

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

March 2, 1983

83-0647

Agenda item 6: Ordinance calling a special election on the question of amendments to the Charter of the City of Dallas

A draft ordinance calling a special election on the question of amendments to the city charter was presented for discussion.

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Councilman Haggar moved to amend the draft language regarding Chapter XXII, Section 2(b) of the charter to add a provision limiting changes in the amount below which city council approval is not required for a contract to no more often than once every 24 months.

Motion seconded and unanimously carried.

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Councilman Haggar moved to amend the draft language regarding Chapter XXII, Section 2(c) of the charter to delete the word "council."

Motion seconded and unanimously carried.

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Councilman Simpson moved to amend the draft language regarding Chapter XV of the charter, by adding a new Section 9 concerning approval of regional transportation authority service plans and add a proposition to the ballot to cover the additional language.

Motion died for lack of a second.

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Councilman Simpson moved to amend the draft language regarding Chapter XV, Section 8, of the charter concerning thoroughfare plans and add a proposition to the ballot to cover the additional language. Motion seconded.

Mayor Pro Tem Hicks moved to table consideration of any motion amending the charter in a way not previously discussed by the charter amendment task force. Motion seconded.

Roll call on the motion to table:

Voting Aye: Evans, Hicks, Haggar, Tucker, Heggins,
Goldblatt, Stahl
Voting Nay: Blair, Medrano, Simpson, Wise

- 7
- 4

The mayor declared the motion carried.

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Mayor Pro Tem Hicks moved to amend the draft language by replacing language previously discussed by the charter amendment task force and the council, but deleted from the draft ordinance, concerning Chapter XVI, Section 12, of the charter concerning the trial board hearing process, to provide for a trial board made up of one member of the city council, one member of the civil service board and one adjunct member of the civil service board, and to add language to Chapter XVI, Section 1, of the charter to provide for eleven adjunct members of the civil service board to be appointed by the city council. Motion seconded.

Deputy Mayor Pro Tem Blair moved to table the motion. Motion seconded.

Roll call on the motion to table:

Voting Aye:	Blair, Medrano, Heggins, Goldblatt, Wise	- 5
Voting Nay:	Evans, Hicks, Hagggar, Tucker, Simpson, Stahl	- 6

The mayor declared the motion failed.

Roll call on Mayor Pro Tem Hicks' motion:

Voting Aye:	Evans, Hicks, Hagggar, Tucker, Simpson, Stahl	- 6
Voting Nay:	Blair, Medrano, Heggins, Goldblatt, Wise	- 5

The mayor declared the motion carried.

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Councilman Medrano moved to amend the draft language regarding Chapter XVII, Section 2, of the charter to provide for nine members of the park and recreation board and to provide that one member shall be a disabled person and that one member shall be over 65 years of age or older. Motion seconded.

Councilwoman Heggins moved to amend Councilman Medrano's motion to provide for 11 members of the park and recreation board. Motion seconded.

Roll call on the motion to amend:

Voting Aye:	Blair, Medrano, Heggins, Wise	- 4
Voting Nay:	Evans, Hicks, Hagggar, Tucker, Simpson, Goldblatt, Stahl	- 7

The mayor declared the motion failed.

Roll call on Councilman Medrano's motion:

Voting Aye:	Blair, Medrano, Heggins, Wise	- 4
Voting Nay:	Evans, Hicks, Hagggar, Tucker, Simpson, Goldblatt, Stahl	- 7

The mayor declared the motion failed.

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Councilwoman Heggins moved to amend the draft language regarding Chapter III, Section 1, of the charter to provide for a council composed of a mayor elected at-large and 10 council members elected from single-member districts. Motion seconded.

Roll call on the motion to amend:

Voting Aye: Blair, Medrano, Heggins	- 3
Voting Nay: Evans, Hicks, Haggar, Tucker, Simpson, Goldblatt, Stahl, Wise	- 8

The mayor declared the motion failed.

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Councilman Tucker moved that the draft ordinance, as amended by the motions previously made and carried, be approved.

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The city attorney asked the council to delay further action of the ordinance until her staff could prepare a new draft ordinance incorporating the changes made by the council. The council then took up other business pending receipt of a revised draft ordinance.

