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**Agenda
Charter Review Commission**

**City Hall
Media Briefing Room
January 9, 2015**

2:00 PM

A MEETING OF THE CHARTER REVIEW COMMISSION OF THE CITY OF SAN ANTONIO WILL BE HELD ON FRIDAY, JANUARY 9, 2015, AT 2:00 P.M. IN THE MEDIA BRIEFING ROOM, CITY HALL, 100 MILITARY PLAZA, SAN ANTONIO, TEXAS, 78205 TO CONSIDER THE FOLLOWING MATTERS FOR DISCUSSION AND POSSIBLE ACTION:

1. Discussion of Public Comments received at the January 7, 2015 Public Hearing
2. Discussion of Possible Charter Amendments
3. Possible Appointment of Subcommittee members and chairs
4. Discussion and possible scheduling of future meetings
5. Adjournment

At any time during the Charter Review Commission Meeting, the commission may meet in executive session regarding any of the matters posted above in compliance with the Texas Open Meetings Act.

DISABILITY ACCESS STATEMENT

CITY HALL, 100 Military Plaza, is wheelchair accessible. Accessible entry ramp on west side of building. Accessible visitor parking on north side of building. Auxiliary aids and services, including Deaf interpreters, must be requested forty-eight [48] hours prior to the meeting. For assistance, call (210) 207-7268 or 711 Texas Relay Service for the Deaf.

CITY OF SAN ANTONIO
OFFICE OF THE CITY MANAGER
Interdepartmental Correspondence

TO: Mayor Ivy R. Taylor

FROM: Sheryl Sculley, City Manager



COPY: Jill De Young, Chief of Staff, Office of the Mayor
Leilah Powell, Chief of Policy, Office of the Mayor
Charter Review Commission

SUBJECT: Charter Review Commission

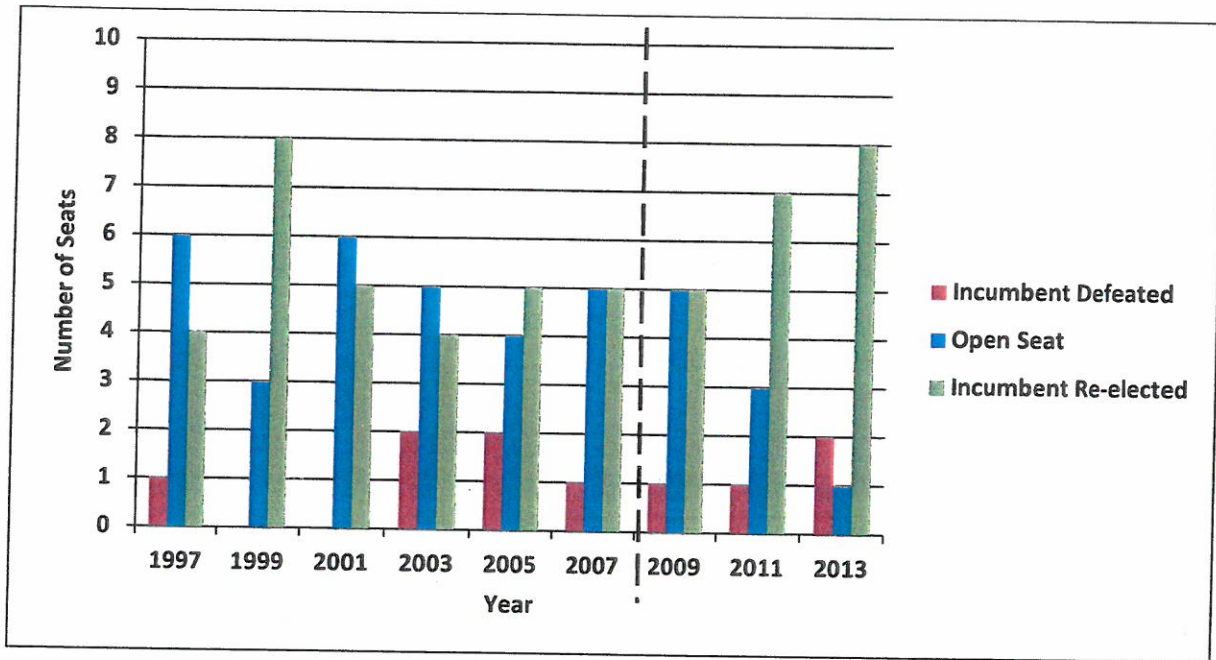
DATE: January 8, 2014

As a part of the Charter Review Commission December 18th meeting the Commission generated several questions. Attached you will find responses to the questions for the consideration of the Charter Review Commission at their January 9 meeting.

1. Provide an incumbent analysis pre and post 2008 term limit changes.
2. Adjust Current Mayor and City Council pay from 1951(last change) to 2015 dollars.
3. Provide Median Household Income in San Antonio
4. Provide Mayor and Council Budget and as a percentage of Total and General Fund FY 2015 Budget.

Mayor and City Council Incumbent Analysis

This chart depicts all 11 elected seats over the past nine election cycles. For example in 1997 one incumbent ran for re-election and was defeated (red), six seats were open and new members took office (blue), and four incumbents were re-elected (green). The dashed line signifies that in November 2008 terms were extended from 2 to 4 full terms.



Mayor and City Council Current Pay Adjusted for Inflation

	1951 Dollars	2015 Dollars*
Mayor	\$ 4,040	\$36,694
City Council	\$ 1,040	\$9,446

*Calculated using the Bureau of Labor Statistics Consumer Price Index Calculator

The median household income in San Antonio was \$42,613 in 2011, compared with the national figure of \$50,502 according to statistics from the *2011 American Community Survey* by the U.S. Census Bureau.

City Council and Mayor Budget

	FY 2015 Adopted Budget	Percentage of Total 2015 Budget*	Percentage of General Fund 2015 Budget **
City Council and Mayor Budget	\$6,298,686	0.27%	0.61%

*The Adopted Consolidated Annual 2015 Budget is \$2.4 Billion

** *The Adopted General Fund 2015 Budget is \$1.03 Billion

City Council Term and Compensation Comparison

CITY	ELECTED OFFICIAL SALARY	TERM LIMIT	COUNCIL SIZE	SINGLE MEMBER OR AT LARGE DISTRICTS	MAYORAL VACANCY APPROACH	FULL TIME OR PART TIME COUNCIL
Fort Worth, TX	Mayor - \$29,000 Council - \$25,000	No Term limits (2 Year Terms) Uniform Terms*	9	Single Member council with mayor at large	Special Election, unless less than 90 days prior to general election (council appointment)	Full Time
Austin, TX	Mayor - \$81,344 Council - \$69,885	2 Terms (4 Year Terms) Staggered Terms**	11	Single Member council with mayor at large	Special Election, unless less than 90 days prior general election	Full Time
San Jose, CA	Mayor - \$114,000 Council - \$89,000	2 Terms (4 Year Terms) Staggered Terms	11	Single Member council with mayor at large	City Council Choice of appointment or election	Full Time
Phoenix, AZ	Mayor - \$88,000 Council - \$61,610	2 Terms as Mayor 3 Council Terms (4 Year Terms) Staggered Terms	9	Single Member council with mayor at large	Special Election, unless less than 365 but not less than 90 days prior to mayoral election	Full Time
El Paso, TX	Mayor - \$42,000 Council - \$30,450	10 Years Total (4 Year Terms) Uniform Terms	9	Single Member council with mayor at large	Special Election	Part Time
Dallas, TX	Mayor - \$60,000 Council - \$37,500	4 Terms (2 Year Terms) Uniform Terms	15	Single Member council with mayor at large	Special Election, unless less than 120 days prior to general election	Full Time
Tacoma, WA	\$42,410 with 2.75% annual increase	10 consecutive years (4 Year Terms) Staggered Terms	9	5 Single Member; 3 at large; Mayor at large	Special Election, if vacancy is during year 1 or 2 of term, Appointment if vacancy in year 3 or 4 of term	Part Time
San Antonio, TX	Mayor - \$4,040 Council - \$1,040	4 Terms (2 Year Terms) Uniform Terms	11	Single Member council with mayor at large	City Council Appointment	Part Time

*Uniform Terms: defined as Mayor and all City Council members elected every two years
 ** Staggered Terms: defined as even and odd numbered districts, with alternating elections every two years
 Each City listed operates under a council-manager form of government
 Source: www.pewtrusts.org; various city charters
 Prepared by Office of the City Manager, December 12, 2014

CHAPTER III. - THE CITY COUNCIL

Section 1. - [Powers of city vested in] the City Council [;composition, terms.]

Section 2. - [Election, powers, duties, term of mayor.]

Section 3. - Compensation of the members of the City Council.

Section 4. - Vacancies in the City Council; how filled.

Section 5. - Meetings of council and committees open to public; quorum; regulations of proceedings; council to provide rules of procedure.

Section 6. - Mayor pro tem; duties of.

Section 7. - City secretary.

Section 8. - Relating to City Councilpersons accepting different office and providing for forfeiture of offices and positions of aspirants for compensated office.

Section 1. - [Powers of city vested in] the City Council [;composition, terms.]

The powers of the city government shall be vested in a body to be known as the City Council, composed of nine (9) members, one of whom shall be the mayor. Their terms of office shall be for a period of two (2) years and until the election and qualification of their successors.

Section 2. - [Election, powers, duties, term of mayor.]

The City Council shall be composed of nine (9) places. The person elected as councilperson, Place No. 1, shall be the presiding officer who shall be known as the mayor of the City of Fort Worth. He shall have a vote on all matters coming before the council, but no power of veto. He shall represent the city on all ceremonial occasions and be known as the official head of the city government. The mayor shall be elected at each biennial election and shall serve for a period of two (2) years, or until the election and qualification of his successor.

Section 3. - Compensation of the members of the City Council.

Commencing on October 1, 2006, each member of the City Council, except the mayor, shall receive as compensation for such member's services the sum of twenty-five thousand dollars (\$25,000.00) per annum and the mayor shall receive as compensation for the mayor's service, the sum of twenty-nine thousand dollars (\$29,000.00) per annum. In addition to the above, all necessary expenses incurred by the City Council in performance of their official duties shall be paid by the city. Nothing herein shall prohibit a council member from waiving the right to all or any part of such compensation or payment of expenses.

(Ord. No. 10272, § I(I), 3-16-89, approved 5-6-89; Ord. No. 16797, § 1(I), 1-24-06, approved 5-13-06)

Section 4. - Vacancies in the City Council; how filled.

Vacancies in the City Council shall be filled by special elections from the districts whose places have been vacated. Vacancies in the office of mayor shall be filled under the provisions

applicable to other council members except that the district of the mayor shall be the city as a whole. These special elections shall be held on the first available election date specified in the Texas Election Code unless the council shall request, and receive, permission from the governor to call an emergency special election. If vacancies should occur within thirty (30) days of the special election date, the council may set the election for the next date following the impending special election date or it may request permission for an emergency special election from the governor.

In the event any candidate for a vacancy fails to receive a majority of all votes cast for all the candidates for such vacancy at such special election, the mayor shall on the first day following the completion of the official count of the ballots cast at said special election issue a call for a run-off election pursuant to Chapter IV, section 2, to be held in accordance with the Texas Election Code to determine who shall be elected. Such new council members, when duly qualified and elected, shall serve for the unexpired period of the terms of the council members whose offices are being filled. However, no such elections shall be held where said vacancy shall occur within a period of less than ninety (90) days prior to a general election as specified in Chapter IV, section 2. When a vacancy shall occur less than ninety (90) days prior to the general election as specified in Chapter IV, section 2, a majority of the remaining council members may appoint a qualified person from the district whose place has been vacated to serve the unexpired term.

Should a vacancy occur in the office of mayor, the mayor pro tem shall serve until a special election shall be called under the rules pertaining to filling vacancies among the other councilmembers. If members of the City Council seek the office of mayor in such a special election, they shall first resign from the City Council, and special elections, simultaneous to the mayoral election, shall be held in their districts under the terms specified above.

(Ord. No. 10272, § I(II), 3-16-89, approved 5-6-89; Ord. No. 16797, § 1(III), 1-24-06, approved 5-13-06)

Section 5. - Meetings of council and committees open to public; quorum; regulations of proceedings; council to provide rules of procedure.

At the first City Council meeting after the City Council meeting canvassing the election results, the elected members of the new Council shall meet at City Hall and take the oath of office. Special meetings may be called by the Mayor or by any three (3) Councilmembers. Such call shall be in writing and shall state the object of the meeting, and no business shall be transacted at such meeting other than that specified in the call. The Council shall meet at such times and places as may be prescribed by ordinance or resolution but not less than forty-four (44) regular and special meetings shall be held each calendar year.

A quorum shall consist of six (6) members unless there are vacancies, in which event the quorum shall be reduced by the number of vacancies existing. All official meetings of the Council and all sessions of the Committees of the Council shall be public except as authorized by law. The ayes and nos shall be taken upon the passage of all ordinances or resolutions and entered upon the minutes of the proceedings of the Council, and every ordinance or resolution shall require on final passage the affirmative vote of a majority of all of the remaining members.

No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved, or unless excused by the Council for other valid reasons by majority vote. The Council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.

(Ord. No. 16797, § 1(II), (V), 1-24-06, approved 5-13-06)

Section 6. - Mayor pro tem; duties of.

The City Council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor in case of the absence or inability of the mayor to perform the duties of his office, and shall for the time being be vested with all the powers belonging to the mayor. In case of the absence of both the mayor and the mayor pro tem, the remaining councilpersons shall elect one of their members to act in the place of the mayor or mayor pro tem.

Section 7. - City secretary.

The City Council shall appoint a city secretary and prescribe the duties and compensation of said officer, and shall provide him with such assistance as it may deem necessary. He shall hold office during the pleasure of the City Council. During his term of office, the city secretary shall be a resident citizen of the City of Fort Worth.

Section 8. - Relating to City Councilpersons accepting different office and providing for forfeiture of offices and positions of aspirants for compensated office.

No person elected to the City Council shall, during the term for which he/she was elected, be appointed to any office or position in the service of the city. If a member of the council shall become a candidate for nomination or election to any public office, other than that of councilperson, he/she shall forfeit his place in the council; but shall continue to hold the office until a successor is duly qualified in cases in which such holdover is required by state law and any appointive officer or employee of the city who shall become a candidate for nomination or election to any public office shall immediately forfeit the office or employment held under the city.

(Ord. No. 16797, § 1(VI), 1-24-06, approved 5-13-06)

NOTE: Please see Chapter 150, Section 150.041, Texas Local Government Code, for legislative change impacting this Section. (HB 3739, 83(R) Texas Legislature)

CHAPTER IV. - METHOD OF NOMINATING AND ELECTING MEMBERS OF THE CITY COUNCIL

Section 1. - Councilpersons; eligibility.

Section 2. - No primary election to determine nominations; councilpersons to be selected in general election biennially.

Section 3. - [Councilpersons to be elected from districts.]

Section 4. - Residence of Councilmembers in Singlemember Districts.

Section 1. - Councilpersons; eligibility.

Only qualified voters under the laws of Texas, twenty-one (21) years of age and over, who have continuously resided in the Council District for which he or she seeks election for six (6) full months before the first allowed filing date for the election, shall be eligible to the office of councilperson.

(Ord. No. 16797, § 1(VII), 1-24-06, approved 5-13-06)

Section 2. - No primary election to determine nominations; councilpersons to be selected in general election biennially.

Primary elections to determine the selection of nominees for members of the City Council shall not be resorted to. There shall be but one (1) election, and that a general election, for the purpose of selecting members of the City Council, the same to be held biennially, on the first available election date in May specified in the Texas Election Code of odd-numbered years.

Any qualified person who desires to become a candidate for election to the City Council shall file with the city secretary a sworn application for his or her name to appear on the ballot, in accordance with the laws of Texas for nonpartisan or independent candidates, and must accompany the application with a filing fee of one hundred dollars (\$100.00) or, in lieu of the payment of a filing fee, any qualified person who desires to become a candidate for mayor may become a candidate by petition signed by qualified voters equaling at least one-half of one (0.5) percent of the total vote received by all candidates for mayor in the most recent mayoral general election, or by twenty-five (25) qualified voters, whichever is the greater number. In lieu of the payment of a filing fee, any qualified person who desires to become a candidate for election to the City Council, other than the office of mayor, may become a candidate by petition signed by a number of qualified voters of the district from which the candidate seeks election equal to at least one-half of one (0.5) percent of the total vote received by all candidates for mayor in that district in the most recent mayoral general election, or by twenty-five (25) qualified voters of the district, whichever is the greater number. The signed petition shall be filed with the city secretary, together with the candidate's sworn application. Each signer next to his signature shall indicate voter registration number, date of signing, the signer's printed name, and the street address of his place of residence. Such petitions shall also meet all requirements established by the laws of Texas for petitions which are filed with a candidate's application for a place on the ballot in an election of a home-rule city.

The city secretary shall make up the official ballot from the names presented to him. The order in which the names of such candidates are to appear on the ballot shall be determined by a drawing

to be held in the office of the city secretary. The city secretary shall post a notice in his office, at least three (3) days prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice; and each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.

