

CITY ATTORNEY

CHARTER

CITY OF

DALLAS, TEXAS



MUNICIPAL CODE CORPORATION

Tallahassee, Florida

1973

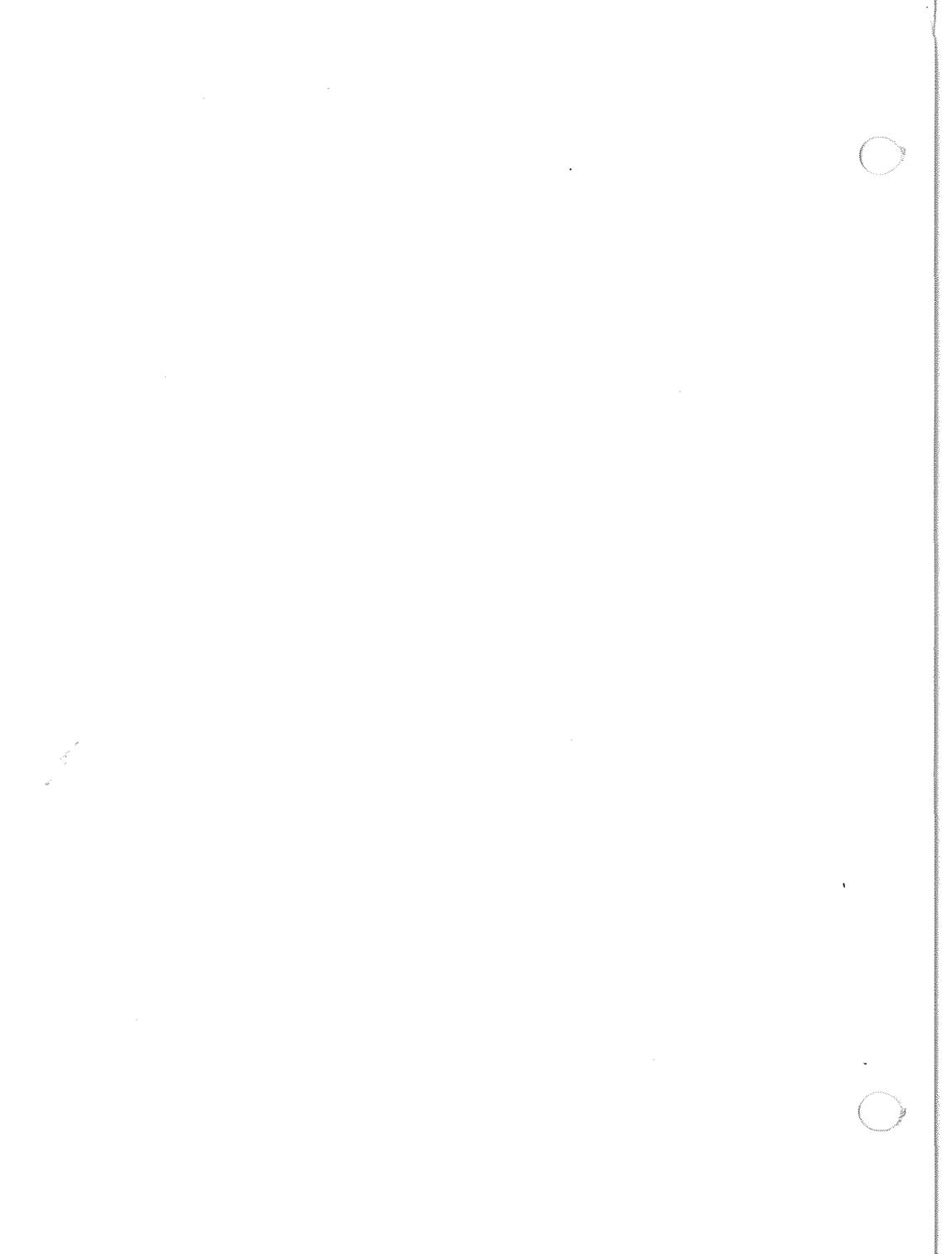


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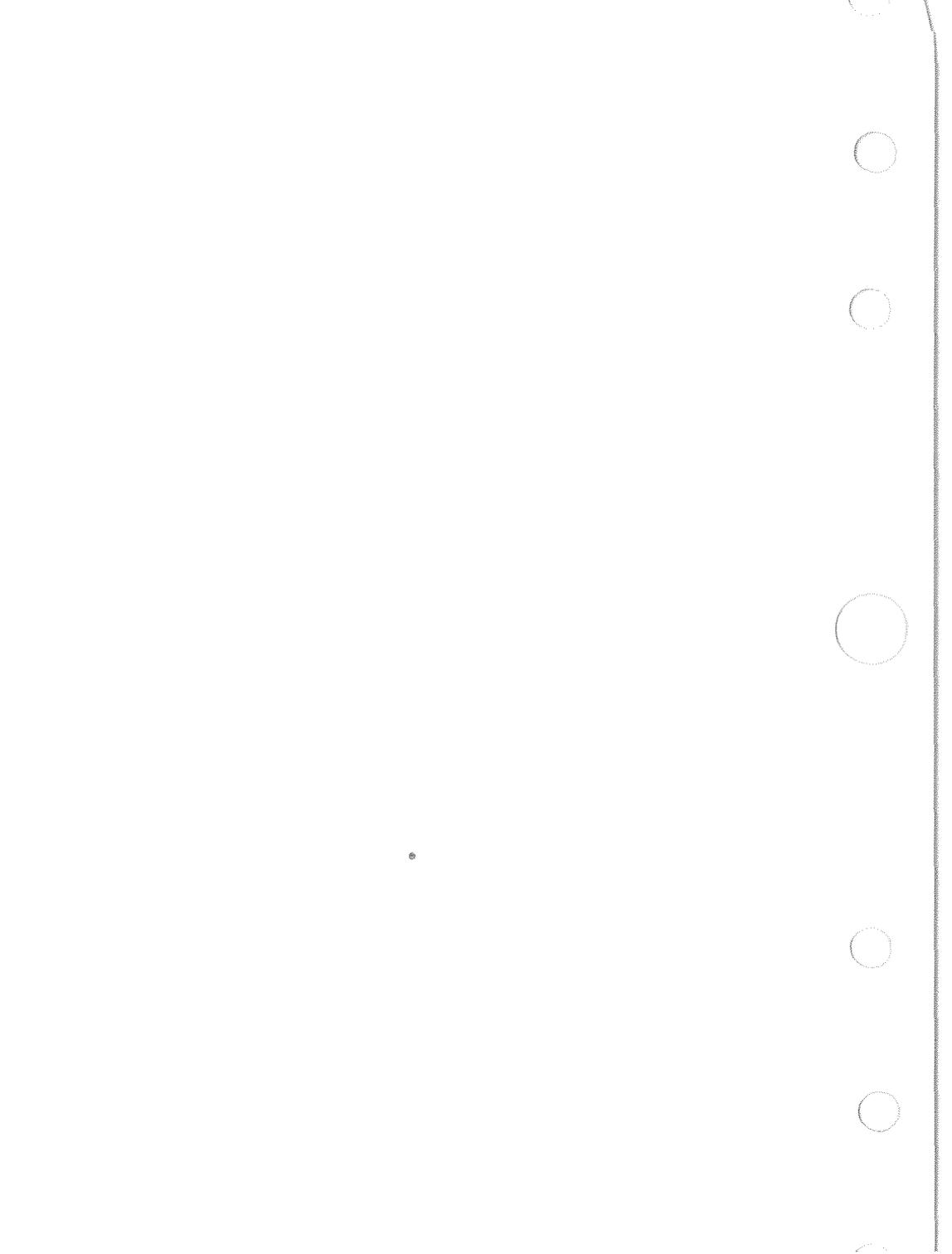


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FORMS OF GOVERNMENT AND CHARTERS OF THE
CITY OF DALLAS

(Historical)

- (1) Session Laws, Vol. 2, page 1399. The act establishing Dallas as county seat.
- (2) Session Laws, Vol. 4, page 361.
 - (a) Incorporation of Dallas, February 2, 1856.
 - (b) Type of government: Mayor and six (6) aldermen, treasurer, recorder and constable, all elected for one year.
 - (c) Power to levy tax on all persons and property, but tax not to exceed one-fourth of one per cent ($1/4$ of 1%) ad valorem on such property.
- (3) Session Laws, Vol. 4, page 941.
 - (a) Incorporation of Dallas under the General Incorporation Act of January 27, 1858—adopted by the people June 30, 1858.
 - (b) Type of government: Mayor and marshal, and nine (9) aldermen, all elected for one year.
 - (c) Power to levy tax on persons and property not to exceed fifty cents (\$0.50) on the one hundred dollars (\$100.00) in any one year.
- (4) Session Laws, Vol. 6, page 1294.
 - (a) Incorporation of Dallas, April 20, 1871. (Reincorporation)
 - (b) Type of government: Mayor and eight (8) aldermen, marshal and assessor and collector all elected. Aldermen term was two (2) years; mayor, marshal and assessor and collector term was one year.
 - (c) Power to levy tax on all property in the city not to exceed four-tenths of one per cent (.4 of 1%) ad valorem—Section 29.

(5) Session Laws, Vol. 8, page 485.

- (a) Incorporation of Dallas under General Incorporation Laws March 15, 1875; adopted April 27, 1875. (Reincorporation)
- (b) Type of government: Mayor and eight (8) aldermen, treasurer, assessor and collector, secretary, city attorney, marshal and city engineer; two (2) year term, but one aldermen and mayor elected annually.
- (c) Power to levy tax not to exceed one per cent (1%) provided, that by consent of two-thirds (2/3) of the qualified voters the council may levy an additional tax of not exceeding one per cent (1%).

(6) Session Laws, Vol. 8, page 1259.

- (a) Incorporation of Dallas, August 9, 1876.
- (b) Type of government: Mayor and two (2) aldermen from each ward (probably still four (4) wards thus have eight (8) aldermen), marshal, city recorder, city secretary, treasurer, city attorney, assessor and collector and city engineer—all elected for two (2) years.
- (c) Power to levy tax on all real and personal property in city not to exceed one and one-half per cent (1-1/2%) of the assessed value; provided city council could levy an additional one per cent (1%) on the assessed value if a majority under Section 3 of Article 6 of the State Constitution shall have first voted in favor of such additional levy.

(7) Charter of 1889.

- (a) Type of government: Mayor, city judge and two (2) aldermen from each ward to be elected biennially (twelve (12) wards), also elected tax collector, city assessor and chief of police.
- (b) Power to levy tax not to exceed one and one-half per cent (1-1/2%) provided, council can lay an additional one per cent (1%) if authorized by two-thirds (2/3) of the voters.

- (c) Power to levy school tax aggregate not to exceed one-fourth of one per cent ($1/4$ of 1%) ad valorem.
 - (d) Schools under board of directors (mayor and one member from each ward).
 - (e) Section SB 259 of March 13, 1889; HB 676 of March 18, 1893, and HB 339 of March 13, 1889.
- (8) Charter of 1897.
- (a) Type of government: Mayor and one alderman from each ward, city assessor, chief of police, health officer; president and six (6) members of the board of education—all elected for one year.
 - (b) Power to levy tax not exceeding one and one-half per cent ($1-1/2\%$) provided an additional one per cent (1%) can be levied if authorized by two-thirds ($2/3$) of voters.
 - (c) Power to levy school tax aggregate not to exceed one-fourth of one per cent ($1/4$ of 1%) ad valorem.
- (9) Charter of 1899.
- (a) Type of government: Mayor, one alderman from each ward and one alderman from each aldermanic district (ten (10) wards and five (5) aldermanic districts maximum).
 - (b) Power to levy tax not exceeding one and one-half per cent ($1-1/2\%$), provided council can levy an additional one per cent (1%) if authorized by two-thirds ($2/3$) of the voters.
 - (c) Power to levy school tax aggregate not to exceed one-fourth of one per cent ($1/4$ of 1%) ad valorem.
- (10) Printed Charter of 1899 with amendments down to and including 1905.
- (11) Charter of 1907.
- (a) Type of government: Commission form, mayor and four (4) commissioners for term of two (2) years.

- (b) Power to levy tax not exceeding one and one-half per centum of assessed value provided, can levy an additional tax of one per cent (1%) or any fraction thereof if authorized by a majority of the voters.
- (c) Power to levy school tax—one-fourth of one per cent. (1/4 of 1%)
- (d) President and six (6) members of school board elected biennially.

(12) Council-manager form of government; 1907 Charter with amendments up to and including 1927 was amended in 1931 to set up council-manager form of government. The Charter Amendments of 1945, 1947, 1949, 1952, 1956, 1965, 1968 and 1973 are also included herein.

CHARTER

of

THE CITY OF DALLAS, TEXAS

- Ch. I. Incorporation and Territory, §§ 1—3
- Ch. II. Powers of the City, §§ 1, 2
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- Ch. IX. City Auditor, §§ 1—3
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- Ch. X. Administrative Departments, §§ 1—4
- Ch. XI. The Budget and Financial Procedure Relating Thereto, §§ 1—14
- Ch. XII. Police Department, §§ 1—8
- Ch. XIII. Fire Department, §§ 1—9
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- Ch. XVIII. Ordinances and Resolutions, §§ 1—16
- Ch. XIX. Assessment and Collection of Taxes, §§ 1—29
- Ch. XX. Public Improvements and Assessments, §§ 1—12
- Ch. XXI. Borrowing Money, §§ 1—12
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- Ch. XXIII. Claims For Damages Or Injury, §§ 1—6
- Ch. XXIV. Miscellaneous Provisions, §§ 1—21

CHAPTER I. INCORPORATION AND TERRITORY

Sec. 1. Corporation name.

All inhabitants of the City of Dallas, Dallas County, Texas, as the boundaries and limits of said city are herein established or may hereafter be established, shall be a body politic, incorporated under, and to be known by, the name and style of the "City of Dallas," with such powers, rights and duties as herein provided.

Sec. 2. Boundaries.

The bounds and limits of the City of Dallas shall be those as established and described in ordinances duly passed by the city council of the City of Dallas in accordance with state law. The city secretary shall at all times keep a correct and complete description with recent annexations or disannexations and a map on which those boundaries are delineated. This shall be the official boundary map for the limits of the City of Dallas. (Amend. of 6-12-73, Prop. No. 1)

Sec. 3. Additional territory.

The city may from time to time alter its boundaries by annexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by state law. In addition thereto, the city may annex additional territory lying adjacent to the city with or without the consent of the territory and the inhabitants of the territory annexed where the same is not inconsistent with the state law. Such annexations shall be accomplished by ordinance providing for the alteration and extension of the boundary limits, which ordinance shall describe the territory to be annexed and shall be published one (1) time in the official newspaper. Amendments reducing the area may be incorporated into the proposed ordinance without the necessity of publishing said amendments and without the necessity of republication of said ordinance as amended. The proposed ordinance shall not thereafter be finally acted upon until at least thirty (30) days have elapsed after the publication thereof; and upon the final passage of any such ordinance, the boundaries of the city shall thereafter be as fixed in such ordinance. The additional territory annexed shall be a part of the city and the property situated therein shall bear its pro rata part of the taxes levied by the city as provided by state law. The inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances and resolutions of the city.

CHAPTER II. POWERS OF CITY

Sec. 1. Powers of the city.