The city attorney presented a revised draft ordinance calling a special election on the question of amendments to the city charter.

Councilman Simpson moved passage of the ordinance.

Motion seconded and unanimously carried. (Blair, Wise absent when vote taken)

Assigned ORDINANCE 17717.



ROBERT S. SLOAN
City Secretary

830647

03/02/83

ORDINANCE NO. 17717

An Ordinance ordering a special election to be held in the city on the question of adoption of amendments to the Charter of the city of Dallas; relating to contract and bid procedures of the city; providing for uniform petition requirements; relating to records kept by the city secretary; providing election dates and voter qualifications in conformance with state law; providing property tax procedures in conformance with the State Property Tax Code; providing duties of the director of finance; relating to civil service and personnel matters; providing compensation for city council members; designating April 2, 1983, as the date of the special election; prescribing the form of the ballot; designating polling places; providing for voting by an electronic voting system; providing for absentee voting; providing for a special canvassing board to canvass absentee voting; providing for notice of the election; and providing an effective date.

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

SECTION 1. That a special election is ordered to be held in the city on April 2, 1983, between the hours of 7:00 o'clock A.M. and 7:00 o'clock P.M., for the purpose of submitting to

the qualified voters of the city, propositions on whether the Charter of the city of Dallas should be amended. The proposed amendments affect only the Sections listed below and shall read as follows (the new portions being underlined and the repealed portions being crossed through):

CHAPTER I. INCORPORATION AND TERRITORY

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~~].

CHAPTER III. CITY COUNCIL

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

Effective May 1, 1983 [~~1969~~], each member of the city council shall receive as compensation for his services the sum of \$500 each month as a retainer fee and \$100 [~~\$50.00~~] per diem for each regular or called city council 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 [~~not more than sixty (60) days~~] after the date of the call.

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 director of finance [~~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 \$5.00 per annum.

CHAPTER IV. ELECTIONS AND REFERENDUMS

SEC. 2. QUALIFICATIONS OF VOTERS.

All qualified electors of the state who reside [~~have resided for 30 days immediately preceding an election~~] within the city shall have the right to vote in all city elections.

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 authorized election date after March 31 [~~Tuesday in April~~] of each odd numbered year. If state law does not restrict election dates, the city council shall by ordinance establish an election date in April of odd-numbered years. The 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. 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 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 petition must comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter. [~~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.

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 two weeks from the date of the first election, [~~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 election 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.

SEC. 12. PETITION REQUIREMENTS.

(a) To be valid, a petition submitted for the purpose of complying with an election process must:

- (1) contain, in addition to the signature, each

signer's printed name, and voter registration number;

(2) contain on each page a statement of the purpose of the petition; and

(3) contain on each page the name of the person circulating the petition.

(b) Every person circulating a petition or page of a petition shall file with the city secretary an affidavit containing his name and address and a statement that he circulated the petition, that the purpose was explained to each signer, that each signer freely provided all information required, and that all statements contained in the petition are true.

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 petition must comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter. ~~{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 thirty (30) ~~[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.

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 on the next available election date that is not less than forty (40) days [~~sixty-(60)-nor-more-than-ninety-(90)-days~~] after the expiration of said twenty (20) day period unless the next available election date is the general election in which case the election shall be held on that date. 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 VII. LEGAL DEPARTMENT

SEC. 2. ASSISTANTS AND EMPLOYEES.

The city attorney shall have such assistants as shall be provided for by ordinance, [~~to-be-nominated-by-him-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.

[CHAPTER IXA:--CITY CONTROLLER

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,-and

(3) keep-comprehensive-accounts-of-all-receipts-and disbursements-of-money,-seperating-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 XI. THE BUDGET AND FINANCIAL
PROCEDURE RELATING THERETO

SEC. 8. PAYMENT OF OBLIGATIONS.

The director of finance [~~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 director of finance [~~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.

CHAPTER XII. POLICE DEPARTMENT

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 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 a [~~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.

CHAPTER XIII. FIRE DEPARTMENT

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 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 a [~~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.

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

SEC. 1. ORGANIZATION OF CIVIL SERVICE.