The candidates receiving the majority of the votes cast for each place shall be declared elected. If no candidate receives a majority, or if there is a tie for any one (1) place, the mayor shall order a second election to be held on a date in compliance with the Texas Election Code to fill that place. Only the names of the candidates who tie for the highest number of votes cast for that place, or the two (2) candidates who receive the highest number of votes with neither having a majority of the votes cast for that place, shall be printed on the ballot for such election. In the event of a tie vote at the second election, the candidates who tie shall cast lots in the presence of the city secretary to determine which one shall be declared elected, and said lots shall be cast within five (5) days of the second election.

(Ord. No. 10272, § (III), (IV), 3-16-89, approved 5-6-89; Ord. No. 16797, § 1(IV), 1-24-06, approved 5-13-06)

Section 3. - [Councilpersons to be elected from districts.]

With the exception of Place No. 1 to be held by the mayor as provided for in section 2 of Chapter III of this Charter, the City Council shall provide by ordinance for eight (8) single member districts so that with the exception of the mayor, one (1) member of the City Council shall be elected from each of such defined districts by the voters residing therein, and each candidate therefrom shall be a qualified elector of the city and shall have continuously resided in the Council District for which he or she seeks election for six (6) full months before the first allowed filing date for the election.

The City Council shall, as often as census data is available, determine as nearly as practicable the population of the respective districts and shall, by ordinance, revise the boundaries of any or all of said districts to maintain a substantial equality of population in each. Within sixty (60) days after passage of this amendment, the City Council shall, by ordinance, designate the original district limits.

(Ord. No. 16797, § 1(VIII), 1-24-06, approved 5-13-06)

Section 4. - Residence of Councilmembers in Singlemember Districts.

During his term of office a Councilmember must continue to reside within the limits of the district from which he was elected. Any Councilmember who shall establish residence outside the district from which he was elected shall be automatically considered to have resigned and the vacancy left by such resignation shall be filled as provided by law.

ARTICLE II. - THE COUNCIL.**§ 1. - COUNCIL MEMBERSHIP.**

- (A) The council shall be composed of:
- (1) a mayor elected from the city at-large; and
 - (2) 10 council members elected from single- member districts.
- (B) The term "council member(s)" includes the mayor unless otherwise provided.
- (C) The independent citizens redistricting commission, as prescribed below in Section 3, shall be empowered to divide the city into 10 geographical council districts for the election of council members. The commission shall designate each council district by a number or by other designation.

Amendment note:Section 1 appears as added at the election of November 6, 2012. A former § 1 concerned the number, selection, and terms of office for Council members; had previously been amended at the elections of May 13, 2006, January 19, 1985, April 5, 1969, and April 1, 1967; and was repealed at the election of November 6, 2012.

§ 2. - ELIGIBILITY OF COUNCIL MEMBERS.

- (A) A candidate for mayor must meet all eligibility requirements of state law and must have resided continuously in the state for 12 months and in the city for six months immediately preceding the regular filing deadline for a mayoral candidate's application for a place on the ballot. If the mayor ceases to reside in the city, the mayor automatically resigns.
- (B) A candidate for city council from a council district must meet all eligibility requirements of state law and must have resided continuously in the state for 12 months and in the council district from which the member is seeking election for six months immediately preceding the regular filing deadline for a council candidate's application for a place on the ballot. If a council member elected from a council district ceases to reside in the district as the boundaries of the district were drawn at the time of the council member's election, the council member automatically resigns.

Amendment note:Section 2 appears as added at the election of November 6, 2012. A former § 2 concerned the qualifications for Councilmembers; had previously been amended at the election of April 1, 1978; and was repealed at the election of November 6, 2012.

§ 3. - REDISTRICTING.

- (A) For purposes of this section, the following terms are defined:
- (1) COMMISSION means the Independent Citizens Redistricting Commission.
 - (2) CONTROLLING PERSON means an officer, director, manager, principal, or shareholder or member owning at least 10% ownership of a legal entity.
 - (3) DAY means a calendar day, except that if the final day of a period within which an act is to be performed is a Saturday, Sunday, or holiday in which the City of Austin's offices are closed, the period is extended to the next day that is not a Saturday, Sunday, or holiday in which the City of Austin's offices are closed.
 - (4) PANEL means the Applicant Review Panel of three qualified, independent auditors that

screens applicants for the Commission.

- (5) QUALIFIED INDEPENDENT AUDITOR means an auditor who is currently licensed by the Texas Board of Public Accountancy and has been a practicing independent auditor for at least five years prior to appointment to the Applicant Review Panel.
 - (6) SPOUSE means one's licensed marriage spouse, common law spouse, or recognized domestic partner.
 - (7) SUBSTANTIAL NEGLECT OF DUTY means that an individual has disregarded a manifest duty, prescribed by this section, intentionally, knowingly, or negligently. Missing half or more of the meetings in a three month period constitutes a substantial neglect of duty.
- (B) In 2013 and thereafter in each year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Commission shall adjust the boundary lines of the 10 single-member districts in conformance with the standards and process set forth in this article. The Commission shall be fully established no later than July 1, 2013, and thereafter no later than March 1 in each year ending in the number (1). The Commission shall not draw district lines at any other time, except if the districts must be redrawn because of a judicial decision invalidating the then existing district plan, in whole or in part, or the date of the city election is moved. If the date of the city election is moved, then the dates in this article shall be adjusted to ensure the commission has sufficient time to draw the lines prior to the election date.
- (C) The commission shall:
- (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines;
 - (2) draw district lines according to the redistricting criteria specified in this section; and
 - (3) conduct themselves with integrity and fairness. This selection process is designed to produce a commission that is independent from influence by the City Council and is reasonably representative of this city's diversity.
- (D) The commission shall consist of 14 members.
- (1) Each commission member shall be a voter who has been continuously registered in the City of Austin for five or more years immediately preceding the date of his or her appointment. Each commission member, except the student member described below, shall have voted in at least three of the last five city of Austin general elections immediately preceding his or her application. One commission member shall be a student duly enrolled in a community college or university in the City of Austin and who resides and is registered to vote in the City of Austin.
 - (2) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission in the year following the year in which the national census is taken.
 - (3) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any council district.
 - (4) Each commission member shall apply this section in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission

member shall be ineligible, for a period of 10 years beginning from the date of appointment, to hold elective public office for the City of Austin. A member of the commission shall be ineligible, for a period of three years beginning from the date of appointment, to hold appointive public office for the City of Austin, to serve as paid staff for or as a paid consultant to the City of Austin, the City Council or any member of the City Council, or to receive a non-competitively bid contract with the City of Austin. This three year ban on having a paid consultancy or entering noncompetitively bid contracts applies to the member individually and all entities for which the member is a controlling person.

- (E) The commission shall establish the boundaries of the council districts for the City of Austin in a plan using the following criteria as set forth in the following order of priority:
- (1) districts shall comply with the United States Constitution. Each council district shall have reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.
 - (2) districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following) and any other requirement of federal or state law.
 - (3) districts shall be geographically contiguous.
 - (4) the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subsections. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
 - (5) to the extent practicable, district boundaries shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant populations.
 - (6) to the extent practicable, district boundaries shall be drawn using the boundaries of existing election precincts.
 - (7) to the extent practicable, district boundaries shall be drawn using geographically identifiable boundaries.
- (F) The place of residence of any incumbent or potential political candidate shall not be considered in the creation of a plan or any district. Districts shall not be drawn for the purpose of favoring or discriminating against any incumbent, political candidate, or political group.
- (G) By December 1, 2013, and thereafter by November 1 in each year ending in the number one (1), the commission shall adopt a final plan for the City of Austin specifically describing the district boundaries for each of the council districts prescribed above. Upon adoption, the commission shall certify the plan to the City Council. The city council may not change the plan. The plan shall have the force and effect of law.
- (1) The commission shall issue a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed above and shall include definitions of the terms and standards used in drawing the final plan.
 - (2) If the commission does not adopt a final plan by the dates in this section, the city attorney for

the City of Austin shall immediately petition state court for an order prescribing the boundary lines of the single-member districts in accordance with the redistricting criteria and requirements set forth in this Section. The plan prescribed by the court shall be used for all subsequent city council elections until a final plan is adopted by the commission to replace it.

- (H) The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the City Council if it determines that funds or other resources provided for the operation of the commission are not adequate. The City Council shall provide adequate funding to defend any action regarding a certified map. The commission has sole authority to determine whether the city attorney or other legal counsel retained by the commission at its discretion shall represent the commission in defense of a certified final map.
- (I) Commission Selection Process.
- (1) No later than December 1, 2012, and thereafter by June 1 in each year ending in the number zero, the City of Austin Auditor shall initiate and widely publicize an application process, open to all registered City of Austin voters who meet the requirements of subdivision 3(D)(1) above, in a manner that promotes a large, diverse (by race, ethnicity, gender, and geography) and qualified Commissioner applicant pool. The City Auditor shall take all reasonable and necessary steps to ensure that the pool has the requisite numbers, diversity, and qualifications. This process shall remain open until February 1, 2013 and thereafter until September 30 in each year ending in the number zero.
 - (2) No later than December 1, 2012 and thereafter by June 1 in each year ending in the number zero, the City of Austin Auditor shall initiate and widely publicize an application process, open to all qualified independent auditors that reside in the City of Austin and who meet the requirements of subdivision 3(A)(5) above, in a manner that promotes a large pool of applicants and applicant diversity by race, ethnicity, gender, and geography. This process shall remain open until February 1, 2013 and thereafter until September 1 in each year ending in the number zero.
 - (3) The City of Austin Auditor shall remove from the commissioner or independent auditor applicant pool any person with conflicts of interest including:
 - (a) Within the five years immediately preceding the date of application, either the applicant or their spouse, shall have done any of the following:
 - (i) been appointed to, elected to, or have been a candidate for state or city office.
 - (ii) served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county or city office.
 - (iii) been a registered state or local lobbyist.
 - (iv) contributed or bundled \$1,000 or more in aggregate to candidates for City of Austin elective office in the last city election.
 - (b) A person who has been, within the three years immediately preceding the date of application: a paid employee of the City of Austin; person performing paid services under a professional or political contract to the City of Austin, to the City Council, or to any member of the City Council; any controlling person of any such consultant; or a spouse of any of the foregoing.

- (4) No later than February 15, 2013, and no later than October 1 in each year ending in the number zero, the City of Austin Auditor shall review the auditor review panel applicants and remove those who do not meet the prescribed qualifications in subdivision 3(A)(5) or have conflicts of interest as defined by subdivision 3(I)(3). No later than February 15, 2013, and no later than October 1 in each year ending in the number zero, the City of Austin Auditor shall at a public meeting randomly draw the names of three qualified independent auditors from a pool consisting of all qualified independent auditors, without conflicts of interest, that have applied to serve on the Applicant Review Panel. After the drawing, the City Auditor shall notify the three qualified independent auditors whose names have been drawn that they have been selected to serve on the panel. If any of the three qualified independent auditors declines to serve on the panel or is disqualified because of any conflict of interest prescribed above in subdivision 3(I)(2), the City of Austin Auditor shall resume the random drawing at a public meeting as soon as possible until three qualified independent auditors who meet the requirements of this section have agreed to serve on the panel.
- (5) No later than March 1, 2013, and thereafter no later than October 31 in each year ending in the number zero, the City of Austin Auditor shall have reviewed and removed individuals with conflicts of interest as defined in subdivision 3(I)(3), or fail to meet the qualification prescribed in subdivision 3(D)(1), from among the commission applicants, and then shall publicize the names in the applicant pool and provide copies of their applications to the Applicant Review Panel.
- (6) No later than May 1, 2013, and thereafter by January 15 in each year ending in the number one, the Applicant Review Panel shall select a pool of 60 applicants from among the qualified applicants. These persons shall be the most qualified applicants on the basis of relevant analytical skills, ability to be impartial, residency in various parts of the City, and appreciation for the City of Austin's diverse demographics and geography. The members of the Applicant Review Panel shall not communicate directly or indirectly with any elected member of the City Council, or their representatives, about any matter related to the nomination process or any applicant prior to the presentation by the panel of the pool of recommended applicants to the City Council.
- (7) No later than May 2, 2013, and by January 16 in each year ending in the number one thereafter, the Applicant Review Panel shall submit its pool of 60 recommended applicants to the City Council. Each member of the City Council within five days in writing may strike up to one applicant from the pool of applicants. No reason need be given for a strike. Any applicant struck by any member of the City Council must be removed from the pool of applicants. No later than May 8, 2013, and thereafter by January 22 in each year ending in one, the Applicant Review Panel shall submit the pool of remaining applicants to the City of Austin Auditor.
- (8) No later than May 9, 2013 and thereafter by January 23 in each year ending in the number one, the City of Austin Auditor shall randomly draw at a public meeting eight names from the remaining pool of applicants. These eight individuals shall serve on the Citizens Redistricting Commission.
- (9) No later than June 30, 2013, and thereafter by February 28 in each year ending in the number one, the eight commissioners shall review the remaining names in the pool of applicants and,

from the remaining applicants in that pool, shall appoint six applicants to the commission. These six appointees must be approved by at least five affirmative votes among the eight commissioners. These six appointees shall be chosen to ensure that the commission reflects the diversity of the City of Austin, including, but not limited to, racial, ethnic, and gender diversity. However, it is not intended that formulas or specific ratios be applied for this purpose. Applicants shall also be chosen based on relevant analytical skills and ability to be impartial. As for geographic diversity, for the first redistricting in 2013, the eight commissioners shall appoint the remaining six members to ensure geographic diversity and that at least three commissioners come from each of the four existing Travis County Commissioners districts, to the extent feasible with the remaining six open seats. As for the redistricting in each year ending in the number one thereafter, the eight commissioners shall ensure that at least one commission member resides in each of the then current council districts, to the extent feasible with the remaining six open seats.

- (10) Once constituted, the commission shall conduct hearings and adopt a plan for the boundaries of the city's council districts as required by the charter of the City of Austin.

(J) Citizens Redistricting Commission Vacancy, Removal, Resignation, or Absence.

- (1) In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission, having been served written notice and provided with an opportunity for a response, may be removed by a vote of 10 of the Commissioners.
- (2) Any vacancy, whether created by removal, resignation, or absence, in the 14 commission positions shall be filled by the Commission within 15 days after the vacancy occurs, from the remaining pool of applicants and in compliance with the applicant requirements of subdivision 3(I)(8). Nine members must agree to any appointment.

(K) The activities of the Citizens Redistricting Commission are subject to all of the following:

- (1) the commission shall comply with all state and city requirements for open meetings.
- (2) the records of the commission and all data considered by the commission are public records that will be made available in a manner that ensures immediate and widespread public access.
- (3) commission members and commission staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, commission staff (which shall exclude staff of any council members), legal counsel, and consultants retained by the commission that is otherwise permitted by state and city open meeting requirements.
- (4) the commission shall select one of its members to serve as the chair and one to serve as vice chair. The chair and vice chair shall remain voting members of the commission.
- (5) the commission shall hire commission staff, legal counsel, and consultants as needed; provided, however, that compensation of such persons shall be limited to the period in which the commission is active. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The

commission shall apply the conflicts of interest listed in subdivision 3(l)(3) to the hiring of staff, legal counsel, and consultants. The commission shall require that at least one of the legal counsel hired by the commission has demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes.

- (6) notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of such employee's membership on the commission or attendance or scheduled attendance at any meeting of the commission.
- (7) the commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through an extensive outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall begin with hearings to receive public input before the commission votes and approves a preliminary redistricting plan. In 2013, there shall be at least two such public hearings, before the commission votes on a preliminary plan, in each of the four Travis County Commissioner Precincts, and in each year ending in the number one thereafter, there shall be at least one such public hearing, before the commission votes on a preliminary redistricting plan in each of the then existing 10 council districts. In addition, these hearings shall be supplemented with all other appropriate activities to further increase opportunities for the public to observe and participate in the review process.

Following the commission's vote approving the preliminary plan, there shall be at least four public hearings, geographically dispersed with at least one hearing in each of the four Travis County Commissioners' precincts and hearing shall be held on a different date. The commission also shall display the approved preliminary plan for written public comment in a manner designed to achieve the widest public access reasonably possible. Written public comment shall be taken for at least 14 days from the date of public display of the approved preliminary plan. The commission then shall vote on a proposed final plan and then it shall hold two subsequent public hearings, one north of Lady Bird Lake and one south of Lady Bird Lake and take at least five days of written public comments. The Commission then shall be finished with all hearings and adopt a final plan by no later than December 1, 2013, and thereafter by November 1 in each year ending in the number one.

- (8) members of the commission shall not be compensated for their service. Members of the panel and the commission are eligible for reimbursement of reasonable and necessary personal expenses incurred in connection with the duties performed pursuant to this act.
- (9) the City Council shall appropriate sufficient funds to meet the operational cost of the commission and the cost of any outreach program to solicit broad public participation in the redistricting process.
- (10) the commission shall remain inactive except when necessary to comply with its duties under this ordinance and the charter of the City of Austin.

Amendment note:Section 3 appears as added at the election of November 6, 2012.

§ 4. - TRANSITION.