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

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

- (13) To license and regulate vehicles operated for hire and fix and regulate the rates to be charged therefor;
- (14) To license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade;
- (15) To license and regulate all places of public amusement;
- (16) To define nuisances and prohibit the maintenance of any nuisance within the corporate limits of the city to within five thousand (5,000) feet of the corporate lines, outside of the city limits, and abate such nuisances by summary proceedings and provide for the punishment of the authors thereof;
- (17) To regulate the use of automobiles, motorcycles and other motor-driven vehicles, and the speed thereof and prescribe the proper lighting of the same when used at night;
- (18) To provide for the inspection of buildings and all works of construction and prescribe and enforce proper regulations in regard thereto;
- (19) To regulate and locate or prohibit the erection of all poles in the city and cause the same to be removed or changed at any time;
- (20) To provide for the inspection of weights and measures and fix standards of weights and measures;
- (21) To provide for the regulation of bakeries and prescribe the weight and quality of bread manufactured or sold in the city;
- (22) To provide for the inspection and regulation of dairies located inside the city limits or at any other place from which milk or other products are sold within the city, and for the inspection of all cows and facilities from which milk is sold in the city, and prescribe fees to be charged in connection with such inspection, and establish and maintain a standard of quality of all dairy products sold in the city;

- (23) To regulate, restrain or prohibit the running at large of all animals in the city, and to license same;
- (24) To adopt any ordinance or regulation having for its purpose the prevention of fires or the removal of fire hazards;
- (25) To regulate burial grounds, cemeteries and crematories and condemn and close same in the thickly settled portions of the city when public interest and public health may demand, and regulate the burial of the dead;
- (26) To provide for a system of vital statistics;
- (27) To define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city;
- (28) To regulate the construction and height of, and materials used in, all buildings and structures, and the maintenance and occupancy thereof;
- (29) To regulate and control the use, for whatever purpose, of the streets and all other public places;
- ✓(30) To create, establish, abolish and organize offices and fix the salaries, working conditions, and compensation of all officers and employees, except those set out in the charter;
- (31) To make and enforce all police, health, sanitary and other regulations, and pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the city, for the performance of the functions thereof, for the order and security of its inhabitants and to protect the peace, lives, health and property of such inhabitants, and to provide suitable penalties for the violation of any ordinance enacted by the city;
- (32) To open, extend, straighten, widen or alter any street, alley, avenue, boulevard, sidewalk, parkway or public way, and to close or vacate and abandon the same;

- (33) To expend public funds for purposes of advertising and public information;
- (34) To have the exclusive right to erect, own, maintain and operate a waterworks and sanitary sewer system, or any part thereof, for the use of said city and its inhabitants, and to regulate the same, but shall not have the power or right to sell said waterworks system; to prescribe rates for water and sanitary sewer services furnished to the inhabitants, and to make such rules and regulations as the council may deem expedient, including the power to extend water and sanitary sewer lines and assess a portion or all of the cost therefor and affix a lien against the property and the owner thereof; to do anything whatsoever necessary to operate and maintain said waterworks, and to compel the owners of all property and the agents of such owners to pay all charges for water and sanitary sewer services furnished upon such property; excess property in the waterworks system may be sold as other property;
- (35) To make provision for care and sustenance of policemen, firemen and fire alarm operators who have been disabled while in the service of the city, or who, after long and continued service, shall become by reason of old age and infirmities incapacitated to discharge their duties, or because of longevity of service alone, and to make provision for the aid and relief of the widows, minor children and dependents of deceased policemen, firemen and fire alarm operators and may provide for the creation of a fund or funds for such purposes, from the general revenue of the city or from such other sources as may be prescribed by the council under such rules and regulations as the council may adopt, and said city may exercise all of the powers as may be conferred upon the city council by acts of the legislature of the State of Texas;
- (36) To make provision for the care and sustenance of all of the officers and employees of the city who have been disabled while in the service of the city, or who

after long and continued service, shall become by reason of old age and infirmities incapacitated to discharge their duties, or because of longevity of service alone, to provide for the aid and relief of the widows, minor children and dependents of deceased officers and employees; to provide for the creation of a fund or funds for such purposes, from the general revenue of the city or from such other sources as may be prescribed by the council under such rules and regulations as the council may adopt;

- (37) By ordinance or resolution, to provide for and construct a general storm sewer and drainage system in the city which may be divided into public and private sewers and drains and be built, maintained and conducted in such manner, as the city council may provide. For the purpose of establishing a general storm sewer and drainage system, the city council shall have full power to change any river, creek, bayou or other drain, or any part thereof, so as to divert the drainage thereof in accordance with a general drainage plan or any special plan providing therefor;
- (38) To adopt rules and regulations for the civil service system;
- (39) To fix and regulate the rates of gas, water, electricity and other utilities, and to regulate and fix the fares, tolls and charges of local telephones and exchanges; of public carriers and motor vehicles, where they are transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls or charges and the kind of service of all public utilities of every kind, unless otherwise required by state law; (Amend. of 4-3-76, Prop. No. 10)
- (40) To regulate the speed of engines, locomotives, electric railways, or other power-driven equipment operating upon tracks, rails, or defined routes, either at ground level, overhead or underground within the limits of the city, and to regulate the operation of the same so as to prohibit the blocking of intersections, streets, alleys, avenues or impeding the free flow of vehicular traffic or pedestrians;

- (41) To contract with public service carriers, common carriers, or private carriers or with transportation authorities for the furnishing of transportation facilities within the city limits of Dallas and connecting the adjoining areas; including the joint use of publicly owned and privately owned or joint publicly owned facilities to provide an interregional transportation network, both within and without the city limits of Dallas;
- (42) To require any and all railroad companies operating any track upon or across any public street of the city, to reduce any such track below the level of the streets intersected or occupied by any such track, or to elevate any such track above the level of the streets intersected or occupied by any such track, and to require the company or companies owning or operating any such track to provide necessary and proper crossing for the public travel at intersecting streets; all such work to be done in the manner required by the city;
- (43) To require any holder of a franchise from the city to allow the use of its tracks, poles, underground conduits and wires by any other holder to which the city shall grant a franchise upon payment of a reasonable rental therefor to be fixed by the city council;
- (44) To exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of Texas, any county of this state or any of the civil agencies thereof which have any of the municipal powers, or the United States or any agency thereof;
- (45) To acquire, construct, or own, within or without the city, either wholly or in cooperation with any other city, county or political subdivision of the state, an airport or airports, either by purchase, donation, bequest, eminent domain or otherwise; to provide for the operation, maintenance, control and financing thereof, the same as though wholly owned by the city within its city limits;

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

- (47) To exercise all the powers conferred upon water improvement districts or water control and preservation districts under the state law as the same now exists or may hereafter be amended, providing for the exercise of the rights of eminent domain by and through condemnation proceedings. It shall also have all the powers authorized by Article 7880-126, Revised Civil Statutes of the State of Texas, as the same presently exists or may hereafter be amended, and all other powers conferred upon cities and towns in the State of Texas acting individually or jointly, in the furnishing of an adequate supply of wholesome water. It shall have authority to sell any surplus water not needed by the City of Dallas;
- (48) To erect and establish work houses, houses of correction, or rehabilitation facilities within or without the city limits; to make all necessary rules and regulations therefor; to employ personnel necessary to manage and control the same; to assign persons confined to the city jail to any such facility so established;
- (49) To provide a code of ethics by ordinance which shall be binding on all officers, employees, and elective and appointive officials as provided herein, setting out the acts, conduct and financial interest which shall be considered to be in conflict with the position they hold and providing the procedure for enforcing the same. This may be either in addition to, or incorporated into personnel rules and regulations as pertain to various employees.

Sec. 2. General powers adopted.

The enumeration of particular powers in the charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers which under the Constitution and laws of the State of Texas, it would be competent for the charter specifically to enumerate. The city shall have and exercise all the

powers conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas and the Enabling Act relative thereto, passed by the Thirty-Third Legislature of the State of Texas, found in the published laws of said legislature, Regular Session, pages 307 to 317, and effective July 7, 1913, and all other laws passed by the legislature of the State of Texas, relating thereto, or which may hereafter be passed by said legislature in relation to such matters.

CHAPTER III. CITY COUNCIL

Sec. 1. Composition of council.

Except as otherwise provided by the charter of the city, all powers conferred on the city shall be exercised by a city council to be composed of eleven (11) members, nominated and elected in the manner hereinafter provided unless otherwise provided by law. Three (3) members of the city council shall be elected by the qualified voters of the entire city, and eight (8) by the qualified voters residing in a particular district as provided in Chapter IV of this Charter, and they shall each be elected for a term of two (2) years. The council members so elected shall take office on the first Monday in May succeeding the election and they shall serve until their respective successors shall have been elected and shall have qualified. (Amend. of 4-3-76, Prop. No. 1)

Sec. 2. Mayor's election and duties.

The person elected as member of council, Place No. 11, shall be the presiding officer and the mayor of the City of Dallas. He shall have a vote on all matters coming before the council unless otherwise disqualified, but no power to veto. He shall be the official head of the city government. (Amend. of 4-3-76, Prop. No. 2)

Sec. 3. Council qualifications.

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

Sec. 4. Compensation of the members of the city council.

Effective May 1, 1969, each member of the city council shall receive as compensation for his services the sum of fifty dollars (\$50.00) per diem for each regular or called meeting attended by him. In addition to the above, all necessary expenses incurred by members of the city council in the performance of their duties shall be paid by the city, when authorized by the city council. When a city councilman is out of the city on the official business of the council and at the direction of the council, he shall be paid the same as though he had attended the meetings that are missed by him while so engaged in city business.

Sec. 5. Vacancies in the city council; how filled.

(a) If more than four (4) vacancies occur on the city council at any one time or if a vacancy occurs on the city council on or before the seventh day of February of an even-numbered year, the vacancy or vacancies shall be filled at a special election for that purpose. At its next regular meeting after the occurrence of the vacancy or vacancies, the city council shall call a special election to be held not less than forty (40) days nor more than sixty (60) days after the date of the call.

(b) If vacancies on the city council do not exceed four (4) and a vacancy occurs subsequent to the seventh day of February of an even-numbered year the vacancy shall be filled by a majority vote of the remaining members of the council.

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

(d) If a candidate duly elected to the city council at the general election fails to take the oath of office on or before ten (10) days after the beginning of his term, then his place shall be considered a vacancy and filled as herein provided for other vacancies. In the event such a candidate, elected to the city council at a special election, fails to take the oath of office on or before ten (10) days after the official canvass of the election, then his place shall be considered a vacancy and filled as herein provided for other vacancies. (Amend. of 4-3-76, Prop. No. 2)

Sec. 6. Regular meetings.

At eleven o'clock a.m. on the day the members of the city council take office, they shall meet at the building designated as the official city hall and thereafter all regular meetings of the city council shall be held in the city council chamber in such building at such times as may be prescribed by ordinance or resolution; but not less than one (1) regular meeting shall be held each week unless postponed or cancelled for valid reasons, to be recorded in the minutes. (Amend. of 6-12-73, Prop. No. 5)

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 (3) members of the 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. 8. Open meetings.

All official meetings of the council and of all committees thereof shall be open to the public as provided by state law. Those meetings involving an attorney and client relationship need not be open to the public. The city council shall provide for reasonable opportunity for citizens to be heard at all open meetings concerning any subject considered thereat under such rules as the council may provide.

Sec. 9. Council quorum.

A quorum shall consist of seven (7) members, except where the number of councilmen, due to vacancies, is reduced to less than seven (7), in which event a quorum shall consist of all of the remaining councilmen; but a less number than a quorum may adjourn from time to time and compel the attendance of absent members in such manner under such penalties as may be prescribed by ordinance.

Sec. 10. Council vote.

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

Sec. 11. Mayor pro tem, deputy mayor pro tem; duties of.

The city council shall elect one (1) 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 (1) 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. 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. 13. Reserved.

(Rpld. 4-3-76, Prop. No. 3 - see Ch. IIIA)

Sec. 14. Professional and secretarial assistance to mayor and council.

The 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. (Amend. of 6-12-73, Prop. No. 7)

Sec. 15. No interference by council with appointments or subordinates of city manager.

Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or his removal from, office or employment by the

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 manager by this charter. Except for the purpose of inquiry, the council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager in said departments, either publicly or privately. This section shall not apply to those professional and secretarial assistants provided for in section 14 of this chapter. (Amend. of 6-12-73, Prop. No. 7)

Sec. 16. Expulsion of council member.

Willful violation of the foregoing provisions of this charter by any member of the council shall constitute official misconduct, and shall authorize the council, by a vote of two-thirds (2/3) 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. 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. (Amend. of 6-12-73, Prop. No. 8)

Sec. 18. Investigations.

The council, the 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. 19. 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 (3) 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 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 and the city manager and a copy shall be kept available in the office of the city secretary for inspection by any citizen upon request. A summary of such report of the auditor or auditors shall also be published once in the official newspaper. The original report of the auditor or auditors shall be kept among the permanent records of the city. (Amend. of 6-12-73, Prop. No. 9)

Sec. 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 (2) 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. 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 city manager and countersigned by the auditor, after authorization of the city council. He shall render a full and correct statement of his receipts and payments to the city manager and the city council, on or before the 10th day of each month, and at such other time or times as the city manager or council may require, such statement to be made in such form as the city manager may prescribe. The treasurer shall perform such other acts and duties as the council may prescribe. He shall receive for his services five dollars (\$5.00) per annum.

CHAPTER IIIA. CITY SECRETARY

(Added by Amend. of 4-3-76, Prop. No. 3)

Sec. 1. Appointment; removal; compensation.

The city council shall appoint a city secretary who shall serve for a period of two years from the date of his appointment or until his successor is appointed and qualified, unless sooner discharged by the 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 (2/3rds) vote of all of the members of the council. He shall receive such compensation as shall be fixed by the council.

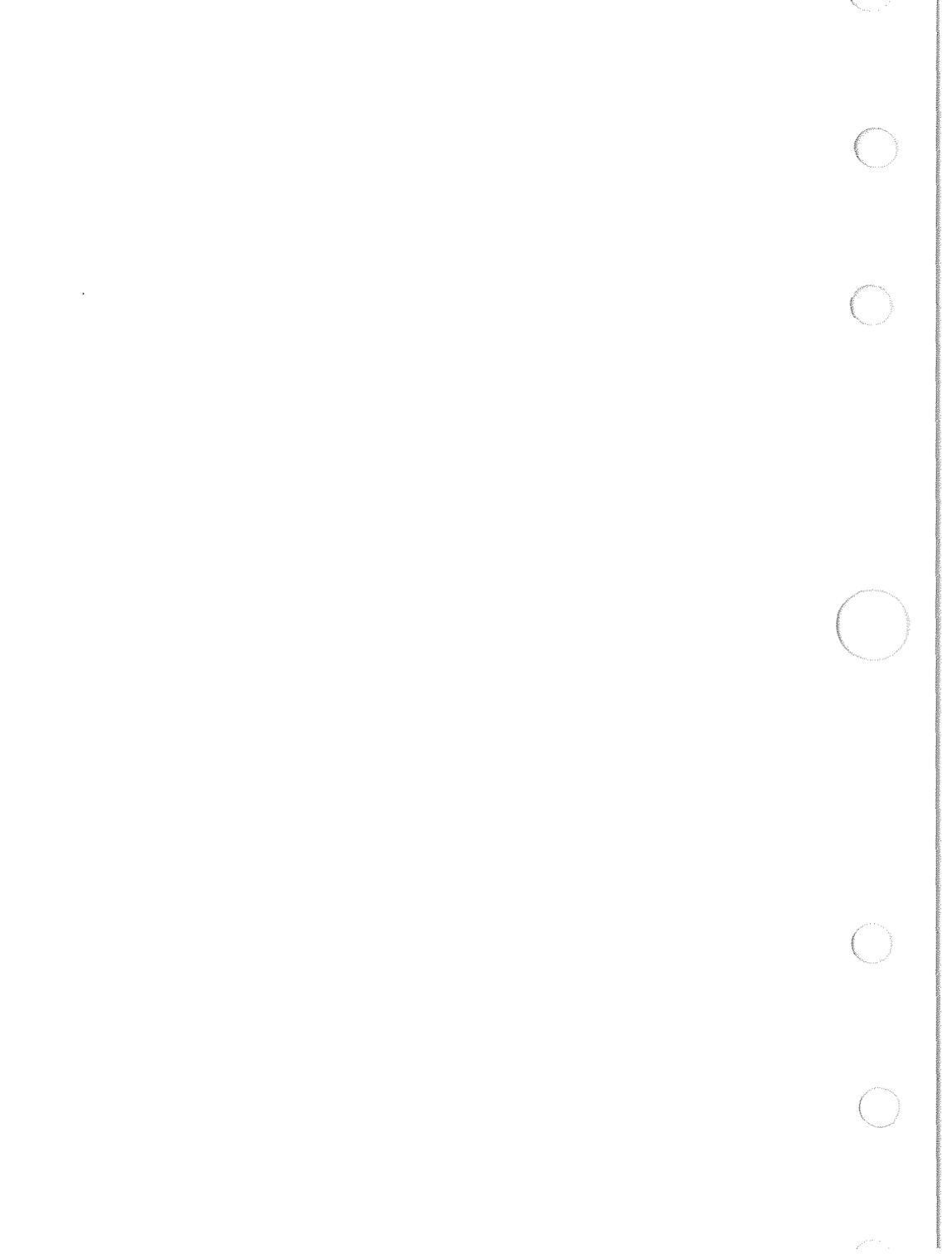
Sec. 2. Assistants and employees.

