

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

February 24, 1993

93-0817

Agenda item 77: ACTIONS RELATED TO MAY 1, 1993, GENERAL AND SPECIAL ELECTIONS

- * Ordinance ordering a special election to be held in the City of Dallas on Saturday, May 1, 1993, for the purpose of submitting to the qualified voters of the City proposed amendments to the City Charter

The following individuals addressed the council regarding qualified voters of the City proposed amendments to the City Charter:

- Don McCleary, 3802 S. Versailles Ave., representing Baylor College of Dentistry
- Betty Culbreath, 1636 Bar Harbor Dr.
- Trudy O'Reilly, 4826 Swiss Ave.

Councilman Wells moved to divide the question on all propositions and vote on them one at a time at the request of the council.

Motion seconded by Councilwoman Mayes.

#1 Proposition - City Council Structure

Councilman Wells moved to adopt the item and place it on the ballot.

Motion seconded by Councilwoman Mayes.

At the conclusion of debate, Mayor Bartlett called for a record vote:

Voting Yes:	Bartlett, Lipscomb, Luna, Garcia, Duncan, Hicks, Nash, Mayes, Box, Halstead, Wells, Bartos, Palmer	-13
Voting No:	Tandy, Fielding	- 2

Mayor Bartlett declared the motion adopted.

#2 Proposition - City Council Compensation

Councilman Wells moved to adopte the item and place it on the ballot.

Motion seconded by Deputy Mayor Pro Tem Luna.

Councilman Hicks moved an amendment the proposition to set the salaries of the council at half the salary of the Commissioner's Court.

Motion seconded by Mayor Pro Tem Lipscomb.

At the conclusion of debate, Mayor Bartlett called for a record vote:

Voting Yes:	Lipscomb, Garcia, Hicks	- 3
Voting No:	Bartlett, Luna, Tandy, Duncan, Nash, Mayes, Box, Halstead, Fielding, Well, Bartos, Palmer	-12

Mayor Bartlett declared the motion lost.

Mayor Bartlett called for the record vote on the original motion:

Voting Yes:	Bartlett, Lipscomb, Luna, Garcia, Duncan, Nash, Box, Halstead, Wells, Palmer	-10
Voting No:	Tandy, Hicks, Mayes, Fielding, Bartos	- 5

Mayor Bartlett declared the motion adopted.

#3 Proposition - Official City Newspaper

Councilman Wells moved to adopt the item and place it on the ballot.

Motion seconded by Deputy Mayor Pro Tem Luna.

At the conclusion of debate, Mayor Bartlett called for a record vote:

Voting Yes:	Bartlett, Lipscomb, Luna, Garcia, Tandy, Duncan, Nash, Mayes, Box, Halstead, Fielding, Wells, Bartos, Palmer	-14
Voting No:	Hicks	- 1

Mayor Bartlett declared the motion adopted.

#4 Proposition - Purchasing and Contracts

Councilman Wells moved to adopt the item and place it on the ballot.

Motion seconded by Deputy Mayor Pro Tem Luna.

At the conclusion of debate, Mayor Bartlett called for a record vote:

Voting Yes:	Bartlett, Lipscomb, Luna, Garcia, Tandy, Duncan, Hicks, Hicks, Nash, Mayes, Box, Halstead, Wells, Bartos, Palmer	-14
Voting No:	Fielding	- 1

Mayor Bartlett declared the motion adopted.

#5 Proposition - City Council Meetings and Speakers

Councilman Wells moved to adopt the item and place it on the ballot.

Motion seconded by Deputy Mayor Pro Tem Luna.

At the conclusion of debate, Mayor Bartlett called for a record vote:

Voting Yes:	Bartlett, Luna, Tandy, Duncan, Box, Halstead, Wells, Bartos, Palmer	- 9
Voting No:	Lipscomb, Garcia, Hicks, Nash, Mayes, Fielding	- 6

Mayor Bartlett declared the motion adopted.

#6 Proposition - Elections and Petitions

Councilman Wells moved to adopt the item and place it on the ballot.

Motion seconded by Deputy Mayor Pro Tem Luna.

At the conclusion of debate, Mayor Bartlett called for a record vote:

Voting Yes:	Bartlett, Lipscomb, Luna, Garcia, Duncan, Hicks, Nash, Mayes, Box, Halstead, Fielding, Wells, Palmer	-13
Voting No:	Tandy, Bartos	- 2

Mayor Bartlett declared the motion adopted.

#7 Proposition - Finance and Budget

Councilman Wells moved to adopt the item and place it on the ballot.

Motion seconded by Deputy Mayor Pro Tem Luna.

At the conclusion of debate, Mayor Bartlett called for a record vote:

Voting Yes:	Bartlett, Lipscomb, Luna, Garcia, Tandy, Duncan, Hicks, Nash, Mayes, Box, Wells, Bartos, Palmer	-13
Voting No:	Halstead, Fielding	- 2

Mayor Bartlett declared the motion adopted.