There is hereby created and established a civil service board to be composed of five (5) members who shall be qualified taxpaying citizens of the City of Dallas and eleven (11) adjunct members. Biennially in August of each odd-numbered year, the city council shall appoint the said members and adjunct 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 adjunct members shall not have voting privileges on matters to be determined by the civil service board but shall perform such duties as

prescribed for them by this Charter. The members and adjunct members of the civil service board shall not hold any other position under the city, county, or state government. The city council may remove any member or adjunct member of the board upon stating in writing the reasons for removal and allowing 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 or adjunct 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 directors [heads] of departments, assistant directors [heads] of departments, and other managerial personnel [the-administrative-staffs-of-the-heads-of departments] as designated by rules of the board [ordinances-of the-city-council];

(b) City auditor, city secretary, 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 charter. There shall be in the classified service two 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 designated to respond to special needs identified by

directors of departments and approved by the board or positions requiring peculiar and exceptional qualifications or management accountability [of-a-scientific, managerial, professional or educational-character,] as may be determined by the rules of the board.

SEC. 7. BOARD TO ESTABLISH RULES GOVERNING [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 performance and requiring remedies for nonperformance for positions in the civil service [efficiency, and-prescribe-punishments-for-violations-thereof].

SEC. 10. PROBATIONARY PERIOD.

(a) Appointments or promotions of city officers and employees in the classified and unclassified service shall not be deemed complete until a period of six (6) months shall have elapsed. A probationer may be discharged, suspended or reduced [at-any-time] within said period by the city manager, or the head of the department in which said probationer is employed without right of appeal.

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

SEC. 11. [~~DISCHARGE-OF~~] EMPLOYEE ACTIONS 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 taking the action [~~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. This right of appeal shall not apply to department directors, assistant department directors, and other managerial personnel designated by the city council.

SEC. 12. TRIAL BOARD [~~7~~-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, who has been discharged or reduced in grade, a board to be known and designated as the trial board, which shall be composed of one member of the city council, one member of the civil service board as designated by the chairman and one adjunct member of the civil service board as designated by the chairman [~~two 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 within one (1) year 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 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 or [~~7~~] reduction [~~7~~-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.~~]

CHAPTER XVII. PARK AND RECREATION DEPARTMENT

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

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

(1) Any purchase of land;

(2) Any contract requiring council approval under rules established by ordinance [~~that involves the expenditure of more than two thousand dollars - (\$2,000.00)~~]; and

(3) Any lease or agreement with a term exceeding one year or that involves a fee in excess of two thousand dollars (\$2,000.00) to be received in any one year.

(b) Any purchase of supplies or contracts [~~involving less than two thousand dollars - (\$2,000.00)~~] 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).

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

(1) To 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 and recreation departments of other municipalities, school districts, the county or other governmental bodies, for joint administration and control and supervision of facilities jointly administered;

(15) To 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 supervision 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. 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 director of finance [~~city-auditor~~].

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS.

SEC. 6. OFFICIAL RECORDS. [ENROLLMENT.]

The city secretary shall keep an accurate record of all actions taken by the city council and shall preserve each ordinance, resolution, and motion of the city council as permanent records of the city. [~~Each ordinance, resolution and motion passed by the city council shall be enrolled by the city secretary within five 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 endorse on the margin thereof the words "Correctly Enrolled" and give the date thereof and subscribe his name thereto.~~]

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) registered voters [~~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;

(3) The petition must comply in form, content, and procedure with the provisions of Section 12, Chapter IV of this Charter. [~~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;~~]

[4] The pages of the petition must be consecutively numbered,

[5] One 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 thirty (30) [~~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.

CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES

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 tax assessor and collector on or before [~~director of revenue and taxation, between the first day of January and~~] the first day of July of each year or as soon thereafter as practicable, 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 assessment 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 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. 3[5.] SUPPLEMENTAL ASSESSMENT.