The council shall provide the city secretary with such assistants as it may deem necessary and they shall receive such compensation as may be fixed by the council. Any such assistant may be discharged at any time by the city secretary with the consent of the city council. All powers and duties imposed on the city secretary may be exercised and performed by any assistant under 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 council.
- (2) maintain the official records and files of the city;
- (3) administer oaths;
- (4) attest contracts, assessment certificates and other legal instruments when executed by the authorized officers of the city;
- (5) serve as the election official for all city elections; and
- (6) perform such other duties as may be required of him by this charter, the city council, or state law.



CHAPTER IV. ELECTIONS AND REFERENDUMS

Sec. 1. Holding of municipal elections.

All municipal elections shall be held under the provisions of this Charter unless the laws of the State of Texas applicable to city elections require otherwise. (Amend. of 4-3-76, Prop. No. 10)

Sec. 2. Qualifications of voters.

All qualified electors of the state who have resided for thirty (30) days immediately preceding an election within the city shall have the right to vote in all city elections. (Amend. of 4-3-76, Prop. No. 10)

Sec. 3. General election.

No primary election shall be held in the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held on the first Tuesday in April of each odd numbered year. The eleven (11) members elected shall compose the city council of the City of Dallas, and shall serve for a term of two (2) years, or until their respective successors shall have been elected, qualified and taken office, as of the first Monday in May, as herein provided.

Sec. 4. Election of council members.

All qualified voters of the city shall be entitled to vote for the candidates in Place Numbers 9, 10, and 11 and for one candidate from Place Number 1, 2, 3, 4, 5, 6, 7, or 8, corresponding to the district of which the voter is a resident. (Amend. of 4-3-76, Prop. No. 1)

Sec. 5. District limits.

The city shall be divided into eight (8) districts, known as Districts 1, 2, 3, 4, 5, 6, 7 and 8, and the city council shall, not less often than every two (2) years, determine as nearly as practicable the population of the respective districts and shall, by ordinance, revise the boundaries of any or all of said districts to maintain a substantial equality of population in each. Within sixty (60) days after the passage of this amendment, the city council shall by ordinance designate the original district limits.

Sec. 6. Candidate's residence.

(a) No person shall be eligible as a candidate for member of council, Place Numbers 1, 2, 3, 4, 5, 6, 7, or 8, unless he is at the time a bona fide resident of District 1, 2, 3, 4, 5, 6, 7, or 8, and has resided therein for a period of at least six (6) months prior to the date of the election. He must continuously reside in said district during his term of office. A candidate for Place Number 9, 10, or 11 may be a resident of any portion of the city, must have resided in the city for a period of six (6) months prior to the date of the election, and must continuously reside within the city during his term of office.

(b) If the district in which a person will have resided for at least six (6) 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 his residence; or

(2) for the previous district of his residence if he moves his residence within the revised boundaries of that district prior to becoming a candidate for election. (Amend. of 4-3-76, Prop. No. 1)

Sec. 7. Nomination by petition.

A person desiring to become a candidate for a place on the city council, shall be entitled to have his name placed on the official ballot, if he files with the city secretary, not less than forty (40) days nor more than ninety (90) days prior to the election, a petition or petitions properly signed by not less than three hundred (300) qualified voters of the city eligible to vote for the candidate, accompanied by cash, a cashier's check or certified check in the amount of fifty dollars (\$50.00) payable to the City of Dallas, designating the place sought by such candidate. Each signer to such petitions shall write his name in ink or indelible pencil and attach thereafter his home address. Each petition shall contain an acceptance clause which shall serve as acceptance of the nomination when one such acceptance clause is signed by the candidate upon the filing of the petition with the city secretary. (Amend. of 6-12-73, Prop. No. 11)

Sec. 8. Designation on official ballot.

The places on the official ballot shall be designated as "Member of Council, Place No. _____," designating the Place Nos. for which the voters in each district are eligible to vote, with Place No. 11 being the first in order and the others being in numerical order, and the candidate's name shall appear in the place for which he filed his petition and acceptance. The city secretary shall make up the official ballot from the names presented to him in the manner hereinabove set out. The order in which the names of the candidates for each place shall appear on the ballot shall be determined by lot, in a drawing held under the supervision of the city secretary. (Amend. of 4-3-76, Prop. No. 1)

Sec. 9. Canvass of election.

On the next regular business day following either a general or special election, exclusive of Sundays and holidays, the city council shall convene in a special meeting in the council chambers and canvass and certify the results of such election.

Sec. 10. Candidates elected.

The candidate in said election receiving a majority of all of the votes cast for the position of councilman for the place for which he is a candidate, shall be declared elected.

Sec. 11. Runoff elections.

In the event any candidate for any of said offices fails to receive a majority of all votes cast for all the candidates for such office at such election, the mayor shall, on the first day following the completion of the official counting of the ballots cast at said first election, issue a call for a second election to be held in the city on the second Tuesday following the issuance of such call, at which said second election the two (2) candidates receiving the highest number of votes for any such office in the first election at which no one was elected at said first election by receiving a majority of all votes cast for all candidates for such office, shall again be voted for. The official ballot to be used at said second elec-

tion shall be prepared by the city secretary and the name of no person shall appear thereon unless he was a candidate for the office designated at said first election, and the two (2) persons receiving at said first election the first and second highest number of votes cast for candidates for such office at such first election shall be entitled to have their names printed on said official ballot in the order of their standing in the computation of the votes cast for such candidates at said first election as candidates at said second election for such office; provided, however, that in the event any person who was a candidate at said first election and who shall be entitled to become a candidate at such second election shall fail to request that his name shall appear on the official ballot therefor at such second election as herein provided, the candidate for such office standing next highest in the computation of votes shall succeed to the rights of such candidate who failed to request that his name appear upon the ballot at said second election; provided further, that two (2) candidates for such office at said first election shall be entitled to become candidates therefor at said second election, which two (2) candidates shall be those two (2) among such candidates as shall stand highest respectively in the computation of all votes cast for all the candidates for such office at said first election as shall file written request to be placed on the official ballot as candidates for such office at said second election. In the event of a tie in the vote for the two (2) leading candidates for any office at said first election, said office shall be filled at a second election as herein provided for, at which such candidates so tied in said first election may again become candidates. In the event such candidates who tie in said first election, or either of them, shall fail so to do, the two (2) candidates for such office who are next highest in the computation of votes therefor and who desire to become candidates therefor at said second election shall be entitled so to do in order of the number of votes they respectively received at said first election. In the event of a tie between the two (2) candidates for any office at said second election, they shall cast lots to determine who shall be elected to such office.

CHAPTER V. RECALL OF COUNCILMEN

Sec. 1. Petition for recall of councilmen.

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

A petition signed by qualified voters entitled to vote for a successor to the member of the city council sought to be removed, equal in number to at least fifteen per cent (15%) 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, demanding the recall of said council member shall be filed with the city secretary, provided that such petition shall contain a general statement of the grounds for which the removal is sought. Notice shall be given in writing to the city secretary by five (5) registered voters on the day that the petition is first circulated, and the total signatures required must be secured and the petition filed within sixty (60) days thereafter. These requirements shall be mandatory. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, and voter identification number. One (1) of the signers to each of such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be. Within ten (10) days from the filing of such petition, the city secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition a certificate showing the result of such examination. If his certificate shall show same to be insufficient, it shall be returned to the person filing same, without prejudice,

however, to the filing of a new petition based upon new and different grounds, but not upon the same grounds. (Amend. of 6-12-73, Prop. No. 12)

Sec. 2. Recall election.

If the secretary finds the recall petition in order, he shall submit the same to the city council. The council shall then give the challenged councilman twenty (20) days to resign or declare his intention, in writing, to have his name on the recall election ballot. If the councilman resigns or fails to make a written choice, no election shall be necessary. His office shall be declared vacant and filled by the council as in the case of other vacancies, but the council shall not reappoint the challenged councilman. If the councilman desires his name on the recall election ballot, the council shall call a recall election not less than sixty (60) nor more than ninety (90) days after the expiration of said twenty (20) day period. All other candidates shall comply with the requirements for candidacy in a general election of the city. The election shall be conducted in the same manner as set forth herein for election of councilmen, provided that the election shall be only for the unexpired term of the questioned councilman. Failure of the person elected to take the oath of office within ten (10) days after the official canvass of his election, shall create a vacancy in the office.

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 (2/3) vote of the members of the council unless otherwise provided by contract. He shall be given at least sixty (60) days' notice prior to his removal from office. If removed after serving three (3) 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. (Amend. of 6-12-73, Prop. No. 13; Amend. of 4-3-76, Prop. No. 4)

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 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 (6) 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. (Amend. of 4-3-76, Prop. No. 4)
- (15) To perform such other duties as may be prescribed by this charter, or by ordinance or resolution of the council.

CHAPTER VII. LEGAL DEPARTMENT

Sec. 1. Creation of legal department; appointment of city attorney.

There is hereby created a department to be known as the legal department. The director or head of this department shall be a competent practicing attorney of recognized ability residing in the city, and he shall be known as the city attorney. He shall be appointed by a majority vote of all the members of the city council and shall serve for a period of two (2) years from the date of his appointment and thereafter until his successor is appointed, unless sooner discharged by the 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 (2/3) vote of the members of the city council. He shall receive such compensation as shall be fixed by the 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, to be nominated by him and confirmed by the council, 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 attorney with the consent of the city council. The city attorney and all such assistants 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 his direction.

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 city manager, the council, or any committee thereof, all official boards and commissions and all city officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City of Dallas;
- (8) Whenever it shall be brought to his knowledge that any person, firm or corporation exercising and enjoy-

ing 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 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 council may direct or request.

CHAPTER 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. (Amend. of 6-12-73, Prop. No. 15)

Sec. 2. Jurisdiction, power and fines.

The municipal court shall have jurisdiction :

- (1) Over all criminal cases arising under the ordinances of the city within the city limits and outside the limits to the extend authorized by state law;
- (2) Concurrent with the appropriate state court of all criminal cases arising under the criminal laws of the state, where the offense is committed within the city limits of Dallas and the penalty does not exceed that which is established for municipal courts by state law; (Amend. of 6-12-73, Prop. No. 16)
- (3) Over the forfeiture and collection of bonds given in proceedings therein, and to order the forfeiture of cash acceptance bonds upon failure of the defendant to appear, and to accept same in lieu of a fine;
- (4) Over cases involving a license or permit granted by the city for any calling, occupation, business or vocation. In addition to the punishment to be imposed therefor, the court may suspend or revoke the license or permit so granted;
- (5) Enforce all process of the courts in accordance with state law and city ordinances, punish witnesses for failing to obey subpoenas, and compel their attendance by process of attachment; (Amend. of 6-12-73, Prop. No. 16)
- (6) Punish for contempt, admit to bail, and forfeit bonds under such circumstances and as provided by county

courts, or county courts exercising criminal jurisdiction only;

- (7) Over all other matters and cases provided for by state law or city ordinance.

Sec. 3. Practice and procedure.

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

Sec. 4. Municipal judges; appointment.

Each of the municipal courts of the City of Dallas shall be presided over by a judge or judges, each of whom shall be designated as municipal judge. Each judge shall be a practicing attorney of good standing. Biennially in May of each odd-numbered year, the municipal judges shall be appointed by the council, which appointment shall designate the administrative judge. Each municipal judge shall hold office for two (2) years from the date of appointment or until his successor is appointed and qualified, unless sooner removed by the council. In the event of any vacancy in the office of municipal judge by death, resignation, or otherwise, the city council shall appoint a qualified attorney to fill the unexpired term as municipal judge. The administrative judge designated by the city council shall be the administrative head of the judiciary of the city. As such he shall promulgate work rules concerning the administration of the court dockets, the times and places for holding court, equalizing of the case assignments, the vacation schedules and other administrative details concerned with the judicial performance of the municipal courts, which rules shall be submitted to the city manager and city attorney for comment prior to adoption by the city council. Once adopted, the administrative judge shall be responsible to see that said rules are adhered to by all courts. He shall make such reports as may be required by the city council. (Amend. of 6-12-73, Prop. No. 17)

Sec. 5. Municipal judges; authority.

The municipal judges shall have power and authority to administer official oaths and affirmations and to give certificates thereof, and shall have full power and authority to place persons upon probation, to issue subpoenas, writs of capias, search warrants, executions and all other process known to the law which justice courts are by law authorized to issue in similar cases. (Amend. of 6-12-73, Prop. No. 18)

Sec. 6. Associate municipal judges.

If, for any cause, any of the municipal judges shall temporarily fail to act, then and in such case the council is hereby authorized to appoint some qualified attorney who shall act in the place and stead of such municipal judge, and who shall have powers and discharge all the duties of said office and shall receive the compensation therefor accruing while he is so acting. Such temporary judges shall be known as associate municipal judges. Associate municipal judges, during their appointments, shall not represent clients on matters pending in the municipal courts. The appointment of an associate municipal judge shall be by resolution of the city council, filed in the office of the city secretary. In the event of civil emergency, such appointment may be made by the mayor; provided, however, no compensation shall be paid to such judges so appointed unless confirmed by the city council. (Amend. of 6-12-73, Prop. No. 19)

Sec. 7. Compensation.

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

Sec. 8. Clerk of court.

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

shall have the power to, and perform, all things and acts usual and necessary to be performed by clerks of court in issuing process of said courts and conducting the business thereof, and such other duties as may be prescribed by ordinance of the city council.

Sec. 9. General laws; act cumulative of.

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

CHAPTER IX. CITY AUDITOR

Sec. 1. Selection of city auditor.