#8 Proposition - Civil Service and Personnel

Councilman Wells moved to adopt the item and place it on the ballot.

Motion seconded by Deputy Mayor Pro Tem Luna.

At the conclusion of debate, Mayor Bartlett called for a record vote:

Voting Yes:	Bartlett, Tandy, Duncan, Nash, Box, Halstead, Wells, Bartos, Palmer	- 9
Voting No:	Lipscomb, Luna, Garcia, Hicks, Mayes, Fielding	- 6

Mayor Bartlett declared the motion adopted.

#9 Proposition - City Secretary and Filing of Claims

Councilman Wells moved to adopt the item and place it on the ballot.

Motion seconded by Deputy Mayor Pro Tem Luna.

At the conclusion of debate, Mayor Bartlett called for a record vote:

Voting Yes:	Bartlett, Lipscomb, Luna, Garcia, Tandy, Duncan, Nash, Mayes, Box, Halstead, Fielding, Wells, Bartos, Palmer	-14
Voting No:	Hicks	- 1

Mayor Bartlett declared the motion adopted.

Councilman Wells moved to pass the full ordinance.

Motion seconded by Councilwoman Mayes.

After discussion, Mayor Bartlett called the vote on the motion.

Mayor Bartlett declared the motion adopted on a divided voice vote.

Assigned ORDINANCE NO. 21581.

02/24/93

ORDINANCE NO. 21581

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; providing for a 15-member city council, with one member as mayor elected by all qualified voters of the city and 14 members elected from respective districts; dividing the city into 14 districts; providing residency requirements for city council candidates; providing for compensation for city council members; providing qualifications for the official city newspaper; allowing delegation of certain city purchasing powers and functions; conforming to state law the requirements for bonds on public contracts; providing for the location of city council meetings and for speakers to be heard by the city council; conforming city election procedures and petition requirements to state law; revising procedures for initiating, circulating, and processing petitions; providing for the conduct of a recall election and an election to fill a city council vacancy; limiting city issuance of long-term debt without voter approval; authorizing certain limited uses of water utilities department revenues; designating the person required to countersign city bonds; reducing the number of adjunct members of the civil service board; providing procedures and requirements for appealing a trial board

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decision to state district court; authorizing the city manager to increase disciplinary actions against city officers and employees; clarifying that employees reassigned because of reduction in force are not protected from reductions in pay; designating duties of the city secretary; providing for a location for filing claims against the city; making certain semantic, grammatical, and structural changes; designating May 1, 1993 as the date of the special election; prescribing the form of the ballot; designating polling places; providing for voting by an electronic voting system; permitting only resident qualified voters to vote; providing for early voting; providing for an early voting ballot board to process early voting; providing for notice of the election; and providing an effective date.

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

SECTION 1. That a special election is ordered to be held in the city on Saturday, May 1, 1993, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the city several propositions on whether the Charter of the City of Dallas should be amended. The proposed amendments will affect only those sections listed below and will read as set forth below. It is important to note that selective preclearance by the United States Justice Department of the August 12, 1989 charter amendments has made it difficult to discern the current language of the charter as it relates to city council districts. Although an attempt has been made to reflect proposed charter changes relating to a

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14-1 districting plan by the usual method of underlining new language and slashing through repealed language, any confusion or conflict resulting from this method will be resolved by reading only the unmarked language and the underlined language, the combination of which will accurately reflect the charter language if adopted at the May 1, 1993 election.

CHAPTER III. CITY COUNCIL

SEC. 1. COMPOSITION OF CITY COUNCIL.

Except as otherwise provided by this [~~the~~] Charter [~~of the city~~], all powers conferred on the city shall be exercised by a city council to be composed of 15 members, nominated and elected in the manner hereinafter provided unless otherwise provided by law. One member of the city council, Place 15, shall be elected by the qualified voters of the entire city[~~]~~ and 14 members[~~of the city~~] by the qualified voters residing in a particular district, Places 1 through 14 respectively, as provided in Chapter IV of this Charter. Members of council, Places 1 through 14, shall each be elected for a term of two years and member of council, Place 15, shall be elected for a term of four years. The city council members so elected shall take office on the first Monday in the month next succeeding the election, and they shall serve until their respective successors [~~shall~~] have been elected and [~~shall~~] ~~have~~] qualified.

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

(a) Each[~~Effective May 1/ 1989/ each member of the~~] city council member, other than the mayor, the mayor pro tem, and the deputy mayor pro tem, shall receive as compensation for [~~his~~] services the sum of \$1583.34 for each month (prorated for partial months) that the member serves[~~\$50 per diem for each regular or called meeting attended by him~~].

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(b) The mayor shall receive as compensation for services the sum of \$2083.34 for each month (prorated for partial months) that the mayor serves.

(c) The mayor pro tem and the deputy mayor pro tem shall each receive as compensation for services the sum of \$1875 for each month (prorated for partial months) that the mayor pro tem and deputy mayor pro tem respectively serve.

