

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 23, 2005

05-0753

Addendum addition 16: **May 7, 2005 Election Items**

- * An ordinance ordering a special election to be held in the City of Dallas on Saturday, May 7, 2005, 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 to the City

Councilmember Greyson moved to pass the ordinance.

Motion seconded by Councilmember Fantroy and unanimously adopted. (Hill, Rasansky absent when vote taken)

Assigned ORDINANCE NO. 25908.

2/14/05

ORDINANCE NO. 25908

An ordinance ordering a special election to be held in the city of Dallas on May 7, 2005 on the question of adopting amendments to the Charter of the City of Dallas; providing for the elimination of the office of the city manager and the transfer to the mayor, who would become the chief executive and administrative officer of the city, all powers formerly held by the city manager; providing for the transfer to the mayor of certain powers currently held by the city council; providing the mayor with new powers and duties; making certain changes relating to the mayor's office, term, compensation, and duties; restricting certain powers of the city council; providing the city secretary with certain additional powers and duties; making certain 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 Saturday, May 7, 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 one proposition 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will affect only the sections listed below and will read as set forth below (the new portions being underlined and the repealed portions being crossed through):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 III. CITY COUNCIL

SEC. 1. COMPOSITION OF CITY COUNCIL.

The city council shall be composed of the mayor and 14 other members, nominated and elected in the manner hereinafter provided unless otherwise provided by law. Except for the mayor, all city council members shall be elected by the qualified voters residing in a particular district, such districts being Places 1 through 14. The mayor shall be elected at large by the qualified voters of the entire city. Members of the council, Places 1 through 14, shall each be elected for a term of two years. The mayor shall be elected for a term of four years. The mayor and other city council members shall take office on the first Monday following the 30th calendar day after the general election, and they shall serve until their respective successors have been elected and qualified.

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

SEC. 2. ~~MAYOR'S ELECTION AND DUTIES.~~

~~(a) The person elected as member of council, Place 15, shall be the presiding officer of the city council and the mayor of the City of Dallas. The mayor shall have a vote on all matters coming before the city council, other than confirmation of appointments by the mayor, unless otherwise disqualified, but no power to veto. The mayor shall be the official head of the city government.~~

~~(b) In addition to the mayor's other duties, the mayor shall ensure that annual reports are made as to the state of the city, its financial condition, its accomplishments, and its plan and needs for the future.]~~

SEC. 2 [3]. COUNCIL QUALIFICATIONS.

Each member of the city council, including the mayor, 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. 3 [A]. LIMITATION OF TERMS.

(a) Other than the mayor, a [A] person who has served as a member of the city council ~~[other than Place 15]~~ 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 after the expiration of the last such four consecutive two-year terms.

~~[(b) A person who has served two consecutive terms as a member of the city council, Place 15, 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.~~

(b) ~~[(e)]~~ 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) Each [~~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 \$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. 7. SPECIAL MEETINGS.

Special meetings shall be called by the city secretary upon the written request of the mayor [~~the city manager~~] or three members of the city council. Any such notice shall state the subject to be considered at the special meeting and may provide for the taking up of any other matters presented at such meeting.

[SEC. 11. — MAYOR PRO TEM, 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. 11 [12]. CITY COUNCIL MAY SUMMON WITNESSES, ETC.

The city council shall have power to summon and compel the attendance of witnesses and the production of books and papers before it whenever it may be necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it with the same fines and penalties as the county judge may punish for contempt before the county court. All process shall be signed by the mayor and attested by the city secretary and shall be served by the chief of police or any police officer of the said city.

The mayor, city secretary or any member of the city council shall have authority to administer oaths in any matter pertaining to municipal affairs.

SEC. 12 [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 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 functions [~~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) [(4)] establish the process by which the committees of the city council 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.~~];

(3) [(2)] create a standing finance committee of the city council charged with the responsibility for financial and audit oversight of the operations of city government; and

(4) [(3)] establish such additional standing committees of the city council and their duties as the [city] council deems necessary for the performance of the duties of the council [~~determines is appropriate; and~~].

(b) The mayor shall appoint the members and chairs of all city council committees, 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. No such appointments, removals, nor reassignments shall require approval of a majority of the members of the city council.

SEC. 13 [14]. PROFESSIONAL AND SECRETARIAL ASSISTANCE TO MAYOR AND COUNCIL.

The mayor [~~city manager~~] shall provide professional and secretarial assistance to the council as may be needed for the performance of their official duties. [~~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. 14 [15]. NO INTERFERENCE BY COUNCIL WITH APPOINTMENTS OR SUBORDINATES OF MAYOR [~~CITY MANAGER~~].

Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or his removal from, office or employment by the mayor [~~city manager~~] or any of his subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the mayor [~~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 mayor [~~city manager~~] is responsible solely through the mayor [~~such manager~~], and neither the council nor any member thereof shall give orders to any of the subordinates of the mayor [~~city manager~~] in said departments, either publicly or privately. This section shall not apply to those professional and secretarial assistants provided for in Section 13 [14] of this chapter.

SEC. 15 [16]. EXPULSION OF COUNCIL MEMBER.

Willful violation of the foregoing provisions of this Charter by any member of the council except the mayor shall constitute official misconduct, and shall authorize the council, by a vote of two-thirds of its entire membership, to expel such offending member from the council, if found guilty after a public hearing, and thereby create a vacancy in the place held by such member.

SEC. 16 [17]. PROHIBITING HOLDING OR RUNNING FOR OTHER OFFICE.

(a) No person elected to the city council, shall during the term for which he 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 become a candidate for nomination or election to any public office, he shall immediately forfeit his place or position with the city.

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

(c) If any employee of the city shall become 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 which would conflict with his position as an employee of the city, he shall immediately forfeit his place or position with the city.

SEC. 17 [48]. INVESTIGATIONS.

The council, the mayor [~~city manager~~] or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the city; to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

SEC. 18 [49]. INDEPENDENT AUDIT.

The 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 the council, 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 mayor [~~city manager~~] in 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 member of the council, to the mayor, and to [~~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 the official newspaper. The original report of the auditor or auditors shall be kept among the permanent records of the city.

SEC. 19 [20]. CITY TREASURER.

There shall be an officer appointed by the city 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 duties, and in addition to such bond the city may require the treasurer to hypothecate securities in such amount as it shall prescribe. He shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the mayor [~~city manager~~] and countersigned by the director of finance, after authorization of the city council. He shall render a full and correct statement of his receipts and payments to the mayor [~~city manager~~] and the city council, on or before the 10th day of each month, and at such other time or times as the mayor [~~city manager~~] or council may require, such statement to be made in such form as the mayor [~~city manager~~] may prescribe. The treasurer shall perform such other acts and duties as the council may prescribe. He shall receive for his services \$5 per annum.

CHAPTER IV. THE MAYOR**SEC. 1. OFFICE CREATED.**

There is hereby established the office of the mayor of the City of Dallas.

SEC. 2. LIMITATION OF TERMS.

A person who has served as mayor for two consecutive four-year terms shall not again be eligible to become a candidate for mayor until at least one term has elapsed after the expiration of the last two consecutive four-year terms.

SEC. 3. MAYOR PRO TEM.

At the first regular meeting of the city council after the induction of the newly elected mayor and councilmen in office, the mayor shall nominate, subject to confirmation by the city council, one of the councilmen who shall be known and designated as "mayor pro tem," and shall continue to hold the title and the office until the expiration of the term of office for which he was elected as councilman, but shall receive no extra pay by reason of being or acting mayor pro tem.

SEC. 4. DISABILITY OF THE MAYOR.

If for any reason the mayor is absent from the city, sick or unable to perform the duties of his office, the mayor pro tem shall act as mayor, and during such absence or disability shall possess all of the powers and perform all of the duties of the mayor.

SEC. 5. VACANCY.

In case of death, resignation or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur for any reason, the mayor pro tem shall act as mayor, and shall possess all of the rights and powers of the mayor and perform all of his duties, under the official title, however, of "mayor pro tem" until an election is ordered by the city council to fill the vacancy in the office of mayor, which shall be called by the city council and held within thirty days after the vacancy occurred and notice by publication given for at least twenty days, as may be required by law.