There is hereby created the office of city auditor, which official shall hold office for a period of two (2) years and until his successor shall be chosen and shall qualify. The city auditor must be a person knowledgeable in public administration, public financial and fiscal theory, municipal accounting, and auditing, and must be licensed as a Certified Public Accountant. The presidents of the several banks in the City of Dallas which are members of the Clearing House Association, now in existence, or that hereafter may be incorporated, and their successors in said offices who shall qualify by taking oath of office prescribed by the Constitution of the State of Texas, shall be and are hereby constituted a nominating board, which, by a majority vote of its active members, shall nominate an auditor to fill the office herein created. Said board shall meet biennially within fifteen (15) days after each general city election or when a vacancy occurs in the office of city auditor, and shall organize by electing a president and secretary from its own membership. A majority of the Dallas members of the Clearing House Association shall constitute a quorum. The board shall proceed to select by ballot a nominee for auditor and shall certify such nomination to the city council at the first council meeting after May 1st next following said board meeting, and biennially thereafter or when a vacancy occurs in the office of city auditor. It shall be the duty of the city council, on receipt of such cer-

tificate, to confirm or reject such nomination. A majority of the council shall be sufficient for confirmation or rejection. In the event the nomination is rejected the council shall immediately notify the nominating board of such rejection and request the nomination of a different person for said office, and the nominating board shall continue to make such nominations until confirmation has been made by the council. (Amend. of 4-3-76, Prop. No. 7)

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) report to the city council and the city manager any irregularities or failures to maintain adequate and accurate records;

(6) to make 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 and the city manager. (Amend. of 4-3-76, Prop. No. 7)

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 city manager and the council. Either the council or the city manager may at any time provide for an investigation or audit of the accounts of any officer or department of the city government. In case of the death, resignation or removal of the city auditor, the city manager shall cause an audit to be made of 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 city manager and the city attorney; and the latter shall, as directed by the city council, forthwith proceed to collect such indebtedness. (Amend. of 4-3-76, Prop. No. 7)

CHAPTER IXA. CITY CONTROLLER

(Added by Amend. of 4-3-76, Prop. No. 7)

Sec. 1. Office of the city controller; appointment.

There is hereby created the office of the city controller which shall constitute a department of the city. The city manager shall appoint a city controller to direct the office, and the office shall be composed of such assistants and employees as the city council may direct.

Sec. 2. Duties of the city controller.

The city controller is the chief accounting officer of the city and shall perform the following duties under the direction of the city manager:

- (1) establish and maintain an adequate and efficient accounting system for the city;
- (2) keep comprehensive accounts of all real, personal, and mixed property of the city;
- (3) keep comprehensive accounts of all receipts and disbursements of money, separating under proper headings each source of receipt and the cause of each disbursement.

Sec. 3. Reports and statements.

The city controller shall prepare and transmit regularly to the city manager and the city auditor a summary statement of the revenues and expenses of the preceding period, detailed as to the appropriations and funds, in such manner as to show the financial condition of the city and of each department, division and office thereof as of the last day of such period. Such reports shall reflect the condition of each of the city funds, showing the budget appropriation, the amount expended to the date of such report and the unexpended balance therein. The city manager shall forward the reports to the city council as required. The periodic and annual financial reports and an annual balance sheet shall also be prepared by the city controller. It shall also be the duty of the city controller to furnish to the city council, city manager, and the heads of the city departments such additional reports, information and assistance as may be required.

CHAPTER X. ADMINISTRATIVE DEPARTMENTS

Sec. 1. Establishment of departments.

The city council shall have the power by ordinance to establish other departments and offices, than those created by charter, and to create divisions or sections within any department, whether established by charter or ordinance. The council may discontinue any department or office established by ordinance and may prescribe, combine, distribute or abolish the functions and duties of 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 (3/4) 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 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 city manager, the director of a department shall manage his department.

Sec. 3. Purchase and sale of personal property.

Purchases shall be made by the city purchasing agent who shall make all purchases for the city in the manner provided by ordinance and shall, under such regulations as may be provided by ordinance or by resolution, sell all personal property of the city not needed for public use, or that may have been condemned as useless by the director of a department.

Sec. 4. Purchasing and furnishing of supplies.

Before making any purchase or sale the city purchasing agent shall give opportunity for competition, under such rules and regulations as the council may establish, subject to the competitive bidding sections of this charter. Supplies required by departments may be furnished upon requisition from the stores under the control of the purchasing agent, and whenever so furnished shall be paid for by the department furnished therewith by warrant made payable to the

credit of the stores account of said office. The city purchasing agent shall not furnish any supplies to any department unless there be to the credit of such department an available appropriation balance, in excess of all unpaid obligations, sufficient to pay for such supplies, unless the council should by ordinance otherwise order.

CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

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 thirtieth day of September next following. On the fifteenth day of August of each year the 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 city manager. It shall be in accordance with uniform accounting procedures with comparisons to the last two (2) fiscal years and an estimate of the probable income for the period covered with the significant underlying assumptions. (Amend. of 4-3-76, Prop. No. 8)

Sec. 2. Budget estimates to be furnished city manager by all departments not under his immediate direction.

Every department of the city government not under the direct control of the city manager shall furnish to the 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 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 appropria-

tion 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 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 ten (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 1st, 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. (Amend. of 4-3-76, Prop. No. 8)

Sec. 4. Transfer of appropriations.

Upon the written recommendation of the city manager the council may at any time transfer an unincumbered balance of an appropriation made for the use of one department, division or purpose to any other department, division or purpose; but no such transfer shall be made of revenues or earnings of any nontax-supported public utility to any other purpose.

Sec. 5. Appropriation of excess revenue.

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

Sec. 6. Expenditures only pursuant to appropriations.

No money shall be drawn from the city treasurer, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation made by the council and, whenever an appropriation is so made, the city secretary shall forthwith give notice to the city manager. At the close of each fiscal year the 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. [39] Charter Supp. #1 - 1976

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 unincumbered balance to the credit thereof.

Sec. 8. Payment of obligations.

The city controller shall examine payrolls, bills, and other claims and demands against the city and shall issue no warrant for payment unless he finds that the claim is in proper form, and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. He may investigate any claim and for that purpose may summon before him any officer, agent or person and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer. If the city controller knowingly or negligently issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, he and his sureties shall be individually liable to the city for the amount thereof. (Amend. of 4-3-76, Prop. No. 7)

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 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.

Sec. 10. Money deemed in treasury.

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

Sec. 11. Obligations; when void.

All contracts, agreements or other obligations entered into, all ordinances passed and resolutions and orders adopted, contrary to the preceding sections, shall be void, and no person whomsoever shall have any claim or demand against the city thereunder, nor shall the council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution or order, as provided in section 10 hereof, or fasten upon the city any liability whatever in excess of such limits, or relieve any party from an exact compliance with his contract under such ordinance, resolution or order; provided, that this section shall not apply in case of public

disaster calling for extraordinary emergency expenditure, nor to the exceptions contained in section 12 following.

Sec. 12. Limitations on expenditures not to apply to purchases by park board in certain extraordinary cases when approved by the city council.

The limitations and restrictions contained in sections 10 and 11 above shall not be applicable to the park board where an advantageous opportunity is presented to said board to purchase an additional park for any year upon a cash payment out of the appropriation set apart to the park department for that year and the contract or agreement to pay the balance of the purchase price for the said park is not to exceed ten (10) annual installments; provided that such contemplated purchase of park property shall first be reported to the city council and approved by the council. When so approved the said purchase may be consummated and thereafter provision shall be made in the annual budget for the payment of the annual installment with interest thereon, to be charged against the annual appropriation for such department.

Sec. 13. Disposition of funds.

The director of revenue and taxation shall pay over to the city treasurer all moneys collected by him and belonging to the city within a period of twenty-four (24) hours after receiving the same. Should he fail to do so, he and his sureties on his bond shall be required to pay interest thereon at the rate of ten per cent (10%) per annum until such deposit is made. (Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 14. Funds not to be diverted.

All receipts and revenues from the water utilities department shall constitute a separate and sacred fund, which shall never be diverted or drawn upon for any other purpose than the payment for necessary services rendered to the department by other city departments, construction and extension,

improvement, operation, maintenance, repair and betterment of the water utilities systems and water supply, municipal and industrial waste water collecting mains, laterals, municipal and industrial waste water treatment plants and other sewerage facilities. The council may appropriate or pledge such receipts and revenues for the purpose of extending, improving, operating, maintaining and bettering said utility systems and plants, mains and supply, and for constructing and extending lateral sewers, and also for the purpose of discharging or retiring the indebtedness of the city that may be incurred for Dallas Water Utilities Department purposes.

All water service or municipal and industrial waste water collection and treatment service rendered by the water utilities department shall be paid for by rate schedules as approved by the city council and such state authority as may be required. (Rnbd. by Amend. of 6-12-73, Prop. No. 43)

CHAPTER XII. POLICE DEPARTMENT

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

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 two (2) grades or ranks immediately below the grade or rank of chief, and classified employees as the council may provide by ordinance upon recommendation of the city manager. The chief of police shall designate the order of succession of the assistant chiefs, who shall perform the duties of the chief in the event of his disability, absence, from the city or inability to perform his duties from any other cause. The designated person shall receive no additional compensation for performing the duties of chief of police. (Amend. of 6-12-73, Prop. No. 26)

Sec. 2. Duties.

The chief of police shall:

- (1) Have immediate direction and control of the police department, subject to the supervision of the city manager, and also subject to such rules, regulations and orders as the city manager may prescribe, not inconsistent with the ordinances of the city, and shall promulgate all orders, rules and regulations for government of the police force;
- (2) Devote his entire time to the discharge of his official duties, and shall not be absent from the city except in the performance of his official duties, unless granted a written leave of absence by the city manager;
- (3) Keep his office open at all hours, day and night, and either he or his subordinate shall be in constant attendance of such office;
- (4) Prescribe the uniforms and badges for the members of the police force and direct the manner in which the members of the said force shall be armed;
- (5) Perform such other duties as may be required of him by the city manager or by ordinance of the city council.

Sec. 3. Appointment and oath.

The members of the police department, other than the chief of police and assistants provided by ordinance, shall be selected from the list of eligibles prepared by the civil service commission. In case of emergency, the mayor, the city manager or the chief of police may appoint additional patrolmen and officers for temporary service, who need not be in the classified service. Each member of the police department both rank and file, shall have issued to him a warrant of appointment signed by the city manager in which the date of his appointment shall be stated and such shall be his commission. Each member of the police department shall, before entering upon his duties, subscribe to an oath that

he will faithfully, without fear or favor, perform the duties of his office and such oath shall be filed and preserved with the records of said department, and in addition, the several officers of the said force shall, if so required by the council, give bond in such penal sum and with such security as the council may prescribe by ordinance,. The cost of such bond is to be borne by the city. (Amend of 6-12-73, Prop. No. 26)

Sec. 4. Suspension of police; hearing.

The chief of police shall have the exclusive right to suspend for a definite time or discharge any of the officers or employees who may be under his jurisdiction and control for incompetence, neglect of duty, immorality, drunkenness, or failure to obey orders given by the proper authority, or the orders, rules and regulations promulgated by the chief of police. If any officer or employee be suspended or discharged, as herein provided, the chief of police shall forthwith in writing certify the fact, together with the cause for the action, to the city manager. The officer or employee suspended or discharged shall have five (5) days from receipt of notice of such action within which to demand a hearing before the city manager, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the suspension or discharge and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, discharge, or such modification or amendment as to him may seem just and equitable under all the facts and circumstances of the particular case. Such judgment shall be final unless such suspended or discharged officer or employee shall desire to avail himself to the right of a public hearing before a trial board or hearing officer as provided by this charter. (Amend. of 4-3-76, Prop. No. 5)

Sec. 5. Removal of chief or assistants, etc.

Should the chief of the police department, or any assistant (above the rank and grade of captain) in case he is selected from the ranks of the police department be removed from

said position on account of unfitness for the discharge of the duties of said positions, and not for any cause justifying his dismissal from the service, he shall be restored to the rank and grade held by him prior to his appointment, or reduced to a lower appointive rank.

Sec. 6. Authority of policemen.

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

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

All policemen shall execute any criminal warrant, warrants, of arrest, any writ, subpoenas or other process that may be placed in their hands by the duly constituted authorities of the city. No policeman shall receive any fee or other compensation for any service rendered in the performance of his duty other than the salary paid him by the city, nor shall he receive a fee as a witness in any case arising under the criminal laws of this state or under the ordinances or regulations of the city and prosecuted in the corporation [municipal] court of the city or in any criminal court in Dallas County.

Sec. 7. Special police.

No person, except as otherwise provided by general law or the charter, or the ordinances passed in pursuance thereof, shall act as special police or special detectives, except upon

written authority from the city manager. Such authority when conferred, shall be exercised only under the direction and control of the chief of police and for the time specified in the appointment.

Sec. 8. Falsely wearing police uniform or badge.

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

CHAPTER XIII. FIRE DEPARTMENT

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

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 (2) grades or ranks immediately below the grade or rank of chief, and classified employees as the council may provide by ordinance upon the recommendation of the city manager. The chief of the fire department shall designate the order of succession of the assistant chiefs, who shall perform the duties of the chief in the event of his disability, absence from the city or inability to perform his duties from any other cause. (Amend. of 6-12-73, Prop. No. 27)

Sec. 2. Duties.

The chief of the fire department shall:

- (1) Have exclusive control of the stationing and transfer of all firemen and other officers and employees con-

stituting the fire force, under such rules and regulations as may be established by the city manager, to whom he shall be immediately responsible, or according to the ordinances of the city;

- (2) Take all necessary measures to protect the city and the property of its citizens from destruction by fire or conflagration;
- (3) Devote his entire time to the discharge of his official duties, and shall not absent himself from the city except in performance of his official duties, unless granted a written leave by the city manager;
- (4) Classify the fire service of the city in conformity with the ordinances of the city council concerning the number of persons to be employed therein and make rules for the regulation and discipline of such service and the employees;
- (5) Prescribe the uniform and badges for the members of the fire department;
- (6) Provide rescue equipment, personnel and services for emergency use;
- (7) Perform such other duties as may be required of him by the city manager or by ordinance of the city council.

Sec. 3. Removal of chief, or assistants, etc.

Should the chief of the fire department, or any assistant provided for by council ordinance in case he is selected from the ranks of the fire department, be removed from said position on account of unfitness for the discharge of the duties of said positions, and not for any cause justifying his dismissal from the service, he shall be restored to the rank and grade held by him prior to his appointment, or reduced to a lower appointive rank. (Amend. of 6-12-73, Prop. No. 27)

Sec. 4. Appointment of members.

The members of the fire force, other than the chief of the fire department and his assistants provided for by council ordinance, shall be certified from the list of eligibles prepared by a civil service commission, in accordance with such rules and regulations as may be prescribed by the civil service commission; provided, however, that in case of civil disturbance, the city manager or the chief of the fire department may appoint additional firemen and officers for temporary service, who need not be in the classified service. (Amend. of 6-12-73, Prop. No. 27)

Sec. 5. Additional compensation for continued service.

All firemen and fire alarm operators shall receive additional compensation for the continuous service as is provided by the laws of the State of Texas; and in the absence of such provisions, as is provided for by ordinances of the city.

Sec. 6. Destruction of buildings.

When any building in the city is on fire it shall be lawful for the chief of the fire department or any assistant fire chief, with the concurrence of the city manager, to direct such building or any buildings which they may deem hazardous and likely to communicate fire to other buildings, to be torn down, blown up or destroyed, and no action shall be maintained against any person or against the city therefor; but any person interested in any building so destroyed or injured may, within six (6) 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 such claimant shall be referred for decision to three (3) disinterested arbitrators, who shall be qualified voters and owners of real estate within the city. One (1) arbitrator shall be appointed by the claimant, and one (1) by the council and the third by both arbitrators selected as aforesaid, and the decision of the majority thereon shall constitute

the award in the case. The arbitrators shall be sworn to faithfully execute their duties according to the best of their ability, they shall have power to subpoena and administer oaths to witnesses; to give all parties a fair and impartial hearing; and give reasonable notice beforehand of the time and place of the hearing. They shall take into account the probability as to whether said building would have been destroyed by fire if it has not been pulled down and destroyed; the loss of insurance upon the said property, if any, caused by the pulling down, blowing up and destroying of such building, and may report that no damages should equitably be allowed to such claimant. Whenever such report appraising said damages shall be made and finally confirmed by the council, a compliance therewith by the council shall be deemed full satisfaction of said damages.

Sec. 7. Firemen 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 have issued to him a warrant of appointment signed by the city manager, in which the date of his appointment shall be stated, and such warrant shall be his commission.