- (A) This section provides for a transition from the seven-member council elected at large to the 11-member council provided by this article. Except as provided in this section, and after the transition as prescribed in this section, the mayor and council members shall serve three-year terms.
- (B) The three council members elected at large in May 2011 shall serve three-year terms. The mayor and three council members elected at-large in the May 2012 general election shall serve two-year terms.
- (C) A general election shall be held for the council in May 2014, at which the mayor and the 10 council members elected from council districts shall be elected.
- (D) As soon as practicable after assuming office after the May 2014 general election, the City Clerk shall divide at a public hearing the council members elected from council districts into two classes by drawing lots. Class One shall consist of five council members who shall serve initial two-year terms. Class Two shall consist of five council members who shall serve three-year terms.
- (E) At the May 2016 general election, the five Class One council members elected by districts will be elected for three-year terms.
- (F) At the May 2017 general election, the Mayor and five Class Two council members elected by districts will be elected for three-year terms, marking the end of the transition period.

Amendment note: Section 4 appears as added at the election of November 6, 2012.

§ 5. - TERM LIMITS.

- (A) Except as provided in Subsection (C), a person may not be elected to or serve in the office of Mayor for more than two consecutive terms, and a person who has held the office of Mayor for more than two years of a term to which some other person was elected Mayor may not be elected to the office of Mayor more than once in succession.
- (B) Except as provided in Subsection (C), a person may not shall be elected to or serve on the City Council in a position other than Mayor for more than two consecutive terms, and a person who has held a position other than Mayor for more than two years of a term to which some other person was elected to the position may not be elected to a position other than Mayor more than once in succession.
- (C) A person subject to a term limit with respect to an office may become a candidate for the office and serve if elected if the person's application to be a candidate for the office is accompanied by a petition requesting that the person be authorized to be a candidate and the petition is signed by at least five per cent of the qualified voters of the territory from which the office is elected.

Amendment note: Section 5 appears as amended at the election of November 6, 2012, and later renumbered by Ord. 20121213-004. As former § 3, this section was added at the election of May 7, 1994, and had previously been amended at the election of May 13, 2006. Former subsection (D) concerned city officials elected prior to April 30, 2006, and expired on the date that no one subject to its provisions continued to serve in the office of Mayor or Councilmember.

§ 6. - VACANCIES.

Where a vacancy in any place on the council shall occur, the vacant place shall be filled by a special election, and, where necessary, by a run-off election, in the same manner as provided in this Charter for the regular election of a councilmember. Such special election shall be held on the next available state uniform election date following the creation of the vacancy, and the run-off election shall be held according to state law following the preceding election; provided, however, that where a vacancy shall occur within ninety (90) days of a regular election, no special election to fill the vacancy shall be called, unless more than one vacancy occurs.

Amendment note:Section 6 appears as renumbered by Ord. 20121213-004. As former § 4, the section had previously been amended at the election of May 7, 1994.

§ 7. - POWERS OF THE COUNCIL.

All powers and authority which are expressly or impliedly conferred on or possessed by the city shall be vested in and exercised by the council; provided, however, that the council shall have no power to, and shall not:

- (A) Sell, convey, lease, mortgage, or otherwise alienate any land which is now, or shall hereafter be, dedicated for park purposes, unless:
 - (1) the qualified voters of the city shall authorize such act by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such sale, conveyance, lease, mortgage, or other alienation is to be made; or
 - (2) a lease is to an independent school district, as defined by state law, for a purpose that two-thirds of the council find is a park purpose.
- (B) Sell, convey, or lease all or any substantial part of the facilities of any municipally owned public utility, provided that the council may lease all or a substantial part of such facilities to any public agency of the State of Texas if the qualified voters of the city authorize such lease by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such lease is to be made.
- (C) Accept or admit liability in, or pay any claim for damages asserted against the city without first obtaining a written opinion from the city attorney regarding the city's liability therein.

Amendment note:Section 7 appears as amended at the election of November 6, 2012, and later renumbered by Ord. 20121213-004.

§ 8. - INVESTIGATIVE BODY.

The council shall have the express power to inquire into the official conduct of any department, agency, office, officer or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

Amendment note:Section 8 appears as renumbered by Ord. 20121213-004.

§ 9. - INTERFERENCE IN PERSONNEL MATTERS.

Neither the council nor any of its members shall instruct or request the city manager or any of his or her subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the council under the provisions of this Charter. Except for the purpose of inquiry and investigation, the council and its members shall deal with the administrative service of the city solely through the city manager and shall not give orders to any of the manager's subordinates either publicly or privately.

Amendment note:Section 9 appears as renumbered by Ord. 20121213-004.

§ 10. - MAYOR AND MAYOR PRO TEM.

The councilmember elected to and occupying the place designated "mayor" shall be the mayor of the City of Austin. At its first meeting following each regular election of councilmembers, the council shall, by election, designate one of its number as mayor pro tem, who shall serve in such capacity during the pleasure of the council. The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process, and for military purposes, but he or she shall have no regular administrative duties. The mayor, as a member of the council, shall be entitled to vote upon all matters considered by the council, but shall have no veto power. The mayor pro tem shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if present.

Amendment note:Section 10 appears as renumbered by Ord. 20121213-004. As former § 8, the section had previously been amended at the election of April 5, 1969.

§ 11. - CITY CLERK.

The council shall appoint the city clerk who shall serve at the pleasure of the council. The city clerk shall keep the records of the council, and shall have such other duties and responsibilities as may be assigned by this Charter and the council.

Amendment note:Section 11 appears as amended at the election of November 6, 2012, and later renumbered by Ord. 20121213-004. As former § 9, the section had previously been amended at the election of April 7, 1973.

§ 12. - MEETINGS OF THE COUNCIL.

The council shall meet in regular session at the City Hall at least once each week at such time as may be prescribed by ordinance, unless otherwise ordered by the council for reasons to be spread upon the minutes. Special meetings of the council shall be called by the city clerk upon written request of the mayor or two (2) members of the council. All meetings shall be open to the public except as may be authorized by the laws of the State of Texas.

Amendment note:Section 12 appears as renumbered by Ord. 20121213-004. As former § 10, the section had previously been amended at the election of April 7, 1973.

§ 13. - RULES OF PROCEDURE.

The council shall by ordinance determine its own rules and order of business. A majority of the whole council shall constitute a quorum, and no action of the council shall be of any force or effect unless it is adopted by the favorable votes of a majority of the whole council. Minutes of all meetings of the council shall be taken and recorded, and such minutes shall constitute a public record.

***Amendment note:**Section 13 appears as amended at the election of November 6, 2012, and later renumbered by Ord. 20121213-004. As former § 11, the section had previously been amended at the election of April 1, 1967.*

§ 14. - PROCEDURE TO ENACT LEGISLATION.

The council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN." Before any ordinance shall be adopted, the city attorney shall approve such ordinance in writing or shall file with the city clerk his or her written legal objections thereto. Every ordinance enacted by the council shall be signed by the mayor, mayor pro tem, or by two councilmembers, and shall be filed with and recorded by the city clerk before the same shall become effective. Unless otherwise provided by law or this Charter, no ordinance shall become effective until the expiration of 10 days following the date of its final passage, except where an ordinance relating to the immediate preservation of the public peace, health or safety, is adopted as an emergency measure by the favorable votes of at least two-thirds of the councilmembers and contains a statement of the nature of the emergency.

***Amendment note:**Section 14 appears as amended at the election of November 6, 2012, and later renumbered by Ord. 20121213-004. As former § 12, the section had previously been amended at the election of April 1, 1967.*

§ 15. - PUBLICATION OF ORDINANCE.

Except as otherwise provided by law or this Charter, the city clerk shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption of the same to be published at least one time after final passage thereof in some newspaper of general circulation in the city before the ordinance is effective. The city clerk shall note on every ordinance and on the record thereof the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

***Amendment note:**Section 15 appears as renumbered by Ord. 20121213-004. As former § 13, the section had previously been amended at the election of May 7, 1994.*

§ 16. - CODE OF ORDINANCES.

Within six (6) months after the effective date of this section, the council shall cause all general ordinances of the city to be compiled and printed in code form. For the purpose of this section general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large. Every general ordinance enacted subsequent to the original codification required above shall be enacted as an amendment to the code. After the original codification, the council shall have the power to cause all general ordinances to be recodified and

reprinted whenever in its discretion such is deemed desirable, and it shall be mandatory upon the council to cause all general ordinances to be recodified and reprinted before the expiration of any ten (10) consecutive years following the last preceding codification or recodification. When adopted by the council, the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such codes or any part thereof being published in any newspaper.

Amendment note: Section 16 appears as renumbered by Ord. 20121213-004.

§ 17. - PROOF OF ORDINANCE.

An ordinance of the City of Austin may be proved prima facie by a printed code of ordinances purporting to be printed by authority of the city, or by a copy of the ordinance certified by the city clerk to be a true copy of the same, or by the city clerk's official record thereof.

Amendment note: Section 17 appears as renumbered by Ord. 20121213-004.

ARTICLE III. - ELECTIONS.

§ 1. - SPECIAL ELECTIONS.

The council may by ordinance call such special elections as are authorized by the state law and this Charter, fix the time of holding same, and provide all means for holding such special elections, provided that every special election shall be held on a Saturday, unless otherwise provided by law or this Charter, and shall be held as nearly as practicable according to the provisions governing general elections.

§ 2. - ELECTION DATE; COUNCIL TERMS; ELECTION BY MAJORITY AND RUN-OFF ELECTIONS.

- (A) The City's general election shall be held on the November uniform election date authorized by state law in even-numbered years. Notwithstanding any other provision of this Charter, the regular term of the mayor and council members is four years. Council terms shall be staggered so that a general election is held every two years, and half or as near to half as is practical, of the council is elected at each election.
 - (1) The council shall provide by ordinance for the transition from three-year terms to four-year terms and for staggering the terms of council members. The ordinance may provide for drawing lots for initial terms or temporarily lengthening or shortening individual council member's terms to accomplish the transition. If a council member's term is shortened by more than a year for the purpose of the transition, that shortened term does not count as a term for the purpose of Article II Section 5 of this Charter. When this paragraph has served its purpose, it expires, and need not be reprinted in future versions of the Charter.
- (B) A council member shall hold office for a term specified by this Charter or until a successor has been elected and qualified. If elected to fill an unexpired term, a council member shall hold office for the remainder of the unexpired term or until a successor has been elected and qualified.
- (C) The regular term of a council member begins on the date set by ordinance. A councilmember may qualify for office on that date or as soon thereafter as practicable. In the case of a special election to fill an unexpired term, the person elected may qualify and assume office as soon as practicable

after the canvass of the election.

- (D) At every regular election and at every special election called to fill one or more vacant places on the council, election to each place on the council shall be by a majority of all the votes cast for such place at such election. In every such election each qualified voter shall vote for not more than one candidate for each council place to be filled. Where in an election to a place on the council, no candidate receives a majority of all the votes cast for such place at such election, the council shall, immediately upon declaring the official results of the election, issue a call for a run-off election for every place to which no one was elected. Such run-off election shall be held in accordance with state law and the two (2) candidates who received in the preceding election the highest number of votes for each place to which no one was elected shall be voted on again, and the candidate who receives the majority of the votes cast for each such place in the run-off election shall be elected to such place.

Amendment note: Section 2 appears as amended at the election of November 6, 2012. The section had previously been amended at the elections of May 7, 1994, and April 1, 1967.

§ 3. - REGULATION OF ELECTIONS.

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the council for the conduct of elections. Provided that the council shall appoint the election judges and other election officials. Voting precincts shall be established by ordinance and may be altered from time to time in like manner.

§ 4. - FILING OF CANDIDATES.

Any qualified person who desires to become a candidate for election to a place on the council shall file with the city clerk at least forty-five (45) days prior to the election day an application for his or her name to appear on the ballot. Such application shall be accompanied by a filing fee of five hundred dollars (\$500.00). If the petition is sufficient to satisfy statutory requirements, the filing fee may be reduced by one dollar (\$1.00) per signature for each registered voter who signs a petition requesting that the name of the candidate be placed on the ballot. In case of a district position, the petition shall be signed by registered voters residing in the particular district. Such application shall clearly designate by number the place on the council to which the candidate seeks election and shall contain a sworn statement by the candidate that he or she is fully qualified under the laws of Texas and the provisions of this Charter to hold the office he or she seeks.

Amendment note: Section 4 appears as amended at the election of May 7, 1994. Such section was previously amended on April 1, 1978.

§ 5. - BALLOTS.

For every regular election and for every special election called to fill one or more vacant places on the council, the city clerk shall place upon the official ballot the name of every candidate who shall file an application which complies with the provisions of this Charter. The council places to be filled shall be placed on the ballot in numerical order. The name of each candidate shall be placed on the ballot under the designated place for which he or she shall have filed, and in such manner that the names of the candidates for each place shall be clearly separate and distinguishable from the names of the

candidates for every other council place. The order on the ballot of the names of the candidates for each respective council place shall be determined by lot in a drawing to be held under the supervision of the city clerk, at which drawing each candidate or his or her named representative shall have a right to be present.

§ 6. - CANVASSING ELECTION AND DECLARING RESULTS.

The returns of every municipal election shall be delivered by the election judges to the city clerk not later than twelve (12) hours after the closing of the polls. The council shall canvass the returns and declare the official results of the election in accordance with state law. The returns of every municipal election shall be recorded in the minutes of the council, by precinct totals for each candidate.

Amendment note: Section 6 appears as amended at the election of May 7, 1994.

§ 7. - CAMPAIGN CONTRIBUTION AND EXPENSE STATEMENTS.

The city clerk shall electronically publish campaign finance reports that are filed in the clerk's office in compliance with law. The publication shall be by means of the Internet or by a similar technology that may become available after the enactment of this section. The council may adopt ordinances to administer this section. The ordinances may provide for the manner and duration of electronic publication.

Amendment note: Section 7 appears as amended at the election of May 4, 2002.

§ 8. - LIMITS ON CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

(A) Limits On Contributions To Candidates.

- (1) No candidate for Mayor or City Council and his or her campaign committee shall accept campaign contributions in excess of \$300 per contributor per election from any person, except for the candidate and small-donor political committees. The amount of the contribution limit shall be modified each year with the adoption of the budget to increase or decrease in accordance with the most recently published federal government, Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most recently published Consumer Price Index on May 13, 2006, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$50.00.
- (2) Each candidate may authorize, establish, administer, or control only one campaign committee at one time.
- (3) No candidate and his or her committee shall accept an aggregate contribution total of more than \$30,000 per election, and \$20,000 in the case of a runoff election, from sources other than natural persons eligible to vote in a postal zip code completely or partially within the Austin city limits. The amount of the contribution limit shall be modified each year with the adoption of the budget to increase or decrease in accordance with the most recently published federal government, Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most recently published Consumer Price Index on May 13, 2006, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$1,000.00.

(B) Small-Donor Political Committees.

- (1) A small-donor political committee is a political committee which has accepted no more than \$25 from any contributor during any calendar year, has had at least 100 contributors during either the current or previous calendar year, has been in existence for at least six months, and has never been controlled by a candidate.
- (2) Such a committee shall not contribute more than \$1000 per candidate per election for the offices of Mayor and City Council.

(C) Coordinated Expenditures.

Any expenditure supporting the election of a candidate or opposing the election of an opponent made with the prior consent of the candidate or his or her committee, or with cooperation or strategic communication between the candidate or his or her committee and the person making the expenditure, is considered a contribution and an expenditure.

(D) Contributions Considered To Be From One Committee.

Contributions made by separate political committees established, administered, maintained, or controlled by the same person or persons, including any parent, subsidiary, branch, division, department or local unit of the person, or by groups of those persons, shall be considered to be made by a single political committee.

(E) Responsibility Of Candidate To Prevent Violations.

The candidate, or his or her committee, shall determine whether accepting each contribution would violate this section before accepting the contribution.

(F) Time Restrictions On Candidate Fundraising; Officeholder Accounts.

- (1) In this section terms have the same meaning they have in Title 15 of the Texas Election Code. The term "officeholder account" means an account in which funds described by subsection (F) (4) must be kept. "Officeholder" means the mayor or a council member.
- (2) An officeholder, a candidate for mayor or city council, or an officeholder's or candidate's committee may not solicit or accept a political contribution except during the last 180 days before an election for mayor or council member or in which an officeholder faces recall.
- (3) Except as provided by subsection (F)(6), no later than the 90th day after an election, or if a candidate is in a runoff election no later than the 90th day after the runoff, a candidate or officeholder shall distribute the balance of funds received from political contributions in excess of any remaining expenses for the election: (a) to the candidate's or officeholder's contributors on a reasonable basis, (b) to a charitable organization, or (c) to the Austin Fair Campaign Fund.
- (4) An unsuccessful candidate who, after an election, has unpaid expenses remaining, or who has unreimbursed campaign expenditures from personal funds that were made with the intent to seek reimbursement from political contributions, may solicit and accept political contributions after the election until the unpaid expenses are paid and the unreimbursed expenditures are reimbursed.
- (5) An officeholder who, after an election, has unpaid expenses remaining, or who has unreimbursed campaign expenditures from personal funds that were made with the intent to

seek reimbursement from political contributions, may solicit and accept political contributions after leaving office until the unpaid expenses are paid and the unreimbursed expenditures are reimbursed. An officeholder may also pay the unpaid expenses and reimburse the unreimbursed expenditures from political contributions received during a subsequent campaign.

