

9-11-24

ORDINANCE NO. 32849

An ordinance amending Ordinance No. 32798, passed by the Dallas City Council on August 14, 2024; replacing proposed charter language in Section 1 of Ordinance No. 32798 to reflect the removal of language related to Propositions K, M, and N; amending Section 2 of Ordinance No. 32798 that prescribes the form and wording of the ballot propositions by removing Propositions K, M, and N; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the Supreme Court of Texas issued a ruling on September 11, 2024, ordering the city to remove Propositions K, M, and N. Now, Therefore,

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

SECTION 1. That the proposed charter language in Section 1 of Ordinance No. 32798 is replaced by the proposed charter language in this section to read as follows:

**“PREAMBLE**

We, the people of the City of Dallas, under the constitution and laws of the state of Texas, establish this preamble in order to secure the benefits of local self-government and set forth the guiding principles for our city. We affirm the values of our city as an equitable democracy, comprised of representatives that act to make our city fair, equitable, just, and safe for all those who reside within it.

**CHAPTER III. CITY COUNCIL**

**SEC. 3. COUNCIL QUALIFICATIONS.**

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

### SEC. 3A. LIMITATION OF TERMS.

(a) A person who has served as a member of the city council other than Place 15 for four ~~[consecutive]~~ two-year terms shall not again be eligible to become a candidate for, or to serve in, any place on the city council except Place 15 ~~[until at least one term has elapsed]~~.

(b) A person who has served two ~~[consecutive]~~ terms as a member of the city council, Place 15, shall not again be eligible to become a candidate for, or to serve in, Place 15 on the city council ~~[until at least one term for Place 15 has elapsed]~~.

(c) A "term" as used in Subsection (a) shall include any period of service during a city council term when that period is in excess of one year, including a term from which the member resigned.

(d) For the purpose of limiting terms under Subsection (b), a term includes a period of time less than four years when the period of service by a mayor during a term is in excess of 731 days.

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

(a) ~~[Effective October 1, 2001, e]~~ Each member of the city council, other than the mayor, shall receive a salary in ~~[as compensation for services]~~ the sum of \$60,000 ~~[\$37,500]~~ for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive a salary in ~~[as compensation for services]~~ the sum of \$80,000 ~~[\$60,000]~~ for each year (prorated for partial years) served as mayor on the city council. *[Note: This version of subsection (a) is effective until January 1, 2025 ~~[the swearing in of city council members in June 2015].~~]*

(a) Effective January 1, 2025 ~~[upon the swearing in of city council members in June 2015]~~, each member of the city council, other than the mayor, shall receive a salary in ~~[as compensation for services]~~ the sum of \$90,000 ~~[\$60,000]~~ for each year (prorated for a partial year[s]) that the member serves on the city council. The mayor shall receive a salary in ~~[as compensation for services]~~ the sum of \$110,000 ~~[\$60,000]~~ for each year (prorated for a partial year[s]) served as mayor on the city council. The annual salary for the mayor and members of the city council shall thereafter be subject to a yearly adjustment equal to the year-over-year percentage increase in the local consumer price index. *[Note: This version of Subsection (a) is effective January 1, 2025 ~~[upon the swearing in of city council members in June 2015 and until the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014].~~]*

~~[(a) Effective upon the swearing in of city council members in June 2015, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) that the member serves on the city council. Effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014, the mayor shall receive as compensation for services the sum of \$80,000 for each year (prorated for partial years) served as mayor on the city council. [Note: This version of~~

*Subsection (a) is effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014.}]*

- (b) For purposes of this section, a “year” means a 12-consecutive-month period.
- (c) The salary [~~compensation~~] provided for in Subsection (a) will be paid on a biweekly basis.
- (d) In addition to receiving the salary [~~compensation~~] provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized by the city council. The mayor and each member of the city council may also receive benefits for elected officials as permitted by state and federal law and adopted by city council through resolution or ordinance.

(e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any salary [~~compensation~~] year, then the city council member’s salary [~~compensation~~] provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which salary [~~compensation~~] reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business.