SEC. 6. REMOVAL OF THE MAYOR.

In case of misconduct, inability or willful neglect in the performance of the duties of his office, the mayor may be removed from office by the city council by vote of two-thirds of all the councilmen elected, but shall be given an opportunity to be heard in his defense, and shall have the right to have process issued to compel the attendance of witnesses, who shall be required to give testimony, if he so elects. The hearing, in case of impeachment of the mayor, shall be public and a full and complete statement of the reasons for such removal, if he be removed, together with the findings of facts as made by the council, shall be filed by the city council in the public archives of the city, and shall become and be a matter of public record.

Pending the charge of impeachment against the mayor, the city council may suspend him from office for a period not exceeding thirty days by a vote of two-thirds of the councilmen elected, and if upon final hearing the conclusions and findings of the city council are that the mayor be impeached and removed from office, such findings shall be final.

SEC. 7. SIGNATURE OF ORDINANCES.

Every ordinance, resolution or motion of the city council shall, before it takes effect, be presented to the mayor for his approval and signature. If the mayor shall fail to sign any ordinance, resolution or motion within five days after adoption, it shall nevertheless be in full force and effect as if he had signed the same. The mayor shall at all times preside over all meetings of the city council and shall on all occasions be privileged to vote.

SEC. 8. POWERS OF THE MAYOR.

The mayor shall have and exercise such powers and authority, acting independently of or in concert with the city council as the case may be, as are conferred on him by law, this Charter, or by the city council. He shall be the chief executive and administrative officer of the city, and he shall have such express and implied powers as are necessary to perform his duties.

The mayor shall have the power to administer oaths.

The mayor shall appoint, subject to confirmation by a majority vote of the city council, all members of all commissions and advisory boards created by this Charter or by ordinance except as may be provided otherwise by this Charter or by ordinance.

The mayor shall appoint, subject to confirmation by a majority vote of the city council, the civil service commissioners as is provided in Chapter XVIII of this Charter.

The mayor shall have control over all departments of the city except as may be provided in this Charter or by ordinance.

The mayor shall appoint and employ the city attorney, the city secretary, the chief of police, the chief of the fire department, all directors or heads of departments, and all other employees and officers of the city not otherwise provided for in this Charter or by ordinance. All appointments by him shall be on the basis of experience, ability, training, fitness and efficiency of such directors or heads of departments, employees or officers in the work which they are to administer, as he shall determine in his discretion. All appointees shall be responsible to the mayor in the performance of their duties.

The mayor may remove or discharge the city attorney, city secretary, chief of police, chief of the fire department, directors or heads of department, employees or officers who are responsible to the mayor and may be discharged or removed from office by him at any time, with or without cause. In the classified civil service of the city, all appointments, employment and discharges shall be subject to, and comply with, the civil service provisions of this Charter and all applicable ordinances.

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The mayor may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the departments of the city. He may, subject to civil service provisions, temporarily transfer employees from one department to perform similar duties in another department. He may direct any department or its employees to perform work for any other department or its employees.

The mayor may, in case of general catastrophe, rioting, or (without limiting the generality of the foregoing) other emergency menacing life or property, marshal all the forces of the different departments of the city for the maintenance of the general security, and in that event he shall have the power to deputize or employ such persons or entities as he shall deem necessary for the purpose of protecting the city and its residents.

The mayor shall, from time to time, recommend to the city council for adoption such measures as he may deem necessary or expedient for the welfare of the city, including programs for recommended capital expenditures.

The mayor shall, each year, submit to the city council the annual budget of the city in accordance with the state budget law applicable to cities and towns. He shall keep the city council fully advised as to the financial condition and needs of the city.

The mayor shall be responsible for operating the city within its budget.

The mayor shall 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 thereof to call the same to the attention of the city attorney whose duty it shall be to take such steps as may be necessary to enforce the same.

The mayor shall execute all contracts, deeds, deeds of trust, easements, releases and other legal instruments on behalf of the city when authorized or required to do so. The form of all such legal instruments shall be approved by the city attorney.

SEC. 9. SALARY OF THE MAYOR.

The salary of the mayor shall be \$60,000.00 per annum, payable in equal semi-monthly installments.

SEC. 10. VICE MAYOR PRO TEM.

At the first regular meeting of the city council after the induction of the newly elected mayor and members of council in office, council shall appoint, by majority vote, one of its members who shall be known and designated as "vice mayor pro tem," who shall continue to hold the title and the office until such member resigns or is replaced by a majority vote of city council, and who shall receive no extra pay by reason of being or acting as vice mayor pro tem.

SEC. 11. DISABILITY OF THE MAYOR AND MAYOR PRO TEM.

If for any reason the mayor is absent from the city, sick, or unable to perform the duties of that office, and the mayor pro tem is absent from the city, sick or unable to perform the duties of the office of mayor pro tem, the vice mayor pro tem shall act as mayor, and during such absences or disabilities shall possess all of the powers and perform all of the duties of the mayor.

SEC. 12. VACANCY.

In case of the death, resignation or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur for any reason, and in case of the death, resignation or permanent disability of the mayor and mayor pro tem, the vice mayor pro tem shall act as mayor and shall possess all of the rights and powers of the mayor and perform all of his duties, under the official title, however, of vice mayor pro tem until an election is ordered by the city council to fill the vacancy in the office of mayor and a successor has been elected and shall have qualified. Said election, should a vacancy occur in the office of mayor, shall be called by the city council and held within thirty days after the vacancy occurred and notice by publication given for at least twenty days, as may be required by law.

CHAPTER V ~~[HIA]~~. CITY SECRETARY**SEC. 1. APPOINTMENT; REMOVAL; COMPENSATION.**

The mayor ~~[city council]~~ shall appoint a city secretary who shall serve for a period of two years from the date of his appointment or until his successor is appointed and qualified, unless sooner discharged by the mayor ~~[council]~~. ~~[He shall be appointed by a majority vote of all of the members of the city council and shall not be discharged during his term of office except upon a two-thirds vote of all of the members of the council.]~~ He shall receive such compensation as shall be fixed by the city 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 city 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 his direction.

SEC. 3. DUTIES OF THE CITY SECRETARY.

The city secretary shall:

- (1) attend all meetings of the city council and keep accurate records of all actions taken by the city council;
- (2) oversee a records management program for the city that provides for the identification, maintenance, retention, security, electronic storage, microfilming, disposition, and preservation of city records and appoint a city records management officer to administer the program;
- (3) operate the city's archives and records storage facility for the storage of inactive city records until such time as those records may be disposed of and identify, preserve, and serve as custodian of the city's historical records;
- (4) inspect or direct the city records management officer to inspect the city records and report to the city council and the mayor [~~city manager~~] any irregularities or failures of the city to create, identify, or maintain records in accordance with requirements assigned by law;
- (5) administer oaths;
- (6) attest contracts, assessment certificates, and other legal instruments when executed by the authorized officers of the city;
- (7) serve as the election official for all city elections; and
- (8) perform such other duties as may be required of the city secretary by this Charter, the mayor, the city council, or state law.

CHAPTER VI [IV]. ELECTIONS AND REFERENDUMS**SEC. 4. ELECTION OF CITY COUNCIL MEMBERS.**

All qualified voters of the city shall be entitled to vote for a candidate for mayor [~~in Place 15~~]. The qualified voters of the respective districts shall be entitled to vote for one candidate for city council 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. 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 mayor [~~member of council, Place 15,~~] 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. 7. NOMINATION BY PETITION.

A person desiring to become a candidate for mayor or for the city council shall file with the city secretary, within the time required by the Texas Election Code, as amended, an application for a place on the ballot and a petition signed by qualified voters of the city eligible to vote for the candidate equal in number to the minimum number of signatures required for a candidate petition by the Texas Election Code, as amended. Each application and petition must comply in form, content, and procedure with the Texas Election Code, as amended.

SEC. 8. DESIGNATION ON OFFICIAL BALLOT.