(d) In addition to receiving compensation as provided in Subsections (a) through (c) [the above], all necessary expenses incurred by [members of the] city council members in the performance of their duties will [shall] be paid by the city, when authorized by the city council. [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 a vacancy occurs on the city council, the vacancy must [shall] be filled at a special election for that purpose unless a general election that would fill the vacant place is scheduled to occur within 120 days after the vacancy occurred. As soon as practicable [at its next regular meeting] after the occurrence of the vacancy, the city council shall call a special election to be held at the next authorized election date that is at least 60 days after the date of the occurrence of the vacancy [shall].

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

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

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SEC. 6. REGULAR MEETINGS.

(a) 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 ~~must~~ ~~shall~~ be held in the city hall building ~~[council chamber]~~ in such locations and ~~[building]~~ at such times as may be prescribed by ordinance, ~~[of]~~ resolution, or lawfully-posted notice. At least ~~[/ but not less than]~~ one regular meeting of the city council ~~shall~~ be held each week unless postponed or cancelled for valid reasons as determined by the city council ~~[/ to be recorded in the minutes]~~.

(b) For purposes of this Charter, a regular meeting of the city council means a weekly meeting of the full city council at which city council members vote or are briefed on matters of interest to the city.

SEC. 8. OPEN MEETINGS; SPEAKERS.

(a) All official meetings of the city council and of all city council committees ~~must~~ ~~thereof shall~~ be open to the public as provided by state law. Those meetings involving an attorney and client relationship, or other matters authorized by law to be deliberated in closed session, need not be open to the public.

(b) The city council shall adopt rules of procedure that provide ~~[of]~~ reasonable opportunity for citizens to be heard by ~~[at all open meetings concerning any subject considered thereof under such rules as]~~ the city council ~~[may provide]~~.

CHAPTER IIIA. CITY SECRETARY

SEC. 3. DUTIES OF THE CITY SECRETARY.

The city secretary shall:

(1) attend all meetings of the city council and keep accurate records of all actions taken by the city council;

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(2) oversee a records management program for the city that provides for the identification, maintenance, retention, security, electronic storage, microfilming, disposition, and preservation of city records and appoint a city records management officer to administer the program;

(3) operate the city's archives and records storage facility for the storage of inactive city records until such time as those records may be disposed of and identify, preserve, and serve as custodian of the city's historical records;

(4) inspect or direct the city records management officer to inspect the city records and report to the city council and the city manager any irregularities or failures of the city to create, identify, or maintain records in accordance with requirements assigned by law~~[maintain the official records and files of the city]~~;

(5) ~~[(3)]~~ administer oaths;

(6) ~~[(4)]~~ attest contracts, assessment certificates, and other legal instruments when executed by the authorized officers of the city;

(7) ~~[(5)]~~ serve as the election official for all city elections; and

(8) ~~[(6)]~~ perform such other duties as may be required of the city secretary~~[(7)]~~ by this Charter, the city council, or state law.

CHAPTER IV. ELECTIONS AND REFERENDUMS

SEC. 2. QUALIFICATIONS OF VOTERS.

(a) All qualified electors of the state who reside within the city shall have the right to vote in all city elections.

(b) In this Charter, the terms "qualified voter," "registered voter," "qualified elector," and "registered elector" are synonymous and may be used interchangeably.

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SEC. 4. ELECTION OF CITY COUNCIL MEMBERS.

All qualified voters of the city shall be entitled to vote for a candidate in Place 15. The qualified voters of the respective districts shall be entitled to vote [Numbers 9/ 10/ and 11 and] for one candidate from Place 1, 2, 3, 4, 5, 6, 7, ~~[of]~~ 8, 9, 10, 11, 12, 13, or 14, corresponding to the district of which the voter is a resident.

SEC. 5. DISTRICT LIMITS.

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

(b) Redistricting commission.

(1) Not[By not later than January 1/ 1991/ and not] later than the date of receipt of any federal census, each member of the city council shall appoint one member~~[/ and for the year 1991 the mayor shall appoint four additional members/]~~ of a redistricting commission. The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council. In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population.

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

(3) The redistricting commission shall promptly convene in such sessions as are necessary, including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter. Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor. The mayor shall present the recommended plan to the city council at its next meeting. The city council shall adopt the plan as submitted or shall modify and adopt the plan, in either case

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within 45 days of receipt by the mayor. If neither of such actions is taken within 45 days, then the recommended plan of the redistricting commission will~~shall~~ become the final districting plan for the city.

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

SEC. 6. CANDIDATE'S RESIDENCE.

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

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

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

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

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

(1) that person files with the city secretary a signed, sworn, and dated affidavit certifying compliance with the residency requirements of this section, except that a sworn application for a place on the ballot filed with the city

secretary in accordance with the Texas Election Code will satisfy the requirements of this paragraph; and

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

SEC. 7. NOMINATION BY PETITION.