## **SEC. 8. OPEN MEETINGS; SPEAKERS.**

(b) The city council shall adopt rules of procedure that provide reasonable opportunity for people [~~citizens~~] to be heard by the city council.

## **SEC. 13. POLICY-MAKING PROCEDURES AND OVERSIGHT RESPONSIBILITIES.**

(a) In the performance of the powers of government, it is the duty of the mayor and the city council to make suitable provision for the assurance of adequate and appropriate prior review and consideration of official actions to be taken by the city council, and to assure that a high performance level of services to the residents [~~citizens~~] is maintained, responsiveness to the people is provided, and accountability in municipal government is assured. To this end, the city council shall:

(1) adopt rules of procedure governing the conduct of city council meetings and the introduction, consideration, and method of review of actions to be considered by the city council, consistent with the city manager’s authority to present directly to the entire city council the city manager’s operational agenda;

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

(3) establish such additional standing committees and their duties as the city council determines is appropriate; and

(4) establish the process by which the committees shall conduct their business and review matters for city council consideration, consistent with the city manager's authority to present directly to the entire city council the city manager's operational agenda.

(b) The mayor shall appoint the members and chairs of all city council committees, and it shall be the duty of each member of the city council to serve and to participate on each committee to which the member is appointed. The mayor shall have the power to remove and reassign members to and from the various city council committees.

## **SEC. 19. INDEPENDENT AUDIT.**

The city council shall cause the annual financial statements and related records and accounts of the city to be audited annually by a firm registered with the Texas State Board of Public Accountancy as a firm practicing public accountancy. The auditor shall be selected by the city council[,] and shall be responsible to the council. The report of such auditor and the financial statements and related audit opinion for the fiscal year shall be printed and a copy shall be furnished to each city council member and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any person [~~citizen~~] upon request. [~~A summary of the annual financial statements and the audit report shall also be published once in a newspaper of general circulation in the city.~~] The original report of the auditor or auditors shall be kept among the permanent records of the city.

## **CHAPTER IIIA. CITY SECRETARY**

### **SEC. 2. ASSISTANTS AND EMPLOYEES.**

The city council shall provide the city secretary with such assistants and employees as it may deem necessary, and they shall receive such compensation as may be fixed by the council. Any such assistant or employee may be discharged at any time by the city secretary. All powers and duties imposed on the city secretary may be exercised and performed by any assistant or employee under the city secretary's direction.

## **CHAPTER IV. ELECTIONS AND REFERENDUMS**

### **SEC. 3. GENERAL ELECTION.**

No primary election shall be held for the selection of nominees to the city council unless specifically required by state law. General elections for the purpose of electing members of the city council shall be held according to state law [~~on the first authorized election date after March 1 of each odd-numbered year~~]. If state law does not restrict election dates, the city council shall

by resolution or ordinance establish an election date on a uniform election date in ~~[May of]~~ odd-numbered years. The members elected shall compose the city council of the City of Dallas and shall serve for the terms provided in Chapter III of this Charter, or until their respective successors shall have been elected, qualified, and taken office.

**SEC. 5. DISTRICTS AND REDISTRICTING.**

(b) Redistricting commission.

(2) Persons appointed to the redistricting commission must ~~[be registered to vote and]~~ meet the qualifications for service on a city commission. ~~[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. The following persons are not eligible to serve on the redistricting commission:

(A) a current member of the city council or the spouse of a current member of the city council or any family member within the third degree of consanguinity or affinity;

(B) a person or the spouse of a person who has been appointed to or elected to any elective federal, state, county, or city office during the three years before the appointment date;

(C) the campaign manager, treasurer, or staff member of any candidate for federal, state, county, or city elected office during the five years before the appointment date;

(D) a registered lobbyist or spouse of a lobbyist registered with the city, county, state, or federal government;

(E) a person or spouse of a person who works for the city or who works with or for any current member of the city council;

(F) a person or spouse of a person who has a contractual relationship with the city, has had a contractual relationship with the city within three years before the date of appointment, has a contractual relationship with any current member of the city council or the spouse of a current city council member; or has had a contractual relationship with any current member of the city council or the spouse of a current city council member within three years before the date of appointment (this paragraph does not apply to non-negotiated, form contracts for general city services or benefits if the city services or benefits are made available to the person or spouse on the same terms that they are made available to the general public); or

(G) a person who, in accordance with this charter, city ordinances, or written city policy, is ineligible for appointment to a city board or commission.