The places on the official ballot shall be designated as "Member of Council, Place No. _____," designating the place numbers for which the voters in each district are eligible to vote, and separately as "Mayor." The place for mayor shall be [~~with Place 15 designated as mayor and being~~] the first in order, and the others being in numerical order with [~~and~~] the candidate's name [~~shall~~] appearing in the place for which the candidate's petition and application were filed. The city secretary shall make up the official ballot from the names presented to the city secretary in the manner required by this Charter. The order in which the names of the candidates for each place must appear on the ballot will be determined by lot, in a drawing held under the supervision of the city secretary.

SEC. 10. CANDIDATES ELECTED.

The candidate in the election receiving a majority of all of the votes cast for the position of mayor or for the position of city council member for the place for which the candidate ran, shall be declared elected.

CHAPTER VII. RECALL OF CITY COUNCIL MEMBERS**SEC. 1. PETITION FOR RECALL OF CITY COUNCIL MEMBERS.**

Any member of the city council may be recalled and removed from office by the electors qualified to vote for a successor of the incumbent as provided in this chapter. The procedure to remove members of the city council is as follows:

(1) A petition demanding the recall of the city council member must be filed with the city secretary. The petition must:

(A) be signed by qualified voters entitled to vote for a successor to the member sought to be removed, equal in number to at least 15 percent of the number of voters who, on the date of the last preceding general municipal election, were entitled to vote for the place occupied by the member sought to be removed;

(B) contain a general statement of the grounds for which the removal is sought; and

(C) comply in form, content, and procedure with the provisions of Section 12, Chapter VI [IV] of this Charter.

(2) On the day that the petition is first circulated, notice must be given in writing to the city secretary by five registered voters of the city council district from which the member is sought to be removed, and the total signatures required must be secured and the petition filed within 60 days after the city secretary receives the notice.

(3) Within 30 days after the petition is filed, the city secretary shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters. If necessary, the city council shall allow the city secretary extra help, and, in the case of a petition to recall the mayor or multiple petitions to recall city council members, additional days to complete the examination. The city secretary shall attach to the petition a certificate showing the result of the examination.

~~[CHAPTER VI. THE CITY MANAGER~~

~~SEC. 1. — APPOINTMENT; REMOVAL; COMPENSATION.~~

~~— The council shall appoint a city manager, who shall be the chief administrative and executive officer of the city. The manager shall be chosen by the council solely on the basis of his executive and administrative training, experience and ability, and without regard to political consideration, and need not, when appointed, be a resident of the City of Dallas or the State of Texas. 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 council upon a two thirds vote of 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 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 the council. The city manager shall receive such compensation as may be fixed by the 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 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. Appointments made by him shall be on the basis of executive and administrative experience and~~

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ability and of training fitness and efficiency of such appointees in the work which they are to administer. All such directors of departments shall be immediately responsible to the city manager and may be removed by 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 appointments to be upon merit and fitness alone, and in the classified civil service all appointments shall be subject to the civil service provisions of this charter.

—————(4)——— To exercise control over all departments and subdivisions thereof 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 thereof to call the same to the attention of the city attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.

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

—————(7)——— To recommend to the council for adoption such measures as 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 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, 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 VIII. 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. He shall be appointed by the mayor [~~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 his successor is appointed, unless sooner discharged by the mayor [~~council, and he shall not be discharged during his term of office except after a public hearing upon written charges and upon a two-thirds vote of the members of the city council~~]. He shall receive such compensation as shall be fixed by the mayor [~~council~~] at the time of his appointment and such compensation shall not be diminished during the term for which he is appointed.

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 mayor [~~city council~~]. Any assistant city attorney may be discharged at any time by the city attorney. The city attorney and all 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 direction of the city attorney.

SEC. 3. DUTIES OF THE CITY ATTORNEY.

The city attorney shall:

- (1) represent the city in all litigation and controversies;
- (2) have authority to administer oaths and affidavits;
- (3) prosecute, in person or by assistants, all cases brought before the corporation [municipal] court;
- (4) approve as to form in writing all proposed ordinances before they shall be adopted, or file with the city council, in writing, his objection thereto;
- (5) draft all proposed ordinances granting franchises;
- (6) inspect and pass upon all papers, documents, contracts and other instruments in which the city may be interested;
- (7) be the legal adviser to the mayor [~~city manager~~], the city 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 it shall be brought to 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 thereof, make report of said matter to the city council, together with all facts bearing upon the same which may be brought to his attention. If said council shall determine that said complaints are well founded, it shall be its duty to take such action as may be necessary; and in the event the offending party shall fail or refuse to conform to such order as it may make with respect thereto, it shall be the duty of the council to direct the city attorney to institute suit in the court having jurisdiction thereof against such party so offending to obtain a judgment of forfeiture of said franchise or privilege;
- (9) advise the city council, the mayor [~~city manager~~] and all the departments of the city concerning new or proposed state or federal legislation and to represent the city before all legislative bodies in matters affecting the city;
- (10) upon his own initiative or upon the direction of the city council, to appear in any and all litigation affecting the city and to represent the city in such manner as he deems to be to the best interest of the city, and to institute such legal proceedings as may be necessary or desirable on behalf of the city;

(11) to hire or discharge such clerical personnel or other personnel as may be authorized for his department by the city council;

(12) when deemed for the best interest of the city, to advise or represent 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) perform such other duties as the city council may direct or request.

CHAPTER IX [VIII]. MUNICIPAL COURTS

SEC. 1. CREATION.

The city council may, by ordinance, create and provide for municipal courts to be known as municipal courts of the City of Dallas, as it may deem necessary [~~and may appoint one or more municipal judges to serve each court~~].

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 mayor and confirmed by the city council. Likewise, the mayor shall appoint, subject to confirmation by the city council, [~~which appointment shall designate~~] the administrative judge. Each municipal judge shall hold office for two years from the date of appointment or until his successor is appointed and qualified, unless sooner removed by the mayor [~~council~~]. In the event of any vacancy in the office of municipal judge by death, resignation, or otherwise, the mayor [~~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 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 mayor [~~city manager and city attorney~~] for comment and and [~~prior to~~] adoption [~~by the city council~~]. Once adopted, the administrative judge shall be responsible to see that said rules are adhered to by all courts. He shall make such reports as may be required by the mayor [~~city council~~].

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

SEC. 8. CLERK OF COURT.

There shall be a clerk or clerks of said court and such deputies as may be provided for by ordinance. The clerks shall be appointed by the mayor [~~city manager~~] and shall receive such salary as may be fixed by the city council. The deputies shall be those as selected under the civil service system. 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~~].

CHAPTER [H]X. CITY AUDITOR**SEC. 2. DUTIES OF THE CITY AUDITOR.**

The city auditor shall have the following duties and responsibilities:

(1) monitoring and 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;

(2) 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;

(3) appraisal and verification of the accounting accuracy of financial records, statements, and reports, and determination that generally accepted accounting procedures and principles are followed;

(4) evaluation of the adequacy of the city's accounting system and controls;

(5) reporting to the city council, the city council finance committee, and the mayor [~~city manager~~] any irregularities or failures to maintain adequate and accurate records;

(6) 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, reporting such data to the city council, the city council finance committee, and the mayor [~~city manager~~].

SEC. 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 mayor [~~city manager~~] and the council. Either the council or the mayor [~~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 mayor [~~city manager~~] shall cause an audit to be made of his accounts. If, as a result of any such audit, an officer be found indebted to the city, the city auditor, or other person making such audit, shall immediately give notice thereof to the council, the mayor [~~city manager~~] and the city attorney; and the latter shall [~~as directed by the city council,~~] forthwith proceed to collect such indebtedness.

CHAPTER XI [~~IXA~~]. RESERVED

CHAPTER XII. ADMINISTRATIVE DEPARTMENTS

SEC. 1. ESTABLISHMENT OF DEPARTMENTS.