A[The name of a] person desiring to become a candidate for [a place on] the city council shall [be placed on the official ballot/ if the person] file[s] with the city secretary, within the time required by the Texas Election Code, as amended [not less than 45 days not more than 75 days prior to the election], an application for a place on the ballot and a petition [of petitions properly] signed by [not less than 300] qualified voters of the city eligible to vote for the candidate equal in number to the minimum number of signatures required for a candidate petition by the Texas Election Code, as amended[/ designating the place sought by such candidate]. Each application and petition must comply in form, content, and procedure with the Texas Election Code, as amended[provisions of section 12/ Chapter IV of this Charter]. [Each petition shall contain an acceptance clause which shall serve as acceptance of the nomination when the such acceptance clause is signed by the candidate upon the filing of the petition with the city secretary.]

SEC. 8. DESIGNATION ON OFFICIAL BALLOT.

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

SEC. 9. CANVASS OF ELECTION.

The [on the next regular business day that is at least two days following either a general or special election/ the] city council shall [convene in a special meeting in the council chambers and] canvass and certify the results of any general or special [such] election in accordance with the Texas Election Code, as amended.

SEC. 11. RUNOFF ELECTIONS.

If no candidate for a particular office receives a majority of the votes cast for all candidates for that office in the first election, a runoff election for that office is required. Candidates in the runoff election will be listed on the ballot in the order of their standing in the first election. If two candidates tie in the number of votes received in the first election, they shall cast lots to determine the order in which their names will be listed on the runoff ballot. The runoff election will be conducted in accordance with the Texas Election Code, as amended [/ except / that if the main election is a special election / the runoff will be held two weeks from the date of the first election].

SEC. 12. PETITION REQUIREMENTS.

(a) To be valid, a petition submitted for the purpose of complying with an election process must comply with the Texas Election Code, as amended [/

(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, other than a petition to place a candidate's name on the ballot, shall file with the city secretary an affidavit containing the person's [his] name and address and a statement that:

- (1) the person [He] circulated the petition;
- (2) [/ That] the purpose was explained to each signer;
- (3) [/ That] each signer freely provided all information required; [/ and]
- (4) [That] all statements contained in the petition are true; and
- (5) the person witnessed the affixing of each signature on the petition.

CHAPTER V. RECALL OF CITY COUNCIL MEMBERS [MEM]

SEC. 1. PETITION FOR RECALL OF CITY COUNCIL MEMBERS [MEM].

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

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

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

(B) [/ demanding the recall of the 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; and

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

(2) On the day that the petition is first circulated, notice must [notice shall] be given in writing to the city secretary by five registered voters of the city council district from which the member is sought to be removed [on the day that the petition is first circulated], and the

total signatures required must be secured and the petition filed within 60 days [where]after the city secretary receives the notice. [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/]

(3) Within 30 days after [from] the [filing of such] petition is filed, the city secretary shall examine the petition [same] and, from the list of qualified voters, ascertain whether or not the [said] petition is signed by the requisite number of qualified voters. If [and/ if] necessary, the city council shall allow the city secretary [with] extra help, and, in the case of a petition to recall the mayor or multiple petitions to recall city council members, additional days to complete the examination. The city secretary [for that purpose/ and he] shall attach to the [said] petition a certificate showing the result of the [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 city secretary finds the recall petition in order, the city secretary [he] shall submit the petition [same] to the city council. The city council shall then, as soon as practicable, [give the challenged councilman 20 days to resign or declare his intention/ in writing/ to have his name on the recall election ballot/ If the councilman resigns or 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 60[40] days after the certification of the recall petition, [expiration of said 20 day period] unless the next available election date is the general election in which case the election will [shall] be held on that date. The name of the city council member sought to be removed will automatically be placed on the ballot unless, before the filing deadline, the member resigns or declares an intention to not be a candidate on the ballot. All other candidates shall comply with the requirements for candidacy in a general election of the city. The election will

~~shall~~ be conducted in the same manner as set forth ~~here~~ in this Charter for an election to fill a vacancy on the city ~~of~~ council. The ~~new/ provided that the~~ election will ~~shall~~ be only for the unexpired term of the questioned city council member ~~new~~. Failure of the person elected to take the oath of office within 10 days after the official canvass of the ~~new~~ election will ~~/ shall~~ create a vacancy in the office.

CHAPTER X. ADMINISTRATIVE DEPARTMENTS

SEC. 3. PURCHASE AND SALE OF PERSONAL PROPERTY.

Purchases ~~must~~ ~~shall~~ be made by the city purchasing agent, or the purchasing agent's designees, 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 a department ~~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 city council may establish, subject to the competitive bidding sections of this ~~C~~harter. Supplies required by departments may be furnished ~~upon requisition from the stores~~ under the control of the purchasing agent or the purchasing agent's designees ~~[/ and whenever so furnished shall be paid for by the department furnished herewith 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

SEC. 4. TRANSFER OF APPROPRIATIONS.

Upon the written recommendation of the city manager, the city 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 non-tax-supported public utility to any other purpose].

SEC. 14. USE OF WATER UTILITIES DEPARTMENT RECEIPTS AND REVENUES [FUNDS NOT TO BE DIVERTED].