Sec. 8. Falsely wearing uniform or badge.

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

Sec. 9. Suspension of firemen; hearing.

The chief of the fire department shall have the exclusive right to suspend for a definite time or discharge any officers or employees who may be under his control and management for

incompetence, neglect of duty, immorality, drunkenness, or failure to obey orders given by the proper authority, or the orders, rules and regulations promulgated by the chief for the department. If any officer or employee be suspended or discharged, as herein provided, the chief of the fire department shall forthwith in writing certify the fact, together with the cause for the suspension or discharge to the city manager. The officer or employee suspended or discharged shall have five (5) days from receipt of notice of such action within which to demand a hearing before the city manager. If demanded, the city manager shall proceed to inquire into the cause of the suspension or discharge and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, discharge, or such modification or amendment as to him may seem just and equitable under all the facts and circumstances of the particular case. Such judgment shall be final unless such suspended or discharged officer or employee shall desire to avail himself to the right of a public hearing before a trial board or hearing officer as provided by this charter. (Amend. of 4-3-76, Prop. No. 8)

CHAPTER XIV. FRANCHISES

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 1. Franchise by ordinance.

The city shall have the power, subject to the provisions hereof, by ordinance to confer upon any person, firm or corporation the franchise or right to use the public property of the city for the purpose of furnishing to the public any general public service or benefit, including, but not limited to, heat, light, power, telephone service and transportation, for compensation or hire; provided that no franchise shall be granted by the city to any person, firm or corporation to own, control or operate a waterworks therein. Any franchise granted may be voided upon the failure of the grantee to exercise the same in compliance with the terms thereof.

Sec. 2. Franchise ordinance procedure.

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

- (1) No exclusive franchise or privilege shall ever be granted;
- (2) No determinate or fixed term franchise shall ever be granted for a longer term than forty (40) years;
- (3) Within ten (10) years of the date of expiration of any fixed term franchise, the city council may grant a new franchise to commence upon the expiration of the franchise in question, or grant a new franchise if the existing franchise is released;
- (4) Actual operation under a franchise must commence within six (6) months after the granting of the franchise. As a part of the actual operation, the city council may grant a reasonable time beyond the six (6) month period for research, development and construction upon terms and conditions as set forth in the franchise;
- (5) No franchise, nor the assets held by the franchise holder, may be sold, assigned, transferred or conveyed to any other person, firm or corporation without the consent of the city first had and obtained by ordinance or resolution, unless otherwise provided in the franchise. In the event that the purchaser is the holder of a like franchise, the franchise purchased shall be cancelled and merged into the franchise held by the purchaser upon terms and conditions as may be set out by the city council when permission for merger is granted;
- (6) The purchaser of any franchise must assume and promptly discharge all of the payments due and owing the city by the holder of the franchise being purchased;
- (7) An indeterminate franchise (that is, with no fixed or determinate duration) may be granted, provided that the ordinance granting the same gives to the city, in

express terms, the right to purchase the property of the franchise holder or to cause a purchaser to buy such property, fixing the times, the rights and the conditions under which they may be exercised. In the event of purchase by the city, the franchise itself shall not be deemed to have any market value;

- (8) All holders of franchises for public services from the city, their successors or assigns, as compensation for the right or privilege enjoyed shall pay to the city a sum not less than four per cent (4%) per annum of gross receipts of the business pursued by the franchise holder rendered in the city. Such sum shall be exclusive of, and in addition to, all special assessments and taxes of whatever nature, including ad valorem taxes upon the value of the franchise and other property of the franchise holder. The sum due hereunder shall be due and payable on or before the fifteenth (15th) day of February of each year for the preceding calendar year;
- (9) All rights held under any such ordinance, shall at all times be subject to the power of the city council to require the holder thereof to make any necessary changes in or reasonable extensions of facilities and service in or to any portion of the city, which in the judgment of the city council may be necessary and proper (subject to the terms and conditions of any franchise). The city reserves the right to prevent the making of unnecessary or unprofitable extensions.

Sec. 3. Contesting of rates.

No person or corporation enjoying any franchise to operate a public utility within the City of Dallas shall ever make any charge or fix any rate for public service to its patrons or the inhabitants of the City of Dallas without first being authorized by the city council by an ordinance or order approving the same, and no public utility shall contest any rate or charge or order fixed by the city council under the authority otherwise conferred in the charter of the city,

in any suit or cause of action in any court until after such utility has filed a motion for a rehearing with the city council specifically setting out the grounds of complaint against any such order or ordinance fixing any rate or charge and until the city council shall have passed upon the said motion for rehearing, provided that if the council has not acted within sixty (60) days, the motion shall be deemed overruled.

Sec. 4. Investigative powers.

In order to ascertain the true amount of gross receipts, capital invested, property value, depreciation and expenses, or any other fact connected with or relating to the business done by such franchise holder, the city council shall have full power:

- (1) To examine, or cause to be examined, at any and all reasonable times, the books, papers and records of the franchise holder;
- (2) To take testimony and compel the attendance of witnesses and the production of books, papers and records and to examine witnesses under oath, under such rules and regulations as the city council may adopt;
- (3) To examine the physical properties and facilities of the franchise holder at all reasonable times;
- (4) To declare the franchise or privilege enjoyed by the holder in default, annulled and terminated in the event the holder should unjustifiably refuse to permit the inspection of books, papers, records or properties, or if any officer, agent or employee of such franchise holder unjustifiably refuses to give testimony when requested by the city council.

Sec. 5. Service without discrimination.

Every public service franchise holder shall furnish and provide equal and uniform service alike to all persons, firms and corporations in the City of Dallas. It shall be unlawful and

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

Sec. 6. Forfeiture of franchise.

Upon proof being received by the city council that the provisions of a franchise previously granted are being violated, it shall at once cause an investigation to be made of the alleged violation. If the city council is of the opinion that the provisions of the franchise are being violated, it shall instruct the city attorney to take the necessary steps to secure compliance with the terms of the franchise. Should the franchise holder fail to comply, after notice, then the city attorney may take the steps authorized by law including forfeiture of the same.

Sec. 7. Rate hearings.

The city council shall provide for a fair hearing to any person, firm or corporation enjoying a public service franchise in the City of Dallas, prior to the change in the rates, rules or regulations applicable to such franchise. In fixing or changing the charges, rates, fares or compensation, or determining the reasonableness thereof, no stocks or bonds authorized or issued by any corporation, nor any indebtedness created by any person, firm, association or corporation, enjoying a franchise, shall be considered unless upon proof

that the stocks, bonds or indebtedness shall have been actually issued for money paid and used in the reasonable development of the property of the franchise holder, for labor done or property actually received in accordance with the laws and constitution of the state applicable thereto. No hearing shall be required for a reduction in rates unless requested in writing by an interested person, firm or organization.

Sec. 8. Acquisition by eminent domain.

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

Sec. 9. No public utility purchase without voter approval.

Prior to the purchase of any existing franchised public utility system, either according to the terms of the franchise or by eminent domain, the city council must submit the question of the purchase to the qualified voters of the City of Dallas, and the same must be approved by a majority of those voting in the election.

Sec. 10. Private licenses.

The city council shall have the power by ordinance to grant to any owner of property abutting upon the streets or other property of the city, the use thereof or to go over or under the same in any manner which may be necessary or proper to the enjoyment of said abutting property by the owner; provided, however, that such use be not inconsistent with, and does not

unreasonably impair the public use to which said street or other public property may be dedicated, or the use being made of the same by a public service franchise holder from the city. The city council shall fix the terms and conditions of any such grant and the time for which it shall exist. Whether expressed or not, the right is expressly reserved to the city, acting through the city council, to terminate such license when deemed inconsistent with the public use of the property of the city and when the same may become a nuisance.

Sec. 11. Revocable license.

The city council shall have the power to grant minor or temporary privileges in the streets, public ways and public places of the city by ordinance or resolution. Such permit shall be unconditionally revocable at the will of the city council and shall not be deemed to be a franchise as used in this charter.

CHAPTER XV. PLANNING AND ZONING

(Renamed and Rnbd. by Amend. of 6-12-73, Prop. No. 43)

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 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. (Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 2. Urban conservation and rehabilitation and redevelopment.

The council may by ordinance provide for urban redevelopment, rehabilitation and conservation programs for:

- (1) The alleviation or prevention of slums, obsolescence, blight or other conditions of urban deterioration; and
- (2) The achievement of the most appropriate use of land. (Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 3. Zoning commission.

The city council shall appoint fifteen (15) qualified voters of the City of Dallas who shall constitute the zoning commission of the City of Dallas, and shall be the city plan commission as the same is referred to by state statute for the approval of plats and subdivisions. The members shall possess the same qualifications and be subject to the same disqualifications as provided by the charter for members of the city council, or general laws of the State of Texas. The city council shall name one (1) of the members to be the chairman and one (1) to be the vice chairman. (Rnbd. by Amend. of 6-12-73, Prop. No. 43)

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 recommendations shall be made after advertisement of and a public hearing held thereon. Notice of such public hearing shall be published at least one (1) time in a newspaper of general circulation in the city at least ten (10) days prior to the date of said hearing, or as otherwise provided by state law or this charter.
- (4) Administer provisions of Article 974a of the Revised Civil Statutes of the State of Texas, as it now exists or as it may hereafter be amended, 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) May make recommendations to the city manager and the city council on matters affecting the physical development of the city;
- (6) Shall advise and make recommendations on the comprehensive plan and the implementation thereof as may be requested by the city manager and the city council;
- (7) Shall exercise all other responsibilities as may be provided by law. (Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 5. Dedication of streets, alleys and public properties.

The action of the zoning commission in requiring the dedication of streets, alleys and public places shall not amount to an acceptance of said dedication, nor estop the city council to deny the same. Acceptance of all dedications shall be by action of the city council, or when the city council shall have made actual appropriation of the same by entry, use or improvement. (Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 6. City urban development commission.

In addition to the zoning commission, the city council may by ordinance provide for an urban development commission. The ordinance creating the same shall state how the body shall be constituted, the qualifications of the members and the duties of the same. (Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 7. Alternate members of the board of adjustment.

In addition to the membership provided by state law to serve on the board of adjustment, the city council may, if it so desires, appoint four (4) additional members who shall be designated as alternate members who shall serve on said board at the designation of the chairman of the board in any case where any regular member of the board of adjustment is either absent or unable to serve in any particular case for any reason whatsoever so that all cases to be heard by the board of adjustment will always be heard by a minimum of five (5) members. These alternate members, when appointed, shall serve for the same period as the regular members and any vacancies shall be filled in the same manner. (Amend. of 6-12-73, Prop. No. 28)

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 1. Organization of civil service.

There is hereby created and established a civil service board to be composed of five (5) members who shall be

qualified taxpaying citizens of the City of Dallas. Biennially in August of each odd-numbered year, the city council shall appoint the said members to serve for two (2) years and until their successors have been appointed and qualified and shall designate one (1) member as chairman. The members of the civil service board shall not hold any other position under the city, county, or state government. The city council may remove any member of the board upon stating in writing the reasons for removal and allowing him an opportunity to be heard in his own defense. Any vacancies on the board shall be filled by the city council for the unexpired term.

Sec. 2. Officers of civil service board.

Immediately after appointment the board shall organize by electing one (1) of the members vice chairman. The board shall also appoint a secretary, who shall not be a member of the board, and such assistants and employees to positions as the city council may establish.

Sec. 3. Civil service divided into classified and unclassified service.

The civil service of the city is hereby divided into the "unclassified" and "classified" service, to wit:

- (1) The unclassified service shall include:
 - (a) The heads of departments, assistant heads of departments, the administrative staffs of the heads of departments as designated by ordinances of the city council;
 - (b) City auditor, city secretary, corporation [municipal] court clerk, secretary of the civil service board;
 - (c) Labor class which shall include all ordinary unskilled labor.
- (2) The classified service shall include all positions not exempted or otherwise designated according to the char-

ter. There shall be in the classified service two (2) classes to be known as the "competitive class" and the "noncompetitive class," to wit:

- (a) The competitive class shall include all positions and employment for which it is practical to determine the merit and fitness of the applicant by competitive examination.
- (b) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the rules of the board.

Sec. 4. Civil service board to adopt rules and regulations, subject to the approval of the city council.

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 (7) days of any public meeting of the board;
- (b) A lapse of fifteen (15) days between a recommended change in the rules by the board and action by the city council;
- (c) Notification to all department heads and through them to their employees regarding any recommended changes;
- (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 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. (Amend. of 6-12-73, Prop. No. 29)

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 city manager.

Sec. 6. Board to provide for promotions and reassignment in the classified service.

The board shall provide for promotion to all positions in the classified service on the basis of merit and fitness demonstrated by examination or other appropriate evidence of competition and by records of merit, efficiency, character, conduct and seniority. The board shall also provide for incumbents of ranks or grades which have been eliminated by departmental reorganization to be reassigned without loss of level of compensation, subject only to the exceptions of overall reduction in force, removal, or reduction for cause under standard civil service hearing and appeal procedures. (Amend. of 6-12-73, Prop. No. 30)

Sec. 7. Board to fix standards of conduct and efficiency for officers and employees.

It shall be the duty of the board, in the code of rules and regulations approved by the council, to fix standards of conduct and efficiency for each grade in the civil service and establish rules and procedures governing evaluation of conduct and efficiency, and prescribe punishments for violations thereof.

Sec. 8. Investigations; power to require attendance of witnesses, etc.

In any investigations conducted by the board, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation and to administer oaths to such witnesses.

Sec. 9. Departments exempted from civil service.

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

Sec. 10. Probationary period.

Appointments or promotions of city officers and employees in the classified and unclassified service shall not be deemed complete until a period of six (6) months shall have elapsed. A probationer may be discharged or reduced at any time within said period by the city manager, or the head of the department in which said probationer is employed.

Sec. 11. Discharge of employee after probation period.

Any classified or unclassified officer or employee may be removed, laid off or reduced in grade by the city manager, or the head of the department in which he is employed after the six (6) months' probationary period has expired; but, if requested by such officer or employee, it shall be the duty of the officer discharging him to furnish him with a written statement of the reasons therefor and the said discharged or reduced officer or employee shall have the right to demand a public hearing upon said charges within a reasonable time thereafter before the trial board as hereinafter defined.

Sec. 12. Trial board; hearing officer.

There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the city, classified or unclassified, a board to be known and designated as the trial board, which shall be composed of two (2) members of the city council selected by the council, and a member of the civil service board as designated by the chairman. The city secretary shall be the secretary to the board. The said board shall have final jurisdiction to hear and decide all appeals made to them by any discharged, or reduced officer or employee and the judgment or decision of a majority of said board shall be final, unless the decision is appealed to the district court of the State of Texas in which hearing the matter shall be decided based upon the review of the record of the board hearing.

In the event an officer or employee is merely suspended for a definite time or reprimanded, his appeal, if any, shall be to a hearing officer appointed in the following manner: Three (3) names shall be submitted by the city council and the appellant shall designate one of the three (3) to hear the case. The decision of the hearing officer shall be final and nonappealable. Any aggrieved officer or employee, who desires to avail himself of the right to appeal to said board, or hearing officer must do so in writing within ten (10) days from the date of his notification of dismissal, reduction, suspension, or reprimand. He may be represented by counsel and shall have the right to an open hearing and to compel the attendance of such witnesses as he may desire to testify in his behalf. The appeal to said board or hearing officer shall not suspend the execution of the order from which the appellant is appealing. The trial board and the hearing officer may either sustain or reverse the action of the city manager or the head of the department, as the case may be, or modify and amend the same as the board or hearing officer may deem just and equitable under all the facts and circumstances of the particular case. In the event that a hearing officer is appointed, his compensation, if any, shall be fixed by the city council. (Amend. of 6-12-73, Prop. No. 31)

Sec. 13. Merit principle.