The mayor [~~city council~~] shall have the power [~~by ordinance~~] to establish [~~other~~] departments and offices, other than those created by charter [~~and to create divisions or sections within any department, whether established by charter or ordinance~~]. The mayor [~~council~~] may discontinue any department or office established by ordinance and may prescribe, combine, distribute or abolish the functions and duties of such departments and offices not inconsistent with this Charter or state law. [~~All such ordinances creating a department or making any changes in the same shall be adopted only after receiving the recommendation of the city manager and by a three-fourths vote of the council.~~]

SEC. 2. DIRECTION.

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

**CHAPTER XIII. 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 mayor [~~city-manager~~] shall submit to the council a budget estimate of the revenue of the city and the expense of conducting the affairs thereof 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 mayor [~~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 MAYOR [~~CITY-MANAGER~~]
BY ALL DEPARTMENTS NOT UNDER HIS IMMEDIATE DIRECTION.**

Every department of the city government not under the direct control of the mayor [~~city-manager~~] shall furnish to the mayor [~~city-manager~~], for use in the preparation of 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 mayor's [~~city-manager's~~] 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 the official newspaper of the city with a separate schedule setting forth the items in the mayor's [~~manager's~~]

estimate 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 written recommendation of the mayor [~~city manager~~], 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. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city 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 mayor [~~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 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 thereto by the council, the amount drawn thereon, the unpaid obligations charged against it and the unencumbered [~~unincumbered~~] balance to the credit thereof.

SEC. 9. MONEY CERTIFIED IN TREASURY.

No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the council or be authorized by any officer of the city, except in the cases hereinafter specified, unless the mayor [~~city manager~~] first certifies to the council, or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation.

CHAPTER XIV [XIII]. 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 mayor [~~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 mayor [~~city manager~~], and also subject to such rules, regulations, and orders as the mayor [~~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 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 of absence by the mayor [~~city manager~~];

(3) keep the office of the chief of police open at all hours, day and night, and either the chief or a 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 force shall be armed;

(5) perform such other duties as may be required by the mayor [~~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 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 issued a

warrant of appointment signed by the mayor [~~city manager~~] in which the date of appointment shall be stated, and such shall be the member's commission. Each member of the police department shall, before entering upon any duties, subscribe to an oath that the member will faithfully, without fear or favor, perform the duties of the office, and such oath shall be filed and preserved with the records of the police department, and in addition, the several officers of the 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 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 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 mayor [~~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 mayor [~~city manager~~], but such demand must be made in writing. If demanded, the mayor [~~city manager~~] shall proceed to inquire into the cause of the suspension or discharge and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such modification or amendment as may seem just and equitable to the mayor [~~city manager~~] under all the facts and circumstances of the particular case. Such judgment is final unless a discharged officer or employee desires to exercise the right of a public hearing before a trial board as provided by this Charter.

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 mayor [~~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.

CHAPTER XV [~~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 mayor [~~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 disability, absence from the city, or inability to perform 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 and other officers and employees constituting the fire force, under such rules and regulations as may be established by the mayor [~~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 mayor [~~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 by the mayor [~~city manager~~ or by ordinance of the city council].

SEC. 4. APPOINTMENT OF MEMBERS.

The members of the fire force, other than the chief of the fire 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 mayor [~~city manager~~] or the chief of the fire department may appoint additional firefighters and officers for temporary service, who need not be in the classified service.

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 mayor [~~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.

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 issued a warrant of appointment signed by the mayor [~~city manager~~], in which the date of appointment shall be stated, and such warrant shall be the firefighter's commission.

SEC. 9. SUSPENSION OF FIREFIGHTERS AND OTHER FIRE DEPARTMENT PERSONNEL; 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 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 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 mayor [~~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 mayor [~~city manager~~]. If demanded, the mayor [~~city manager~~] shall proceed to inquire into the cause of the suspension or discharge and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such modification or amendment as may seem just and equitable to the mayor [~~city manager~~] under all the facts and circumstances of the particular case. Such judgment is final unless a discharged officer or employee desires to exercise the right of a public hearing before a trial board as provided by this Charter.

CHAPTER XVI [~~XIV~~]. FRANCHISES

(No changes proposed to chapter other than renumbering of chapter title.)

CHAPTER XVII. PLANNING AND ZONING

SEC. 1. COMPREHENSIVE PLANNING.

(1) **CONTENT.** The council may adopt, and may from time to time modify, a comprehensive plan setting forth in graphic and textual form, policies to govern the future physical development of the city. Such plan may cover the entire city and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire city and all of its functions and services.

(2) **ADOPTION.** Upon receipt from the mayor [~~city manager~~] of a proposed comprehensive plan or proposed modification of the existing plan, the council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by resolution with or without amendment, or reject the same.

(3) **EFFECT.** The comprehensive plan shall serve as a guide to all future council action concerning land use and development regulations, urban conservation and rehabilitation programs and expenditures for capital improvements.

SEC. 4. DUTIES OF ZONING COMMISSION.

The zoning commission shall:

(1) Adopt, subject to approval of the city council, such rules and regulations as they deem best to govern their actions, proceedings and deliberations, including the time and place of meeting.

(2) Upon application made, advertise and hold public hearings on zoning or changes in zoning, and make recommendations thereon to the city council.

(3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such recommendation shall be made after advertisement of and a public hearing held thereon. Notice of such public hearing shall be published at least one time in a newspaper of general circulation in the city at least 10 days prior to the date of said hearing, or as otherwise provided by state law or this charter.

(4) Administer provisions of state law regarding the platting and recording of subdivisions and additions, and in connection therewith, to require the owners and developers of land who desire to subdivide, plat or replat land for urban development, to provide for building setback lines, to dedicate streets, alleys, parks, easements or other public places of adequate width and size; to coordinate street layouts and street planning with the city and with other municipalities, and to coordinate the same with the county, state and federally designated highways, as they may deem best in the interest of the general public. In connection with the planning and the platting of property, the zoning commission shall have the power to consider the character of development or land use contemplated by the proposed platting and the zoning of the property, and require off-street parking, streets and alleys of adequate width to be provided for that purpose.

(5) Make recommendations to the mayor [~~city manager~~] and the city council on matters affecting the physical development of the city.

(6) Advise and make recommendations on the comprehensive plan and the implementation thereof as may be requested by the mayor [~~city manager~~] and the city council.

(7) Exercise all other responsibilities as may be provided by law.

CHAPTER XVIII. CIVIL SERVICE AND PERSONNEL

SEC. 1. ORGANIZATION OF CIVIL SERVICE.

There is hereby created and established a civil service board to be composed of 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 August of each odd-numbered year, the mayor [~~city council~~] shall appoint the members and adjunct members, subject to confirmation by the city council, to serve for two years and until their successors have been appointed and qualified. The

~~[-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 mayor ~~[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 mayor ~~[city council]~~ for the unexpired term.

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

The civil service board ~~[-subject to the approval of the city council,]~~ shall 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; also rules regulating reduction of force of employees and in what order they shall be dismissed and reinstated; shall make investigation concerning the enforcement and effect of this section of the Charter and of the rules adopted under the powers herein granted. The rules as adopted shall provide for the following:

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

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

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

(c) ~~[(d)]~~ No changes in the rules shall become effective without complying with the notice provisions as herein stated. It shall make an annual report to the mayor and 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. 5. LISTS OF ELIGIBLES TO BE PROVIDED AND MAINTAINED BY BOARD.

The board shall provide for examination in accordance with its code of rules and regulations, and maintain lists of eligibles to each class of the service of those meeting the requirements of said regulations. Positions in the classified service shall be filled from such eligible lists upon requisition of the mayor ~~[city manager]~~.

SEC. 9. DEPARTMENTS EXEMPTED FROM CIVIL SERVICE.

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

SEC. 10. PROBATIONARY PERIOD.

(a) Appointments or promotions of city officers and employees in the classified and unclassified service shall not be deemed complete until a period of six months shall have elapsed. A probationer may be discharged, suspended or reduced within said period by the mayor [~~city manager~~], or the head of the department in which said probationer is employed without right of appeal.

(b) Probationary periods may be extended under civil service rules or personnel rules to allow six months on-the-job work performance or completion of any written prerequisites to employment.

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 mayor [~~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 mayor [~~city council~~].