(a) All receipts and revenues from the water utilities department [shall] constitute a separate and sacred fund, which may [shall] never be diverted or drawn upon for any [other] purposes other than those set forth in this section [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 city council may appropriate or pledge all [such] receipts and revenues from the water utilities department:

(1) for acquiring, constructing, repairing, [the purpose of] extending, improving, operating, maintaining, and bettering the city's combined water and wastewater [said] utility systems and related plants, properties, mains, facilities, and water supplies; [y/ and for constructing and extending lateral sewers]

(2) [/ and also] for [the purpose of] paying, discharging, or retiring the indebtedness and obligations of the city that have been or may be incurred for Dallas w[ater] u[tilities] d[e]partment purposes;

(3) for payment for services rendered to the department by other city departments; and

(4) for payment of an amount equal to ad valorem taxes and other charges that would be due the city if the water utilities department were not a city-owned public utility.

(b) All water service or municipal and industrial waste water collection and treatment service rendered by the water utilities department ~~must~~ be paid for by rate schedules as approved by the city council and such state authority as may be required.

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

SEC. 6. BOARD TO PROVIDE FOR PROMOTIONS AND REASSIGNMENT IN THE CLASSIFIED SERVICE.

(a) 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 evidences of competition and by records of merit, efficiency, character, conduct, and seniority.

(b) The board shall also provide for incumbents of ranks or grades that [which] have been eliminated by departmental reorganization:

(1) to be reassigned to other positions; and

(2) to receive no reduction in compensation for a period not to exceed two years.

(c) The board may, but is not required to, provide for [No] reassignment [if required] in the case of:

(1) reduction in force; or

(2) removal or reduction for cause under standard civil service hearing and appeal procedures.

(d) Subsection (b)(2) does not apply to a reassignment made under Subsection (c).

SEC. 11. EMPLOYEE ACTIONS AFTER PROBATION PERIOD.

(a) Any classified or unclassified officer or employee may be removed, laid off, or reduced in grade by the city manager, or the head of the department in which the officer or employee [he] is employed after the six months' probationary period has expired. The [/ but / if requested by such officer of employee / it shall be the duty of the] officer taking the action shall, upon request, [he] furnish the discharged or reduced officer or employee [him] with a written statement of the reasons [there]for the action. The [and the said] discharged or reduced officer or employee shall have the right to demand a public hearing upon the [said] charges, within a reasonable time [there]after notice of the action, before the trial board as provided by this Charter [hereinafter defined]. This right of appeal does [shall]

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not apply to department directors, assistant department directors, and other managerial personnel designated by the city council.

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

SEC. 12. TRIAL BOARD.

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

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

(c) Any aggrieved officer or employee who desires ~~to avail himself of the right~~ to appeal to the trial board must do so in writing within 10 days from the

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date of [his] notification of dismissal or reduction. The aggrieved officer or employee has the right to [he may] be represented by counsel, [and shall have the right] to have an open hearing, and to compel the attendance of [such] witnesses [as he may desire] to testify for the aggrieved officer or employee [in his behalf]. The appeal to the trial board does[shall] not suspend the execution of the order being appealed [from which the appeal is appealing]. The trial board may either sustain or reverse the action of the city manager or the department head [of the department], as the case may be, or modify and amend the action[same] as the trial board [may] deems just and equitable under all the facts and circumstances of the particular case.

CHAPTER XVIII. ORDINANCES AND RESOLUTIONS

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 ordinance [same] to be passed, by a petition filed with the city secretary in the following manner:

(1) A committee of at least five registered voters of the City of Dallas must[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 60 days from this date, it will[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 10 percent of the qualified voters of the City of Dallas as appears from the latest available county voter registration list.

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

SEC. 12. CITY SECRETARY TO EXAMINE PETITION [/ AMENDMENT].

Within 30 days after[from] the date the [of filing] such petition is filed, the city secretary shall examine and ascertain whether or not the[same] petition is signed by the requisite number of qualified voters [electors] and

[He] shall attach to the[said] petition a[his] certificate showing the result of the[such] examination. [If by the secretary's certificate the petition is shown to be insufficient, it may be amended within 10 days from date of said certificate. The secretary shall, within 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 referred to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.] If the petition is[shall be] found to be sufficient, the city secretary shall submit the petition [same] to the city council [of the city] without delay.

CHAPTER XXI. BORROWING MONEY

SEC. 3. LIMITATIONS ON BONDED INDEBTEDNESS PAYABLE FROM TAXES.

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

(b) The city may not issue general obligation bonds or property-tax-supported certificates of obligation, other than refunding bonds, with a maturity in excess of 10 years unless the bonds have first been authorized by a majority vote of the participating voters at an election held for that purpose.

SEC. 8. EXECUTION OF BONDS.

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

CHAPTER XXII. PUBLIC CONTRACTS

SEC. 7. PERFORMANCE AND PAYMENT BONDS.