**SEC. 6. CANDIDATE'S RESIDENCE.**

(a) No person shall be eligible as a candidate for member of council, Place 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, unless the person is at the time a bona fide resident of District 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, or 14, respectively, has resided continuously in Texas for 12 months, and has resided within the district in which the person is a candidate for a period of at least six months prior to the date of the regular filing deadline for a candidate's application for a place on the ballot [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, may be a resident of any portion of the city, must have resided continuously in the city for a period of at least six months and continuously in Texas for 12 months prior to the date of the regular filing deadline for a candidate's application for a place on the ballot [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. 13. DISCLOSURE OF CANDIDATE CONTRIBUTIONS.~~**

~~(a) The city secretary shall cause to be published, in a newspaper of general circulation or on the city's website, on at least two separate dates (20 and two days, respectively) prior to each election or recall election, a notice disclosing the names and contribution amounts of individuals and political committees making contributions to the campaigns and/or election committees of the candidates for mayor and city council that have been reported to the city secretary prior to the dates of publication.~~

~~(b) The city secretary shall also cause to be published in a newspaper of general circulation or on the city's website, a notice disclosing the names and contribution amounts of individuals and political committees making contributions to the campaigns and/or election~~

~~committees of the candidates for mayor and city council reported to the city secretary following any election or recall election.~~

~~(e) The city council shall provide sufficient resources to the city secretary to implement the mandate of this section.]~~

## CHAPTER VIII. MUNICIPAL COURTS

### SEC. 6. ASSOCIATE MUNICIPAL JUDGES.

~~In May of each fourth year, associate municipal judges shall be appointed by city council. Associate municipal judges will receive their assignment from the administrative judge or the administrative judge's designee. Each associate municipal judge shall be a practicing attorney of good standing. Each associate municipal judge must be a resident of the City of Dallas within four months of appointment. Each associate municipal judge shall hold office for a term that is equal to the length of terms for members of the city council, Places 1 through 14, from the date of appointment or until a successor is appointed and qualified, unless sooner removed by the council. In the event of any vacancy in the office of associate municipal judge by death, resignation, or otherwise, the city council may appoint a qualified attorney to fill the unexpired term as an associate municipal judge. The associate municipal judge is considered a part-time judge and is called upon as needed. [If, for any cause, any of the municipal judges shall temporarily fail to act, then and in such case the council is hereby authorized to appoint some qualified attorney who shall act in the place and stead of such municipal judge, and who shall have powers and discharge all the duties of said office and shall receive the compensation therefor accruing while so acting. Such temporary judges shall be known as associate municipal judges. Associate municipal judges, during their appointments, shall not represent clients on matters pending in the municipal courts. The appointment of an associate municipal judge shall be by resolution of the city council, filed in the office of the city secretary. In the event of civil emergency, such appointment may be made by the mayor; provided, however, no compensation shall be paid to such judges so appointed unless confirmed by the city council.]~~

## CHAPTER IX. CITY AUDITOR

### SEC. 2. ASSISTANTS AND EMPLOYEES.

The council shall provide the city auditor with such assistants and employees as it may deem necessary, and those assistants and employees shall receive such compensation as may be fixed by the council. Any such assistant or employee may be discharged at any time by the city auditor. All powers and duties imposed on the city auditor may be exercised and performed by any assistant and employee under the city auditor's direction.



