members of the police force and direct the manner in which the members of the police ~~[said]~~ force shall be armed;

(5) perform such other duties as may be required ~~[of him]~~ by the city manager or by ordinance of the city council.

SEC. 3. APPOINTMENT AND OATH.

The members of the police department, other than the chief of police and assistants provided by ordinance, shall be selected from the list of eligibles prepared by the civil service commission. In case of emergency, the mayor, the city manager, or

the chief of police may appoint additional patrol officers [~~men~~] and other officers for temporary service, who need not be in the classified service. Each member of the police department, both rank and file, shall be [~~have~~] issued [~~to him~~] a warrant of appointment signed by the city manager in which the date of [~~his~~] appointment shall be stated, and such shall be the member's [~~his~~] commission. Each member of the police department shall, before entering upon any [~~his~~] duties, subscribe to an oath that the member [~~he~~] will faithfully, without fear or favor, perform the duties of the [~~his~~] office, and such oath shall be filed and preserved with the records of the police [~~said~~] department, and in addition, the several officers of the [~~said~~] force shall, if so required by the council, give bond in such penal sum and with such security as the council may prescribe by ordinance. The cost of such bond is to be borne by the city.

SEC. 4. SUSPENSION OF POLICE; HEARING.

The chief of police shall have the right to suspend for a definite time or discharge any of the officers or employees who may be under the chief's [~~his~~] jurisdiction and control for incompetence, neglect of duty, immorality, drunkenness, or failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief of police. If any officer or employee is [~~be~~] 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. The officer or employee suspended or discharged shall have five days from receipt of notice of such action within which to demand a hearing before the city manager, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the suspension or discharge and render judgment thereon, which judgment, if the charge is [~~be~~] sustained, may be suspension, reduction in rank, discharge, or such modification or amendment as [~~to him~~] may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is [~~shall be~~] final unless a discharged officer or employee [~~shall~~] desires to exercise [~~avail himself to~~] the right of a public hearing before a trial board as provided by this Charter.

SEC. 5. REMOVAL OF CHIEF OR ASSISTANTS[~~, ETC.~~]

If [~~Should~~] the chief of the police department, or any assistant [~~(4)~~above the rank and grade of captain, was [~~(1) in case he is~~] selected to that position from the ranks of the police department and is [~~be~~] removed from the [~~said~~] position on account of unfitness for the discharge of the duties of the [~~said~~] position[s], and not for any cause justifying [~~his~~] dismissal from the service, the chief or the assistant [~~he~~] shall be restored to the rank and grade held [~~by him~~] prior to [~~his~~] appointment to the position, or reduced to a lower appointive rank.

SEC. 6. AUTHORITY OF POLICE OFFICERS ~~[MEN]~~.

The officers and privates constituting the police department of the City of Dallas ~~[shall be, and they]~~ are ~~[heroby]~~ 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 ~~[his best]~~ endeavor~~[s]~~ to prevent the commission within the city of offenses against the laws of the state, the federal government, and ~~[against]~~ the ordinances and regulations of the ~~[said]~~ 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 ~~[the same]~~; and
- (4) to preserve the public peace, health, and safety.

All police officers ~~[men]~~ shall execute any criminal warrant, warrant~~[s]~~ of arrest, ~~[any]~~ writ, subpoena~~[s]~~, or other process that may be placed in their hands by the duly constituted authorities of the city. No police officer ~~[man]~~ shall receive any fee or other compensation for any service rendered in the performance of the officer's ~~[his]~~ duty other than the salary paid ~~[him]~~ by the city, nor shall the police officer ~~[he]~~ 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 corporation [municipal] court of the city or in any criminal court in Dallas County.

SEC. 7. SPECIAL POLICE.

No person, except as otherwise provided by general law or the Charter, or the ordinances passed in pursuance thereof, shall act as special police or special detectives, except upon written authority from the city manager. Such authority, when conferred, shall be exercised only under the direction and control of the chief of police and for the time specified in the appointment.

SEC. 8. FALSELY WEARING POLICE UNIFORM OR BADGE.