Any prime contractor entering into a public contract [~~in excess of \$2,000~~] with the city for the construction, alteration, or repair of any public building or structure, or for 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, as [~~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. The [~~said~~] bond must [~~shall~~] be solely for the protection of the city. The [~~said~~] contractor shall also be required, before commencing [~~conducting~~] such work, to execute a payment bond in a good and sufficient amount, as [~~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 [~~said~~] claimant. The bonds must be made by a bonding company authorized to do business in the State of Texas, and legal venue for enforcement [~~there~~] of the bonds [~~shall~~] lies exclusively in Dallas County, Texas. A resident of Dallas County must [~~shall~~] be appointed as agent for delivery of notice and service of process by the surety.

SEC. 8. OTHER BONDS AND SECURITY.

(a) In addition to the two bonds [~~above~~] mentioned in Section 7 of this chapter, the city may require that the contractor show proof of coverage by [~~that he is insured with~~] public liability and property damage insurance in an amount to be set by the city and [~~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. The contractor [~~and~~] may be required to post any other bond or proof of insurance that the plans and specifications may require.

(b) Where the contract by the city [~~for the construction of public improvements~~] is [~~in an amount less than \$2,000 or where the contract is for the purchase of materials, supplies, machinery, equipment, or other paraphernalia not involved in the construction of public works [exceeds \$500], or the contract is for the lease, rental, franchise, or other use of personal or real property of the city, the city~~] [~~contractor~~] 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 unconditional letter of credit or a bid bond in the amount set by the city 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 must designate a resident agent in Dallas County. If 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.

CHAPTER XXIII. CLAIMS FOR DAMAGE OR INJURY

SEC. 1. NOTICE REQUIRED--PERSONAL INJURY.

The City of Dallas may never be liable for any personal injury, whether resulting in death or not, unless the person injured, or someone on the person's behalf, or if 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, files a notice in writing with the city, at a location to be designated by ordinance, within six months after the injury was received. The notice must specifically state:

(1) when, where, and how the exact injury occurred;

(2) the full extent of the injury; and

(3) the amount of damages claimed or asserted.

SEC. 2. NOTICE REQUIRED--INJURY TO PERSONAL OR REAL PROPERTY.

The City of Dallas may 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 on that person's [~~his~~] behalf, [~~shall~~] files a claim in writing with the city, at a location to be designated by ordinance, [~~secretary~~] within six months after the [~~said~~] damage or injury [~~has~~] occurred. The notice must [~~be~~] specifically state:

(1) [~~in such notice~~] when, where, and how the exact injury or damage occurred;

(2) [~~and~~] the full extent [~~there~~] of the injury or damage; [] and

(3) the amount of damages claimed or asserted.

SEC. 3. CLAIMS FOR INDEMNITY OR CONTRIBUTION.

The city may [~~shall~~] not be liable for claims for contribution or indemnity, unless the person asserting the [~~such~~] claim gives [~~shall have given~~] notice, in writing, to the city, at a location to be designated by ordinance, [~~secretary~~] within six months after the occurrence that [~~which~~] is the basis for the [~~such~~] claim. The notice must [~~shall~~] specifically state:

(1) that the claim is for contribution or indemnity;

(2) a description of [~~and describe~~] the parties involved;

(3) [] when, where, and how the exact injury, death, or property damage occurred;

(4) [~~and~~] the full extent [~~there~~] of the injury, death, or property damage; [] and

(5) the amount of contribution or indemnity claimed or asserted.

CHAPTER XXIV. MISCELLANEOUS PROVISIONS

SEC. 11. DESIGNATION OF OFFICIAL NEWSPAPER.

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

(b) The official[/ and the] newspaper must:

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

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

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

(4) [~~so selected shall~~] have been published regularly and continuously [~~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 year prior to its selection as the official newspaper.

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

PROPOSITION NO. _____

City Council Structure

Shall Chapter III, Section 1 and Chapter IV, Sections 4, 5, and 6 of the Charter of the City of Dallas be amended to increase the city council composition to 15 members, with 14 members elected by qualified voters of particular districts and one member elected as mayor by all qualified voters of the city; to divide the city into 14 districts; to provide residency requirements for city council candidates; to require affidavits and verification of a candidate's residence; and to make certain nonsubstantive changes?

PROPOSICION NO. _____

Estructura del Concilio de la Ciudad

¿Deberán enmendarse el Capítulo III, Sección 1 y el Capítulo IV, Secciones 4, 5, y 6 de la Constitución de la Ciudad de Dallas para aumentar la composición del concilio de la ciudad a 15 miembros, con 14 miembros elegidos por los votantes calificados de los distritos particulares y un miembro elegido como alcalde por todos los votantes calificados de la ciudad; a dividir la ciudad en 14 distritos; a estipular los requisitos de residencia para los candidatos del concilio de la ciudad; a requerir afidávits y verificación de la residencia de algún candidato; y a hacer ciertos cambios no sustantivos?

PROPOSITION NO. _____

City Council Compensation

Shall Chapter III, Section 4 of the Charter of the City of Dallas be amended to provide for the mayor to receive a monthly fee of \$2083.34 plus expenses of office, the mayor pro tem and deputy mayor pro tem to each receive a monthly fee of \$1875 plus expenses of office, and the other city council members to each receive a monthly fee of \$1583.34 plus expenses of office?