**CHAPTER IXA. OFFICE OF THE INSPECTOR GENERAL****SEC. 1. CREATION OF OFFICE OF THE INSPECTOR GENERAL; APPOINTMENT OF INSPECTOR GENERAL.**

(a) There is hereby created an office to be known as the office of the inspector general. The head of this department shall be a competent practicing attorney of recognized ability, a certified inspector general, and shall be known as the inspector general. The inspector general shall serve as an independent investigative authority regarding misconduct involving fraud, corruption, ethics, waste, and abuse. The Code of Ethics and other ordinances should include the provisions necessary to ensure independence of the office of the inspector general.

(b) The inspector general shall be a resident of the City of Dallas. If at the time of appointment, the inspector general resides outside the City of Dallas, then he or she shall move into the city within a time period required by the city council. The inspector general shall be appointed by a majority vote of all the members of the city council and shall serve for a period of two years from the date of appointment and thereafter until a successor is appointed, unless sooner discharged by the council, and the inspector general shall not be discharged during the inspector general's term of office except upon a 2/3 vote of all members of the city council. The inspector general shall receive such compensation as shall be fixed by the council.

**SEC. 2. ASSISTANTS AND EMPLOYEES OF THE OFFICE OF THE INSPECTOR GENERAL.**

The inspector general shall have such assistants and employees as shall be provided by ordinance, and they shall receive such compensation as may be fixed by the city council. Any assistant or employee may be discharged at any time by the inspector general. The inspector general and any assistant inspector general shall devote their entire time to the service of the city. All powers and duties imposed on the inspector general may be exercised and performed by any assistant under the direction of the inspector general.

**SEC. 3. DUTIES OF THE INSPECTOR GENERAL.**

The inspector general shall have the following powers and duties:

(1) Supervising and controlling the structure of the office of the inspector general.

(2) Initiating investigations and receiving and investigating complaints and tips regarding misconduct involving ethics, fraud, waste, abuse, and corruption of city officials, city employees, and persons doing business with the city.

(3) Examining the books, accounts, reports, vouchers, financial records, records of the city, documents, and tangible things relevant to the subject matter of an investigation regardless of their form.



(4) Submitting reports summarizing the findings of investigations and reviews completed by the inspector general.

(5) Acting, on behalf of the city, as liaison to law enforcement agencies regarding fraud and corruption investigations initiated by the office of the inspector general.

(6) Presenting ethics complaints regarding alleged or suspected violations of the city's code of ethics before a commission created to make findings concerning the ethical nature of actions and conduct and recommending appropriate sanction.

(7) Doing all things necessary to carry out the functions set forth in this chapter.

## CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

### SEC. 1. ANNUAL BUDGET ESTIMATE.

The fiscal year of the city shall begin on the first day of October of each year and shall end with the 30th day of September next following. By [On] the 15th day of August of each year the city manager shall submit to the council a budget estimate of the revenue of the city and the expense of conducting the affairs thereof for the ensuing fiscal year. This estimate shall be compiled from information obtained from the several departments, divisions and offices of the city on uniform forms furnished by the city manager. It shall be in accordance with uniform accounting procedures with comparisons to the last two fiscal years and an estimate of the probable income for the period covered with the significant underlying assumptions.

### SEC. 2. BUDGET ESTIMATES TO BE FURNISHED TO CITY MANAGER BY DEPARTMENTS NOT UNDER CITY MANAGER'S IMMEDIATE DIRECTION.

Every department of the city government not under the direct control of the city manager, except the city auditor and the inspector general, shall furnish to the city manager, for use in the preparation of recommendations to the council regarding the annual budget, a detailed budget estimate of the needs and requirements of such department for the coming year. The city auditor and the inspector general shall furnish a detailed budget estimate of the needs and requirements of the city auditor's office and the inspector general's office, respectively, for the coming year directly to the city council, to be approved by the city council, and then consolidated with the city manager's annual budget estimate.

### SEC. 3. ANNUAL APPROPRIATION ORDINANCE.

(a) Upon receipt of the city manager's estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance ~~[and shall cause it to be published in a newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager's estimate~~

~~that were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least 10 days after its publication].~~ Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year.

(b) Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year.