Any person, other than a member of the police force of the City of Dallas, who ~~[shall]~~ wears the uniform or badge as prescribed by the chief of police for the City of Dallas Police Department, or a uniform or badge so closely similar ~~[thereto]~~ as to be mistaken for the uniform or badge of the City of Dallas Police Department ~~[thereof]~~, shall be subject to such fine as may be prescribed by the city council by ordinance.

CHAPTER XIII. FIRE DEPARTMENT

SEC. 1. CREATION OF FIRE DEPARTMENT; PERSONNEL.

There is hereby created a fire department of the City of Dallas, at the head of which shall be the chief of the fire department. The fire department shall be composed of the chief of the fire 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 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 [~~his~~] disability, absence from the city, or inability to perform [~~his~~] duties from any other cause.

SEC. 2. DUTIES.

The chief of the fire department shall:

- (1) have exclusive control of the stationing and transfer of all firefighters [~~men~~] and other officers and employees constituting the fire force, under such rules and regulations as may be established by the city manager, to whom the chief [~~he~~] 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 [~~his~~] entire time to the discharge of [~~his~~] official duties, and shall not be absent [~~himself~~] from the city except in the performance of [~~his~~] official duties, unless granted a written leave by the city manager;
- (4) classify the fire 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 department;
- (6) provide rescue equipment, personnel, and services for emergency use;
- (7) perform such other duties as may be required [~~of him~~] by the city manager or by ordinance of the city council.

SEC. 3. REMOVAL OF CHIEF[~~;~~] OR ASSISTANTS[~~,-ETC~~].

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

SEC. 4. APPOINTMENT OF MEMBERS.

The members of the fire force, other than the chief of the fire department and the chief's [~~his~~] 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 department may appoint additional firefighters [~~men~~] and officers for temporary service, who need not be in the classified service.

SEC. 5. ADDITIONAL COMPENSATION FOR CONTINUOUS[~~ED~~] SERVICE.

All firefighters [~~men~~] and other uniformed personnel of the fire department [~~alarm operators~~] shall receive additional compensation for [~~the~~] 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 department or any assistant fire chief, with the concurrence of the city manager, to direct such building, or any buildings that [~~which~~] 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 [~~but 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 [~~such~~] 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 [~~as aforesaid~~], and the decision of the majority [~~thereon~~] 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 [~~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 [said] building would have been destroyed by fire if it had not been pulled down and destroyed and [;] the loss of insurance upon the [said] property, if any, caused by the pulling down, blowing up, and destroying of the [such] building, and may report that no damages should equitably be allowed to the [such] claimant. Whenever such report appraising the [said] damages is [shall be] made and finally confirmed by the council, [a] compliance therewith by the council shall be deemed full satisfaction of the [said] damages.

SEC. 7. FIREFIGHTERS [MEN] TO EXERCISE POLICE POWERS IN ATTENDING AND RETURNING FROM FIRES.

Each member of the fire 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, and shall be [have] issued [to him] a warrant of appointment signed by the city manager, in which the date of [his] appointment shall be stated, and such warrant shall be the firefighter's [his] commission.

SEC. 8. FALSELY WEARING UNIFORM OR BADGE.

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

SEC. 9. SUSPENSION OF FIREFIGHTERS AND OTHER FIRE DEPARTMENT PERSONNEL [MEN]; HEARING.

The chief of the fire department shall have the right to suspend for a definite time or discharge any officers or employees who may be under the chief's [his] control and management for incompetence, neglect of duty, immorality, drunkenness, or failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief for the department. If any officer or employee is [be] suspended or discharged, as herein provided, the chief of the fire department shall forthwith in writing certify the fact, together with the cause for the suspension or discharge to the city manager. The officer or employee suspended or discharged shall have five days from receipt of notice of such action within which to demand a hearing before the city manager. If demanded, the city manager shall proceed to inquire into the cause of the suspension or discharge and render judgment thereon, which judgment, if the charge is [be] sustained, may be suspension, reduction in rank, discharge, or such modification or amendment as [to him] may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such

judgment ~~is [shall be]~~ final unless a discharged officer or employee ~~[shall]~~ desires to exercise [avail himself to] the right of a public hearing before a trial board as provided by this Charter.

CHAPTER XV. PLANNING AND ZONING

SEC. 7. ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT.