If the tax assessor and collector [~~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 tax assessor and collector [~~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 tax assessor and collector [~~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 tax assessor and collector [~~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. 4 [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. 5 [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. 6 [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 nine (9) members who may or may not be members of the city council, and who are taxpaying citizens, and who shall be well acquainted with property values in the city, one of whom shall be designated as chairman of the board. -- The board may convene and hear cases as a whole with motions being adopted by affirmative vote of a majority of those present, or may convene in panels of three (3) each, with motions being adopted by an affirmative vote of two (2) panel members. -- A decision of a panel constitutes a decision of the board, and a panel shall~~

have all powers of the board. -- The board shall convene as soon as the assessment rolls are referred to it and continue its labors for thirty (30) days unless extended to not more than sixty (60) days by resolution of the city council, but not to continue longer than the 31st 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 board shall constitute a quorum for the transaction of business by the board as a whole, and two (2) members shall constitute a quorum for the transaction of business by a panel. -- 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 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 as many alternate members as the council deems necessary 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 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. 7 [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 tax assessor and collector ~~[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. 8 [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 tax assessor and collector [~~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. 9 [~~16~~] PLACE OF PAYMENT; DEMAND UNNECESSARY.

All taxes shall be payable at the office of the tax assessor and collector [~~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. 10 [~~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. 11 [~~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. 12 [~~19~~] REDEMPTION BY OWNER; VESTING TITLE.

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

SEC. 13 [~~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 where 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. 14 [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. 15 [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 provided, 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 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 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. 16. [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 and collected in accordance with the provisions of general laws of the state, insofar as applicable.

SEC. 17. [27.] ASSESSMENT OF PROPERTY; JOINT, COMMON AND CONFLICTING INTERESTS IN REAL ESTATE; SEPARATE ASSESSMENT OF.

The tax assessor collector [~~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 the tax assessor and collector [~~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 tax assessor and collector [~~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. 18. [28.] COLLECTION OF TAXES ON UNDIVIDED INTEREST.

The tax assessor and collector [~~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 tax assessor and collector [~~said director-of-revenue-and-taxation~~] a particular description of the particular part or interest on which payment is tendered, and the tax assessor and collector [~~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. 19. [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 XXI. BORROWING MONEY

SEC. 8. EXECUTION OF BONDS.

All bonds shall be signed by the mayor and countersigned by the director of finance [~~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.

CHAPTER XXII. PUBLIC CONTRACTS

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 [~~7-countersigned-by-the-city controller7~~] and approved by the city attorney [~~7-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.

SEC. 2. CONTRACT LETTING.

(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be competitively bid [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 competitive bids in accordance with this chapter. 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.

(b) The city council shall by ordinance establish rules by which a contract [fer-ten-thousand-dollars-(\$10,000.00)-or-less] may be let [to-the-lowest-bidder] without city council approval; however, a contract that is required to be bid and which is [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 amount below which city council approval is not required for a contract may not be changed more often than once every twenty-four (24) months.

(c) 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.

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. 9. BID BOND.

Each bid submitted pursuant to a request for bids must be accompanied by a cashier's check, certified check, or unconditional letter of credit 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 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. 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 director of finance [~~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 XXIV. MISCELLANEOUS PROVISIONS

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, director of finance [~~city-auditor, the-director-of-revenue-and-taxation~~], the purchasing agent, and the municipal [~~corporation~~] court clerk.

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

PROPOSITION NO. 1.

CONTRACT AND BID PROCEDURES

Shall Chapter XVII, Section 4; and Chapter XXII, Sections 1, 2, 3, and 9 of the Charter of the City of Dallas be amended to require competitive bidding of city contracts in conformance with state law; to authorize the city council to establish rules for authorization of city contracts with limits to be changed no more often than once every 24 months; to allow an unconditional letter of credit to serve as a bid bond; to authorize contracts upon the signature of the city manager and approval by the city attorney; and to allow bids to remain open to public inspection in offices other than the city secretary?

PROPOSICION NUM. 1

PROCEDIMIENTOS DE CONTRATOS Y LICITACIONES

¿Deberan el Capítulo XVII, Sección 4 y el Capítulo XXII, Secciones 1, 2, 3, y 9 de la Carta Constitucional de la Ciudad de Dallas ser enmendados para requerir licitaciones competitivas de contratos de la ciudad en conformidad con la ley estatal; para autorizar al consejo de la ciudad para que establezca reglas para dar permisos de

contratos de la ciudad con limites que no se cambien mas de una vez cada 24 meses; para admitir una carta de credito incondicional que sirva como fianza de licitacion; para autorizar contratos una vez esten firmados por el administrador de la ciudad y aprobados por el abogado de la ciudad y para permitir que las licitaciones esten a la disposicion del publico para su inspeccion en otras oficinas ademas de la del secretario de la ciudad?