## CHAPTER XII. POLICE DEPARTMENT

### SEC. 4. DISCIPLINE OF POLICE; HEARING.

The chief of police shall have the right to discipline any of the officers or employees who may be under the chief's jurisdiction and control for violations of city ordinances or federal or state law, or for failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief of police. The chief of police may delegate this authority to discipline as he or she deems fit. If any officer or employee is discharged, the chief of police shall forthwith in writing certify the fact, together with the cause for the action, to the city manager. A disciplined officer or employee shall have 10 [~~five~~] days from receipt of notice of a suspension, demotion, or discharge within which to demand a hearing before the city manager, as provided in this Charter, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the discipline and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such other discipline as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged or demoted officer or employee desires to exercise the right of a public hearing before a trial board or an administrative law judge as provided by this Charter.

## CHAPTER XIII. FIRE-RESCUE DEPARTMENT

### SEC. 2. DUTIES.

The chief of the fire-rescue department shall:

(2) take all necessary measures to protect the city and the property of its residents [~~citizens~~] from destruction by fire or conflagration;

### SEC. 9. DISCIPLINE OF FIREFIGHTERS AND OTHER FIRE-RESCUE DEPARTMENT PERSONNEL; HEARING.

The chief of the fire-rescue department shall have the right to discipline any officers or employees who may be under the chief's control and management for violations of city ordinances or federal or state law, or for failure to obey orders given by the proper authority, or the orders, rules, and regulations promulgated by the chief for the department. The chief of the fire-rescue department may delegate this authority to discipline as he or she deems fit. If any officer or employee is discharged, the chief of the fire-rescue department shall forthwith in writing certify

the fact, together with the cause for the action, to the city manager. A disciplined officer or employee shall have 10 [~~five~~] days from receipt of notice of a suspension, demotion, or discharge within which to demand a hearing before the city manager, as provided in this Charter, but such demand must be made in writing. If demanded, the city manager shall proceed to inquire into the cause of the discipline and render judgment thereon, which judgment, if the charge is sustained, may be suspension, reduction in rank, discharge, or such other discipline as may seem just and equitable to the city manager under all the facts and circumstances of the particular case. Such judgment is final unless a discharged or demoted officer or employee desires to exercise the right of a public hearing before a trial board or an administrative law judge as provided by this Charter.

#### CHAPTER XIV. FRANCHISES

##### SEC. 8. ACQUISITION BY EMINENT DOMAIN.

The city shall have the power through eminent domain proceedings to acquire any public utility operating with or without a franchise and furnishing a public service to the residents [~~citizens~~] of Dallas. The procedure to be used in the acquisition of such property shall be that as set forth in Chapter 21 of the Texas Property Code, as amended, and other applicable state law. In valuing the property, the measure of damages shall be the fair market value of the physical properties together with its franchise, if any, taken together as one system. This power shall be in addition to and cumulative of any other powers of acquisition granted to or reserved by the city in a franchise ordinance.

#### CHAPTER XV. PLANNING AND ZONING

##### SEC. 3. ZONING COMMISSION.

The city council shall appoint 15 residents [~~qualified voters~~] of the City of Dallas who shall constitute the zoning commission of the City of Dallas<sup>;</sup> and shall be the city plan commission as the same is referred to by state statute for the approval of plats and subdivisions. Except for the qualified voter requirement, t~~[F]~~he members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or general laws of the State of Texas. The mayor [~~city council~~] shall designate [~~name~~] one [~~of the~~] member[s] as [~~to be the~~] chair, subject to confirmation by the city council [~~and one to be the vice chair~~].

##### SEC. 4. DUTIES OF ZONING COMMISSION.

The zoning commission shall:

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

**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 seven members who shall be residents [~~qualified taxpaying citizens~~] of the City of Dallas and a number of adjunct members equal to the number of members on the city council who shall have qualifications established by the city council. Biennially in September 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. Any vacancies on the board must be filled by the city council for the unexpired term.

**SEC. 3. CIVIL SERVICE DIVIDED INTO CLASSIFIED AND UNCLASSIFIED SERVICE.**

(b) The unclassified service shall include:

- (1) the directors of departments, assistant directors of departments, and other managerial personnel as designated by city council [~~rules of the board~~];
- (2) the municipal court clerk and the secretary of the civil service board; and
- (3) the labor class, which shall include all ordinary unskilled labor.