All appointments and promotions of city officers and employees, including classified and unclassified positions and positions exempt from the civil service, shall be made solely on the basis of merit and fitness.

Sec. 14. Adoption of personnel system.

The city council shall provide a system of personnel rules and regulations for all employees which shall include:

- (1) A description of employment positions;
- (2) Methods of determining merit and fitness;
- (3) Hours of work, attendance regulations, provisions for sick leave and provisions for vacation leave;
- (4) A plan of equitable pay scales;
- (5) Policies regarding in-service training programs;
- (6) Grievance procedures; and
- (7) Other conditions of employment.

Sec. 15. Reserved.

(Repealed by Amend. of 4-3-76, Prop. No. 6)

Sec. 16. No discrimination based on race, sex, religious or political opinions; prohibiting certain political activity on the part of employees.

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

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

- (1) No employee of the city or association of such employees may publicly endorse or actively support candidates for the city council or any political organization or association organized to support candidates for the city council;
- (2) No employee of the city may circulate petitions for city council candidates, although he may sign such a petition;
- (3) No employee of the city may contribute, directly or indirectly or through an organization or association to such a campaign nor solicit or receive contributions for a city council candidate;
- (4) No employee of the city may wear city council campaign buttons nor distribute campaign literature at work or in a city uniform or in the offices or buildings of the City of Dallas.

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

- (1) Use the prestige of his position with the city for any partisan candidate;
- (2) Manage a partisan political campaign;
- (3) Solicit or receive contributions for such a campaign;
- (4) Actively support a candidate except on his own time while not in a city uniform nor in an office or building of the City of Dallas. (Amend. of 6-12-73, Prop. No. 32)

Sec. 17. Falsification or payment for office prohibited.

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

CHAPTER XVII. PARK AND RECREATION DEPARTMENT

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 1. Park and recreation department.

There is hereby created a park and recreation department of the City of Dallas which shall be administered by the park and recreation director under the supervision of the park and recreation board as hereinafter set out.

Sec. 2. Organization of board and terms of office of members.

The city council shall appoint seven (7) qualified voters of the city who shall constitute the park and recreation board of the city. The members shall possess the same qualifica-

tions and be subject to the same disqualifications as provided by the charter for members of the city council, or general laws of the State of Texas, and shall serve without compensation.

All members of the board shall be appointed by the council as are other boards and shall serve for like terms, as provided by this charter. At its first meeting after officially taking office, the board shall elect one (1) of its members as president of the park and recreation board.

Sec. 3. Board vacancies, how filled.

Any vacancy in the membership of said board shall be filled 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.

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. The city council must approve:

- (1) Any purchase of land;
- (2) Any contract that involves the expenditure of more than two thousand dollars (\$2000.00); and
- (3) Any lease or agreement with a term exceeding one (1) year or that involves a fee in excess of two thousand dollars (\$2000.00) to be received in any one (1) year.

Any purchase of supplies or contracts involving less than two thousand dollars (\$2000.00) shall be made in accordance with the rules and regulations adopted by the city council, which shall at all times reserve unto the park and recreation board the right to make emergency purchases not in excess of one hundred fifty dollars (\$150.00).

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 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 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 city council, 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 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 or 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 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 under the super-

vision of a regularly chartered Fair Association, or its successors or other approved public, nonprofit organization, 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;
- (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 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. 6. Police authority.

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

Sec. 7. Conflicts between park and recreation board and other boards to be determined by the city council.

In the event of any conflict of jurisdiction arising between the park department and any other department of the city, or in regard to any administrative detail thereof, the same shall be referred to the city council and its decision thereon shall be final.

Sec. 8. Reports.

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

Sec. 9. Disbursements of funds.

All ad valorem tax funds and other funds appropriated by the city council for park purposes, and all sums received from other sources for park purposes, shall be held by the city treasurer subject to the order and disbursement of the park and recreation board, and shall be paid out upon warrants issued by the park and recreation board signed by either the

president of said board or the individual designated by said board; and countersigned by the city auditor.

Sec. 10. Titles and signatures.

All property purchased, acquired or given to the city, shall be taken in the name of the city, and if given, deeded or devised to the park and recreation department of the city, or to the park and recreation board of the city, shall be deemed to be the property of the city to be used for park purposes. All deeds, leases, conveyances and contracts on behalf of the park and recreation board of the city shall be signed by the president of the park and recreation board and attested by its secretary, in addition to the signatures necessary on behalf of the city as herein otherwise provided.

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 1. Council action.

The city council shall evidence its official actions by written ordinances, resolutions or 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. 2. Style of ordinances and resolutions.

The style of all ordinances shall be: "Be It Ordained By The City Council Of The City Of Dallas", and the style of all resolutions shall be: "Be It Resolved By The City Council Of The City Of Dallas." In each case words of like import may be used, but such caption may be omitted when said ordinances are published in book form, or are revised and digested under the order of the council.

Sec. 3. Passage.

All ordinances and resolutions of the city council, unless otherwise provided by state law, this charter, or the ordinance

itself, shall be final on the passage or adoption by the required majority 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 council may become final, then in that event, the council shall follow the procedure required.

Sec. 4. Voting.

The vote upon the passage of any ordinance, resolution or motion 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 or this charter. (Amend. of 6-12-73, Prop. No. 33)

Sec. 5. Effective date.

All ordinances and resolutions passed by 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 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. Enrollment.

Each ordinance, resolution and motion passed by the city council shall be enrolled by the city secretary within five

(5) days after its passage, or as soon thereafter as practicable. It shall then be carefully compared with the original and all amendments, if any, by the city attorney. If errors exist therein, they shall be corrected. If found correct, or after the correction of errors, if any exist, the city attorney shall indorse on the margin thereof the words "Correctly Enrolled" and give the date thereof and subscribe his name thereto.

Sec. 7. Publication of ordinances.

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

Sec. 8. Codification of ordinances.

The 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 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.

Sec. 10. Approval of mayor not necessary.

The approval or signature of the mayor shall not be necessary to make an ordinance or resolution valid.

Sec. 11. Initiative and referendum of ordinances.

Any proposed ordinance may be submitted to the city council in the form in which the petitioner desires the same to be passed, by a petition filed with the city secretary in the following manner:

- (1) A committee of at least five (5) persons shall make application to the city secretary and file an intention to circulate a petition, giving the date and the proposed ordinance to be circulated. Unless the final petition, with the required number of signatures is returned within sixty (60) days from this date, it shall not be received for any purpose;
- (2) The petition must contain the names of a number of qualified voters in the city equal to ten percent (10%) of the qualified voters of the City of Dallas as appears from the latest available county tax collector's voter registration list; (Amend. of 6-12-73, Prop. No. 34)
- (3) Each name on such petition shall be printed or typed, with signatures, and each petitioner shall print or type his or her complete street address along with his or her voting registration certificate number issued by the county tax assessor and collector and voting precinct number for the current voting year; (Amend of 6-12-73, Prop. No. 34)
- (4) The pages of the petition must be consecutively numbered;
- (5) One (1) of the signers of each petition shall make oath before an officer competent to administer oaths, that the statements therein made are true and that each signature to the petition is a genuine signature of the person whose name purports to be thereunto subscribed.

Sec. 12. City secretary to examine petition; amendment.

Within ten (10) days from the date of filing such petition, the city secretary shall examine and ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of such examination. If by the secretary's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from date of said certificate. The secretary shall, within ten (10) days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the city council of the city without delay.

Sec. 13. City council either to pass ordinance or call election.

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

- (1) Pass said ordinance without alteration within twenty (20) days after the attachment of the secretary's certificate of sufficiency to the accompanying petition (subject to referendary vote under provisions of this charter); or
- (2) Forthwith the secretary shall attach to the petition accompanying such ordinance his certificate of sufficiency, the city council of the city shall proceed to call a special election, at which said ordinance, without alteration, shall be submitted to a vote of the people.

Sec. 14. Ballots; one or more ordinances may be voted; provision for repeal.

The ballots used when voting upon said ordinance shall be in a manner so as to apprise the voters of the nature of the

proposed ordinance and contain two (2) propositions so that they may vote either "for" or "against" the propositions indicating their preference on the ordinance. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section of the charter, but more than one special election shall not be held in any period of six (6) months.

The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

Sec. 15. Promulgation of ordinances before election.

Whenever any ordinance or proposition is required by the charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be printed in the official newspaper of the city and published once at least ten (10) days prior to election.

Sec. 16. Adoption of codes.

The city council may adopt technical codes, manuals or other recognized standards by reference, so long as the same, with any amendments, are on file with the city secretary. When so adopted they shall be considered the same as though fully set out in the ordinance adopting the same.

CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES

(Rabd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 1. Property subject to taxation.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. It shall be the duty of the director of revenue and taxation, between the first day of January and the first day of July of each year, to make and return to the city council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation, and also a list of all banks, and other corporations whose capital stock is liable to taxation, with the cash value of the shares of stock of each such bank and other corporations and the names of the owners.

Sec. 2. Levy and collection.

The city council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under the charter, and is hereby authorized to enforce the collection of same against all property subject to taxation and the owners thereof as provided by law. Unless otherwise provided by ordinance and the charter, all property in the city liable to taxation shall be assessed in accordance with the provisions of the general laws of the state insofar as applicable.

Sec. 3. Tax lists; assessments.

The city council shall have power by ordinance to regulate the manner and mode of making out tax lists, inventories and appraisements of property herein, and to prescribe the oath that shall be administered to each person on rendition of his property and prescribe how, when and where property shall be rendered, and to prescribe the number and form of assess-

ment rolls and fix the duties and define the powers of the director of revenue and taxation and adopt such measures as the city council may deem advisable to secure the assessment of all property within the city limits, and collect the tax thereupon, and may provide a fine for all persons neglecting, failing or refusing to render their property for taxation.

Sec. 4. Notice to render.

The director of revenue and taxation shall, at least ten (10) days before the first day of January of each year, give public notice by advertisement in the official newspaper that all persons owning or controlling, as agent or otherwise, any personal property or real estate subject to municipal taxation, are required to render same for taxation on or before the first day of April of each year. All merchants doing business in the city are required within the same time to furnish the director of revenue and taxation a true statement, verified by affidavit, of all goods, wares and merchandise owned or kept on hand by such merchant on the first day of January. Any merchant failing to comply with this requirement shall be liable to such fine as may be imposed by ordinance.

Sec. 5. Supplemental assessment.

If the director of revenue and taxation shall discover any real or personal property which was subject to taxation for any previous year, and which from any cause has escaped taxation for that year, he shall assess the same in a supplement to his next assessment roll at the same rate under which such property should have been assessed for such year, stating the year, and the taxes thereon shall be collected the same as other assessments; provided, that such supplement roll may be made at any time and reported to the city council for its approval, and any number of such rolls may be made that may be necessary. The taxes assessed in such supplement rolls for years previous to the approval of such rolls shall be due at once upon the approval of such rolls by the city

council and such taxes may bear interest at the rate of six per cent (6%) per annum from the date on which the same would have been delinquent if levied and assessed, and if the same shall not be paid within thirty (30) days after the date of such approval, the director of revenue and taxation shall proceed to collect the same as provided by this charter and applicable state law. Provided, that a misnomer of or failure to name the owner in the assessment rolls shall not affect the validity of the assessment of any taxes; and provided, further, that when such taxes have not been attempted to be assessed for such previous year, such taxes shall bear interest only from date of the approval of the supplemental rolls. The director of revenue and taxation may in any year reassess property which, because of irregularly in the assessment of any previous year, may have been improperly assessed; such reassessment shall be at the value at which it should have been assessed in any such year, and property owners of such property shall take notice of such reassessment, if made prior to the first of April of any year, but if made after such date, notice shall be given by the director of revenue and taxation of the raising of an assessment. Any property owner whose property has been reassessed may appeal to the board of equalization as in case of an original assessment.

Sec. 6. Franchises; taxation of.

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

Sec. 7. Assessment.

The director of revenue and taxation shall assess all property which for any cause has not been rendered, placing such

valuation thereon as he may deem just. If the owners of such property are unknown, such assessment may be made in the name "unknown".

Sec. 8. Irregularity shall not invalidate.

No irregularity in the time or manner of making or returning the city assessment rolls or the approval of such rolls shall invalidate any assessment.

Sec. 9. Rendition.

All property, real and personal, shall be rendered for taxation by the owner thereof or his agent, as provided by the laws of the state for the rendition of property for assessment by the county, insofar as applicable; provided, however, that in making such renditions, the owner or agent shall not be required to state the value of the real property, but shall furnish to the director of revenue and taxation, verified by the oath of the party making such rendition, a full and complete list and schedule of all property, real and personal, belonging to the person, firm or corporation, in whose name such property is rendered. It shall be the duty of the director of revenue and taxation to value each and every item of the property so rendered in accordance with the fair market price thereof upon a basis of valuation to be applied alike to all taxpayers, and to transmit to the city council all renditions thus made together with a statement by him, verified by his oath, to the effect that he has truly, fairly and equally valued all such property.

Sec. 10. Board of equalization.

The city council shall each year prior to the first day of June appoint a board of equalization, to be composed of three (3) members who may or may not be members of the city council, and who are taxpaying citizens, well acquainted with real estate values, one of whom shall be designated as chairman of the said board. The board shall convene as nearly as practicable on the 15th day of June and continue its labors

until its said work is completed, but not to continue longer than the 15th day of July following. It shall be the duty of the city council, as soon as the assessment rolls are completed, to refer the same to the board of equalization, whose duty it shall be to equalize the taxes assessed on said rolls and to make all necessary correction and adjustment to that end; and, in addition, it shall perform the same duties as the county commissioners' courts of this state in regard to the assessment of property for taxation and the equalization thereof, and shall be governed in its procedure and acts in this respect as now provided by the laws of this state relating to the equalization of state and county taxes by said commissioners' court. In addition to the foregoing, the said board shall have the power, when sitting, to compel the production of all books, documents, stocks, bonds and other papers pertinent to the investigation to be produced before it in the investigation of the taxable values of any person or persons, firm or corporation having or owning property within the corporate limits of the city subject to taxation. Said board shall have full power to correct any mistake or injustice or inequality in the assessment of property, the rendition of same, or in the payment of taxes, and make redress therefor; and the said board may add to the rolls any property omitted therefrom, either for the current year or for previous years, and lawfully taxable within said city. A majority of the said board shall constitute a quorum for the transaction of business. The city secretary or his assistant shall be ex-officio the clerk of said board. Members of the board, while serving, shall receive such compensation as may be provided for them by the city council. Immediately upon completion of its work the board shall certify its approval of the assessment rolls, which shall be returned to the city council, which shall thereupon either approve the said rolls as returned to them or make such corrections and changes therein as it may deem advisable, and levy taxes for the current year.

The city council may, at the same time, appoint two (2) alternate members with the same qualifications as the members, to serve in the absence or disability of a regular member.

Sec. 11. Board of equalization; appeals to by owners; procedure.

Any person aggrieved by reason of any act of the director of revenue and taxation in making up the assessments, or in the valuation of property for taxing purposes, shall be entitled to make complaint to the board of equalization and to appeal to said board for revision and correction of the matter upon which said complaint is based. The board shall hear and examine such complaint or appeal and may examine the complainant, his agent or attorney, and all other persons who may shed light on said controversy on oath touching the matter complained of and may compel the attendance of witnesses and the production of books and papers necessary to enlighten the board and elucidate the controversy.

Sec. 12. Notice of increased assessment.