PROPOSITION NO. 2 .

PETITION PROCEDURES

Shall Chapter IV, Section 7; Chapter V, Section 1; and Chapter XVIII, Sections 11 and 12 of the Charter of the City of Dallas be amended and a new Section 12 be added to Chapter IV of the Charter of the City of Dallas to provide for uniform requirements on all election petitions submitted to the city?

PROPOSICION NUM. 2

PROCEDIMIENTOS DE PETICION

¿Deberán el Capítulo IV, Sección 7; el Capítulo V, Sección 1 y el Capítulo XVIII, Secciones 11 y 12 de la Carta Constitucional de la Ciudad de Dallas ser enmendados y una nueva Sección 12 agregada al Capítulo IV de la Carta Constitucional de la Ciudad de Dallas para proveer requisitos uniformes para todas las peticiones electorales que se sometan a la ciudad?

PROPOSITION NO. 3 .

CITY SECRETARY RECORDS

Shall Chapter I, Section 2; and Chapter XVIII, Section 6 of the Charter of the City of Dallas be amended to require that the city secretary keep accurate records of all ordinances, resolutions and motions of the city council in lieu of

enrollment; and to delete the requirement that the city secretary maintain an official boundary map?

PROPOSICION NUM. 3

ARCHIVOS DEL SECRETARIO MUNICIPAL

¿Deberán el Capítulo I, Sección 2 y el Capítulo XVIII, Sección 6 de la Carta Constitucional de la Ciudad de Dallas ser enmendados para requerir que el secretario de la ciudad mantenga anotaciones exactas de todos los reglamentos, resoluciones y mociones del consejo de la ciudad en vez de registro y para eliminar el requisito para que el secretario de la ciudad mantenga un mapa oficial de límites de la ciudad?

PROPOSITION NO. 4 .

ELECTION DATES AND VOTER QUALIFICATIONS

Shall Chapter III, Section 5(a); Chapter IV, Sections 2, 3, and 11; and Chapter V, Section 2 of the Charter of the City of Dallas be amended to provide for city election dates to be in conformance with state law; and to provide that voter qualifications conform with state and federal law?

PROPOSICION NUM. 4

FECHAS DE ELECCIONES Y CALIFICACIONES DE LOS VOTANTES

¿Deberán el Capítulo III, Sección 5 (a); el Capítulo IV, Secciones 2, 3 y 11 y el Capítulo V, Sección 2 de la Carta Constitucional de la Ciudad de Dallas ser enmendados para proveer las fechas de elecciones de la ciudad en conformidad con la ley estatal y para proveer que las calificaciones de los votantes estén de acuerdo con la ley estatal y la ley federal?

PROPOSITION NO. 5 .

PROPERTY TAX REVISION

Shall Chapter XIX of the Charter of the City of Dallas be amended to provide that all property tax matters conform with the State Property Tax Code; and to provide for a position of the city tax assessor and collector?

PROPOSICION NUM. 5

REVISION DEL IMPUESTO SOBRE LA PROPIEDAD

¿Deberá el Capítulo XIX de la Carta Constitucional de la Ciudad de Dallas ser enmendado para proveer que todos los asuntos relacionados con impuestos sobre la propiedad estén de acuerdo con el Código Estatal de Impuestos sobre la Propiedad y para proveer la posición de tasador y recaudador de impuestos municipales?

PROPOSITION NO. 6 .

DUTIES OF DIRECTOR OF FINANCE

Shall Chapter IXA of the Charter of the City of Dallas be repealed and shall Chapter III, Section 20; Chapter XI, Section 8; Chapter XVII, Section 9; Chapter XXI, Section 8; Chapter XXII, Section 12; and Chapter XXIV, Section 14 of the Charter of the City of Dallas be amended to provide for the duties of the director of finance in place of the city auditor and city controller?

PROPOSICION NUM. 6

OBLIGACIONES DEL DIRECTOR DE FINANZAS

¿Deberá el Capítulo IX A de la Carta Constitucional de la Ciudad de Dallas ser anulado y el Capítulo III, Sección 20; el Capítulo XI, Sección 8; el Capítulo XVII, Sección 9; el Capítulo XXI, Sección 8; el Capítulo XXII, Sección 12 y el Capítulo XXIV, Sección 14 de la Carta Constitucional de la Ciudad de Dallas ser enmendados para proveer las obligaciones del director de finanzas en lugar de las del auditor municipal y del contralor municipal?