**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 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.~~

(e)] The board may, but is not required to, provide for reassignment in the case of:

- (1) reduction in force; ~~[or]~~
- (2) removal or reduction for cause under standard civil service hearing and appeal procedures; or
- (3) departmental reorganization.

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

**SEC. 7. HUMAN RESOURCES DEPARTMENT [BOARD] TO RECOMMEND [ESTABLISH] RULES GOVERNING CONDUCT.**

It shall be the duty of the human resources department ~~[board, in the code of rules and regulations approved by the council,]~~ to recommend personnel ~~[establish]~~ rules to be adopted by city council that govern ~~[governing]~~ evaluation of conduct and performance and require ~~[requiring]~~ remedies for nonperformance for positions in the civil service.

**SEC. 10. PROBATIONARY PERIOD.**

(a) Appointments or promotions of city officers and employees in the classified and unclassified service shall not be deemed complete until a period of six months shall have elapsed. A probationer may be discharged, suspended or reduced within said period by the city manager, or the head of the department in which said probationer is employed without right of appeal. A probationary period served as a civilian employee will not satisfy the probationary period for a position in the sworn service with the police department or the fire-rescue department.

**SEC. 11. EMPLOYEE ACTIONS AFTER PROBATION PERIOD.**

(b) An officer or employee who has been disciplined by the head of any department under the city manager shall have 10 ~~[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. This right of appeal does not apply to department directors, assistant department directors, and other managerial personnel designated by the city council, or to employees in departments exempted from the provisions applicable to the civil service.

**SEC. 12.1. ADMINISTRATIVE LAW JUDGE.**

~~[(a)]~~ Instead of appealing to a trial board as provided in Section 12 of this chapter, an officer or employee of the city, classified or unclassified, who has been discharged or reduced in

grade may appeal to an administrative law judge in accordance with procedures established by ordinance.

~~[(b) A person who appeals to an administrative law judge shall pay one half of the costs attributed to having the administrative law judge conduct the appeal hearing.]~~

## CHAPTER XVII. PARK AND RECREATION DEPARTMENT

### SEC. 2. ORGANIZATION OF BOARD AND TERMS OF OFFICE OF MEMBERS.

(a) The city council shall appoint a number of residents of the City of Dallas ~~[qualified voters of the city]~~ equal to the number of members on the city council who shall constitute the park and recreation board of the city. The members shall possess the same qualifications and be subject to the same disqualifications as provided by the Charter for members of the city council, or by general laws of the State of Texas, except that a member is not required to be a qualified voter of the city, and shall serve without compensation.

## CHAPTER XVIII. ORDINANCES AND RESOLUTIONS

### SEC. 7. RESERVED. ~~[PUBLICATION OF ORDINANCES.]~~

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

### 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 to be passed, by a petition filed with the city secretary in the following manner:

(1) A committee of at least five residents ~~[registered voters]~~ of the City of Dallas must 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 120 ~~[60]~~ days from this date, it will not be received for any purpose.

(2) The petition must contain the names of a number of qualified voters in the city equal to five ~~[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. 15. RESERVED. ~~[PROMULGATION OF ORDINANCES BEFORE ELECTION.]~~

~~Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be printed in a newspaper of general circulation in the city and published once at least 10 days prior to election.]~~

**CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES**

SEC. 7. **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 the earlier of 30 days after the tax is due or January 1 of [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 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, before [between January 1 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 previously 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 from the date the lien exists [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.

**CHAPTER XXII. PUBLIC CONTRACTS**

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 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 consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least 14 days prior to the date set for letting said contract.~~] Such contract shall be let to the lowest responsible bidder.