If the director of revenue and taxation or the board of equalization proposes to increase any assessment over the amount assessed in the preceding year, notice shall be issued to such property owner stating the fact that the assessment of the owner's property is about to be increased, without specifically designating the particular property or the amount to be increased, and be addressed to the owner, agent or representative thereof and mailed at the post office in the City of Dallas, and further notice shall be given by publication for one (1) day in the official newspaper, which notice shall state the name or names of the owner or owners whose property assessments are to be increased; provided that when the owner of the property is unknown it shall be sufficient to give a general description of the property, and the newspaper notice shall be the only notice required. The city secretary shall be ex-officio secretary of the board of equalization and he shall give notice by publication in the official newspaper for three (3) consecutive days advising all taxpayers that the board of equalization will convene on a certain day for the transaction of business and adjourn on a certain day, and that all parties interested in the work of said board shall repair to the office of the director of revenue and taxation without

delay and inform themselves of the determinations of said board and, if dissatisfied therewith, to bring the matter to the attention of the board before its final adjournment.

Substantial compliance with the provisions of this section with reference to notice shall be sufficient, and no assessment shall be invalidated by reason of failure to comply with this section of the charter.

Sec. 13. Tax list.

As soon as practicable after the tax rolls shall have been revised and finally adopted, the director of revenue and taxation shall prepare an alphabetical list of the real property taxpayers and an alphabetical list of the personal property taxpayers of the city, together with the total amount of property assessed against each, which lists shall be preserved in his office and shall be accessible to the public.

Sec. 14. Tax lien; liability for taxes.

A lien is hereby created on all property, personal and real, in favor of the City of Dallas, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from January 1st in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien, but the director of revenue and taxation may pursue such property, and whenever found may seize and sell enough thereof to satisfy such taxes.

In the event that personal property of the taxpayer is delivered into the actual or constructive possession of a receiver, trustee, or other person because of insolvency, bankruptcy, receivership or otherwise, between January 1st and the date that the taxes are actually levied, then and in that event the amount of the taxes due shall be the same as was levied for the prior year for the same property and shall be secured by a lien in that amount.

All persons or corporations owning or holding personal property or real estate in the city on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year.

The personal property of all persons owing any taxes to the city is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

Sec. 15. Seizure to prevent removal.

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

Sec. 16. Place of payment; demand unnecessary.

All taxes shall be payable at the office of the director of revenue and taxation, Dallas, Dallas County, Texas. No demand for such taxes shall be necessary but it is made the duty of the taxpayer to make payment of such taxes in cash within the time specified.

Sec. 17. Tax title to personalty.

A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

Sec. 18. City may purchase.

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

Sec. 19. Redemption by owner; vesting title.

The owner or real estate sold for the payment of taxes, or his heirs or assigns or legal representatives, may redeem the same within two (2) years from the date of the filing for record of the deed as provided by state law. If the real property is not redeemed within the time as herein provided, then the title shall become absolute in the purchaser.

Sec. 20. Amendment of property description.

In any suit by the city for the collection of any delinquent tax where it shall appear that the description of any property in the city assessment rolls shall be insufficient to identify such property, the city shall have the right to set up in its pleading a good description of the property intended to be assessed, and to prove the same, and to have its judgment foreclosing its tax lien upon the same, and personal judgment against the owner, for such taxes, the same as if the property were fully described upon the assessment rolls.

Sec. 21. Property description by owner binding.

When the owner of any property, or his agent shall render any property to the director of revenue and taxation for assessment, and such property is assessed in accordance with the description furnished by such owner or his agent, the sufficiency of such description shall not be disputed by such owner in any action or suit for the collection of such taxes, but the same shall be binding upon such owner, and shall be sufficient for all purposes of such assessment.

Sec. 22. Prima facie evidence of tax levy and assessment.

The provisions herein for the collection of taxes shall not be construed to prevent the city from filing suit in any court of competent jurisdiction for the collection of any taxes due on real estate, as well as personal property, and for the enforcement of levies for such taxes; and the assessment rolls shall be prima facie evidence of the facts stated in said rolls and that all taxes assessed on such rolls have been regularly

levied and assessed in accordance with the provisions of this charter and the state law; and no irregularity in the manner of levying or assessing taxes shall invalidate the same unless it appears from affirmative proof that such irregularity operated injuriously to the taxpayer attempting to avoid the payment of such tax. Nothing in this section shall be construed to prevent the city council from hearing all complaints as to erroneous and unjust assessments and making such adjustments with reference thereto as the city council may deem just.

Sec. 23. Constitutional limit adopted.

The city council shall have the power to levy, for general purposes, an annual ad valorem tax on all real, personal and mixed property within the territorial limits of the city, not exempt from taxation by the Constitution and laws of the State of Texas, based upon its true full value in money as provided by law, to the extent of the constitutional limit permitted by the State of Texas.

Sec. 24. Delinquent taxes.

The taxes herein and hereby authorized to be levied shall become due and payable as follows:

- (1) The first installment in an amount equal to fifty per cent (50%) of the total sum of the taxes due for the current year, shall be due and payable on the first day of October of the current year;
- (2) The second installment in an amount equal to the remaining fifty per cent (50%) of the total sum of the taxes due and payable for the current year, shall be due and payable on the first day of March of the next ensuing year.

No demand for such taxes shall be necessary in order to insure or enforce their collection. It is the duty of the taxpayer to make payment of such taxes in cash as herein pro-

vided, and upon failure to do so, he shall be subject to the penalties as in this charter provided.

Sec. 25. Penalty.

(1) If any person shall pay, on or before November 30th of the year for which his assessment is made, one-half (1/2) of the taxes imposed by law on him or his property, then he shall have until and including the 30th day of the next succeeding April in which to pay the other one-half (1/2) of his said taxes without penalty or interest thereon.

If any person fails to pay one-half (1/2) of the taxes imposed by law upon him or his property, on or before the 30th day of November of the year for which the assessment is made, then unless he pays all of the taxes (imposed by law on him or his property, with each piece of property and the levy upon the same being treated separately) on or before the 31st day of the succeeding January, the penalty shall be payable thereon, to wit:

- During the month of February—two per cent (2%)
- During the month of March—four per cent (4%)
- During the month of April—six per cent (6%)
- During the month of May—eight per cent (8%)
- During the month of June—ten per cent (10%)

(2) Should any taxpayer pay the first installment of his taxes as hereinabove provided, and permit the second installment of his taxes to become delinquent, by failure or refusal to pay the same on or before the first day of May of the next ensuing year, then a ten per cent (10%) penalty shall immediately attach to the second installment of delinquent taxes.

(3) All delinquent taxes shall bear interest at the rate of six per cent (6%) per annum from the original delinquent date, in addition to the penalties as hereinabove specified. Such penalties and interest shall be an obligation of the taxpayer and be secured by the same lien and collected in the same manner as the taxes.

(4) In addition to the penalties and interest above prescribed, such delinquent taxpayers shall be subject to the payment of all costs and expenses that may be incurred in the advertisement of such delinquent property and the collection of such taxes through any method prescribed by this charter and any of the statutes or laws of the State of Texas.

Sec. 26. State law on assessment applicable.

Unless otherwise provided by this charter amendment and by ordinances passed thereunder, all property in such city liable to taxation shall be assessed in accordance with the provisions of general laws of the state, insofar as applicable.

Sec. 27. Assessment of property; joint, common and conflicting interests in real estate; separate assessment of.

The director of revenue and taxation shall not be required to make separate assessments of individual, joint, common or conflicting interest in any real estate, but the owner of such interest may furnish to said director of revenue and taxation at any time before the 1st day of May of each year, and not thereafter, a written description of any parcel of land in which he has an interest less than the whole, showing the amount of his interest therein, and the said director of revenue and taxation may thereupon assess such interest as a separate parcel and the remaining interest as a different parcel and proceed to fix the value of each.

Sec. 28. Collection of taxes on undivided interest.

The director of revenue and taxation may receive the taxes on parts of any lots or parcels of real property or on an undivided interest therein, but no such taxes shall be received until the person tendering the same shall have furnished the said director of revenue and taxation a particular description of the particular part of interest or which payment is tendered, and the director of revenue and taxation shall enter such specification in the name of the person paying and at the proper place in the assessment books, so that the part or

interest on which payment has been made and the part or interest on which taxes remain unpaid may clearly appear.

Sec. 29. General state laws adopted.

In addition to the powers herein conferred with reference to the assessment and collection of taxes, the City of Dallas shall have and may exercise all powers and authority now conferred or that may hereinafter be conferred upon cities by the general laws of the State of Texas.

**CHAPTER XX. PUBLIC IMPROVEMENTS AND
ASSESSMENTS**

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 1. State law adopted.

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

Sec. 2. Improvement ordered by resolution.

The city council shall have power by resolution, to order the making of the public improvements mentioned in this chapter, or any of them, and the passage of such resolution shall be conclusive of the public necessity and benefits thereof. No notice of such action by the city council shall be required to make it valid. Such resolution shall, in general terms, set forth the nature and extent of the improvements to be

made, the section or sections of any highway or highways to be improved, and whether or not assessments are to be made for such improvements. It shall be the duty of the city secretary immediately upon the passage of such resolution, to furnish a copy of the same to the county clerk of Dallas County, Texas, as provided in Article 1220a of the Revised Civil Statutes of the State of Texas, as amended or as may hereafter be amended, to be filed as therein provided. In addition he shall furnish a copy of the same to the director of revenue and taxation, who shall indicate upon any tax statement thereafter issued by him covering property abutting upon that part of the highway or highways to be improved that said proceeding is pending. Any failure upon the part of the city secretary to furnish a copy of such resolution to the director of revenue and taxation or any failure upon the part of the director of revenue and taxation to indicate the pendency of such proceeding upon tax statements issued by him, shall, however, not affect the validity of the proceeding hereunder, nor of any assessment thereafter levied in pursuance to the provisions of this chapter.

Sec. 3. Property may be omitted.

When the city council shall have reason to believe that the owner or owners of any property may successfully claim the same as exempted from the enforcement of a lien, said city council may order that the improvement shall not be made in front of, or abutting on, said property unless the owner or owners shall first make satisfactory provision for, or satisfactorily secure, the payment of the amount of the costs which would be assessed against said property except for such exemption. In any case where the cost, or any part thereof, is to be paid by such property owners or assessed against their property and the contractor to whom their work is let is required to look primarily or wholly to such property or owners thereof for payment of the proportion of the cost of such improvement assessed against them, and the city is relieved from the payment of such proportion of the cost, such contractor shall not be obliged to make such improve-

ment in front of any property which is exempt from the enforcement of a lien for such improvement, but may omit the construction thereof.

Sec. 4. May improve one side of highway.

Subject to the provisions hereof the city council may order improvements to be made on only one side of a highway or highways, or section or portion thereof, and may assess the cost or a portion thereof against the property and owners of property abutting on said side of said highway or highways or section or portion thereof.

Sec. 5. Assessment certificates.

The city council may provide that for that part of the cost which may be assessed against abutting property and its owners, the contractor to whom the work may be let shall look only to such property owners and their property, and that the city shall be relieved of liability for such portion of the cost. The city council may also authorize assignable certificates payable to the city or the purchaser thereof, against abutting property or property owners, or against persons, firms or corporations occupying highways with their tracks, to be issued to the contractor, and shall prescribe the form and terms of such certificates. The recital of such certificates that the proceedings with reference to making such improvements have been regularly had in compliance with the terms hereof, and that all prerequisites to the fixing of the lien and the claim of personal liability evidenced by such certificate have been performed, shall be prima facie evidence of the fact so recited and no other proof thereof shall be required, but in all courts the said proceedings and prerequisites shall, without further proof, be presumed to have been made or performed. Such certificates shall be executed by the mayor and attested by the city secretary with the corporate seal affixed thereto.

Sec. 6. City exempt from liability.

The city shall never be liable to any contractor or other person, firm or corporation doing work in connection with any street paving, or the opening and widening of streets, or the building of any drains or storm sewers, or the laying of sanitary sewers or any other character of public improvement, whereby a part or the whole of the cost thereof is to be paid for by special assessment, on account of the failure of any officer of the government or the members of the council to pass suitable ordinances or resolutions to take necessary steps to fix liens, or to make said assessments, or to issue certificates therefor, or to provide for reassessment on account of the invalidity of any lien attempted to be fixed, or any failure or omission with respect thereto.

Sec. 7. Payment to city under assessment.

As an alternate method of paving and improving streets, alleys and sidewalks, the city shall have the power and authority to adopt plans and specifications for such improvements in accordance with the procedure prescribed in Chapter 106, Acts of the Fortieth Legislature, First Called Session, and also known as Article 1105b of the Revised Civil Statutes of the State of Texas, as amended or as may hereafter be amended, and shall have the power to pay to the contractors, the successful bidder, that part of the cost that may be assessed against the owners and their property abutting on such improvements in cash and the city may reimburse itself for the amount by levying an assessment against the abutting owners and their property, after a hearing and notice, as provided in the above statutes, up to the amount of the enhancement in value represented by the benefits and permitted by said statutes, and issue assignable certificates in favor of the city for the assessment. The certificates shall be enforceable in the same manner as provided by the abovementioned statutes. The city shall likewise have the power to do the improvement by its own forces if, in the opinion of the city council, the work can be done more expeditiously or economically.

Sec. 8. State law on assessments for condemnation adopted.

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

Sec. 9. Church and school property not exempt from special assessments.

No property of any kind, church, school or others, in the city shall be exempt from any of the special taxes and assessments authorized by this charter for local improvements.

Sec. 10. Assessments for storm sewers; assignable certificates.

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

this section and adopt such assessment plans as it may deem advisable, it being one of the purposes of this section that the city council may create drainage districts and seek to reclaim property that is now affected by rivers, creeks, bayous, waterways and other public drains, or any part thereof, and the property that may be located in the vicinity of or in the territory that is specially benefited by reason of such alteration or change of any such river, creek, bayou, waterway or other public drain or any part of any river, creek, bayou, waterway or other public drain, may be specially assessed for the special benefits received by it by reason of the changing, abolition, modification or discontinuance of such river, creek, bayou, waterway or other public drain or any part thereof. Provision may be made for the regulation and control of private drains, as well as for the levying of special assessments therefor, as herein provided for. In addition the city may exercise all of the rights granted by Articles 1179 and 1180 of the Revised Civil Statutes of the State of Texas, as amended or as hereafter amended.

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 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.

Sec. 12. Subterranean improvements.

The power is further conferred upon the city to construct underground or subterranean public improvements, vehicular or pedestrian tubes, tunnels, or subway streets or other public

subsurface facilities, and to provide that the cost of making any such improvements shall be paid for by the property owners owning property in the territory specially benefited in enhanced value by reason of making such improvements. A personal charge shall be made against such owners and a lien shall be fixed by special assessment against any such property. The city may issue assignable or negotiable certificates, as it deems advisable, covering such cost, and may provide for the payment of such cost in deferred payments and fix the rate of interest not to exceed eight per cent (8%). It may provide for the appointment of special commissioners for the making or levying of said special assessments, or may provide that the same may be done by the city council. The rules and regulations shall be the same as those applicable in the assessing for the improving of a street, as nearly as practicable.

CHAPTER XXI. BORROWING MONEY

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 1. Authority to borrow.

The city shall have the right and power, except as prohibited by law, to borrow money by whatever method the city council may deem to be in the public interest.

Sec. 2. General obligation bonds (tax supported bonds).

The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for making public improvements or for other public purposes not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the city previously issued. All such bonds shall be issued in accordance with state law.

Sec. 3. Limitations on bonded indebtedness payable from taxes.

The maximum bonded indebtedness of the city outstanding at any one time, and payable from taxation, shall not exceed ten per cent (10%) of the total assessed valuation of property shown by the last assesment roll of the city.

Sec. 4. Revenue bonds.

The city shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities, off-street parking facilities or any other self-liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties, or interest therein, pledged, or the income therefrom, or both, and shall never be a debt of the city. All such bonds shall be issued in conformity with the laws of the State of Texas.

Sec. 5. Refunding outstanding bonds.