- (6) An officeholder may retain up to \$20,000 of funds received from political contributions for the purposes of officeholder expenditures.
- (7) An officeholder shall keep funds retained under subsection (F)(6) in an account separate from any other funds including personal funds of the officeholder and any other political funds of the officeholder. The funds kept in an officeholder account may be used only for officeholder expenditures. The funds kept in an officeholder account may not be used for campaign expenditures. The funds kept in an officeholder account may not exceed \$20,000.00 at any time.
- (8) When an officeholder leaves the Council the funds remaining in an officeholder account must be paid to the Austin Fair Campaign Fund.

(G) Applicability To Councilmembers.

Any incumbent mayor or councilmember is subject to the regulations applied to candidates for the office he or she holds.

(H) Criminal or Civil Litigation Fund.

Nothing in this article applies to the solicitation, acceptance, or use of contributions for:

- (1) defending a criminal action or prosecuting or defending a civil action brought by or against the person in the person's status as a candidate or officeholder; or
- (2) participating in an election contest or participating in a civil action to determine a person's eligibility to be a candidate for, or elected or appointed to, a public office in this state.

(I) Enforcement.

The city council may by ordinance adopt penalties and enforcement procedures for violations of this Article.

(J) Severability.

If any provision of this section, or the application of that provision to any persons or circumstances, shall be held invalid, then the remainder of this section, to the extent that it can be given effect, and the application of that provision to persons or circumstances other than those to which it was held invalid, shall not be affected thereby, and to this extent the provisions of this section are severable.

Amendment note:Section 8 appears as amended at the election of May 13, 2006. This section was added at the election of November 4, 1997. It took effect on November 7, 1997, the date of the canvass.

ARTICLE IV
THE COUNCIL

SECTION 400. Powers Vested in Council.

All powers of the City and the determination of all matters of policy shall be vested in the Council, subject to the provisions of this Charter and the Constitution of the State of California.

SECTION 401. Composition of Council.

The composition of the Council shall be as follows:

(a) NUMBER OF MEMBERS. The Council shall consist of eleven (11) members, one of whom shall be the Mayor, each of whom shall have the right to vote on all matters coming before the Council.

(b) DISTRICTS. Except as otherwise provided elsewhere in this Charter and excepting the Mayor who shall be elected at a Regular Municipal Election from the City at large, each member of the Council shall be elected at a Regular Municipal Election by one of ten (10) Districts designated by number within the City. The term "by Districts" shall mean the election of eligible persons, as defined in Section 404, to the office of member of the Council by the voters of each District alone.

Amended at election November 7, 1978

Amended at election November 8, 1994

SECTION 402. Mayor and Council Member Term Limits.

The regular term of office of each member of the Council shall be four (4) years. The Mayor and Council members shall be subject to the following term limits:

(a) MAYOR. No person who has been elected to the office of Mayor for two (2) successive four-year terms shall be eligible to run for election to the office of Mayor, nor to serve as such, for any additional successive term; but the above shall not disqualify any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive; nor for any parts of terms which are not successive.

(b) COUNCIL MEMBER. No person who has been elected to the City Council as a Council member in any Council District in the City for two (2) successive four-year terms, after the effective date of this Section, shall be eligible to run for election as a member of the Council in any Council District, nor appointed to serve as a Council member for any additional successive term. Any person appointed or elected to the City Council as a City Council member to fill an

unexpired term of two years or less in length shall be eligible to serve two successive four-year terms upon the expiration of the unexpired term for which that person was appointed or elected. Any person appointed or elected to the City Council as a City Council member to fill an unexpired term of more than two years in length shall only be eligible to serve one successive four-year term. The above shall not disqualify any person from running for election to the Office of Mayor or for any term or terms which are not successive. The effective date of this Section shall be January 1, 1991.

Amended at election June 2, 1970

Amended at election November 7, 1978

Amended at election November 6, 1990

Amended at election November 8, 1994

SECTION 403. Elections by Districts.

For the purpose of electing members of the Council, excepting the Mayor, the City shall be divided into ten (10) numbered Districts as nearly equal in population as practicable. The boundaries of the ten Districts shall be established initially by reference to that certain map of the City of San Jose, entitled "Election Districts of the City of San Jose", filed and displayed in the office of the City Clerk, and drafted according to data contained in the official census of the City as taken in 1975 and certified by the City Clerk. Thereafter the boundaries of such Districts shall be subject to alteration and change under the provisions of this Section.

Following the taking of each federal decennial census, commencing with the 1980 federal decennial census, the Council shall, by ordinance, redistrict the City into ten (10) numbered Districts. If time permits, such ordinance shall be enacted no earlier than three (3) months and no later than eight (8) months following receipt by the City Clerk of data containing an enumeration of population by blocks derived from such census. In no event shall such ordinance be enacted later than October 31 in the year following the decennial census.

The redistricting ordinance shall be adopted according to the provisions of Article VI, Section 604 of this Charter and shall become effective at the expiration of thirty (30) days after adoption of the ordinance; provided, however, that if the redistricting ordinance becomes effective on or after the first day on which nomination papers may be filed for an election to the office of member of the Council, excepting the Mayor, then the ordinance shall not apply, or be deemed to apply, to that election or to the person elected to the office of member at such election.

By no later than February 1 in the year following the decennial census, the Council shall appoint an Advisory Commission whose purpose shall be to study and make appropriate recommendations with respect to such redistricting. This Advisory Commission shall consist of one (1) member from each District, who shall be appointed by the Council member from that District, and a Chairperson chosen from the City at large, who shall be appointed by the Mayor. The membership of the Commission shall be representative of the ethnic make-up of the City at large, to the extent practicable.

The Advisory Commission shall conduct at least three public hearings, at various locations in the City, concerning its recommendations regarding District boundaries, and shall submit its report and recommendations to the Council within one hundred twenty (120) days following its appointment.

The Council shall duly consider the report and recommendations of the Advisory Commission and in adopting any redistricting ordinance. However, the Council is required to adopt an ordinance within the period of time required under this Section even if the Advisory Commission fails to provide recommendations or reports as specified in this Section.

Except as provided hereinabove, such Districts shall be used for all elections of members of the Council, including their recall, and for filling any vacancy in the office of member of the Council, subsequent to the effective date of such ordinance and until new Districts are established.

Any territory which is annexed to or consolidated with the City but not included within a District shall, prior to or concurrently with completion of the proceedings therefor, be added to an adjacent District or Districts by the Council by ordinance, which shall become effective at the expiration of thirty (30) days after adoption and shall apply to all elections held on and after its effective date.

Any ordinance adopted by the Council and establishing, changing, or altering the boundaries of any District shall describe the new boundaries by reference to a map on file in the office of the City Clerk and/or by a metes-and-bounds description.

In any redistricting, the Council shall make the Districts as nearly equal in population as may be practicable, and may, in establishing the boundaries of the Districts, give consideration to (a) natural boundaries, street lines and/or City boundaries; (b) geography; (c) cohesiveness, contiguity, integrity and compactness of territory; and (d) community of interests within each District.

Upon any redistricting pursuant to the provisions of this Charter, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and to represent the District by which the member was elected prior to such redistricting, notwithstanding any provision of Section 404 requiring a member to be a resident of the District represented by such member.

Amended at election June 2, 1970

Amended at election November 7, 1978

Amended at election November 6, 1990

Amended at election June 7, 1994

SECTION 404. Eligibility.

A person shall not be eligible to take office as a member of the Council, including Mayor, unless the person satisfies all of the following conditions:

(a) The person must have been a citizen of the United States for at least one year immediately preceding the commencement of the term for which the person is elected or the date upon which the person is appointed.

(b) The person must have been a resident of the City of San Jose and, excepting the Mayor, of the District represented by the person as member, for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

(c) If elected to office at a Regular Municipal Election, the person must have been a registered elector of the City of San Jose on the last day specified by law for the filing of nomination papers with the City Clerk for such office.

(d) If appointed to such office, the person must have been a registered elector of the City of San Jose at the time of the person's appointment.

A person shall not be eligible to be a candidate at any election for any Council office, if the person would not be eligible under the above provisions of this Section to take office if elected. Any determination as to whether a person has met the eligibility requirements shall be made at the time the nomination papers are filed and at the time of taking office.

The incumbent must, at all times, during the term of office continue being:

(a) a citizen of the United States;

(b) a resident of the City of San Jose and, except as provided in Section 403, of the District which he or she represents;

(c) and a registered elector of the City.

Amended at election June 2, 1970

Amended at election November 7, 1978

Amended at election November 8, 1994

SECTION 405. Judge of Qualifications.

The Council shall be the judge of the election and qualification of its members, including the Mayor, and of any other elective officer, and of the grounds for forfeiture or loss of their respective offices, and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member, or the Mayor, or the holder of any other elective office, charged with conduct constituting grounds for forfeiture or loss of his or her office shall be given, if he or she so demands, an opportunity to be heard in his or her own defense at a public hearing after reasonable notice to such members.

Amended at election June 7, 1994

SECTION 406. Holding Other Office.

Except as authorized by this Charter, no member of the Council shall hold any other City office or City employment, other than Mayor, during the term for which he or she was elected to the Council; provided and excepting, however, that a member of the Council may become a member of any advisory, administrative or governing body of any special purpose district, entity, organization or committee when such is authorized by State law or where the offices are not incompatible.

Amended at election June 7, 1994

SECTION 407. The Council; Compensation.

Each member of the Council, including the Mayor, shall be paid as compensation for his or her services as a member of the Council, for each calendar month during which he or she is a member of the Council, a monthly salary which shall be established by ordinance adopted pursuant to and in accordance with the provisions hereinafter set forth in this Section. No salary shall be established for any member of the Council, including the Mayor, except as provided in this Section.

Between March 1st and April 30th of every odd-numbered year, the Council Salary Setting Commission shall recommend to the Council the amount of monthly salary which it deems appropriate for the members of the Council, including the Mayor, for the two year period commencing July 1 of that odd-numbered year. The amount recommended for each member of the Council shall be the same, except that the amount recommended for the Mayor may exceed that of the other members of the Council. The monthly salary shall be in an amount which takes into account the full time nature of the office and which is commensurate with salaries then being paid for other public or private positions having similar full time duties, responsibilities and obligations.

No recommendation shall be made except upon the affirmative vote of three (3) members of the Commission. Failure of the Commission to make a recommendation in any year within the time prescribed shall be deemed to mean a recommendation that no change be made.

Each biennial recommendation, together with the reasons therefor, shall be made in writing. Before it submits any such recommendation to the Council, the Commission shall conduct at least one public hearing on the matter. When such a recommendation has been submitted to the Council, it shall not thereafter be amended by the Commission.

The Council shall, by ordinance, which shall be subject to the referendum provisions of this Charter, adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount.

No more than one salary setting ordinance shall be adopted on the basis of any biennial recommendation, provided that the Council may, at any time, by ordinance, reduce the salaries of the members of the Council, including the Mayor. In any salary setting ordinance adopted hereunder, the salaries for each member of the Council shall be the

same, except that the salary of the Mayor may exceed that of the other members of the Council. Salaries established by ordinance adopted pursuant to the provisions of this Section shall remain in effect until amended by a subsequent ordinance adopted pursuant to the provisions of this Section.

For each member of the Council, except the Mayor, a sum, as established by the Council Salary Setting Commission, shall be deducted from the salary of such member for each regular meeting of the Council, other than regular adjourned meetings, which he or she fails to attend in each such calendar month; provided, however, that such deduction shall not be made for his or her failure to attend any meeting during which he or she is away on authorized City business, or from which he or she is absent because of his or her own illness or the illness or death of a close family member. No deduction shall be made from the Salary of the Mayor because of his or her failure to attend any Council meeting.

Amended at election June 7, 1966

Amended at election June 5, 1973

Amended at election November 4, 1980

Amended at election November 4, 1986

SECTION 408. Reimbursement.

The members of the Council and the Mayor shall receive reimbursement, if and to the extent such is authorized by the Council, for expenses incurred in the performance of their duties or functions of office.

SECTION 409. When Office Becomes Vacant.

The office of a member of the Council or of the Mayor becomes vacant on the happening of any of the following events before the expiration of such officer's term:

- (a) The death of the incumbent;
- (b) Insanity of the incumbent, when determined by a final judgment or final order of a court of competent jurisdiction;
- (c) Resignation of the incumbent;
- (d) The incumbent ceases to satisfy any requirements for retention of his or her office which are set forth elsewhere in this Charter;
- (e) Removal of the incumbent from office;
- (f) Absence of the incumbent from the State of California for more than sixty (60) days, unless either upon business of the City or with the consent of the Council. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the State shall be extended by the Council;

(g) The incumbent ceases to discharge the duties of his or her office for a period of three (3) consecutive months except when prevented by sickness or when absent from the State with permission required by this Charter;

(h) The incumbent being convicted of a felony or of any offense involving a violation of his or her official duties;

(i) The refusal or neglect of the incumbent to file his or her official oath or bond, if such is required by law, within the time prescribed by law;

(j) The decision of a competent tribunal declaring void the incumbent's election or appointment;

(k) The making of an order vacating the incumbent's office or declaring his or her office vacant when he or she fails to furnish an additional or supplemental bond if such is required of him or her by law;

(l) The commitment of the incumbent to a hospital or sanitarium, by a court of competent jurisdiction, as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in such event the office shall not be deemed vacant until the order of commitment has become final;

(m) The incumbent's absence from five (5) consecutive regular meetings of the Council, unless excused by written resolution of the Council. No such excuse shall operate retroactively. No resolution shall excuse an incumbent's absence from more than five (5) consecutive regular meetings immediately following the date of adoption of such resolution although additional resolutions may be adopted excusing an incumbent's absence from not more than five (5) additional regular meetings immediately following the date of each such resolution. For purposes of this subsection, regular meetings from which an incumbent has been absent shall not be deemed consecutive if separated by one or more regular meetings at which such incumbent has been present or his or her absence from which has been excused by the Council. Also, for purposes of this subsection, "regular meetings" shall not be deemed to mean or include "regular adjourned meetings", "special meetings", or any committee meetings.

Amended at election June 2, 1970

Amended at election June 7, 1994

SECTION 410. Filling of Vacancies.

If, for any reason, a vacancy, as defined by Charter Section 409, occurs in the office of Mayor or Council member, the Council shall either fill the vacancy by appointment by a majority of its remaining members, or call an election for the purpose of filling such vacancy.

(a) APPOINTMENT. If the vacancy is filled by appointment, the appointment shall be effective until the end of the unexpired term of office or January 1st following the next Regular Municipal Election after the appointment, whichever first occurs.

(b) ELECTION. If the vacancy is to be filled by election, the election will be for the entire unexpired term of the office. The election will either be conducted at a Regular Municipal Election, a General Election or at a Special Municipal Election, as determined by the Council. The election will be conducted in accordance with Section 1600.

(c) INTERIM APPOINTMENT. If a vacant office is to be filled by election, the Council may make an interim appointment to fill the office until a candidate has been duly elected and the results of the election have been officially certified. A person who is appointed during the interim period shall meet the eligibility requirements to hold office under Section 404 of this Charter.

(d) ADVANCE REPLACEMENT. When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the Council may initiate the appointment or election process in anticipation of the vacancy. The member who will be vacating the position may participate in the process.

(e) NO REMAINING MEMBERS. If the offices of all of the Council members and also of the Mayor should become vacant and no member of the Council remains to fill any vacancies, the City Clerk shall call and conduct a Special Municipal Election, as soon as reasonably possible, to fill such offices for the remainder of the unexpired terms.

(f) ELECTION DATES. All dates for elections to fill vacancies shall be set by resolution.

(g) ELECTION IN 1994. The election held on November 8, 1994 to fill a vacancy effective January 1, 1995 in Council District 7 shall be deemed to be an election pursuant to this Section. The person so elected shall serve for the full term of that office.

Amended at election June 6, 1967

Amended at election June 6, 1972

Amended at election November 7, 1978

Amended at election November 8, 1994

SECTION 411. The Council; Interference With Administrative Matters.

Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his or her powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint except as expressly provided in Section 411.1. However, the Council may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.

Except for the purpose of inquiries and investigations under Section 416, the Council, its members and the Mayor shall deal with City officers and employees who are subject

to the direction and supervision of the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, solely through the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, respectively, and neither the Council nor its members nor the Mayor shall give orders to any subordinate officer or employee, either publicly or privately.

Amended at election November 4, 1986

Amended at election November 3, 1992

Amended at election November 5, 1996

SECTION 411.1 Department Heads; Policy Objectives; Consent to Hire.

(a) The Council shall adopt a written Statement of Policy for each City Department which is under the administration of the City Manager. Said Statement of Policy shall set forth the broad goals, objectives and aspirations to be accomplished by that Department.