(b) An officer or employee who has been disciplined by the head of any department under the mayor [~~city manager~~] shall have five days from receipt of notice of such action within which to demand, in writing, a hearing before the mayor [~~city manager~~]. At the hearing, the mayor [~~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 mayor [~~city manager~~] determines is just and equitable. Notwithstanding any other provision of this Charter, the mayor [~~city manager~~] is not limited in determining the extent of any discipline ordered. The decision of the mayor [~~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.

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 trial board [~~city council~~] shall designate a secretary to keep minutes of its proceedings [~~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 mayor [~~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 may either sustain or reverse the action of the mayor [~~city manager~~] or the department head, as the case may be, or modify and amend the action as the trial board deems just and equitable under all the facts and circumstances of the particular case.

CHAPTER XIX [~~XVII~~]. PARK AND RECREATION DEPARTMENT**SEC. 2. ORGANIZATION OF BOARD AND TERMS OF OFFICE OF MEMBERS.**

(a) The mayor, subject to confirmation by the city council, shall appoint a number of qualified voters of the city equal to the number of members on the city council who shall constitute the park and recreation board of the city. 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 by general laws of the State of Texas, and shall serve without compensation.

(b) All members of the board shall be appointed by the mayor [~~city council, in accordance with Chapter XXIV, Section 13 of this Charter~~], as are other boards and shall serve for like terms, as provided by this Charter. The mayor shall appoint the president of the board [~~from among the members appointed by the city council, subject to confirmation by a majority of the city council~~].

SEC. 3. BOARD VACANCIES; HOW FILLED.

Any vacancy in the membership of said board shall be filled by the mayor, subject to confirmation by the city council, for the unexpired term of the member whose place has by removal or otherwise become vacant.

SEC. 4. JURISDICTION OF THE PARK AND RECREATION BOARD; SCOPE OF ACTIVITY.

(a) The park and recreation board shall have jurisdiction over the control, management and maintenance of the public parks of the city, with power to acquire, in the name of the city, land for park purposes, except as herein otherwise provided. Both the mayor and the [~~The~~] city council must approve:

- (1) any purchase of land;
- (2) any contract requiring council approval under rules established by ordinance; and
- (3) any lease or agreement with a term exceeding one year.

(b) Any purchase of supplies or contracts, including emergency purchases, shall be made in accordance with the rules and regulations adopted by the city council.

(c) The park and recreation board shall have the following general powers, duties and authority which shall be exercised and performed as herein provided and in accordance with the Charter and general ordinances of the city, as follows:

- (1) to the extent required by rules and regulations promulgated [~~adopted~~] by the mayor [~~city council~~], to control and manage all property owned, or that may hereafter be acquired by the city for park purposes; all public properties, on which there is a joint use agreement with other public or private entities for recreational purposes; all public properties used jointly with other departments of the city for recreational purposes; and all other grounds and properties that may be assigned to them by the mayor [~~city council~~] for control, maintenance or management;

(2) to manage, maintain and repair all buildings and equipment in the park system;

(3) to establish all rules and regulations for the protection of rights and property under the control of the said board for use, care, maintenance and management of all parks and the activities conducted therein;

(4) to conduct playgrounds and recreational facilities on the grounds and in the buildings in charge of the board; to supervise and equip playgrounds and play fields and manage and direct the same; and provide such other means and methods of recreation as it may deem advisable;

(5) to have authority to make such charges for such facilities of amusement, entertainment, refreshment or transportation of the public upon the park properties, and to grant or lease concession rights within the parks on such terms and conditions as it shall deem proper;

(6) to plant, set out, place, protect and care for flowers, vines, shrubs and trees to adorn and improve the public squares, grounds, boulevards, streets, avenues, parkways or other spaces within the city;

(7) to provide for an animal zoo and to exercise supervision and control thereof;

(8) to enforce all ordinances, rules and regulations governing parks and boulevards and such recreation centers, grounds and areas as have been or may hereafter be established, and to provide for the policing of same;

(9) to take and hold by purchase, gift, devise, bequest or otherwise, such real and personal property as may be useful or needful in connection with park purposes and to administer the same according to the provisions of the instrument of conveyance;

(10) in acquiring lands for the use of the park system, to exercise the rights of condemnation available to the city and in the name of the city;

(11) with the approval of the mayor and city council, when required by law, to sell and convey or lease lands whenever required in the interest of the city;

(12) to make all contracts necessary to carry out the objects and purposes of the park system as herein provided, the same to be approved by the mayor and city council as herein set out;

(13) when deemed advisable, to provide for park and recreation facilities on all public lands adjacent and recreational activities conducted on, the municipal water reservoirs of the city, and to provide for the maintenance, control and policing of same where not otherwise provided for, whether located within or without the city limits of the city;

(14) to enter into agreements with other park and recreation departments of other municipalities, school districts, the county or other governmental bodies, for joint administration and control and supervision of facilities jointly administered;

(15) [~~to the extent required by rules and regulations adopted by the city council,~~] to contract for the use of Fair Park, acquired and now owned by the city, heretofore known as State Fair Grounds, or any portion of or addition thereto, for public affairs, public recreation, sports events, or other public events when conducted thereon, and also to provide for public entertainments of all kinds that may be lawfully conducted upon the premises, and to charge admission fees therefor. All contracts and agreements heretofore made with the city in relation to said grounds shall be binding upon and shall be observed by, said park and recreation board to provide for the direction and control by the board of the improvement and maintenance of said grounds and appurtenances subject to existing and future contract rights;

(16) to provide for, or to conduct public affairs, public recreation, sports events or other public events on any of the lands under the control and management of the park and recreation board;

(17) to maintain and manage any and all abandoned cemeteries as park properties when requested to do so by resolution of the city council, and after funds are appropriated by the council; and

(18) to contract with civic, historical, educational, improvement or other nonprofit organizations whose main objective is the aesthetic, cultural, educational or scenic improvement of the community.

SEC. 5. APPOINTMENT OF EMPLOYEES; RULES AND REGULATIONS OF GOVERNMENT OF SAME.

The park and recreation department shall be composed of a director and the positions of assistants and such other employees as the mayor [~~council~~] may provide upon the recommendation of the park and recreation board. The compensation to be paid to the employees of this department and the personnel rules and regulations to be followed shall be those established by the city council in conformity with standard schedules of compensation and personnel policies for all city employees.

SEC. 8. REPORTS.

The park and recreation board shall render to the mayor and city council such reports as may be required by the mayor [~~city council~~].

CHAPTER XX [~~XVIII~~]. ORDINANCES AND RESOLUTIONS.**SEC. 1. COUNCIL ACTION.**

The mayor and the city council shall evidence his, or its, official actions by written ordinances, resolutions or orders [~~oral motion~~]. The use of one method or the other shall not affect the validity of the action, except in those instances where one or the other is required by state law or this Charter.

SEC. 3. PASSAGE.

All ordinances and resolutions of the city council and orders of the mayor, unless otherwise provided by state law, this charter, or the ordinance itself, shall be final on the passage or adoption by either the mayor or the required majority of the city council, and in the case of the city council upon [~~pursuant to one~~] motion duly made, seconded and passed. Where the state law or this charter provides for a different procedure before the action of the mayor or the city council may become final, then in that event, the mayor and city council shall follow the procedure required.

SEC. 4. VOTING BY CITY COUNCIL.

The vote upon the passage of any ordinance, resolution or motion by the city council shall be taken by voice vote unless otherwise requested by a member of the city council, in which case a roll call vote shall be taken. The results of all voting shall be entered upon the minutes of the proceedings of the council. Every ordinance, resolution, or motion shall require on final passage the affirmative vote of a majority of the members present unless more is required by state law, this Charter, or ordinance.

SEC. 5. EFFECTIVE DATE.

All ordinances, [~~and~~] resolutions, or orders of the mayor passed or promulgated by the mayor or the city council shall become effective immediately from and after final publication, except in the following instances:

(1) where the state law or other provisions of this Charter provide otherwise, in which case the effective date shall be the earliest time therein prescribed;

(2) where the ordinance, ~~[or]~~ resolution, or order prescribes a different effective date;

(3) where an ordinance or resolution is adopted under the initiative and referendum provisions of this Charter, in which case the effective date thereof shall be immediately after the canvass of the election.