In addition to the membership provided by state law to serve on the board of adjustment, the city council may, if it so desires, appoint ~~six [four]~~ additional members who shall be designated as alternate members. The alternate members [who] shall serve on the [said] board at the designation of the board chair[man of the board] in any case where any regular member of the board of adjustment is either absent or unable to serve in any particular case for any reason ~~[whatsoever]~~ so that all cases to be heard by the board of adjustment will always be heard by the [a] minimum number of [five] members required by state law. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner.

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

SEC. 2. OFFICERS OF CIVIL SERVICE BOARD; DIRECTOR OF CIVIL SERVICE DEPARTMENT.

(a) Immediately after appointment, the board shall organize by electing one of the members vice chair~~[man]~~. The board shall also appoint a secretary, who shall not be a member or adjunct member of the board. The secretary shall serve as director of the civil service department of the city [-] and employ such assistants and employees to positions as the city council may establish.

(b) The secretary of the board shall serve for a period of two years from the date of appointment or until a successor is appointed and qualified, unless sooner discharged by the board. The secretary shall be appointed by a majority of all of the members of the board and may not be discharged during the term of office except by a two-thirds vote of all of the board members. The secretary shall receive such compensation as is fixed by the board.

SEC. 9. DEPARTMENTS EXEMPTED FROM CIVIL SERVICE.

The legal department, the city manager's office, the library department, the park and recreation department, the radio department, ~~[the transit system,]~~ corporation [municipal] court judges, and the city council office staff are exempted from the provisions applicable to the civil service.

CHAPTER XVII. PARK AND RECREATION DEPARTMENT

SEC. 6. POLICE AUTHORITY.

The park and recreation board may select such security personnel as it may deem necessary to protect the parks and property administered by the park and recreation board, either within or without the city limits. Such security personnel shall be commissioned as police officers ~~[men]~~, after clearance as to qualifications, by proper municipal authorities at the request of the ~~[said]~~ board. Such persons shall be under the control of the park and recreation board and their compensation shall be fixed by the ~~[said]~~ board. They shall be subject to removal or dismissal at the pleasure, and without cause, by the ~~[said]~~ board. None of these provisions, however, shall be deemed to limit in any manner the authority of the police department of the city, or other peace officers, but shall be cumulative thereof.

CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES

SEC. 3. SUPPLEMENTAL ASSESSMENT.

If it is discovered that any real or personal property has been omitted from the tax appraisal rolls for the City of Dallas, the property will be added to the rolls and taxes, with any penalties and interest, will be assessed and collected on the property in accordance with the Texas Property Tax Code, as amended.

~~[If the tax assessor and collector shall discover any real or personal property which was subject to taxation for any previous year, and which from any cause has escaped taxation for that year, he shall assess the same in a supplement to his next assessment roll at the same rate under which such property should have been assessed for such year, stating the year, and the taxes thereon shall be collected the same as other assessments; provided, that such supplement roll may be made at any time and reported to the city council for its approval, and any number of such rolls may be made that may be necessary. The taxes assessed in such supplement rolls for years previous to the approval of such rolls shall be due at once upon the approval of such rolls by the city council and such taxes may bear interest at the rate of six percent per annum from the date on which the same would have been delinquent if levied and assessed, and if the same shall not be paid within 30 days after the date of such approval, the tax assessor and collector shall proceed to collect the same as provided by this charter and applicable state law. Provided, that a misnomer of or failure to name the owner in the assessment rolls shall not affect the validity of the assessment of any taxes; and provided, further, that when such taxes have not been attempted to be assessed for such previous year, such taxes shall bear interest only from date of the approval of the supplemental rolls. The tax assessor and collector may in any year~~

~~reassess property which, because of irregularly in the assessment of any previous year, may have been improperly assessed; such reassessment shall be at the value at which it should have been assessed in any such year, and property owners of such property shall take notice of such reassessment, if made prior to the first of April of any year, but if made after such date, notice shall be given by the tax assessor and collector of the raising of an assessment. Any property owner whose property has been reassessed may appeal to the board of equalization as in case of an original assessment.]~~

SEC. 12. REDEMPTION BY OWNER; VESTING TITLE.