(b) When the position of head of each Department becomes vacant, the Council shall review and, if necessary, amend the previously approved Statement of Policy. The Council also shall adopt a set of questions which are intended to elicit responses from each prospective appointee concerning the goals, objectives and aspirations in the Statement of Policy.

For purposes of this section, the term "department" shall mean any department specified in Charter Section 807 as well as any department created by ordinance pursuant to Charter Section 800.

Prior to appointing any Department head, the City Manager shall submit to the Council, for its review, the responses to the Council's questions submitted by the proposed appointee, and shall seek the Council's advice and consent. The appointment shall be made only if the Council, by the affirmative vote of a majority of its members, advises the City Manager that it concurs with the proposed appointment. This section shall not apply to the appointment of any "acting" department head to serve in an interim capacity.

Added at election November 4, 1986

SECTION 412. Meetings of the Council.

The Council shall provide, by ordinance or resolution, not inconsistent with other provisions of this Section, for the time, place, and manner of holding its meetings. Copies of such ordinances or resolutions shall be kept on file in the office of the City Clerk where they shall be available for public inspection. To the extent that they are not inconsistent with other sections of this Charter, the provisions of Chapter 9 of Part I of Division 2 of Title 5 of the Government Code, as they now exist or may hereafter be amended, insofar as they relate to the right of the public to attend meetings of the Council, the adjournment of regular or adjourned regular meetings, the calling of special meetings and the holding of executive sessions, shall govern meetings of the

Council. No business shall be considered at any special meeting other than such as is specified in the notice of such meeting.

SECTION 413. Citizen Participation.

Within the established rules for the conduct of its official proceedings, no person shall be denied the right personally, or through authorized representatives, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council.

SECTION 414. Quorum.

Except as otherwise specifically provided elsewhere in this Charter, a majority of the entire membership of the Council shall be necessary to constitute a quorum to do business, but a lesser number may adjourn from time to time.

SECTION 415. Rules and Procedure.

The Council shall establish rules for the conduct of its proceedings, and to preserve order at its meetings. It shall cause a record of its meetings to be maintained and this record shall be open to public inspection.

SECTION 416. Investigations.

The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Disobedience of any subpoena or the refusal to testify upon other than constitutional grounds shall be punishable by contempt proceedings.

**CITY OF PHOENIX
CITY CHARTER
CHAPTER III. GOVERNMENT**

1 Powers of City to be exercised by City Council; Mayor and Councilmen to be elected; City Manager to execute and administer laws; qualifications of Councilmen.

The municipal government provided for by this Chapter shall be known as the "Council-Manager" government. All powers of the City shall be vested in the Council to consist of the Mayor and eight (8) other members to be elected by the qualified electors of the City of Phoenix as follows:

(A) The Mayor shall be elected from the City at large, pursuant to the election procedure (primary and general elections) specified in ordinances which are adopted according to law.

(B) The eight other Council Members shall be elected from eight geographic districts within the City of Phoenix. Each district shall be substantially equal in population. Electors in each district shall vote only for the Council candidates nominated from the district in which the electors reside.

(C) Each candidate for one of the eight Council seats shall at the time of his nomination and during his tenure maintain his permanent residence within the district from which he is nominated.

(D) No candidate for the eight Council seats may run for more than one district in any regular election.

(E) The Members of the Council shall be qualified electors of the City of Phoenix and shall hold no other public office for which they shall receive compensation except that of a notary public, a member of the school board or member of the National Guard or Naval or Military Reserve; if a Councilman shall cease to possess any of these qualifications or violate any provisions of this Chapter or shall be convicted of a crime involving moral turpitude his office shall immediately become vacant.

The Council shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by the Charter, or if the manner has not been prescribed, then in such manner as may be prescribed by ordinance.

(Election of 12-1-1982; election of 11-1-1983)

2 The City Manager.

A. The City Manager shall be the chief administrative officer of the City. He shall be responsible to the Council for the proper administration of all affairs of the City; the City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as set forth in this Charter;

The Manager need not when appointed be a resident of the City or State, except as may be otherwise provided by law, but must be a citizen of the United States. He shall, upon his appointment, become a resident of the City;

No Member of the Council shall, during the time for which he was elected or for one (1) year thereafter be eligible to hold the position of City Manager.

The Council shall appoint the City Manager for an indefinite term and may remove him without cause by the affirmative vote of two thirds of its members: provided, that for incompetence, malfeasance, misfeasance, or neglect of duty the City Manager may be removed by the affirmative vote of a majority of its members. At least thirty (30) days before the passage of a resolution for such removal, the Council shall by a majority vote of its members adopt a preliminary resolution of intention, and, if the removal is for cause, said resolution shall state the reason for removal. In either case the City Manager may within ten (10) days reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days from the passage of the aforesaid preliminary resolution. After such public hearing, if one be requested, and after full consideration, but not earlier than thirty (30) days after the passage of the preliminary resolution, the Council may adopt a final resolution of removal. By the preliminary resolution the Council may suspend the Manager from duty. If the removal is for cause the Council shall cause to be paid him any salary due him to the date of the preliminary resolution and suspension. Otherwise, the Manager shall be paid forthwith upon his removal without cause his salary for the next three (3) calendar months following the adoption of the preliminary resolution of removal.

The action of the Council in suspending or removing the Manager shall be final and conclusive on everyone, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension and removal in the Council.

The Manager shall receive a salary to be fixed by ordinance.

To perform his duties during the temporary absence or disability of both the Manager and Assistant Manager, the Manager shall designate by letter filed with the City Clerk, a qualified administrative officer of the City. In the event of failure of the Manager to make such designation, the Council may by resolution appoint an officer of the City to perform the duties of the Manager until the Manager or Assistant Manager is able to perform those duties. In the event of a vacancy in the office of the City Manager the Council shall fill the same within sixty days after the vacancy occurs. The City Manager shall have the right to appoint his personal secretary and the assistant City Manager, neither of whom shall be subject to the civil service of the City of Phoenix.

The position of Assistant City Manager is hereby elevated to the "Office of Assistant City Manager" and he shall be the Deputy Chief Administrative Officer of the City of Phoenix. While the City Manager is exercising the prerogatives of his office, the Assistant City Manager shall perform such functions and have such duties and responsibilities as the City Manager may designate. In the absence of the City Manager, or when the City Manager is unable to perform the prerogatives of his office, or when the office of City Manager is vacant, the Assistant City Manager shall ascend to all of the powers and duties of the City Manager as set forth in this Charter.

B. Powers and duties of the City Manager. The City Manager shall have the following powers and duties:

- (1) He shall appoint and when he deems it necessary for the good of the service, suspend or remove all City employees and appointive administrative officers except as otherwise provided by law or this Charter.

He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.

(2) He shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.

(3) He shall attend all Council meetings, unless excused by the City Council, and if excused shall be represented by someone designated by him. He shall have the right to take part in discussion but may not vote.

(4) He shall, subject to the legislative and emergency powers of the Mayor and City Council, see that all ordinances, provisions of this Charter, and acts of the Council are faithfully executed, through enforcement by him or by officers subject to his direction and supervision. He may, however, at his sole discretion, enter into agreements to authorize private entities to enforce civil ordinances regulating conduct on transit vehicles, property, and facilities.

(5) He shall prepare and submit the proposed annual budget and the capital improvement program to the City Council.

(6) He shall first submit to the Council and thereafter make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(7) He shall make such other reports as the Council may require concerning the operations of the City departments, offices, and agencies which are subject to his direction and supervision.

(8) He shall keep the Council fully advised as to the financial condition and future needs of the City and make recommendations to the Council concerning the affairs of the City.

(9) He shall perform such other duties as are specified in this Charter or required by the Council.

(Election of 11-4-1975; election of 3-12-2013, eff. 6-17-2013)

3 Creation, etc., of offices, etc.; department heads generally; divisions of departments; appointment of members of agencies, etc.

Upon recommendation of the City Manager the Council by ordinance may create, change and abolish offices, departments or agencies, boards and commissions, except the Civil Service Board and the Phoenix City Employees' Retirement System and the Parks, Playgrounds and Recreational Board.

At the head of each department there shall be a director who shall be an officer of the City and shall have supervision and control of the department subject to the City Manager. Two or more departments may be headed by the same individual. The Manager may head one or more departments and directors of departments may also serve as chiefs of divisions. The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the City Manager. Pending the passage of an ordinance or

ordinances distributing the work of departments under the supervision and control of the Manager among specific division thereof, the Manager may establish temporary divisions. The appointment of all of the officers of the City shall devolve upon the City Manager. The Council shall appoint the members of all agencies, boards and commissions of the City created by the Charter or by ordinance.

4 Council and Councilmen to deal with City officers and employees through the City Manager.

Neither the Council nor any of its Members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its Members shall deal with the administrative service solely through the City Manager and neither the Council nor any Member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Any Member of the Council violating the provisions of this section, or offering a resolution or ordinance in violation of this section, shall be removed from office as in this Charter elsewhere provided.

5 Absence of Mayor; vacancy in office of Mayor; vacancy of the Member of Council; special terms; removal of Council Member.

A. During the absence or disability of the Mayor or when the office of Mayor is vacant, the Vice-Mayor shall act as Mayor pro tempore.

B. Vacancies in City of Phoenix elective offices shall be filled as follows:

(1) If a vacancy occurs 365 days or more prior to the end of the term, there shall be a special election held to fill the unexpired portion of the term subject to the following provisions:

a. There shall be a period of 10 days from the date the vacancy occurs during which any person desiring to run for the vacant office must declare as a candidate for the office and, in the case of a Council Member desiring to run for the office of Mayor, if necessary, resign the office of Council Member.

b. The Council shall within 10 days of the expiration of the period provided in subparagraph (a) of this paragraph or if any vacancies occur during this period, within 10 days of the expiration of the period provided in subparagraph (a) for the last vacancy, call a special election to fill the vacancy or vacancies to be held not less than 120 days from the date it is called.

c. Candidates for vacant positions shall be entitled to circulate nomination petitions for the office as soon as the vacancies occur.

d. The procedure for nomination and election shall be the same as for the regular Mayor and Council election to the extent possible.

e. The Council shall, not less than 12 days nor more than 15 days from the date any vacancy occurs under the provision of this paragraph, appoint, in the manner provided in paragraph (2)(b) through (h) of this subsection, a person to fill the vacant office for a term ending the first business day after the canvass of votes is completed following the election of a candidate to fill the unexpired term of the office, provided that if the office to be filled is that of Mayor, the Council Member selected to serve during the interim until a new Mayor is elected shall serve as Mayor Pro Tempore and shall continue to serve as a district Council Member.

(2) If a vacancy occurs less than 365 days prior to the end of the term but not less than 90 days prior to the next regular Mayor and Council election, the vacancy shall be filled by Council appointment as follows:

a. The Council shall, within 10 days of a vacancy occurring, select a person to serve the unexpired portion of the term in which the vacancy exists.

b. In the case of a vacancy in the office of Mayor the Council shall select one of the remaining Members of the Council to serve as Mayor for the remainder of the term.

c. A vacancy in the office of Council Member shall be filled by a qualified elector residing in the district in which the vacancy exists.

d. When selecting a new mayor, all Council Members present may participate and vote for any candidate for mayor.

e. Vacancies in City of Phoenix elective offices shall be filled at public meetings and all votes shall be taken publicly.

f. A majority of the total number of Council positions shall constitute a quorum for purposes of filling a vacancy in a City of Phoenix elective office, provided that if less than a majority of the authorized positions on the Council are filled, all Council positions that are filled at that time shall constitute a quorum for the purpose of filling Council vacancies until a majority of the authorized Council positions are filled.

g. Any Council Member may nominate a candidate to fill any vacancy with no second required. Candidates shall be voted upon individually in the order in which they were nominated. The first candidate receiving an affirmative majority of the votes of the Council Members present shall be selected to fill the vacancy.

h. If after the end of the ten (10) day period provided in subparagraph (a) of this subparagraph, the vacancy remains unfilled, the Council shall meet each day for the purpose of filling the vacancy until the vacancy is filled, provided that if the vacancy remains unfilled 90 days before the regular Mayor and Council election at which the office in which the vacancy exists is to be voted upon, the provision of paragraph (3) of this subsection shall become applicable.

(3) If a vacancy occurs less than 90 days prior to the regular Mayor and Council election at which the office in which the vacancy exists is to be voted upon, the Council may leave the office vacant or may at any time prior to the expiration of the term fill the vacancy by appointment as provided in paragraph (2)(b) through (h) of this subsection.

C. Such vacancy shall exist, except under the recall provisions of this Charter, when an elective officer fails to qualify within thirty (30) days after commencement of his term, dies, resigns, removes from the City, absents himself continuously for thirty (30) days from the duties of his office without the consent of the Council, is convicted of violating any of the provisions of this Charter, or of a felony, or is judicially declared a lunatic or incompetent as defined by statute.

(Election of 10-1-1991; election of 10-5-1993)

6 Mayor and Members of Council to continue until successors qualify; dates of elections; terms of Mayor and Council Members; limitation of terms.

A. The Mayor and Council Members all shall serve until their successors have been elected and have qualified as hereinafter provided.

B. The Mayor and Council Election shall be held on the first Tuesday in October and the Runoff Election shall be held on the Fourth Tuesday of November of every odd-numbered year.

C. In 1991 the Mayor and Council Members from Districts 1, 3, 5 and 7 shall be elected for terms of four years and Council Members from Districts 2, 4, 6 and 8 shall be elected for terms of two years, thereafter the Mayor and all Council Members shall be elected for terms of four years.

D. No person shall serve as Mayor for more than two four year terms or as Council Member for more than three consecutive four year terms. This shall not prohibit a person who has served three consecutive four year terms as a Council Member from serving as Mayor nor shall it prohibit a person who has served two four year terms as Mayor from serving as a Council Member, nor shall service of any term or terms of less than four years by election or appointment prohibit a person from serving two four year terms as Mayor and three consecutive four year terms as a Council Member.

E. The term of the Mayor and Council Members shall commence at 10:00 o'clock A.M., on the first business day in January following their election.

(Election of 10-3-1989; Election of 11-6-2001)

7 Salary of Mayor stipulated; contingent fund.

The salary of the Mayor shall be six thousand dollars per year, payable in semi-monthly installments. In addition to his salary, the Mayor shall have a contingent fund of two thousand dollars (\$2000.00) in each year payable as he may require the same, on his own warrants, out of any funds in the City Treasury, not otherwise appropriated, and may expend the same as such Mayor, at his discretion.

Section 7 provides for the salary of the Mayor to be fifteen thousand dollars per year, effective January, 1974.

(Election of 11-13-1973)

Editor's note—See the editor's note following ch. 3, § 12.

8 [Reserved.]

Editor's note—Section 8 was repealed at the election of November 5, 1985.

9 Salaries generally.

A. The salaries applicable to all positions in the classified and unclassified civil service may be fixed, increased, decreased or modified by the Council only upon recommendation of the City Manager; provided, that the Council alone at the time it finally adopts the annual budget may fix, increase, decrease or modify the salaries applicable to any position in the classified or unclassified civil service, except the salaries of the Mayor and Members of the City Council, and except for those previously established by a duly executed and approved Memorandum of Understanding which does not exceed three years in duration.

B. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation aside from the salary as fixed by law. All fees in connection with official duties shall be paid into the City Treasury daily.

(Election of 11-3-1981)

10 Interpretation of words "Commissioner" and "Council."

Whenever in the Charter, the words "Commissioner" or "Council" are used, it shall mean the elected Mayor and Councilmen of the City.

11 [Reserved.]

Editor's note—Section 11 was repealed at the election of November 5, 1985.

12 Mayor and Council Salary and Benefits; Citizens' Commission on Salaries for Elected City Officials.

(a) Notwithstanding any other provisions of this Charter, the salaries for elected City officials shall be set in conformity with this Charter provision.

(b) There is hereby established a Citizens' Commission on Salaries for Elected City Officials.

(c) The Commission shall be composed of a Chairman plus six (6) members who shall be appointed, from private citizens residing within the City, by the City Council for a term not to exceed three months, the first Commission to take office no earlier than January 1, 2005 and no later than March 31, 2005, and new appointments to be made every two (2) years thereafter, said members to take office on January 1 of each of said two-year periods.

(1) Any vacancies in the membership shall be filled in the manner in which the original appointment was made for the balance of the term of the vacancy so filled.

(2) The Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses. The City shall provide the Commission with such staff as is necessary to perform its functions and shall provide record-keeping or other facilities as needed.

(d) The Commission shall, during its term, conduct a review of the rates of pay of elected City officials. Such review by the Commission shall be made for the purpose of determining and recommending pay levels appropriate to the duties and responsibilities of the positions covered by such review. The Commission may hold public hearings to aid in its work.

(e) The Commission shall submit to the City Clerk, no later than May 1, 2005 and on May 1st of every second year thereafter, a report of the results of each review conducted by the Commission together with its recommendations.

(f) The recommendations of the Commission as to salaries shall be certified by it to the City Clerk and the City Council shall submit to the qualified electors at the next regular municipal election the question, "Shall the recommendation of the Citizens' Commission on Salaries for Elected City Officials of \$ _____ per annum for the Mayor, and \$ _____ per annum for each Councilman be accepted? YES _____ NO _____." Such recommendations, if accepted by the electors, shall become effective at the beginning of the next regular Council term.