SEC. 6. OFFICIAL RECORDS.

The city secretary shall keep an accurate record of all actions taken by the mayor and the city council and shall preserve each ordinance, resolution, ~~[and]~~ motion, or order of the mayor and city council as permanent records of the city.

SEC. 8. CODIFICATION OF ORDINANCES.

The mayor or city council shall have power to cause the ordinances of the city to be printed, in code form, and shall have the same arranged and digested as often as the council may deem advisable; however, failure to print the ordinances as herein provided shall not affect the validity of the same.

SEC. 9. HOW PLEAD.

In all judicial proceedings, it shall be sufficient to plead any ordinance by caption, or by the number of sections thereof wanted, and it shall not be necessary to plead the entire ordinance or section. All ordinances of the city when printed and published and bearing on the title page thereof "Ordained and Published by the City Council of the City of Dallas," or Ordained and Published by the Mayor of the City of Dallas," or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all the courts and places without further proof.

CHAPTER XXI [~~XIX~~]. ASSESSMENT AND COLLECTION OF TAXES

SEC. 11. CITY MAY PURCHASE.

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

CHAPTER XXII. PUBLIC IMPROVEMENTS AND ASSESSMENTS**SEC. 11. STATE LAW ADOPTED AS TO WATER AND SEWER SYSTEM IMPROVEMENTS.**

All of the powers conferred by the Acts 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 and mayor 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 XXIII. BORROWING MONEY**SEC. 8. EXECUTION OF BONDS.**

All bonds must be signed by the mayor, [~~and~~] countersigned by the city secretary, [~~manager or the city manager's designee~~] and must have the seal of the city impressed on each bond; provided, that the bond ordinance or ordinances may provide for the bonds and any attached interest coupon to be signed by facsimile signatures and for the seal of the city on the bonds to be a facsimile as provided by the laws of the State of Texas. Such bonds shall mature serially or otherwise not to exceed 40 years from their date.

SEC. 10. BOND REGISTER.

The city council shall keep or cause to be kept for and on behalf of the city a complete bond registry and set of books, showing all bonds issued, the date and amount thereof, the rate of interest, maturity, type, etc., of all bonds or other indebtedness incurred under the provisions of the Charter, and all other transactions of the city council having reference to the refunding of the indebtedness of the city. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry, and the books so required shall be safely kept among the records of the city council [~~manager~~].

CHAPTER XXIV [XXIII]. PUBLIC CONTRACTS**SEC. 1. SIGNATURES AND APPROPRIATIONS.**

No contract, other than purchase orders for supplies and equipment and change orders authorized in accordance with Section 6, Chapter XXII of this Charter, shall be binding upon the city unless it has first been signed by the mayor [~~city manager~~] and approved by the city attorney. The expense thereof shall be charged to the proper appropriation. Whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be signed.

SEC. 6. CHANGE ORDERS.

In the event that it becomes necessary to make changes in the plans or specifications after performance of the contract has been commenced, or it becomes necessary to decrease or increase the quantity of work to be performed, or materials, equipment or supplies to be furnished, the city council is authorized to approve change orders effecting such changes, but the total contract price shall not be increased thereby unless due provision has been made to provide for the payment of such added cost by appropriating available funds for that purpose. This authority may be delegated to the mayor [~~city manager~~] or the mayor's [~~city manager's~~] designee when authorized by state law.

SEC. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.

(a) No officer or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as an officer or employee. Any violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit the officer's or employee's office or position with the city. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the mayor [~~city manager~~] or the city council.

(b) The alleged violations of this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, and by the city council in the case of other employees.

(c) The prohibitions of this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law.

CHAPTER XXV [~~XXIII~~]. CLAIMS FOR DAMAGE OR INJURY

SEC. 6. WAIVER OF NOTICE.

Neither the mayor, any city councilman, [~~the city manager,~~] city secretary, city attorney, or 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 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.

CHAPTER XXVI [~~XXIV~~]. MISCELLANEOUS PROVISIONS

SEC. 4. CONDEMNATION OF DANGEROUS STRUCTURES.

Whenever in the opinion of the city council, any building, fence, shed, awning or structure of any kind or part thereof is liable to fall down and injure persons or property, the mayor [~~city council~~] may order the owner or agent of the same or occupant of the premises, to take down and remove the same within such time as it may direct and may punish by fine all persons failing so to do. The mayor [~~city council~~] shall have the additional power to remove the same at the expense of the city on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this Charter, or by suit in any court of competent jurisdiction.

The mayor [~~city council~~] shall have full power to condemn all dangerous buildings or obstructions of any kind and may provide regulations therefor by ordinance. All of the provisions of this section may be carried out in such manner as the mayor [~~city council~~] by order [~~ordinance~~] may provide.

SEC. 6. FIRE LIMITS.

The mayor [~~city council~~] may establish fire limits and prescribe the kind and character of materials to be used in buildings constructed within such limits.

SEC. 7. BUILDING PERMITS.

The mayor [~~city~~] shall have power to prohibit the erection, construction or repair of any building or structure of any kind within the city without a permit first having been issued by the city for the construction, erection or repair of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority, may authorize the inspection by the city of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed or repaired in conformity with the building regulations which exist in the city or which shall hereafter be passed.

SEC. 9. PUBLIC LIBRARY AND TAX THEREFOR.

The mayor, with the approval of a majority of the city council, [~~city~~] shall have authority to establish and maintain a public library or libraries within the city and to cooperate with any person, firm or corporation upon such terms as the city council may prescribe, for the establishment of such public library or libraries. To that end the council shall annually appropriate out of the general revenue of the city, a fund for the support and maintenance of the public library.

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. It may be used for the police and fire communications system and such other communicating systems as the mayor [~~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 create [~~appoint~~] a suitable commission to operate and conduct the same, and to exercise all powers in connection therewith. The members of such council shall be appointed by the mayor with the approval of a majority of the city council. The exercise of the power to operate the same shall be deemed governmental in character and for municipal purposes.

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

(a) During August of each odd-numbered year, the mayor, subject to confirmation by 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 September 1 or until their successors are appointed and qualified.

(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 mayor [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 mayor [city manager], director of finance, the purchasing agent, and the municipal court clerk.

SEC. 17. BOARD AND COMMISSION MEMBERS.

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 his office if he misses more than three regular meetings in succession, unless for medical reasons certified to by his physician or unless excused by the board or commission of which he is a member and the city council. In such case the mayor [city council] shall declare the position vacant and appoint a new member to fill the vacancy, subject to approval by a majority vote of the city council.

The members of any commission or board appointed by the mayor [city council] may be removed from office [~~for any cause deemed~~] by the mayor [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. 19. REPORTS.

All departments and boards of the city shall furnish such reports in the form prescribed as may be requested by the mayor [~~city manager~~] or the city council concerning the activities of that department or board.

XXVII. ADOPTION AND TRANSITION**SEC. 1. CONTINUATION IN OFFICE.**

Any person holding elective office under the Charter in force prior to the adoption of the foregoing amendments shall continue in office until the expiration of the prescribed term, unless sooner removed under the laws of Texas or as prescribed in the above chapters.

SEC. 2. SEVERABILITY.

If any provision of this Charter is held to be invalid, it shall be deemed severable and its invalidity shall not affect the remaining provisions of this Charter.

SEC. 3. ACCRUED RIGHTS UNAFFECTED.

All rights, action, fines, penalties and forfeitures, in suits or otherwise, which have accrued under the laws in force as of the date of adoption of this Charter, shall not be affected by the passage of the foregoing amendments.

SEC. 4. TRANSITIONAL PROVISIONS.

In order to provide a reasonable time for the making of the changes in the existing system of government required by these amendments, the following transitional provisions shall apply:

(1) If a voting rights review of these amendments by the Voting Rights Section of the Civil Rights Division of the United States Department of Justice is required, then these amendments shall not become effective unless and until the Department of Justice issues a letter interposing no objection to the implementation of these amendments.