**SEC. 3. RESERVED. ~~[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 open to public inspection for at least 48 hours before any award of said work is made to any competitive bidder. The provisions of this section regarding the retaining of bids 48 hours before awarding the work shall not apply to bids for the purchase of bonds.]~~

**SEC. 4. EMERGENCY SPENDING, ETC.**

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

- (1) In case of a public calamity where it becomes necessary to act at once to relieve the necessity of the residents ~~[citizens]~~ or to preserve the property of the city.
- (2) Where it is necessary to preserve or protect the public health of the residents ~~[citizens]~~ of the city.

**SEC. 10. RESIDENTS ~~[CITIZENS]~~ GIVEN PREFERENCE IN LETTING OF CONTRACTS.**

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

**CHAPTER XXIV. MISCELLANEOUS PROVISIONS****SEC. 17. BOARD AND COMMISSION MEMBERS.**

~~(b) Upon initiation of the councilmember who occupies the city council place of the nominating councilmember, the city council may, by a majority vote, replace a board or commission member prior to completion of the member's two-year term. [A member of any commission or board appointed by the city council may be removed from office for any cause deemed by the city council sufficient for removal in the interest of the public, but only after a public hearing before the city council on charges publicly made, if demanded by such member within 10 days.]~~

**SEC. 18. EMPLOYEES' WAGES.**

The wages, hours, and conditions of employment of any and all of the city employees shall be fixed and approved by the city council. Instructions regarding the appropriation of city funds for city employee wages or adjustments to city employee wages outlined elsewhere in the charter serve only as recommendations for city council's consideration when approving city employee wages and adjustment in wages. If there is a conflict between the text of this provision and another provision of the charter, this provision controls.

**SEC. 22. PERFORMANCE DEADLINES.**

If the last day for performance of an act is a Saturday, Sunday, or national, state, or local holiday, the act is timely if performed on the next regular business day.”

SECTION 2. That Section 2 of Ordinance No. 32798 is amended by removing Propositions K, M, and N.

SECTION 3. That Ordinance No. 32798, passed by the Dallas City Council on August 14, 2024, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By  \_\_\_\_\_  
Assistant City Attorney

Passed SEP 11 2024



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL SEP 11 2024

ORDINANCE NUMBER 32849

DATE PUBLISHED SEP 14 2024

ATTESTED BY:



Agenda Information Sheet

**File #:** 24-2888

**Item #:** 55.

**STRATEGIC PRIORITY:** Government Performance & Financial Management

**AGENDA DATE:** September 11, 2024

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Secretary’s Office

**EXECUTIVE:** Bilierae Johnson

**SUBJECT**

An ordinance amending Ordinance No. 32798 ordering a special election to be held in the City of Dallas on Tuesday, November 5, 2024, for the purpose of submitting to the qualified voters of the City, proposed amendments to the Dallas City Charter in anticipation of a potential court ruling - Financing: No cost consideration to the City

**BACKGROUND**

Chapter II, Section 3 of the Dallas City Charter, states, “At intervals of not more than 10 years (first interval to occur not more than 10 years after adoption of this section), the Charter shall be reviewed by a commission appointed by the council.” On August 23, 2023, the City Council appointed the Charter Review Commission who reviewed and recommended changes to the Dallas City Charter. Ordinance No. 32798 ordering a special election to be held in the City of Dallas on Tuesday, November 5, 2024, for the purpose of submitting to the qualified voters of the City, proposed amendments to the Dallas City Charter, was approved by the Dallas City Council on August 14, 2024.

As of Friday, September 6, 2024 (the date of the posting of this agenda item in compliance with the Texas Open Meetings Act), *In re Dallas HERO*, No. 24-0678, was pending at the Supreme Court of Texas. Because a subsequent ruling on that case could trigger an amendment to Ordinance No. 32798, this item has been placed on the September 11, 2024, city council agenda for potential city council action.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 14, 2024, the City Council approved an ordinance ordering a special election to be held in the City of Dallas on Tuesday, November 5, 2024, for the purpose of submitting to the qualified voters of the City, proposed amendments to the Dallas City Charter by Ordinance No. 32798.

**FISCAL INFORMATION**

---

**File #:** 24-2888

**Item #:** 55.

---

No cost consideration to the City.