(g) In the event the Commission recommends no change in salaries for the elected officials, it shall file such recommendation of no change with the City Clerk and no question shall be submitted to the electorate.

(h) In addition to the salary established pursuant to this section, the Mayor and Council shall be entitled to receive their choice of any one of the benefit packages offered by the City. "Benefit package" does not include retirement benefits under Chapter 24 of this Charter.

(Election of 11-13-1973; election of 9-9-2003, eff. 10-1-2003; election of 3-8-2005, eff. 3-22-2005)

Editor's note—By election dated November 1, 1983, the following was adopted by the electorate:

"Shall the recommendation of the Citizens' Commission of Salaries for Elected City Officials of \$37,500 per annum for the Mayor, and \$18,000 per annum for each Councilman be accepted?"

By election dated October 3, 1995, the following was adopted by the electorate:

"Shall the recommendation of the Citizens' Commission on Salaries for Elected City Officials of \$34,000 per annum for each Councilman be accepted?"

By election dated September 7, 1999, the following was adopted by the electorate:

"Shall the recommendation of the Citizens' Commission of Salaries for Elected City Officials of \$56,000 per annum for the Mayor, and \$36,000 per annum for each Councilman be accepted?"

By election dated September 9, 2003, the following was adopted by the electorate:

"Shall the recommendation of the Citizens' Commission of Salaries for Elected City Officials of \$62,800 per annum for the Mayor, and \$51,500 per annum for each Councilman be accepted?"

By election dated September 13, 2005, the following was adopted by the electorate:

"Shall the recommendation of the Citizens' Commission of Salaries for Elected City Officials of \$88,000 per annum for the Mayor, and \$61,600 per annum for each Councilman be accepted?"

El Paso, Texas, Code of Ordinances >> - CHARTER >> Article III THE CITY COUNCIL >>

Article III THE CITY COUNCIL

Section 3.1 CREATION; COMPOSITION; POWERS AND DUTIES.

Section 3.2 SALARIES.

Section 3.3 PROHIBITIONS.

Section 3.4 DETERMINATION OF ELECTIONS AND QUALIFICATIONS.

Section 3.5 CITY COUNCIL PROCEDURES AND RULES.

Section 3.6 LEGISLATIVE COMMITTEES.

Section 3.7 APPOINTMENTS.

Section 3.8 INVESTIGATIVE POWERS.

Section 3.9 ORDINANCES IN GENERAL.

Section 3.10 EMERGENCY ORDINANCES.

Section 3.11 INITIATIVE.

Section 3.11A REFERENDUM.

Section 3.12 RESOLUTIONS.

Section 3.13 CODES OF TECHNICAL REGULATIONS.

Section 3.14 AUTHENTICATION AND RECORDING; CODIFICATION; PRINTING.

Section 3.15 CONSERVATION.

Section 3.16 BORDER RELATIONS.

Section 3.17 ANNEXATION OF TERRITORY.

Section 3.18 LEASE; FRANCHISE; AND CONVEYANCE.

Section 3.19 PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES IN RESIDENTIAL SECTIONS OF THE CITY.

Section 3.20 ETHICS AND ACCOUNTABILITY.

Section 3.1 CREATION; COMPOSITION; POWERS AND DUTIES.

There shall be a City Council consisting of District Representatives and the Mayor. The Council shall have legislative powers, and the power and duty to select, direct, and regularly evaluate the City Manager, as well as such other and specific powers and duties as may be provided by law or this Charter. Each Representative shall have the discretion and sole authority to appoint and remove a legislative aide.

Section 3.2 SALARIES.

Provision effective through June 27, 2009: Upon the adoption of this Charter, the salaries of the Mayor and the Representatives shall be those authorized prior to the adoption of this Charter. Subsequent to the adoption of this Charter, the Council shall have the power to increase these salaries by not more than five percent, but such act must be taken at least three months prior to the next general city election and may not take effect until after the inauguration of the next Council. Any proposed salary increase in excess of five percent shall be subject to voter approval, by referendum, conducted at a general City election.

Provision effective and commencing on June 28, 2009: Commencing on June 28, 2009, the annual base salary of the District Representatives shall be twenty-nine thousand dollars, and the

annual base salary of the Mayor shall be forty-five thousand dollars. On and after September 1, 2010, the base salaries will be increased by a percentage equal to the percent increase of the general salary adjustment, if any, given to the classified employees in the general services effective as of the date designated in the budget resolution.

Section 3.3 PROHIBITIONS.

- A. **Other Public Employment.** No Council member may hold any other compensated public office or public employment, and no former Council member shall hold any compensated City position until one year has elapsed following the expiration of the term for which that member was elected to the Council.
- B. **Nepotism.** No person shall be appointed as City Manager or to any City board or commission who, at the time of appointment, is related in the first or second degree of consanguinity or in the first or second degree of affinity to a member of the Council. The words "consanguinity" and "affinity" are, in popular usage, often referred to, respectively, as "blood" and "marriage."
- C. **"Lame Duck" Elected Officers Not to Make Appointments.** From the date of any City general election until inauguration of those elected, neither the Mayor nor the City Council shall make any appointment of a City Manager, or any appointments to any standing or special public boards, commissions or committees of the City, except when in conflict with State law or when due process rights of employees or citizens would be compromised.

Section 3.4 DETERMINATION OF ELECTIONS AND QUALIFICATIONS.

Except as provided in Article II, Section 2.1 C, the Council shall be the judge of the election and qualifications of its members and of other elected City officials and of the grounds for removal from office and for that purpose shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. An officer, including a Representative or the Mayor, charged with conduct constituting grounds for removal from office shall be entitled to a public hearing, and notice shall be published in one or more newspapers of general, daily circulation in the city at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

Section 3.5 CITY COUNCIL PROCEDURES AND RULES.

- A. **Meetings.** Regular meetings of the Council shall be held in Council chambers a minimum of one time per week at such times as may be prescribed by resolution. Provided, however, that the Council by resolution may cancel one or more regular meetings, not to exceed three meetings during each calendar year, provided that such canceled meetings are not consecutive. Special meetings and informal work sessions of the Council shall be called by the Mayor or a majority of the entire Council by giving written notice to the City Clerk. All meetings of the Council and of any committees thereof shall be held as permitted by the Texas Open Meetings Act.
- B. **Parliamentary Procedure.** At the beginning of each term the Council shall adopt rules of order, and should the Council fail to do this, then Roberts Rules of Order, Revised, shall control until such time as the Council adopts some other rules of order. In any event, copies of rules of order employed by the Council shall be available, in the office of the City Clerk, for examination by interested persons. The Mayor, with the advice and consent of the Representatives, shall designate a Municipal Parliamentarian and Alternate Municipal Parliamentarians, but no members of the Council may hold those offices. The Council must keep minutes of its open proceedings, and these shall be a public record. It shall also have

power to compel the attendance of absent members and, by the favorable vote of a majority of the entire Council, may expel a member from a Council meeting for disorderly conduct or serious violation of its rules and may order that member to be physically removed from the meeting.

- C. Quorum. Except as otherwise provided in this Charter, a quorum to do business shall consist in more than one-half of the number of members of the Council, including the Mayor; provided, however, that a lesser number may adjourn until a specific time and compel the attendance of absent members, in the manner prescribed by ordinance.
- D. Voting. Voting, except on procedural motions, shall be by roll call and the vote shall be recorded in the minutes. No action of the Council, except as otherwise provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the members present and voting. Ordinances that impose taxes, grant franchises or leases, or authorize conveyances shall not be valid unless adopted by a majority of the entire Council.
- E. Veto. Ordinances and resolutions finally adopted by the Council shall be filed in the office of the City Clerk and signed by the Mayor before they take effect. If the Mayor vetoes the ordinance or resolution, reasons shall be set forth by the Mayor in writing, and the ordinance or resolution with those reasons shall be returned to the Council. However, the Mayor shall not have any veto power over any City Council action which removes the City Manager. To override the Mayor's veto, three fourths of all of the Representatives must vote in favor of the returned ordinance or resolution, in which event the adopted ordinance or resolution shall become law. If the Mayor shall either fail to approve or object in writing to any adopted ordinance or resolution within five days after it has been filed with the City Clerk, exclusive of the day of filing, it shall become law.

Section 3.6 LEGISLATIVE COMMITTEES.

- A. The Representatives may resolve themselves into committees, both standing and special, when this is convenient for the conduct of legislative business, including the investigative powers described in Section 3.8. Rules governing the organization and procedures of these committees shall be made by the Council, and the Mayor shall have no power to veto any of those rules except upon grounds of illegality.
- B. The Council shall establish a Financial Oversight and Audit Committee "FOAC" for the purpose of providing legislative oversight of the function of the Internal Auditor, to review the financial policies of the City, and to formulate recommendations for the City Council regarding City finances and other matters referred by the City Council or City Manager. The FOAC shall be comprised of four members of the City Council, the Chief Internal Auditor, and the City Manager or designee and shall meet when needed, at least quarterly.

Section 3.7 APPOINTMENTS.

- A. The City Attorney. Whenever a vacancy in the position of City Attorney or any Assistant City Attorney occurs, the Mayor shall appoint a successor with a majority vote of the entire Council. Candidates for this position may be nominated by any member of the Council. The City Attorney or any Assistant City Attorney may be removed by the Mayor with a majority vote of the entire Council.
- B. Boards and Commissions. Except where otherwise provided in this Charter, or by the laws of Texas, or of the United States, appointments to and removals from standing or special public boards, commissions or committees of the City shall be made by the Council. The Council is required to ensure that appointments are distributed uniformly among Representatives.

Section 3.8 INVESTIGATIVE POWERS.

The Council shall have the express power to inquire into the official conduct of any department, officer or employee of the City, and for that purpose shall have the power to administer oaths, subpoena witnesses, and compel the production of evidence material to the inquiry. The Council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance. The Council must respect the dignity, rights and liberties of all persons in exercising these investigative powers. These investigative powers shall not extend to those matters covered under Civil Service nor shall this power be used to pursue criminal matters, other than those over which the Council has legislative power.

Section 3.9 ORDINANCES IN GENERAL.

- A. Form and Introduction. Ordinances and resolutions shall be introduced at Council meetings only in written form; but amendments to ordinances and resolutions may be made orally at the same meetings. No ordinance shall concern more than one subject, and that shall be expressed clearly in the title. The enacting clause of all ordinances shall read: "Be it ordained by the City Council of the City of El Paso." Any ordinance which repeals or amends an existing ordinance or other part of the City Code shall summarize the ordinance, sections or subsections to be repealed or amended.
- B. Legislative Procedure. Except as provided in Section 3.13, an ordinance may be introduced by any Council member at any meeting of the Council. A proposed ordinance must be filed with the City Clerk in sufficient time for inclusion on the agenda for the Council meeting at which it is to be introduced. Upon such filing the City Clerk shall distribute copies to each member of the Council and to the City Manager. A reasonable number of copies shall be available in the office of the City Clerk, and at such other public places as the Council may designate, for examination by interested persons. No ordinance shall be adopted finally except at a regular open meeting of the Council following notice, publication, and a public hearing. The notice shall contain:
1. The proposed ordinance or a brief summary thereof;
 2. The places where copies of it have been filed and the times when they are available for public examination; and
 3. The time and place for the public hearing. The notice shall be published by any contemporary means of information sharing, including but not limited to publication in a newspaper of general circulation in the City or placement on a web site at least five days prior to the public hearing. The hearing may be held by a designated Council committee or the Council separately or in connection with any Council meeting and may be adjourned to a specified time. All interested persons present shall have an opportunity to be heard. As soon as practicable after adoption of any ordinance, the City Clerk shall publish it again, with notice of its adoption, in abstract form, by any contemporary means of information sharing. These abstracts must state, at a minimum, the purpose of the ordinance and, where penal, the penalty provided. In any event, the publication must be written so as to be understood by an average person.
- C. Actions Requiring Ordinances. The Council may exercise the following powers by ordinance only:
1. Authorize the conveyance of any City real property;
 - 2.

- Adopt or amend any administrative code and establish, abolish, alter or combine any City departments, so long as such action is not in conflict with this Charter;
3. Amend, extend, or repeal any ordinance previously adopted;
 4. Prescribe a fine or penalty or establish any rule or regulation for the violation of which a fine or other penalty is imposed;
 5. Adopt Civil Service Rules.

Section 3.10 EMERGENCY ORDINANCES.

- A. **Limitation.** To meet a public emergency affecting life, health, property, or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, authorize a conveyance of real property, or authorize the borrowing of money.
- B. **Procedures.** An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it may be introduced on two hours' public notice, and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the unanimous vote of the Representatives present, and the consent of the Mayor, shall be required for adoption.
- C. **Adoption, Re-enactment, Repeal.** After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as the ordinance may specify. Every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but this shall not prevent the re-enactment of the ordinance, in the manner specified in this section, if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance, in the same manner specified in this section for adoption of emergency ordinances.

Section 3.11 INITIATIVE.

Whenever a number of registered voters equal to at least five percent of the voters who voted in the last general City election sign a petition setting forth the precise content of an ordinance desired by the signers, the Council must place that ordinance on the agenda of a Council meeting to be held within thirty working days of the receipt, by the City Clerk, of the petition bearing the authenticated names and addresses of the petitioners. Such an item shall be treated by the Council exactly as any other proposed ordinance.

Should an ordinance proposed by such petition not be enacted by the Council, or should it be enacted in an amended form, a second petition, signed by a number of registered voters equal to at least five percent of the voters who voted in the last general City election, may be submitted to the City Clerk and that official shall have twenty working days in which to authenticate the signatures and thereafter must place the repropoed ordinance on the ballot at the next general election specified in State law, if the proposal received the favorable vote of a majority of those voting in that election it shall thereupon become a City ordinance.

The Council is not obliged to consider the same ordinance initiated by petition, or one that is substantially the same, more often than once in: two years.

Section 3.11A REFERENDUM.

A referendum election may be called by the City Council when a collective bargaining agreement between the City and an employee organization so provides.

Section 3.12 RESOLUTIONS.

The Council may act by resolution in all cases unless an ordinance is required by this Charter.

Section 3.13 CODES OF TECHNICAL REGULATIONS.

- A. The Council may adopt any standard code of technical regulations by referring to that code in an adopting ordinance.
- B. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:
 - 1. The requirements of Section 3.9A and B of this Charter, for distribution and filing of copies of the ordinance, shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance;
 - 2. A copy of each adopting code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to Section 3.14A of this Charter; and
 - 3. Copies of any adopted code of technical regulations shall be made available in the office of the City Clerk for examination by interested persons.

Section 3.14 AUTHENTICATION AND RECORDING; CODIFICATION; PRINTING.

- A. All ordinances and resolutions of the Council shall be authenticated by the City Clerk and recorded in an indexed public record.
- B. The Council shall provide for the preparation of a general codification of this Charter and its amendments, and of those ordinances selected by the Council. This codification shall be known and officially cited as the El Paso City Code. Copies of the Code shall be furnished to City officers and placed in libraries and public offices within the El Paso City limits, for free public reference.

Section 3.15 CONSERVATION.

The Council must, in consultation with the Public Service Board, and within two years following the adoption of this Charter, enact and maintain a comprehensive plan for the conservation of water and other natural resources. The plan shall take into consideration the impact on natural resources resulting from any governmental action, including, but not limited to, land use, zoning regulations, building code requirements, and development and operation of public facilities. The City shall continue to implement the plan by using such means as the Council makes available to acquire, conserve and preserve natural resources for future generations.

Section 3.16 BORDER RELATIONS.

The Council must, within one year following the adoption of this Charter, provide for the duties, appointment, structure, terms of office and filling of vacancies on a standing Committee on Border Relations, comprised of El Paso citizens.

The Committee on Border Relations shall propose, promote and, from time to time, revise a program to enhance relations with Ciudad Juarez and with the border area in proximity to El Paso.

Section 3.17 ANNEXATION OF TERRITORY.

The Council may, by ordinance, fix or extend the boundaries of the City and may also, by ordinance, annex or exchange territory adjoining or abutting upon the territory of the City. The territory so annexed shall, in all respects and for all purposes, be part of the City. In no event shall an annexation ordinance be passed without notice, published in accordance with state law, to the residents of the City and of the territory to be annexed, nor without a meeting of the Council at which proponents and opponents of the annexations must be given ample opportunity to express their views.

Section 3.18 LEASE; FRANCHISE; AND CONVEYANCE.

The right of control, ownership and use of streets, alleys, parks and public places of the City is declared to be inalienable except as provided by ordinance passed by the Council and except for uses of less than thirty days which may have a separate approval process as established by ordinance.

Any ordinance providing for the conveyance, lease, or grant of a franchise regarding the property of the City shall provide for payment to the City of a reasonable fee as consideration for that conveyance, lease, or franchise. In addition, any ordinance providing for the lease or franchise shall provide that:

1. At the termination of the lease or franchise, the property involved, together with any improvements thereto, made or erected during the term of the lease or franchise, shall (either without further compensation or upon payment of a fair valuation therefore as determined by the terms of the ordinance), become the property of the City; and
2. Every lease or franchise may be revoked by the City if necessary to secure efficiency of public service at a reasonable rate, or to assure that the property is maintained in good order throughout the life of the grant.