PROPOSITION NO. 7 .

CIVIL SERVICE AND PERSONNEL

Shall Chapter VII, Section 2; Chapter XII, Section 4; Chapter XIII, Section 9; and Chapter XVI, Sections 1, 2, 3, 7, 10, 11 and 12 of the Charter of the City of Dallas be amended to change the composition of trial boards for hearing appeals of employees who are discharged or reduced in grade; to allow the civil service board to approve designation of certain positions to be filled without competitive exam; to provide for rules of evaluation of employee performance; to provide for extension of certain employee probationary periods; to eliminate disciplinary appeals of certain managerial employees; and to eliminate the requirement of city council confirmation of assistant city attorneys?

PROPOSICION NUM. 7

SERVICIO CIVIL Y PERSONAL

¿Deberán el Capítulo VII, Sección 2; el Capítulo XII, Sección 4; el Capítulo XIII, Sección 9; y el Capítulo XVI, Secciones 1, 2, 3, 7, 10, 11, y 12 de la Carta Constitucional de la Ciudad de Dallas ser enmendados para cambiar la formación de las juntas de apelaciones para escuchar apelaciones de empleados que han sido despedidos o degradados; para permitir que la junta de servicio civil apruebe la designación de ciertas posiciones que deben llenarse sin la necesidad de tomar examen competitivo; para proveer reglas para la evaluación de empleados en el desempeño de su trabajo; para extender el periodo probatorio de ciertos empleados; para eliminar apelaciones disciplinarias de ciertos empleados administrativos y para eliminar el requisito de que los abogados asistentes de la ciudad sean confirmados por el consejo de la ciudad?

PROPOSITION NO. 8 .

CITY COUNCIL COMPENSATION

Shall Chapter III, Section 4 of the Charter of the City of

Dallas be amended to provide for city council members a \$500 monthly fee and a \$100 fee for attendance at city council meetings?

PROPOSICION NUM. 8

HONORARIOS PARA LOS MIEMBROS DEL CONSEJO DE LA CIUDAD POR SERVICIO PRESTADO

¿Deberá el Capítulo III, Sección 4 de la Carta Constitucional de la ciudad de Dallas ser enmendado para proveer a los miembros del consejo de la ciudad honorarios de \$500 mensuales y de \$100 por asistir a cada reunión del consejo?

SECTION 3. That voting at the election and for the casting of absentee ballots, both by personal appearance and by mail, shall be by the use of a lawfully approved electronic voting system. The regular polling places shall be open from 7:00 a.m. to 7:00 p.m. on the date of the election. Absentee voting shall be conducted at the Dallas City Hall, 1500 Marilla Street, week days between the hours of 8:15 a.m. and 5:00 p.m. beginning on Monday, March 14, 1983, and continuing through Tuesday, March 29, 1983. In addition, on Saturday, March 26, 1983, and Sunday, March 27, 1983, absentee voting shall be conducted between the hours of 2:00 p.m. and 8:00 p.m.

SECTION 4. That the boundaries of the election precincts for the election are those established in Ordinance No. 17447. Locations of the polling places in the respective voting precincts are as designated in Exhibit "A," attached to and made a part of this Ordinance by reference.

SECTION 5. That the election shall be held and conducted in the manner provided by law governing the holding of city charter elections by Home Rule Cities of the State of Texas; and the official ballots, together with such other election materials as are required by the Texas Election Code, as amended, shall be printed in both the English and Spanish languages, and shall contain such provisions, markings and language as may be required by law.

SECTION 6. That the absentee ballots shall be canvassed by a special canvassing board to be appointed in accordance with the Texas Election Code.

SECTION 7. That notice of the election shall be given by the Mayor, or, in his absence or inability to act, by the Mayor Pro Tem, by publication as required by state law in a newspaper of general circulation published in the City.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

ANALES LIE MUNCY, City Attorney

BY

Chia Davidson
Assistant City Attorney

MAR 2 1983

Passed and correctly enrolled _____.

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