(2) These amendments shall take effect on the later to occur of the first day of the fourth month following the month in which either (i) the letter from the Department of Justice described in the preceding paragraph is issued, or (ii) these amendments are approved by the voters. For example, if the amendments are approved in May 2005 and no letter from the Department of Justice is required, then these amendments would be effective on September 1, 2005.

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 "For" or "Against" upon the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

PROPOSITION NO. 1

Amendment of Sections 1, 2, 3, 3A, 4, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of Chapter III; Sections 1, 2, and 3 of Chapter IIIA; Sections 4, 6, 7, 8, and 10 of Chapter IV; Section 1 of Chapter V; Chapter VI; Sections 1, 2, and 3 of Chapter VII; Sections 1, 4, 6, 7, and 8 of Chapter VIII; Sections 2 and 3 of Chapter IX; Chapter IXA; Sections 1 and 2 of Chapter X; Sections 1, 2, 3, 4, 6, 7, and 9 of Chapter XI; Sections 1, 2, 3, 4, and 7 of Chapter XII; Sections 1, 2, 4, 6, 7, and 9 of Chapter XIII; Chapter XIV title; Sections 1 and 4 of Chapter XV; Sections 1, 4, 5, 9, 10, 11, and 12 of Chapter XVI; Sections 2, 3, 4, 5, and 8 of Chapter XVII; Sections 1, 3, 4, 5, 6, 8, and 9 of Chapter XVIII; Section 11 of Chapter XIX; Section 11 of Chapter XX; Sections 8 and 10 of Chapter XXI; Sections 1, 6, and 11 of Chapter XXII; Section 6 of Chapter XXIII; and Sections 4, 6, 7, 9, 10, 13, 14, 17, and 19 of Chapter XXIV of, and addition of new Chapters IV and XXVII to, the Charter of the City of Dallas, all of which would: (1) eliminate the office of the city manager and transfer to the mayor, who would become the chief executive and administrative officer of the city, all powers formerly held by the city manager, including providing professional and secretarial assistance to the city council; conducting investigations; calling for special audits; appointing the municipal court clerk; submitting the annual city budget to the city council and performing other duties relating to budget appropriations and capital expenditure programs; providing for and receiving statements of payments and receipts from the city treasurer and certifying money in the city treasury; supervising the police and fire departments, including hiring, disciplining, and discharging the police chief, the fire chief, and all employees in those departments; supervising all other city departments formerly under the city manager, including hiring, disciplining, discharging, and coordinating the work of the heads and employees of those departments; hearing employee disciplinary appeals and approving trial board appeals to district court; requesting and receiving reports from all departments on their activities, including reports from the city auditor; submitting the city's comprehensive plan to the city council; executing city contracts and other legal instruments; and submitting bids on behalf of the city for property at tax sales; (2) transfer to the mayor certain powers currently held by the city council, including nominating the mayor pro tem, subject to council confirmation, with a vice mayor pro tem being nominated and appointed by the city council; appointing, discharging, and setting the compensation of the city attorney; appointing and discharging the city secretary;

appointing municipal judges and the administrative judge, subject to council confirmation; removing municipal judges and appointing and removing associate municipal judges, without council confirmation; adopting municipal court work rules, without city attorney review being required; establishing, discontinuing, and changing city departments and offices; appointing all members and adjunct members of the civil service board, subject to council confirmation, and appointing the board chair, removing board members, and filling vacancies without council confirmation; appointing all members of the park and recreation board, subject to council confirmation, and appointing the board president without council confirmation; adopting park and recreation board rules and regulations, requiring reports from the board, and assigning grounds and properties for the board to control, maintain, and manage; providing positions for the park and recreation department; appointing the members of city boards and commissions, subject to council confirmation, and removing board and commission members without council approval; establishing criteria for fire limits and for building construction and repair in the city, including setting permit fees; condemning and removing dangerous structures; establishing and maintaining public libraries, subject to council approval; and determining how the municipal radio and television broadcasting station and other communication systems may be used, including appointing members to a radio and television stations commission with council confirmation; (3) give the mayor new powers and duties, including taking official actions by issuing orders that must be maintained as permanent city records; signing and approving every ordinance, resolution, and motion of the council before it can take effect, provided that an ordinance, resolution, or motion becomes effective if the mayor fails to sign it within five days after adoption; voting on council confirmations of mayoral appointments; acting in an emergency; and prescribing general rules and regulations governing the general conduct of city departments; (4) make certain changes relating to the mayor's office, term, compensation, and duties, including eliminating all charter references to the mayor as Place 15 on the city council; deleting the definition of a mayor's term as any period in excess of 731 days; providing that the mayor's salary be paid per annum in equal semi-monthly installments instead of biweekly like other council members; excluding the mayor from city council attendance requirements under which a council member's compensation may be reduced if he misses more than 10 percent of regular city council meetings; providing for a mayor pro tem and vice mayor pro tem to act in the case of the death, resignation, or permanent disability of the mayor, or whenever there is a vacancy in the office of mayor; requiring an election to fill a mayoral vacancy to be held within 30 days after the vacancy occurs; authorizing the city council, by a two-thirds vote, to remove the mayor for misconduct, inability, or willful neglect in the performance of official duties and to suspend the mayor for up to 30 days pending an impeachment charge; requiring the mayor to post a bond conditioned on the faithful performance of the duties of the office; and eliminating the mayor's duty to provide for annual state of the city reports; (5) restrict certain powers of the city council, including eliminating a city council member's ability to run for the office of mayor at the end of his council term limits; prohibiting a city council member from giving orders to or interfering with appointees and subordinates of the mayor, including the city attorney and city secretary; eliminating council power to provide a council assistant to represent the mayor and council at ceremonial occasions; eliminating council power to prescribe by ordinance the duties of the municipal court clerk and

the fire chief; eliminating council power to adopt civil service board rules and regulations and to designate a secretary to the trial board; and eliminating council power to waive a requirement that city boards and commissions have 15 or more members; (6) increase certain powers and duties of the city secretary, including allowing the city secretary to discharge assistants without city council consent; and requiring the city secretary to countersign bonds issued by the city, the registry and records of which bonds are to be kept with city council records; (7) make certain other conforming and nonsubstantive changes; and (8) provide for these charter amendments to go into effect on September 1, 2005, except that those amendments that require preclearance by the United States Department of Justice will take effect on the first day of the fourth month following the month in which the Department of Justice issues a letter interposing no objection to the implementation of these amendments.

PROPOSICIÓN NO. 1

Enmienda de las Secciones 1, 2, 3, 3A, 4, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, y 20 del Capítulo III; Secciones 1, 2, y 3 del Capítulo IIIA; Secciones 4, 6, 7, 8, y 10 del Capítulo IV; Sección 1 del Capítulo V; Capítulo VI; Secciones 1, 2, y 3 del Capítulo VII; Secciones 1, 4, 6, 7, y 8 del Capítulo VIII; Secciones 2 y 3 del Capítulo IX; Capítulo IXA; Secciones 1 y 2 del Capítulo X; Secciones 1, 2, 3, 4, 6, 7, y 9 del Capítulo XI; Secciones 1, 2, 3, 4, y 7 del Capítulo XII; Secciones 1, 2, 4, 6, 7, y 9 del Capítulo XIII; título del Capítulo XIV; Secciones 1 y 4 del Capítulo XV; Secciones 1, 4, 5, 9, 10, 11, y 12 del Capítulo XVI; Secciones 2, 3, 4, 5, y 8 del Capítulo XVII; Secciones 1, 3, 4, 5, 6, 8, y 9 del Capítulo XVIII; Sección 11 del Capítulo XIX; Sección 11 del Capítulo XX; Secciones 8 y 10 del Capítulo XXI; Secciones 1, 6, y 11 del Capítulo XXII; Sección 6 del Capítulo XXIII; y Secciones 4, 6, 7, 9, 10, 13, 14, 17, y 19 del Capítulo XXIV de los, y la adición de los nuevos Capítulos IV y XXVII a los, Estatutos de la Ciudad de Dallas, todas las que deberán: (1) eliminar la oficina del gerente de la ciudad y transferir al alcalde, que se convertiría en el jefe ejecutivo y en funcionario administrativo de la ciudad, todos los poderes anteriormente ejercidos por el gerente de la ciudad, incluyendo el proporcionar asistencia profesional y secretarial al concilio de la ciudad; conducir investigaciones; solicitar auditorías especiales; nombrar al secretario de la corte municipal; presentar el presupuesto anual de la ciudad al concilio de la ciudad y desempeñar otras tareas referentes a los programas de créditos presupuestarios y de gastos en inversión de capital; proveer para y recibir declaraciones de pagos y recibos del tesorero de la ciudad y certificar dinero en la tesorería de la ciudad; supervisar los departamentos de policía y bomberos, incluso contratar, disciplinar, y despedir al jefe de policía, al jefe de bomberos, y a todos los empleados de esos departamentos; supervisar todos los otros departamentos de la ciudad controlados anteriormente por el gerente de la ciudad, incluso contratar, disciplinar, despedir y coordinar el trabajo de los jefes y empleados de esos departamentos; dar audiencia a las apelaciones de los empleados a medidas disciplinarias y aprobar las apelaciones del consejo de juicios ante la corte de distrito; solicitar y recibir reportes de las actividades de todos los departamentos, incluyendo los reportes del auditor de la ciudad; presentar el plan completo para la ciudad ante el concilio de la ciudad; ejecutar los contratos de la