The owner of real estate sold for the payment of taxes, or the owner's ~~[his]~~ heirs or assigns or legal representatives, may redeem the property ~~[same within two years from the date of the filing for record of the deed]~~ as provided by state law. If the real property is not redeemed within the time ~~[as herein]~~ provided, then the title shall become absolute in the purchaser.

CHAPTER XX. PUBLIC IMPROVEMENTS AND ASSESSMENTS

SEC. 1. STATE LAW ADOPTED.

All of the powers conferred by the State of Texas ~~[Act of the First Called Session of the Fortieth Legislature]~~ authorizing cities to improve streets and alleys and make assessments for those improvements, as set forth in Chapters 311 and 313 ~~[same, known as Chapter 106 of said Session Laws, and being presently Article 1105b of the Revised Civil Statutes]~~ of the ~~[State of]~~ Texas Transportation Code, as amended ~~[or as may hereafter be amended]~~, are hereby adopted as the methods and procedures to be used for ~~[under]~~ street and sidewalk improvements and assessments in the City of Dallas. In addition to the methods and procedures set out in those statutes ~~[that act]~~, the city council shall have the option, as an alternative, to use any of the methods and procedures as set forth in this chapter.

SEC. 2. IMPROVEMENT ORDERED BY RESOLUTION.

The city council shall have power by resolution~~[,]~~ to order the making of the public improvements mentioned in this chapter, or any of them, and the passage of such resolution shall be conclusive of the public necessity and benefits ~~[there]~~ of making the improvements. No notice of such action by the city council ~~is~~ ~~[shall be]~~ required to make it valid. The ~~[Such]~~ resolution must ~~[shall]~~, in general terms, set forth the nature and extent of the improvements to be made, the section or sections of any highway or highways to be improved, and whether or not assessments are to be made for such improvements. The ~~[It shall be the duty of the]~~ city secretary shall, immediately upon the passage of the ~~[such]~~ resolution, ~~[to]~~ furnish a copy ~~[of the same]~~ to the county

clerk of Dallas County, Texas, as provided in Chapter 314 [~~Article 1220a of the Revised Civil Statutes~~] of the [~~State of~~] Texas Transportation Code, as amended [~~or as may hereafter be amended~~], to be filed as therein provided. In addition, the city secretary [~~he~~] shall furnish a copy of the resolution [~~same~~] to the tax assessor and collector [~~director of revenue and taxation~~], who shall indicate upon any tax statement thereafter issued [~~by him~~] covering property abutting upon that part of the highway or highways to be improved that the [~~said~~] proceeding is pending. Any failure by [~~upon the part of~~] the city secretary to furnish a copy of the [~~such~~] resolution to the tax assessor and collector, [~~director of revenue and taxation~~] or any failure by [~~upon the part of~~] the tax assessor and collector [~~director of revenue and taxation~~] to indicate the pendency[~~e~~] of such a proceeding upon a tax statement[~~e issued by him~~], shall[~~, however,~~] not affect the validity of the proceeding [~~here~~] under this chapter, nor of any assessment thereafter levied pursuant [~~in pursuance~~] to [~~the provisions of~~] this chapter.

SEC. 7. PAYMENT TO CITY UNDER ASSESSMENT.

As an alternate method of paving and improving streets, alleys, and sidewalks, the city shall have the power and authority to adopt plans and specifications for such improvements in accordance with the procedure prescribed in Chapter 313 [~~406, Acts of the Fortieth Legislature, First Called Session, and also known as Article 1105b of the Revised Civil Statutes~~] of the [~~State of~~] Texas Transportation Code, as amended. The city [~~or as may hereafter be amended, and~~] shall also have the power to pay to the contractors, the successful bidder, that part of the cost that may be assessed against the owners and their property abutting on such improvements in cash, and the city may reimburse itself for the amount by levying an assessment against the abutting owners and their property, after a hearing and notice, as provided in Chapter 313 of the Texas Transportation Code, as amended [~~the above statutes~~], up to the amount of the enhancement in value represented by the benefits and permitted by that [~~said~~] statute[~~s~~], and issue assignable certificates in favor of the city for the assessment. The certificates shall be enforceable in the same manner as provided by Chapter 313 of the Texas Transportation Code, as amended [~~abovementioned statutes~~]. The city shall likewise have the power to do the improvement by its own forces if, in the opinion of the city council, the work can be done more expeditiously or economically.