PROPOSICION NO. _____

Compensación del Concilio de la Ciudad

¿Deberá enmendarse el Capítulo III, Sección 4 de la Constitución de la Ciudad de Dallas para hacer que el alcalde reciba un honorario mensual de \$2083.34 más gastos de oficina, que el alcalde pro tem y el delegado del alcalde pro tem cada uno reciba un honorario mensual de \$1875 más gastos de oficina, y que los otros miembros del concilio de la ciudad cada uno reciba un honorario mensual de \$1583.34 más gastos de oficina?

PROPOSITION NO. _____

Official City Newspaper

Shall Chapter XXIV, Section 11 of the Charter of the City of Dallas be amended to allow a newspaper other than one in daily circulation to serve as the official newspaper of the

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city and to provide other qualifications for the official city newspaper?

PROPOSICION NO. _____

Periódico Oficial de la Ciudad

¿Deberá enmendarse el Capítulo XXIV, Sección 11 de la Constitución de la Ciudad de Dallas para permitir que un periódico que no sea uno de circulación diaria sirva como periódico oficial de la ciudad y para estipular otras calificaciones para el periódico oficial de la ciudad?

PROPOSITION NO. _____

Purchasing and Contracts

Shall Chapter X, Sections 3 and 4 and Chapter XXII, Sections 7, 8, and 9 of the Charter of the City of Dallas be amended to allow the city purchasing agent to delegate limited purchasing power to individual city departments; to delete obsolete functions of the city purchasing agent in furnishing supplies to individual city departments; to conform to state law the requirements for performance and payment bonds and other security on public contracts; and to make certain nonsubstantive changes?

PROPOSICION NO. _____

Compras y Contratos

¿Deberán enmendarse el Capítulo X, Secciones 3 y 4, y el Capítulo XXII, Secciones 7, 8, y 9 de la Constitución de la Ciudad de Dallas para permitir que el agente de compras de la ciudad delegue un poder limitado de compras a los departamentos individuales de la ciudad; para adecuarse a los requisitos de las leyes estatales sobre los bonos de cumplimiento y pago y otros valores sobre contratos públicos; y para hacer ciertos cambios no sustantivos?

PROPOSITION NO. _____

City Council Meetings and Speakers

Shall Chapter III, Sections 6 and 8 of the Charter of the City of Dallas be amended to require all regular meetings of the city council to be held in prescribed locations of the official city hall; to define "regular meetings" of the city council; and to require the city council to provide through its rules of procedure opportunities for citizens to speak?

PROPOSICION NO. _____

Reuniones y Oradores del Concilio de la Ciudad

¿Deberá enmendarse el Capítulo III, Secciones 6 y 8 de la Constitución de la Ciudad de Dallas, para requerir que todas las reuniones ordinarias del concilio de la ciudad se efectúen en las localidades oficiales prescritas por la municipalidad; para definir las "reuniones ordinarias" del concilio de la ciudad; y para exigir que el concilio de la ciudad estipule a través de sus reglamentos de procedimiento las oportunidades para que los ciudadanos hablen?

PROPOSITION NO. _____

Elections and Petitions

Shall Chapter III, Sections 5; Chapter IV, Sections 2, 7, 8, 9, 11, and 12; Chapter V, Sections 1 and 2; and Chapter XVIII, Sections 11 and 12 of the Charter of the City of Dallas be amended to conform to state law the requirements and procedures for canvassing elections, filing as a city council candidate, filing petitions, and holding runoff elections; to require five registered voters of the city to file an intent to circulate a petition for initiative and referendum of ordinances or a recall petition; to provide requirements for a petition circulator; to delete requirements for returning insufficient petitions to the filer; to authorize the city council to allow the city secretary additional help and time in verifying signatures on a recall petition; to provide for the conduct of a recall election in the manner in which an election to fill a city council vacancy is conducted; to provide for the automatic placement of a challenged city council member on a recall election ballot; to require an election to fill a city council vacancy to be ordered as soon as practicable; and to make certain nonsubstantive changes?

PROPOSICION NO. _____

Elecciones y Peticiones

¿Deberán enmendarse el Capítulo III, Sección 5; el Capítulo IV, Secciones 2, 7, 8, 9, 11, y 12; el Capítulo V, Secciones 1 y 2; y el Capítulo XVIII, Secciones 11 y 12 de la Constitución de la Ciudad para adecuarse con la ley estatal sobre los requisitos y procedimientos para los escrutinios en las elecciones, inscribirse como candidato al concilio de la ciudad, presentar peticiones y efectuar elecciones finales de definición de ganadores; para exigir cinco votantes inscritos de la ciudad para presentar una intención de circulación de petición para iniciativa y referéndum de ordenanzas o para petición para volver a llamar a elección; para estipular los requisitos para una circular de petición; para eliminar requisitos para devolver peticiones insuficientes al solicitante; para autorizar al concilio de la ciudad para permitir ayuda adicional y tiempo al secretario de la ciudad para verificar las firmas en una petición para llamar a nuevas elecciones; para estipular la conducción de una llamada a nuevas elecciones en la forma en que se efectúe la elección para llenar una vacante del concilio de la ciudad; para estipular la colocación automática de un miembro cuestionado del concilio de la ciudad en la papeleta de votación para las nueva convocatoria a elecciones; para exigir que se ordene una elección para llenar el puesto vacante en el concilio de la ciudad tan pronto como sea practicable; y para hacer ciertos cambios no sustantivos?