Section 3.19 PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES IN RESIDENTIAL SECTIONS OF THE CITY.

The sale of beer and liquor is hereby prohibited in residential areas of the City.

Section 3.20 ETHICS AND ACCOUNTABILITY.

- A. Ethics Review Commission. The Council shall, by ordinance, establish an independent ethics review commission to administer and enforce the ethics section of the City Code. To the extent permitted by Texas law, the Council shall authorize the commission to issue advisory opinions, conduct investigations, request witness testimony and production of evidence, and make determinations on whether a violation has occurred, and issue decisions and appropriate sanctions. The commission shall have the power to enforce its decisions by assessing civil fines and other sanctions as authorized by ordinance. The Council shall provide sufficient resources to the commission to enable it to perform the duties assigned to it under the Charter and City Code.
- B. Internal Audit Function.

1. The Council shall establish and create an internal audit function to ensure that appropriate internal audits will be performed in accordance with professionally recognized auditing standards of the operations of all City departments, offices, agencies and programs.
2. The function shall be staffed by a Chief Internal Auditor and such other appropriate positions as are authorized by the Council who shall report to the Chief Internal Auditor.
3. Consistent with the provisions of this Charter, the Council shall by ordinance or resolution provide for the powers and duties of the Chief Internal Auditor as needed for the performance of the function.
4. The Financial and Audit Oversight Committee shall maintain legislative oversight over the internal audit function as provided in Section 3.6 B.
5. On and after the effective date of this amendment, the Chief Internal Auditor shall be appointed and removed by the City Manager subject to the approval of the Council. The City Manager shall maintain operational oversight over the internal audit function and be responsible for the implementation of any audit recommendations for changes to City administrative procedures and operations as requested by the Council.

El Paso, Texas, Code of Ordinances >> - CHARTER >> Article IV THE MAYOR >>

Article IV THE MAYOR

Section 4.1 POWERS OF THE MAYOR.

Section 4.2 DUTIES OF THE MAYOR.

Section 4.3 MAYOR PRO TEMPORE.

Section 4.1 POWERS OF THE MAYOR.

- A. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties except as may be specifically provided in this Charter.
- B. The Mayor shall be a member of and preside over the City Council, having the power to propose legislation; represent the City in intra-governmental and intergovernmental relationships; appoint with the consent of the Council the members of citizen advisory boards and commissions; make appointments and perform duties pursuant to federal and state law; present an annual state of the City message, break tie votes, veto legislation except for any City Council action which removes the City Manager, convene the Council in special session and perform other duties specified by the Council.

Section 4.2 DUTIES OF THE MAYOR.

- A. Under the authority of the Council, the Mayor shall sign all lawful acts of the Council, such as ordinances, resolutions, conveyances, grant agreements, plats, contracts and bonds. The Council may by ordinance provide that additional designated officials may sign such acts of Council on behalf of the Mayor, as provided by law.
- B. The Mayor shall have the sole authority to appoint and remove the Mayor's Executive Secretary and Executive Assistant(s).

Section 4.3 MAYOR PRO TEMPORE.

- A. At the first meeting upon the start of new terms of office following each general election, the Council shall elect from among the Representatives a Mayor Pro Tempore, who shall hold that office for a two year term. Should the office of Mayor Pro Tempore become vacant, the Council shall elect a new Mayor Pro Tempore.
- B. During the absence or disability of the Mayor, the Mayor Pro Tempore shall act as Mayor, but shall vote as a Representative, and shall have no veto power.
- C. In the event of the absence of both the Mayor and Mayor Pro Tempore, the Council shall elect an alternate Mayor Pro Tempore to serve until the return of the Mayor or Mayor Pro Tempore.

CHARTER

city of

DALLAS, TEXAS



CITY OF DALLAS

April 2006 Printing

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SEC. 2. GENERAL POWERS ADOPTED.

The enumeration of particular powers in the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers which under the Constitution and laws of the State of Texas, it would be competent for the Charter specifically to enumerate. The city shall have and exercise all the powers conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas and the Enabling Act relative thereto, passed by the Thirty-third Legislature of the State of Texas, found in the published laws of said legislature, Regular Session, pages 307 to 317, and effective July 7, 1913, and all other laws passed by the legislature of the State of Texas, relating thereto, or which may hereafter be passed by said legislature in relation to such matters.

SEC. 3. CHARTER REVIEW PROCESS.

At intervals of not more than 10 years (the 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. The commission shall complete the review and report to the council within one year after its appointment. Notwithstanding this section, amendments to the Charter may at any time be framed and proposed as provided by law. (Amend. of 11-8-05, Prop. No. 7)

CHAPTER III. CITY COUNCIL**SEC. 1. COMPOSITION OF CITY COUNCIL.**

Except as otherwise provided by this Charter, all powers conferred on the city shall be exercised by a city council to be composed of 15 members, nominated and elected in the manner hereinafter provided unless otherwise provided by law. One member of the city council, Place 15, shall be elected by the qualified voters of the entire city and 14 members by the qualified voters residing in a particular district, Places 1 through 14 respectively, as provided in Chapter IV of this Charter. Members of council, Places 1 through 14, shall each be elected for a term of two years and member of council, Place 15, shall be elected for a term of four years. The city council members so elected shall take office on the first Monday following the 30th calendar day after the final canvass of the general election, and they shall serve until their respective successors have been elected and qualified. (Amend. of 4-3-76, Prop. No. 1; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 1; Amend. of 5-3-97, Prop. No. 7; Amend. of 11-8-05, Prop. No. 6)

SEC. 2. MAYOR'S ELECTION AND DUTIES.

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

(b) In addition to the mayor's other duties, the mayor shall ensure that annual reports are made as to the state of the city, its financial condition, its accomplishments, and its plan and needs for the future. (Amend. of 4-3-76, Prop. No. 2; Amend. of 8-12-89, Prop. No. 1)

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. (Amend. of 11-8-05, Prop. No. 13)

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. (Amend. of 1-17-81, Prop. No. 2; Amend. of 8-12-89, Prop. No. 1)

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

(a) Effective October 1, 2001, each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$37,500 for each year (prorated for partial years) that the member serves on the city council. The mayor shall receive as compensation for services the sum of \$60,000 for each year (prorated for partial years) served as mayor on the city council.

(b) For purposes of this section, a "year" means a 12-consecutive-month period.

(c) The compensation provided for in Subsection (a) will be paid on a biweekly basis.

(d) In addition to receiving the compensation provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized by the city council.

(e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business. (Amend. of 5-5-01, Prop. No. 1)

SEC. 5. VACANCIES IN THE CITY COUNCIL; HOW FILLED.

(a) If a vacancy occurs on the city council, the vacancy must 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 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.

(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 be considered a vacancy and filled as provided in this section for other vacancies. If 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 be considered a vacancy and filled as provided in this section for other vacancies.

(d) In the event of the death or disability of all members of the city council for any reason, such that the city council is unable to call an election to fill vacancies on the city council, the city attorney is authorized to institute an action on behalf of the city in the district court of Dallas County, Texas to obtain an appropriate order declaring an emergency and calling a special election to fill the city council vacancies. If state law provides for the manner and method of calling such an election, then state law shall be followed in lieu of the instituting of court action by the city attorney. (Amend. of 4-3-76, Prop. No. 2; Amend. of 8-12-89, Prop. No. 1; Amend. of 5-1-93, Prop. No. 6; Amend. of 11-8-05, Prop. No. 4)

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 be held in the city hall building in such locations and at such times as may be prescribed by ordinance, resolution, or lawfully-posted notice. At least one regular meeting of the city council must be held each week unless postponed or canceled for valid reasons as determined by the city council.

(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. (Amend. of 6-12-73, Prop. No. 5; Amend. of 8-12-89, Prop. No. 5; Amend. of 5-1-93, Prop. No. 5)

SEC. 7. SPECIAL MEETINGS.

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

Editorial: We recommend a 'yes' vote on 9 Dallas propositions

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Watching the way the Dallas City Council draws its own districts leaves a lot of us queasy, wondering if this is the way government really should work.

That sausage-factory sense starts with the council-appointed redistricting commission. There's long been a concern that too many commission members are too close to the incumbents who appoint them.

The word *puppet* gets thrown around a lot, which affects the commission's work and stains the appearance of independence.

The time has come to remove that stain, and voters have a chance to do just that this election. A series of reforms to the city charter are on the Nov. 4 ballot, and the most important among them is Proposition 6, proposed changes to the council's redistricting process.

The heart of the reform is this: Commissioners and council members would be prohibited from communicating outside public meetings; and the council would not be able to alter the commission's proposed changes to district lines without a three-fourths vote.

The proposed change also includes important protections for minorities that once were covered under the federal Voting Rights Act.

In 2011, when the council last adopted new district lines, the process climaxed with an ugly closed-door meeting that suggested Mayor Mike Rawlings and council members Tennell Atkins and Delia Jasso were horse trading over the final map. Their behind-the-scenes hash took place in the middle of an open council debate on the lines. Those watching it should have left feeling queasy.

These reforms could go a long way toward getting us all feeling better about city government again.

Better pay for better council

The way we elect our council members is important, but it's impossible to elect good council members without good candidates.

That's the reasoning behind a second critical proposition on the city ballot that also deserves support. None of us love the idea of paying politicians more. But pay for Dallas council members is so low that it hurts our ability to attract good candidates in too many races.

In a city like Dallas, incumbents shouldn't roll to re-election without a challenge. And open seats should see large numbers of residents from a variety of backgrounds seeking to serve their city.

That doesn't happen, in large part because most working people can't afford to be Dallas council members.

That could change with the passage of Proposition 8. It calls for raising the mayor's salary from \$60,000 a year to \$80,000 and a council member's salary from \$37,500 to \$60,000.

The cost of those raises is not significant in view of the city's \$1.1 billion operating budget. But it is significant if we want to ask teachers, accountants, engineers and other talented citizens to set aside their day jobs and offer to represent us at City Hall.

Mayor Mike Rawlings rightly notes that council service is open now to the following sorts of people: those who have plenty of money already, those who are willing to scrape by on \$37,500 a year, and lawyers.

The argument that council service is a part-time job has not been true in a long time. Anyone on the council who is showing up part time isn't doing the job right.

From reviewing massive council agendas that include tens of millions of dollars in expenditures every other week, to responding to constituents, to evaluating city management — the work is too serious not to ensure that we are trying to attract the best people to serve.

No one can force good people to run. But we would go a long way toward encouraging them by offering council members better pay.

A summary of all nine props on the ballot

Voters will have the chance to approve changes to the city of Dallas' charter in the coming election. They will be presented to voters as nine separate ballot items. The most significant changes are Propositions 6 and 8, as laid out in our accompanying editorial. Below is a summary of all nine props:

Prop 1: Would bring more transparency to the cost of city bond programs, from issuance to repayment and purpose. Council member Scott Griggs sought this amendment to provide residents more information about what the city really spends on debt and what taxpayers get in return. **Vote yes.**

Prop 2: Would amend a cumbersome provision of the charter that prohibits people from serving on city boards and commissions even if they or the firms they work for have minor interests in mutual funds or common funds with companies that contract with the city. **Vote yes.**

Prop 3: Involves how to alert people about changes to the city's thoroughfare plan if the change won't affect a road's dimensions and if the affected area is larger than 1 square mile. **Vote yes.**

Prop 4: Amends the city's nondiscrimination rules to include gender identity and expression, and genetic characteristics. **Vote yes.**

Prop 5: Would remove the city manager's cloaked power over the supposedly independent city auditor. The council, instead of the manager, would recommend and set the auditor's annual budget. The council appoints both the auditor and the manager. But the manager has long had a sort of "power of the purse" over the auditor in the annual budgeting process that has called the auditor's independence into question. **Vote yes.**

Prop 6: The proposal would change the way the city draws council districts with new restrictions on the selection and operation of the council-appointed redistricting commission. Commission members could not communicate with council members outside of public forums. A three-fourths vote of the council would be required to overturn the commission's recommended district map. (See accompanying editorial.) **Vote yes.**

Prop 7: Clarifies that municipal judges, as well as appointed board and commission members, must resign if they run for public office. This prevents appointed officials from using their work for the city as a political springboard. The change comes after former municipal judge Phyllis Lister Brown claimed she should not have been forced out to run for a state district judge seat because she was a constitutional officer of the state. **Vote yes.**

Prop. 8: Would raise the mayor's salary from \$60,000 to \$80,000 and council salaries from \$37,500 to \$60,000. Mayor Mike Rawlings would not get a raise if re-elected. (See accompanying editorial.) **Vote yes.**

Prop 9: Amends the charter to conform with state law and city code and makes minor spelling and other corrections. **Vote yes.**

line number	contest name	choice name	total votes	percent	ballots cast	over votes	under votes
185	Dallas Prop 1- Ballots for Bond Programs	For (A Favor)	142752	88.95	184600	33	23219
186	Dallas Prop 1- Ballots for Bond Programs	Against (En Contra)	17725	11.05	184600	33	23219
187	Dallas Prop 2- Restrictions on Contracts	For (A Favor)	99771	63.45	184600	67	26414
188	Dallas Prop 2- Restrictions on Contracts	Against (En Contra)	57477	36.55	184600	67	26414
189	Dallas Prop 3- Thoroughfare Plan Notices	For (A Favor)	54430	34.89	184600	56	27660
190	Dallas Prop 3- Thoroughfare Plan Notices	Against (En Contra)	101583	65.11	184600	56	27660
191	Dallas Prop 4- Nondiscrimination	For (A Favor)	122981	76.88	184600	74	23695
192	Dallas Prop 4- Nondiscrimination	Against (En Contra)	36979	23.12	184600	74	23695
193	Dallas Prop 5- Budget for City Auditor	For (A Favor)	123021	79.97	184600	38	29853
194	Dallas Prop 5- Budget for City Auditor	Against (En Contra)	30817	20.03	184600	38	29853
195	Dallas Prop 6- Redistricting Process	For (A Favor)	130128	84.84	184600	45	30297
196	Dallas Prop 6- Redistricting Process	Against (En Contra)	23259	15.16	184600	45	30297
197	Dallas Prop 7- Resign To Run For Office	For (A Favor)	130994	83.67	184600	41	27133
198	Dallas Prop 7- Resign To Run For Office	Against (En Contra)	25561	16.33	184600	41	27133
199	Dallas Prop 8- Increasing Compensation	For (A Favor)	79007	50.84	184600	62	28271
200	Dallas Prop 8- Increasing Compensation	Against (En Contra)	76389	49.16	184600	62	28271
201	Dallas Prop 9- Technical Amendments	For (A Favor)	128688	88.44	184600	24	38200
202	Dallas Prop 9- Technical Amendments	Against (En Contra)	16817	11.56	184600	24	38200

563,363 registered voters

ORDINANCE NO. 29376

An ordinance ordering a special election to be held in the city of Dallas on November 4, 2014 on the question of adopting amendments to the Charter of the City of Dallas; increasing the compensation of councilmembers to \$60,000; increasing the compensation of the mayor to \$80,000; deleting the requirement that the city council meet every week; allowing councilmembers to abstain from voting if required by law; clarifying when the mayor pro tem and the deputy mayor pro tem may discharge specific duties of the mayor; prohibiting municipal judges and board and commission members from running for other offices during the term for which they were appointed; deleting a prohibition on city employees running for elective public office; requiring the annual financial statements of the city to be audited annually by a registered public accounting firm; requiring monies received by the city to be deposited promptly; revising the redistricting process; removing municipal judges who become a candidate for public office; requiring the city auditor to submit a budget directly to city council; allowing an alternate notice authorized by city council rather than mailed notice of amendments to the thoroughfare plan that affect an area larger than one square mile and that does not increase the dimensional classification of a thoroughfare; prohibiting discrimination in city employment on the basis of color, age, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, or military or veteran status; requiring that ballot propositions for bonds state the estimated amount of repayment including principal and interest and the purpose of the bonds; clarifying that passage of an ordinance or resolution does not constitute execution of a contract with the city; revising restrictions as to city officials and

employees and exempting board and commission members from certain restrictions involving city contracts; making various technical amendments to conform to state law, conform to the city code, match actual practice, correct terms, correct spelling, clarify language, and correct cross-references; prescribing the form and wording of the ballot propositions; designating polling places; providing that only resident qualified voters are entitled to vote; providing for the use of an electronic voting system for early voting by personal appearance and a computerized voting system for voting on election day and for early voting by mail; providing for early voting locations; providing for an early voting ballot board to process early voting; providing for notice of the special election; and providing an effective date.

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

SECTION 1. That a special election is ordered to be held in the city of Dallas on Tuesday, November 4, 2014, 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 the sections listed below and will read as set forth below (the new portions being underlined and the repealed portions being crossed through):

CHAPTER III. CITY COUNCIL

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

(a) Effective upon the swearing in of city council members in June 2015 [~~October 1, 2004~~], each member of the city council, other than the mayor, shall receive 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. Effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014, t[F]he mayor shall receive 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.