SEC. 8. STATE LAW ON ASSESSMENTS FOR CONDEMNATION ADOPTED.

The provisions of Chapter 314 [~~17 of Title 28 of the Revised Civil Statutes~~] of the [~~State of~~] Texas Transportation Code, as amended [~~or as may hereafter be amended~~], relative to condemnation for highways and the levying of special assessments to defray the cost thereof, are hereby adopted as an alternative method for the assessment and payment of such costs.

CHAPTER XXIV. MISCELLANEOUS PROVISIONS

SEC. 11. 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 [~~annually~~] 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.

(c) 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.

SECTION 2. That an electronic 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**City Council Compensation**

Shall Chapter III, Section 4 of the Charter of the City of Dallas be amended to increase the per diem compensation of city council members from \$50 to \$212.20 and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 1**Compensación del Concilio de la Ciudad**

¿Deberá enmendarse el Capítulo III, Sección 4 de los Estatutos de la Ciudad de Dallas para incrementar la compensación por día de los miembros del concilio de la ciudad de \$50 a \$212.20; y para hacer ciertos cambios no substantivos?

PROPOSITION NO. 2**Council Compensation for Additional Meetings**

Shall Chapter III, Section 4 of the Charter of the City of Dallas be amended to expand the meetings for which city council members may receive per diem compensation to include one annual budget town hall meeting and various meetings of certain boards and commissions that would be designated by city council resolution for such compensation and to which a city council member must be appointed by the mayor or the city council to represent the city; to limit the number of meetings for which a city council member may receive per diem compensation, other than the regular or called meetings of the city council or committees of the city council, to not more than three meetings a month; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 2**Compensación del Concilio para Reuniones Adicionales**

¿Deberá enmendarse el Capítulo III, Sección 4 de los Estatutos de la Ciudad de Dallas para aumentar las reuniones por las cuales los miembros del concilio de la ciudad puedan recibir una compensación por día a fin de incluir una reunión local del presupuesto anual y varias reuniones de ciertas juntas y comisiones que serían designadas por resolución del concilio de la ciudad para la referida compensación y para la cual debe designarse a un miembro del concilio de la ciudad por el alcalde o

por el concilio de la ciudad para que actúe como representante de la ciudad; para limitar, a no más de tres al mes, el número de reuniones por medio de las cuales un miembro del concilio de la ciudad pueda recibir compensación por día, que no sean las reuniones ordinarias o convocadas por el concilio de la ciudad o los comités del concilio de la ciudad; y para hacer ciertos cambios no substantivos?

PROPOSITION NO. 3

Medical Benefits for Council Members

Shall Chapter III, Section 4 of the Charter of the City of Dallas be amended to authorize the city to pay medical benefits for city council members and their eligible dependents who participate in the city's health benefits program in an amount equal to the costs of medical benefits paid for permanent full-time city employees and their eligible dependents and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 3

Beneficios Médicos para los Miembros del Concilio

¿Deberá enmendarse el Capítulo III, Sección 4 de los Estatutos de la Ciudad de Dallas para autorizar a la ciudad a pagar los beneficios médicos correspondientes a los miembros del concilio y sus dependientes elegibles, los cuales participan en el programa de beneficios de salud de la ciudad, en un monto igual a los costos de beneficios médicos pagados a los empleados permanentes de la ciudad que trabajan tiempo completo y sus dependientes elegibles, y para hacer ciertos cambios no substantivos?

PROPOSITION NO. 4

Transfer of Appropriations

Shall Chapter XI, Section 4 of the Charter of the City of Dallas be amended to allow the city council, by a two-thirds vote of all of its members, to transfer an unencumbered balance of an appropriation among departments, divisions, and purposes without the city manager's written recommendation; to require the city manager to provide information on the fiscal impact of each transfer; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 4**Transferencia de Apropriaciones**

¿Deberá enmendarse el Capítulo XI, Sección 4 de los Estatutos de la Ciudad de Dallas para permitir al concilio de la ciudad, por los dos tercios de todos sus miembros, a transferir un balance libre de gravamen de una apropiación entre departamentos, divisiones y propósitos sin la recomendación por escrito del administrador de la ciudad; para requerir que el administrador de la ciudad proporcione información relativa al impacto fiscal de cada transferencia; y para hacer ciertos cambios no sustantivos?