PROPOSITION NO. _____

Finance and Budget

Shall Chapter XI, Sections 4 and 14 and Chapter XXI, Sections 3 and 8 of the Charter of the City of Dallas be amended to limit city issuance of certain long-term debt without voter approval; to authorize the use of water utilities department receipts and revenues to pay an amount equal to ad valorem taxes and other charges that would be due the city if the department were not a city-owned public utility; to correct the title of the person charged with countersigning city bonds; and to make certain nonsubstantive changes?

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PROPOSICION NO. _____

Finanzas y Presupuesto

¿Deberán enmendarse el Capítulo XI, Secciones 4 y 14, y el Capítulo XXI, Secciones 3 y 8 de la Constitución de la Ciudad de Dallas para limitar la emisión por parte de la ciudad de ciertas deudas a largo sin aprobación de los votantes; para autorizar el uso de los recibos y utilidades del departamento de utilización de agua para pagar una cantidad igual a los impuestos al valor y otros cobros que serían debidos por la ciudad si este departamento no fuera un departamento de utilidad pública de propiedad de la ciudad; para corregir el título de la persona encargada con la refrendación de los bonos de la ciudad; y para hacer ciertos cambios no sustantivos?

PROPOSITION NO. _____

Civil Service and Personnel

Shall Chapter XII, Section 4; Chapter XIII, Section 9; and Chapter XVI, Sections 1, 6, 11, and 12 of the Charter of the City of Dallas be amended to reduce the number of adjunct members of the civil service board to one appointee for each city council member; to allow either the city, with approval of the city manager and the city attorney, or an aggrieved officer or employee to appeal a trial board decision to state district court and to provide for attorney's fees to the prevailing party; to provide for execution of a trial board order pending appeal to state district court; to make disciplinary actions consistent throughout city departments by authorizing the city manager to increase disciplinary actions against city employees, including police officers and firefighters; to clarify that employees reassigned during overall reductions in force are not protected from reductions in pay; and to make certain nonsubstantive changes?

PROPOSICION NO. _____

Servicio Civil y Personal

¿Deberán enmendarse el Capítulo XII, Sección 4; el Capítulo XIII, Sección 9; y el Capítulo XVI, Secciones 1, 6, 11, y 12 de la Constitución de la Ciudad de Dallas para reducir el número de miembros adjuntos de la junta de servicio civil a uno designado por cada miembro del concilio de la ciudad; para permitir ya sea a la ciudad, con la aprobación del administrador de la ciudad y el abogado de la ciudad, o a un funcionario o empleado agraviado para apelar de una decisión de una junta judicial a la corte de distrito estatal y para estipular los honorarios de abogado a la parte ganadora; para estipular la ejecución de una orden de la junta judicial pendiente la apelación a la corte de distrito estatal; para tomar acciones disciplinarias consistentes a través de todos los departamentos de la ciudad autorizando al administrador de la ciudad a aumentar las acciones disciplinarias en contra de los empleados de la ciudad, incluyendo a oficiales de policía y bomberos; para aclarar que los empleados reasignados durante reducciones generales en vigor no están protegidos de reducciones en el pago; y para hacer ciertos cambios no sustantivos?

PROPOSITION NO. _____

City Secretary and Filing of Claims

Shall Chapter IIIA, Section 3 of the Charter of the City of Dallas be amended to delegate to the city secretary duties involving management of city records; to provide that claims against the city be filed at a location to be designated by ordinance instead of with the city secretary; and to make certain nonsubstantive changes?

PROPOSICION NO. _____

Secretario de la Ciudad y Presentación de Reclamos

¿Deberá enmendarse el Capítulo IIIA, Sección 3 de la Constitución de la Ciudad de Dallas para delegar al secretario de la ciudad los deberes concernientes a la administración de los registros de la ciudad; para estipular que los reclamos en contra de la ciudad sean presentados en una localidad a ser designada por una ordenanza en vez de ser presentado al secretario de la ciudad; y para hacer ciertos cambios no sustantivos?

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

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

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

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

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

SECTION 8. That applications for early voting ballots to be voted by mail must be mailed to Early Voting Clerk, Elections Department, Dallas County Records Building, 500 Main Street, Dallas, Texas 75202. Applications for ballots by mail must be received no later than close of business on Friday, April 23, 1993.

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

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

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

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

BY


Assistant City Attorney

Passed _____

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