ciudad y otros instrumentos legales; y presentar a nombre de la ciudad, ofertas para propiedades en subastas de la agencia de impuestos; (2) transferir al alcalde ciertos poderes, que actualmente ejerce el concilio de la ciudad, incluyendo la nominación del alcalde pro tem, sujeto a la confirmación del concilio, con un vicealcalde pro tem que es nominado y designado por el concilio de la ciudad; designar, despedir, y establecer la compensación del abogado de la ciudad; designar y despedir al secretario de la ciudad; designar a los jueces municipales y al juez administrativo, sujetos a la confirmación del concilio; remover a los jueces municipales y designar y remover a los jueces municipales asociados, sin la confirmación del concilio; adoptar las reglas de trabajo de la corte municipal, sin que se requiera la revisión del abogado de la ciudad; establecer, discontinuar, y cambiar departamentos y oficinas de la ciudad; designar a todos los miembros y miembros adjuntos del consejo de servicio civil, sujetos a la confirmación del concilio, y designar al presidente del consejo, remover a los miembros del consejo, y ocupar las vacantes sin la confirmación del concilio; designar a todos los miembros del consejo de parques y recreación, sujetos a la confirmación del concilio, y designar al presidente del consejo sin la confirmación del concilio; adoptar las reglas y regulaciones del consejo de parques y recreación, solicitar reportes del consejo, y asignar los terrenos y las propiedades para que el consejo los controle, mantenga y maneje; proporcionar los puestos para el departamento de parques y recreación; designar a los miembros de los consejos y comisiones de la ciudad, sujetos a la confirmación del concilio, y remover a los miembros del consejo y la comisión sin la aprobación del concilio; establecer los criterios para zonas para fuegos y para la construcción de edificios y reparaciones en la ciudad, incluyendo el establecimiento del costo de los permisos; clausura y remoción de estructuras peligrosas; establecer y mantener bibliotecas públicas, sujetas a la aprobación del concilio; y determinar como deben usarse las estaciones emisoras de radio y televisión y otros sistemas de comunicación municipales, incluyendo la designación de los miembros de una comisión de estaciones de radio y televisión, con la confirmación del concilio; (3) dar al alcalde nuevos poderes y deberes, incluyendo el tomar acciones oficiales por medio de la emisión de órdenes que deberán ser mantenidas como registros permanentes de la ciudad; firmar y aprobar cada ordenanza, resolución y moción del concilio, antes de que pueda entrar en efecto, quedando estipulado que una ordenanza, resolución o moción, entrará en efecto si el alcalde no la firmara dentro de los cinco días después de haberla adoptado; votar sobre las confirmaciones del concilio para las designaciones de la alcaldía; tomar acciones en una emergencia; y prescribir reglas y regulaciones universales para regir la conducta general de los departamentos de la ciudad; (4) efectuar ciertos cambios referentes a la oficina del alcalde, término, compensación, y deberes, incluyendo la eliminación de todas las referencias que hay en los estatutos hacia el alcalde, como la Posición 15 en el concilio de la ciudad; borrar la definición del término de un alcalde como cualquier período que exceda 731 días; estipular que el salario del alcalde sea pagado al año, en iguales plazos parciales mensualmente, en vez de que sea a la quincena como el de otros miembros del concilio; excluir al alcalde de los requisitos de asistencia del concilio de la ciudad, bajo los cuales, la compensación de un miembro de la ciudad podría ser reducida si falta a más del 10 por ciento de las juntas regulares del concilio de la ciudad; estipular que el alcalde pro tem y el vicealcalde pro tem entren en funciones en caso de muerte, renuncia o incapacidad permanente del alcalde, o cuando suceda que esté vacío el puesto de alcalde; solicitar una elección para que se ocupe el vacío

en la alcaldía, que será llevada a cabo dentro de 30 días después de que suceda la desocupación; autorizar al concilio de la ciudad, para que, por medio de dos tercios de los votos, sea removido el alcalde, debido a mal comportamiento, incapacidad o negligencia intencional en el desempeño de los deberes oficiales y a suspender al alcalde hasta por 30 días, si hay pendiente un cargo por juicio político; solicitar al alcalde que fije una fianza condicionada al desempeño fiel de los deberes del puesto; y eliminar el deber que tiene el alcalde, de proporcionar un estado anual de los informes de la ciudad; (5) restringir ciertos poderes del concilio de la ciudad, incluyendo la eliminación de la facultad de un miembro del concilio de la ciudad de postularse para el puesto de alcalde al final de su término limitado en el concilio; prohibir que un miembro del concilio de la ciudad dé órdenes a, o interfiera con los designados y subordinados del alcalde, incluyendo al abogado y al secretario de la ciudad; eliminar el poder que tiene el concilio de proporcionar un asistente del concilio para representar al alcalde y al concilio en ocasiones ceremoniales; eliminar el poder que tiene el concilio de prescribir por medio de una ordenanza, los deberes del secretario de la corte municipal y el jefe de bomberos; eliminar el poder que tiene el concilio de adoptar las reglas y regulaciones del consejo de servicio civil y de designar un secretario para el consejo de juicios; y eliminar el poder que tiene el concilio de diferir una solicitud de que los consejos de la ciudad y las comisiones tengan 15 miembros o más; (6) aumentar ciertos poderes y deberes del secretario de la ciudad, incluyendo el permitir que el secretario de la ciudad pueda despedir a los asistentes sin el consentimiento del concilio de la ciudad; y solicitar que el secretario de la ciudad refrende los bonos emitidos por la ciudad, el registro y archivos de tales bonos serán mantenidos en los registros del concilio de la ciudad; (7) hacer otros ciertos cambios de ajuste y no esenciales; y (8) estipular que estas enmiendas a los estatutos entren en efecto el 1 de septiembre de 2005, excepto aquellas enmiendas que requieran aprobación previa del Departamento de Justicia de los Estados Unidos, entren en efecto el primer día del cuarto mes siguiente al mes en el que el Departamento de Justicia, emita una carta en la que no interpone objeción a que se implementen estas enmiendas.

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 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 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 29, 2005.

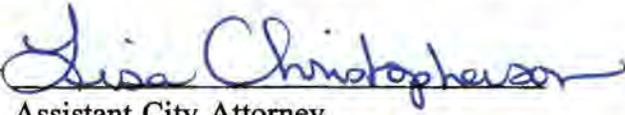
SECTION 9. That the early voting ballots will be processed by an early voting ballot board to be created in accordance with the Texas Election Code, as amended.

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:

MADELEINE B. JOHNSON, City Attorney

By 
Assistant City Attorney

Passed FFB 2 3 2005

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