PROPOSITION NO. 5**Effective Date of Boundary Changes**

Shall Chapter I, Section 3 of the Charter of the City of Dallas be amended to make a boundary change due to annexation effective immediately upon its adoption by the city council instead of 30 days after publication of the boundary change?

PROPOSICIÓN NO. 5**Fecha Efectiva para Cambios de Límites**

¿Deberá enmendarse el Capítulo I, Sección 3 de los Estatutos de la Ciudad de Dallas para efectuar un cambio de límite debido a la anexión efectiva de inmediato, al momento de su adopción por parte del concilio de la ciudad, en lugar de 30 días después de la fecha de publicación del referido cambio?

PROPOSITION NO. 6**Police and Fire Department Gender References**

Shall Chapter II, Section 1; Chapter XII, Sections 1 through 8; Chapter XIII, Sections 1 through 9; and Chapter XVII, Section 6 of the Charter of the City of Dallas be amended to eliminate gender-based references to sworn personnel of the police department and the fire department of the city and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 6**Referencias Genéricas de los Departamentos de Bomberos y Policía.**

¿Deberán enmendarse el Capítulo II, Sección 1, Capítulo XII, Secciones 1 al 8, Capítulo XIII, Secciones 1 al 9, Capítulo XVII, Sección 6 de los Estatutos de la Ciudad de Dallas para eliminar las referencias basadas en el género hechas al personal juramentado de los Departamentos de Policía y Bomberos de la ciudad y para hacer ciertos cambios no substantivos?

PROPOSITION NO. 7**Dates of Council Election and Inauguration**

Shall Chapter III, Section 1 and Chapter IV, Section 3 of the Charter of the City of Dallas be amended to allow the general election to be held on the first authorized election date after February 1 of each odd-numbered year instead of on the first authorized election date after March 31 of each odd-numbered year; and to provide that city council members will take office on the first Monday following the 30th calendar day after the general election instead of on the first Monday of the month next succeeding the general election?

PROPOSICIÓN NO. 7**Fechas de Elección e Inauguración**

¿Deberán enmendarse el Capítulo III (Sección 1) y el Capítulo IV, (Sección 3) de los Estatutos de la Ciudad de Dallas para permitir que la elección general sea celebrada la primera fecha de elección autorizada después del 1º de febrero de cada año impar en lugar de hacerlo la primera fecha de elección autorizado después del 31 de marzo de cada año impar; y para estipular que los miembros del concilio de la ciudad tomen posesión el primer lunes subsiguiente al trigésimo día (30º) calendario posterior a la elección general en lugar de hacerlo el primer lunes del mes subsiguiente a la elección general?

PROPOSITION NO. 8**Civil Service**

Shall Chapter XVI, Sections 2 and 9 of the Charter of the City of Dallas be amended to designate the secretary of the civil service board as the director of the civil service department, with a two-year term; to authorize the secretary/director, instead of the board, to hire assistants and employees of the civil service department; to

eliminate an obsolete reference to the transit system from the list of city departments exempted from civil service; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 8

Servicio Civil

¿Deberá enmendarse el Capítulo XVI, Secciones 2 y 9, de los Estatutos de la Ciudad de Dallas para designar al secretario de la junta de servicio civil como director del departamento de servicio civil con un período de dos años; para autorizar al secretario/ director, en lugar de la junta, a contratar a los asistentes y empleados del departamento de servicio civil; para eliminar una referencia obsoleta al sistema de tránsito de la lista de departamentos de la ciudad exentos del servicio civil; y para hacer ciertos cambios no substantivos?

PROPOSITION NO. 9

Public Improvements and Assessments

Shall Chapter XX, Sections 1, 2, 7, and 8 of the Charter of the City of Dallas be amended to correct the title of the person charged with providing notice of public improvements and assessments in the tax statements of the affected property; to update references to state law provisions relating to public improvements and assessments; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 9

Mejoras Públicas y Avalúos de Impuestos

¿Deberá enmendarse el Capítulo XX, Secciones 1,2,7 y 8 de los Estatutos de la Ciudad de Dallas para corregir el título de la persona encargada de proporcionar aviso de mejoras públicas y avalúos en las declaraciones de impuestos de la propiedad afectada; para actualizar referencias a las provisiones de la ley del Estado relativas a mejoras públicas y avalúos de impuestos; y para hacer ciertos cambios no substantivos?