The city shall have the right to refund any outstanding bonds by the issuance of new bonds in lieu thereof, at the same, higher or a lower rate of interest, and may apply thereto the sinking fund belonging to any series of bonds so refunded, and may pay and retire any bond by using the sinking fund thereof. The city shall have the same right to refund any bonds assumed as a result of annexations.

Sec. 6. Bonds previously authorized.

All unissued bonds previously authorized by any election or by any provisions in a former city charter may be issued and are hereby validated.

Sec. 7. Bonds incontestable.

All bonds of the city having been approved by the attorney general and registered by the comptroller of the public accounts shall be incontestable, except for forgery, fraud or exceeding the limit fixed by the charter.

Sec. 8. Execution of bonds.

All bonds shall be signed by the mayor and countersigned by the auditor and shall have the seal of the city impressed thereon; 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 forty (40) years from their date.

Sec. 9. Sinking fund for general obligation bonds.

It shall be the duty of the city council each year to levy a tax sufficient to pay the interest and provide the necessary sinking fund required by law on all general obligation bonds outstanding, and if a deficiency appears at any time in such fund the council shall, for the next succeeding year, levy an additional tax sufficient to discharge such deficiency.

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 manager. (Amend. of 6-12-73, Prop. No. 35)

Sec. 11. Misapplication of bond funds.

Any officer of the city who shall willfully or knowingly divert or use any funds arising from the issuance of any bonds or any sinking fund for any other purpose except that for which the fund is created or are herein otherwise authorized, shall be deemed guilty of a misapplication of public funds and subject to prosecution as provided under the laws of the State of Texas for the diversion and conversion of funds belonging to any of the municipalities of the state.

Sec. 12. Bidding; sale.

When the sale of bonds is in response to a request for bids, the bids may be opened and the bonds sold on the same day, whether at a regular or special meeting of the city council.

CHAPTER XXII. PUBLIC CONTRACTS

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 1. Signatures and appropriations.

No contract other than purchase orders for supplies and equipment shall be binding upon the city unless it has first been signed by the city manager, countersigned by the city controller, approved by the city attorney, and attested by the city secretary. 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. (Amend. of 6-12-73, Prop. No. 36; Amend. of 4-3-76, Prop. No. 7)

Sec. 2. Contract letting.

All city contracts calling for or requiring the expenditure or payment of two thousand dollars (\$2,000.00) or more, creating or imposing an obligation or liability of any nature or character upon the city, must first be submitted for com-

petitive bids. Such bids shall be based upon plans and specifications prepared for that purpose. Notice of the time and place when and where such contract shall be let shall be published in a newspaper of general circulation in the City of Dallas once a week for two (2) consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least fourteen (14) days prior to the date set for letting said contract. Such contract shall be let to the lowest responsible bidder. A contract for ten thousand dollars (\$10,000.00) or less may be let to the lowest bidder without city council approval under rules established by the city council. A contract let to other than the lowest bidder or a contract for more than ten thousand dollars (\$10,000.00) shall be first approved by the city council. The city council shall have the right to reject any and all bids. The city in the first instance may elect to perform the work involved by its own forces or by day labor, or if such contract is let for bids and all are rejected, the city may either readvertise for competitive bidding or may thereafter perform such work with its own forces or by day labor. (Amend. of 6-12-73, Prop. No. 37)

Sec. 3. Public inspection of bids.

All bids submitted shall be sealed and shall be opened in a public place as directed by the city council, and in the presence of persons that may be designated by the city council, and shall remain on file in the office of the city secretary open to public inspection for at least forty-eight (48) hours before any award of said work is made to any competitive bidder. The provisions of this section regarding the retaining of bids forty-eight (48) hours before awarding the work shall not apply to bids for the purchase of bonds.

Sec. 4. Emergency spending, etc.

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

- (1) In case of a public calamity where it becomes necessary to act at once to relieve the necessity of the citizens or to preserve the property of the city; or

- (2) Where it is necessary to preserve or protect the public health of the citizens of the city; or
- (3) In the case of unforeseen damage to public property, machinery or equipment; or
- (4) Work done by employees of the city and paid for as such work progresses; or
- (5) The purchase of land, buildings, existing utility systems or rights-of-way for authorized needs and purposes; or
- (6) Expenditures for or relating to improvements to the city's water system, sewer system, streets or drainage (any one or all) where the cost of at least one-third (1/3) of which is to be paid by special assessments levied against the properties to be benefited thereby; or
- (7) Where the entire contractual obligation is to be paid from bond funds or current funds, or where an advertisement for bids has previously been published (in the manner authorized by law) but the current funds or bond funds are not adequate to permit the awarding of a contract, and the city council authorizes the issuance of certificates of obligation to provide the deficiency; or
- (8) The sale of any public security as such term is defined in Article 717k-2, Vernon's Texas Civil Statutes. (Amend. of 6-12-73, Prop. No. 38)

Sec. 5. Personal services.

Competitive bidding need not be applied to contracts for personal or professional services.

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 au-

thorized 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 city manager when authorized by state law. (Amend. of 6-12-73, Prop. No. 39)

Sec. 7. Performance and payment bonds.

Any prime contractor entering into a public contract in excess of two thousand dollars (\$2,000.00) with the city for the construction, alteration or repair of any public building or structure, or the prosecution or completion of any public work, shall be required, before commencing such work, to execute a performance bond in a good and sufficient amount, but not less than that required by law, conditioned upon the faithful performance of the work in accordance with the plans, specifications and contract documents. Said bond shall be solely for the protection of the city. Such contractor shall also be required, before commencing [commencing] such work, to execute a payment bond in a good and sufficient amount, but not less than that required by law, solely for the protection of all claimants supplying labor and material in the prosecution of the work provided for in the contract, for the use of each such claimant. The bonds must be made by a bonding company authorized to do business in the State of Texas, and legal venue for enforcement thereof shall lie exclusively in Dallas County, Texas. A resident of Dallas County shall be appointed as agent for delivery of notice and service of process by the surety. (Amend. of 6-12-73, Prop. No. 40)

Sec. 8. Other bonds and security.

In addition to the two (2) bonds abovementioned, the city may require that the contractor show proof that he is insured with public liability and property damage insurance in an

amount to be set by the city, that he is covered by the applicable workmen's compensation insurance as set forth in the Workmen's Compensation Law of the State of Texas, and may be required to post any other bond or proof of insurance that the plans and specifications may require.

Where the contract by the city for the construction of public improvements is in an amount less than two thousand dollars (\$2,000.00) or where the contract for the purchase of materials, supplies, machinery, equipment or other paraphernalia not involved in the construction of public works exceeds five hundred dollars (\$500.00), or the contract for the lease, rental, franchise or other use of personal or real property of the city, the city council may require such bonds and other forms of security as it deems advisable.

Sec. 9. Bid bond.

Each bid submitted pursuant to a request for bids must be accompanied by a cashier's check, certified check or a bidder's bond in the amount as set by the city council in the request for bids. The bid bond, if required, must be made by a bonding company authorized to do business in the State of Texas and one (1) surety must be a resident of Dallas County. In the event that the successful bidder fails or refuses to sign the contract for the performance of the work upon which the bid was made, the city council may require the forfeiture of the total amount of the bid bond as liquidated damages.

Sec. 10. Citizens given preference in letting of contracts.

Qualifications, prices and quality of material being equal, citizens and business firms of Dallas shall be given preference in the awarding of all contracts over which the city has jurisdiction, direct or indirect. This section shall not be construed so as to conflict with any provision of the charter requiring competitive bidding.

Sec. 11. Financial interest of employee or officer prohibited.

No officer or employee shall have any financial interest, direct or indirect, in any contract with the city, or be finan-

cially 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 his 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 city manager or the city council.

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.

Sec. 12. Liens and retainages.

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

CHAPTER XXIII. CLAIMS FOR DAMAGE OR INJURY

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 1. Notice required—Personal injury.

The City of Dallas shall never be liable for any personal injury, whether resulting in death or not, unless the person

injured, or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death injury, shall file a notice in writing with the city secretary within six (6) months after the same has been received, stating specifically in such notice, when, where and how the exact injury occurred, and the full extent thereof, together with the amount of damages claimed or asserted. (Amend. of 6-12-73, Prop. No. 41)

Sec. 2. Notice required—Injury to personal or real property.

The City of Dallas shall never be liable for any claims for damages or injury to real or personal property caused by the negligent act or omission of its officers, servants or employees, unless the person whose property has been injured or damaged, or someone in his behalf, shall file a claim in writing with the city secretary within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the full extent thereof, and the amount of damages claimed or asserted. (Amend. of 6-12-73, Prop. No. 41)

Sec. 3. Claims for indemnity or contribution.

The city shall not be liable for claims for contribution or indemnity, unless the person asserting such claim shall have given notice, in writing, to the city secretary within six (6) months after the occurrence which is the basis for such claim. The notice shall specifically state that the claim is for contribution or indemnity and describe the parties involved, when, where, and how the exact injury, death or property damage occurred, and the full extent thereof, and the amount of contribution or indemnity claimed or asserted. (Amend. of 4-3-76, Prop. No. 11)

Sec. 4. Payment of meritorious claims.

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

No payment shall be made unless the claimant accepts the amount allowed as in full compromise and settlement of all amounts claimed or to be claimed against the city, its officers or employees, arising from the same facts. In the event that no settlement is made, nothing herein contained or done hereunder shall prejudice the city in any defense that it may have in any suit or action. Nothing contained herein shall be construed as creating a cause of action nor the giving of any right to institute or maintain any suit or action which would not otherwise exist or be cognizable under the law as a legal claim; provided, however, this section may never be used to pay any claim arising under section 5 immediately following concerning claims arising out of floods, war, insurrection, riot, civil disorder or commotion.

Sec. 5. Injury or damage due to war, riot, etc.

The City of Dallas shall never be liable to any person or persons for any personal injury or property damage of any nature resulting from or occasioned or arising out of floods,

war, insurrection, riot, civil disorder or commotion. The provisions of this section shall never be waived and any attempt at payment shall be void and subject to injunction by any court of proper jurisdiction.

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 (6) 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 XXIV. MISCELLANEOUS PROVISIONS

(Rnbd. by Amend. of 6-12-73, Prop. No. 43)

Sec. 1. No officer or employee to accept gift, etc., from public utility.

No officer or employee of the city shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying a grant of any franchise, privilege or easement from the city during the term of office of such officer, or during such employment of such employee, except as may be authorized by law or ordinance. Any officer or employee of the city who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and shall forthwith be removed from office.

Sec. 2. City exempt from bonds.

It shall not be necessary in any action, suit or proceeding in which the city or any of its appointive boards or

commissions is a party, for any bond, undertaking or security to be executed in behalf of the city, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and the city shall be liable as if such obligation had been duly given and executed.

Sec. 3. Execution, garnishment, assignment, etc.

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to the city, in the hands of any person, be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the city or any of its officers or agents be required to answer any writ of garnishment on any account whatsoever. Any attempted assignment of wages shall be absolutely void so far as the city is concerned unless authorized by state law and approved by resolution of the city council. This section shall also apply to the property, funds and personnel of appointive boards and commissions of the city council.

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 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 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 city council shall have full power to condemn all dangerous buildings or obstructions of any kind and may pro-

vide regulations therefor by ordinance. All of the provisions of this section may be carried out in such manner as the city council by ordinance may provide.

Sec. 5. Power to remit penalties.

The city council shall have the right to remit, in whole or in part, any fine or penalty belonging to the city, which may be imposed under any ordinance or resolution passed pursuant to this charter.

Sec. 6. Fire limits.

The 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 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. 8. Acquisition of land for park purposes.

The city may acquire and appropriate land inside or outside of the city for the purpose of establishing, laying out or enlarging any parks, parkways or pleasure grounds, and to provide that the cost of such land and improvements shall be paid for wholly or in part, to the extent not exceeding the special benefits received by the property owners owning property in the vicinity thereof and benefited thereby, and for such purpose all of the powers conferred by the Act of the Fortieth Legislature, known as House Bill No. 401, Chapter

283, page 433, of the General Laws, passed by the Fortieth Legislature of the State of Texas, as amended or as may hereafter be amended, are hereby adopted and made a part of this charter, and the same may be used by the city council in the manner and for the purposes of the condemnation of said land and the appointment of commissioners therefor and the assessing of the cost. In making the assessments against property owners specifically benefited, as well as in condemnation proceedings, the same shall be governed as far as practicable by laws relating to the opening and widening of streets.

Sec. 9. Public library and tax therefor.

The 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 council may deem appropriate. It shall be used for the convenience and edification of the people of Dallas, and for such purpose the city council may appoint a suitable commission to operate and conduct the same, and to exercise all powers in connection therewith. The exercise of the power to operate the same shall be deemed governmental in character and for municipal purposes.

Sec. 11. Designation of official newspaper.

All ordinances and official notices required to be published shall be published in the official newspaper of the city, which

newspaper shall be selected annually as such official newspaper, after competitive bidding, and the newspaper so selected shall have been published as a daily newspaper with Saturday and Sunday editions and have been in general circulation as such in the city for not less than one (1) year prior to its selection as the official newspaper. (Amend. of 6-12-73, Prop. No. 42)

Sec. 12. Ownership of maps, plans, work product, etc.

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

Sec. 13. Appointment and tenure of commissions and boards.

During August of each odd-numbered year, the city council shall appoint all members of the commissions and boards provided for in this charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the council not to exceed two (2) years from September 1st or until their successors are appointed and qualified. (Amend. of 4-3-76, Prop. No.2)

Sec. 14. Bonds of officers and employees.

The city council may require any of the officers and employees of the city, before entering upon the duties of their office, to execute a good and sufficient bond with a surety company doing business in the State of Texas, as approved by the city council. The bonds shall be in such amount as the council may demand, payable to the City of Dallas,

and conditioned for the faithful performance of the duties of the office. The premium on such bonds shall be paid by the city. Bonds shall be required of the city manager, city auditor, the director of revenue and taxation, the purchasing agent, and the corporation [municipal] court clerk.

Sec. 15. Termination notice of council appointees.

All employees appointed directly by the city council shall be given thirty (30) days notice prior to termination of employment, except when dismissed for misconduct in office.

Sec. 16. Local self-government.

The enumeration of powers made in this charter shall never be construed to preclude, by implication or otherwise, the city from exercising the powers incident to the judgment of local self-government, nor to do any and all things not inhibited by the Constitution and laws of the State of Texas.

Sec. 17. Board and commission members.

Other than members of the city council, no person shall be appointed to more than two (2) 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 (3) 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 city council shall declare the position vacant and appoint a new member to fill the vacancy.

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

Sec. 18. Employees' wages.

The wages, hours and conditions of employment of any and all of the city employees shall be fixed and approved by the city council.

Sec. 19. Reports.

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

Sec. 20. Severability provision.

Should any word, clause, phrase, sentence, paragraph, section or chapter of this charter or amendment thereto, be held invalid by any court of competent jurisdiction, such ruling or judgment shall not affect the validity of any other portion of this charter or any amendment thereto, but same shall remain in full force and effect, the provisions hereof being severable.

Sec. 21. Savings provision.

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

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

CHARTER COMPARATIVE TABLE

Note—The following is a listing of amendments and the disposition thereof to the Dallas Charter commencing with the Amendment of June 12, 1973.

Date of Amendment	Proposition Number	Disposition Ch./Sec.
6-12-73	1	I 2
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	43	Rpld XI 1, 2 Rpld XIII 9 Rpld XV—XVI Rpld XVII 1, 2 Rpld XVIII Rpld XX 1, 2 Rnbd XII—XIV XIX—XXIX as XI—XXIV Rnbd XI 3 as XI 13 Rnbd XVII 3 as XI 14 Rnbd XX 3—9 as XV 1—7

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Date of Amendment	Proposition Number	Disposition Ch./Sec.
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