PROPOSITION NO. 10

Discharge of Assistant City Attorneys

Shall Chapter VII, Section 2 of the Charter of the City of Dallas be amended to allow the city attorney to discharge assistant city attorneys without city council approval and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 10**Despido de Abogados Asistentes de la Ciudad**

¿Deberá enmendarse el Capítulo VII, Sección 2 de los Estatutos de la Ciudad de Dallas para permitirle al abogado de la ciudad que despida a abogados asistentes de la ciudad sin la aprobación expresa del concilio de la ciudad y para hacer ciertos cambios no substantivos?

PROPOSITION NO. 11**Board of Adjustment**

Shall Chapter XV, Section 7 of the Charter of the City of Dallas be amended to increase from four to six the number of alternate members to the board of adjustment; to provide that all cases are heard by the minimum number of board members required by state law; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 11**Junta de Ajustes**

¿Deberá enmendarse el Capítulo XV, Sección 7 de los Estatutos de la Ciudad de Dallas para aumentar de cuatro a seis el número de miembros suplentes de la junta de ajustes; para estipular que todos los casos sean escuchados por el número mínimo de miembros de la junta requerido por la ley del Estado; y para hacer ciertos cambios no substantivos?

PROPOSITION NO. 12**Omitted Property and Redemption Period**

Shall Chapter XIX, Sections 3 and 12 of the Charter of the City of Dallas be amended to provide that taxes on property that has been omitted from the tax appraisal rolls for the city will be assessed and collected in accordance with state law; to make the redemption period for tax foreclosed property consistent with state law; and to make certain nonsubstantive changes?

PROPOSICIÓN NO. 12**Propiedad Omitida y Período de Redención**

¿Deberá enmendarse el Capítulo XIX, Secciones 3 y 12 de los Estatutos de la Ciudad de Dallas para estipular que aquellos impuestos sobre la propiedad que hayan sido omitidos en las nóminas de avalúo de impuestos para la ciudad sean calculados y cobrados en conformidad con la ley del Estado; para hacer que el período de redención para propiedades para ser rematadas por falta de pago de impuestos sea consistente con la ley del Estado; y para hacer ciertos cambios no substantivos?

PROPOSITION NO. 13**Official City Newspaper**

Shall Chapter XXIV, Section 11 of the Charter of the City of Dallas be amended to eliminate the requirement that the official city newspaper be selected annually and to provide that the frequency of selection and other requirements for the official city newspaper would be established by city council ordinance?

PROPOSICIÓN NO. 13**Periódico Oficial de la Ciudad**

¿Deberá enmendarse el Capítulo XXIV, Sección 11 de los Estatutos de la Ciudad de Dallas para eliminar el requisito de que el periódico oficial de la ciudad sea seleccionado anualmente y estipular que la frecuencia de selección y otros requisitos relativos al periódico oficial de la ciudad sean establecidos por ordenanza del concilio de la ciudad?

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, and 22693. Locations of the polling places in the respective election precincts 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, and 22693, 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, both by personal appearance and by mail, will be by the use of an electronic voting system in accordance with the Texas Election Code, as amended. Early voting 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 Early Voting Clerk, Elections Department, Dallas County Records Building, 500 Main Street, Dallas, Texas 75202. Applications for ballots by mail must be received no later than close of business on Friday, April 25, 1997.

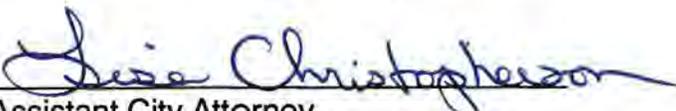
SECTION 9. That the early voting ballots will be processed by an early voting ballot board to be created in accordance with the Texas Election Code, as amended.

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:

SAM A. LINDSAY, City Attorney

By 
Assistant City Attorney

Passed FEB 26 1997

LC/UC/0026U