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 be held in the city hall building in such locations and at such times as may be prescribed by ordinance, resolution, or lawfully-posted notice. ~~[At least one regular meeting of the city council must be held each week unless postponed or canceled for valid reasons as determined by the city council.]~~

(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. 10. COUNCIL VOTE.

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

SEC. 11. ELECTION AND DUTIES OF THE MAYOR PRO TEM AND DEPUTY MAYOR PRO TEM.

The city council shall elect one of its members as mayor pro tem, who shall perform a specific duty ~~[the duties]~~ of the mayor if ~~[in the case of the absence or inability of]~~ the mayor is unable to discharge that specific duty ~~[to perform the duties of office]~~, and who shall, during that time, be vested with all the powers belonging to the mayor to perform that specific duty. The council shall also elect one of its members as deputy mayor pro tem to act if ~~[in the absence of]~~ both the mayor and the mayor pro tem are unable to discharge a specific duty and to exercise the powers of the mayor to perform that specific duty ~~[during that time]~~.

SEC. 17. PROHIBITING HOLDING OR RUNNING FOR OTHER OFFICE.

(a) No person elected to the city council shall, during the term for which he or she was elected, be appointed to any office or position of emolument in the service of the city. If a member of any board or commission appointed by the council or any appointive officer of the city, including municipal judges, city appointees to the Dallas Area Rapid Transit Board, and city appointees to the Dallas/Fort Worth International Airport Board, becomes a candidate for nomination or election to any public office, he or she shall immediately forfeit his or her place or position with the city. This provision does not prohibit a person from applying for a position as a municipal judge while a candidate for nomination or election to any public office.

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

~~[(e) If any employee of the city becomes a candidate for nomination or election to any elective public office within Dallas County; or elective public office in another county within the state, having contractual relations with the city, direct or indirect; or any elective public office that would conflict with his or her position as an employee of the city, the employee shall immediately forfeit his or her place or position with the city. *NOTE: See Section 12A-10 of the Dallas City Code for judicial interpretation of this section.*]~~

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. ~~[an independent audit to be made of the books of account, records, and transactions of all the administrative departments of the city at least once yearly. Such audits, during such fiscal year, shall be made by one or more certified public accountants who, for the three years next preceding, have held a certificate issued by the state board of accountancy of the State of Texas, or by a state maintaining an equal standard of professional requirements, which entitled the holder of such certificate to a Texas certificate.]~~ The auditor ~~[or auditors to make the audit]~~ shall be selected by the city council, and shall be responsible to the council. ~~[The duties of the auditor or auditors so appointed shall include the certification of all statements required of the city manager in the annual budget estimate. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules, and schedules for each utility publicly owned or operated, summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the last previous year.]~~ The report of such auditor and the financial statements and related audit opinion ~~[or auditors]~~ 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 citizen upon request. A summary of the annual financial statements and the audit report ~~[such report of the auditor or auditors]~~ 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.

SECTION 20. CITY TREASURER AND SELECTION OF CITY DEPOSITORY.

(a) The person designated by the city manager as the chief financial officer of the city shall serve as the city treasurer, who shall have the custody of all the public moneys, funds, notes, bonds, and other securities belonging to the city. The chief financial officer ~~[city treasurer]~~ shall give such bond as the council may require, conditioned on the faithful discharge of his or her duties, and the premium of such bond shall be paid by the city. In addition to such bond, the city

shall, in accordance with state law, [may] require designated city depositories [the city treasurer] to hypothecate securities in such amount as it shall prescribe.

(b) The city council shall, in accordance with state law, select and designate a depository for the moneys and funds of the city. The city council may at any time, in accordance with state law, select and designate more than one depository. The chief financial officer [city treasurer] shall be responsible for administering the contract with the depository. The depository shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the city manager and countersigned by the chief financial officer [city controller], after authorization of the city council. All monies received by any person, department, or agency of the city for or in connection with the affairs of the city shall be deposited promptly in a commercially reasonable manner in city depositories. The chief financial officer [city treasurer] shall ensure that a full and correct statement of receipts and payments is provided to the city manager and the city council, at such times as the city manager or city council may require and in such form as the city manager may prescribe. The chief financial officer [city treasurer] shall perform such other acts and duties as the city manager may prescribe.

CHAPTER IV. ELECTIONS AND REFERENDUMS

SEC. 5. DISTRICTS [LIMITS] AND REDISTRICTING.

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

(b) Redistricting commission.

(1) Not later than 30 days after the city council is briefed on the federal decennial census taken in the prior year [the date of receipt of any federal census], each member of the city council shall appoint one member of the 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. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission's work.

(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.

(3) The redistricting commission shall draw the districts in compliance with the following guidelines:

(A) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law.

(B) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice.

(C) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory.

(D) The reconfiguration of districts shall be neutral as to incumbents or potential candidates.

(E) Communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible without violating the other requirements.

(F) The redistricting commission may adopt any other requirements of federal or state law.

(4) 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.

(5) City council members may not have contact, directly or indirectly, with a redistricting commission member, or with redistricting commission staff, with respect to redistricting, except by testimony in an open meeting. Redistricting commission members may not engage in any discussions, directly or indirectly, regarding redistricting or the work of the redistricting commission with city council members, except during an open meeting or by written communication given to the entire redistricting commission. If a redistricting commission member engages in a prohibited discussion or violates the Texas Open Meetings Act, the redistricting commission may, by majority vote, remove the commissioner from the redistricting commission.

(6) 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 within 45 days of receipt by the mayor. Any modification or change to the plan must be made in open session at a city council meeting, with a written explanation of the need for the modification or change and a copy of the proposed map

with the modification or change made available to the public 72 hours before a vote, and the proposed plan must be approved by a vote of three-fourths of the members of the city council. If final [neither of such] action[s] is not taken by the city council within 45 days after the plan was presented to the mayor, then the recommended plan of the redistricting commission will become the final districting plan for the city.

(7[4]) The districting plan developed in accordance with this section must 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.

CHAPTER VIII. MUNICIPAL COURTS

SEC. 4A. REMOVAL OF MUNICIPAL JUDGES.

(a) A full-time or associate municipal judge may be removed from office by a majority vote of all members of the city council if the council determines, after a hearing before the council, that the municipal judge ~~[failed to comply with, or maintain compliance with]~~:

(1) does not meet any residency requirements for municipal judges established by city council ordinance; or

(2) does not meet any other qualifications or requirements for municipal judges established by city ordinance, state or federal law, or other applicable law.

(b) A full-time or associate municipal judge shall immediately forfeit his or her place with the city if he or she becomes a candidate for nomination or election to any public office (see Section 17 of Chapter III of this Charter).

CHAPTER XI. THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

SEC. 2. BUDGET ESTIMATES TO BE FURNISHED TO CITY MANAGER BY ~~[ALL]~~ 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, 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 shall furnish a detailed budget estimate of the needs and requirements of the city auditor's office 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. 4. TRANSFER OF APPROPRIATIONS.

Upon the written recommendation of the city manager, the city council may at any time transfer an unencumbered [~~unincumbered~~] balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose.

SEC. 5. APPROPRIATION OF EXCESS REVENUE.

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

SEC. 6. EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No money shall be drawn from the city treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation made by the council and, whenever an appropriation is so made, the chief financial officer [~~city secretary~~] shall forthwith give notice to the city manager. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the city that will not be completed within the current year.

SEC. 8. PAYMENT OF OBLIGATIONS.

The chief financial officer [~~city controller~~] shall examine payrolls, bills, and other claims and demands against the city and shall issue no warrant for payment unless the city controller finds that the claim is in proper form, and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. The chief financial officer [~~city controller~~] may investigate any claim and for that purpose may summon any officer, agent or person to be examined by the chief financial officer [~~city controller~~] upon oath or affirmation relative thereto, which oath or affirmation the chief financial officer [~~city controller~~] may administer. If the chief financial officer [~~city controller~~] knowingly or negligently issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, the chief financial officer [~~city controller~~] and the chief financial officer's [~~city controller's~~] sureties shall be individually liable to the city for the amount thereof.

SEC. 11. OBLIGATIONS; WHEN VOID.

All contracts, agreements, or other obligations entered into, and all ordinances passed and resolutions and orders adopted, that are contrary to the preceding sections of this chapter shall be void, and no person shall have any claim or demand against the city thereunder, nor shall the council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution, or order~~[, as provided in Section 10 of this chapter]~~, or fasten upon the city any liability in excess of such limits, or relieve any party from an exact compliance with a contract under such ordinance, resolution, or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure or to the exceptions contained in Section 12 of this chapter.

SEC. 13. RESERVED. ~~[DISPOSITION OF FUNDS.]~~

~~The city controller shall pay over into the city treasury all moneys collected by the city controller and belonging to the city within 24 hours after receiving such moneys. Upon failure to do so, the city controller and the sureties on the city controller's bond shall be required to pay interest thereon at the rate of 10 percent per annum until such deposit is made.]~~

CHAPTER XV. PLANNING AND ZONING

SEC. 1. COMPREHENSIVE PLANNING.

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

SEC. 7. RESERVED. ~~[ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT.]~~

~~In addition to the membership provided by state law to serve on the board of adjustment, the city council may, if it so desires, appoint six additional members who shall be designated as alternate members. The alternate members shall serve on the board at the designation of the board chair in any case where any regular member of the board of adjustment is either absent or unable to serve in any particular case for any reason so that all cases to be heard by the board of adjustment will always be heard by the minimum number of members required by state law. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner.]~~

SEC. 8. THOROUGHFARE PLAN.

(a) The city council shall by ordinance adopt a thoroughfare plan. A thoroughfare plan now in existence or hereafter adopted by the city council shall not be changed except by an ordinance duly adopted after a public hearing as herein provided.

(b) Prior to any change in a thoroughfare plan, the city council shall hold a public hearing. Except as provided in Subsection (c), w[~~W~~]ritten notice of all public hearings before the city council on proposed changes in the thoroughfare plan shall be sent to owners of real property lying within 200 feet of the area of the proposed change, such notice to be given, not less than 10 days before the date set for hearing, to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States mail.

(c) City council may authorize the director to send an alternate notice for any specific amendment to the thoroughfare plan that affects an area larger than one square mile and does not increase the dimensional classification of a thoroughfare.

CHAPTER XVI. CIVIL SERVICE AND PERSONNEL

SEC. 12. TRIAL BOARD.

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

SEC. 12. TRIAL BOARD.

(c) Any aggrieved officer or employee who desires to appeal to the trial board must do so in writing within 10 working days from the date of notification of dismissal or reduction. The aggrieved officer or employee has the right to be represented by counsel, to have an open hearing, and to compel the attendance of witnesses to testify for the aggrieved officer or employee. The appeal to the trial board does not suspend the execution of the order being appealed. The trial board, by majority vote, or the administrative law judge may either sustain, reverse, modify, or amend the disciplinary action as is determined just and equitable, provided that the disciplinary action must be sustained if a reasonable person could have taken the same disciplinary action against the employee.

SEC. 16. NO DISCRIMINATION [~~BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS~~]; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(a) No person shall be appointed, reduced, removed, or in any way favored or discriminated against because of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political [~~or religious~~] opinions or affiliations. No officer or employee of the city shall directly or indirectly, in any way be required to contribute to any political campaign, political party, organization which supports candidates for public office, or for any partisan political purpose whatsoever.

SEC. 16. NO DISCRIMINATION [~~BASED ON RACE, SEX, RELIGIOUS OR POLITICAL OPINIONS~~]; PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES.

(d) Notwithstanding any conflict with Subsections (b) and (c) of this section, a sworn employee of the fire-rescue department or the police department may engage in political activities to the extent permitted by [state] law. [~~NOTE: See *Wachsman v. City of Dallas*, 704 F.2d 160 (5th Cir. 1983) for judicial interpretation of this section.~~]

CHAPTER XIX. ASSESSMENT AND COLLECTION OF TAXES

SEC. 1. PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. Pursuant to the Texas Tax Code, [~~It shall be the duty of~~] the chief appraiser of the appraisal districts of the counties in which the City of Dallas is located [~~tax assessor and collector~~] on or before the 25th [~~first~~] day of July of each year shall [~~or as soon thereafter as practicable, to~~] make and return to the city council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation.

CHAPTER XX. PUBLIC IMPROVEMENTS AND ASSESSMENTS

SEC. 2. IMPROVEMENT ORDERED BY ORDINANCE [~~RESOLUTION~~].

The city council shall have power by ordinance [~~resolution~~] to order the making of the public improvements mentioned in this chapter, or any of them, and the passage of such ordinance [~~resolution~~] shall be conclusive of the public necessity and benefits of making the improvements. Notice of the ordinance and a public hearing must be provided as required by

state law. ~~[No notice of such action by the city council is required to make it valid.]~~ The ordinance ~~[resolution]~~ must, in general terms, set forth the nature and extent of the improvements to be made, the section or sections of any highway or highways to be improved, and whether or not assessments are to be made for such improvements. The city secretary shall, immediately upon the passage of the ordinance ~~[resolution]~~, furnish a copy to the county clerk ~~[of Dallas County, Texas]~~, as provided in Chapter 313 ~~[314]~~ of the Texas Transportation Code, as amended, to be filed as therein provided. In addition, the city secretary shall furnish a copy of the ordinance ~~[resolution]~~ to the tax assessor and collector, who shall indicate upon any tax statement thereafter issued covering property abutting upon that part of the highway or highways to be improved that the proceeding is pending. Any failure by the city secretary to furnish a copy of the ordinance ~~[resolution]~~ to the tax assessor and collector, or any failure by the tax assessor and collector to indicate the pendency of such a proceeding upon a tax statement, shall not affect the validity of the proceeding under this chapter, nor of any assessment thereafter levied pursuant to this chapter.

SEC. 11. STATE LAW ADOPTED AS TO WATER AND SEWER SYSTEM IMPROVEMENTS.

All of the powers conferred by ~~[Chapter 402, Subchapter D of the Texas Local Government Code, as amended, and other]~~ applicable state laws, authorizing cities to improve their waterworks and sanitary sewer systems and to make assessments therefor, are hereby adopted in all respects insofar as they may apply to the City of Dallas. Insofar as it is allowable under the state law, the city council shall have the option as an alternative to use any other methods of obtaining the same services and improvements as may be provided by state law.

CHAPTER XXI. BORROWING MONEY

SEC. 2. GENERAL OBLIGATION BONDS (TAX SUPPORTED BONDS).

The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for making public improvements or for other public purposes not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the city previously issued. All such bonds shall be issued in accordance with state law. For bonds requiring voter approval, the city shall indicate on the ballot proposition the amount of bond issuance authorization, estimated amount of repayment including principal and interest based on current market conditions, and the purpose of the bonds.

CHAPTER XXII. PUBLIC CONTRACTS

SEC. 1. SIGNATURES AND APPROPRIATIONS.

No contract, other than purchase orders for supplies and equipment and change orders authorized in accordance with Section 6, Chapter XXII of this Charter, shall be deemed executed

on behalf of the city nor shall it be binding upon the city unless it has first been signed by the city manager and approved as to form by the city attorney. The expense thereof shall be charged to the proper appropriation. Whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be signed. The publication of an ordinance or resolution to make it effective as an ordinance or resolution in accordance with Section 7 of Chapter XVIII of this Charter does not execute the ordinance or resolution as a contract unless the ordinance or resolution expressly so provides.

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

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

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

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

(d) This section does not apply to an ownership interest in a mutual or common investment fund that holds securities or other assets unless the person owns more than 10 percent of the value of the fund.

(e) This section 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 city official or employee on the same terms that they are made available to the general public.

(f) This section does not apply to a nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board. A nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board, must comply with any applicable conflict of interest or ethics provisions in the state law and the Dallas City Code.

CHAPTER XXIV. MISCELLANEOUS PROVISIONS

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

(a) During August [~~September~~] of each odd-numbered year, the city council shall begin the nomination process for [~~appoint~~] all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from October 1 or until their successors are appointed and qualified, except that a member of a board or commission that is only advisory in nature may not hold over in his or her position longer than nine months after the expiration of his or her term or after the creation of a vacancy in his or her position.

SECTION 2. That electronic and computerized voting systems must be used for voting at and on the date of the special election in compliance with the provisions of the Texas Election Code, as amended, and the vote must be upon an official ballot prepared in such a manner as will permit the voters to vote “For” or “Against” the propositions submitted, with the propositions to be expressed on the official ballot in a form substantially as follows:

PROPOSITION NO. 1

Requiring Additional Disclosures on Ballots for Bond Programs.

Shall Chapter XXI, Section 2 of the Dallas City Charter be amended to require that the ballot for the approval of a bond program must state the amount of bond issuance authorization, estimated amount of repayment including principal and interest based on current market conditions, and the purpose of the bonds?

PROPOSICIÓN NO. 1

Requerir divulgar información adicional en la boleta de votación para programas de bonos.

¿Deberá ser enmendado el Capítulo XXI, Sección 2 de la Carta Orgánica de la Ciudad de Dallas para requerir que la boleta de votación para aprobar un programa de bonos deba indicar la cantidad de la autorización de emisión de bonos, la cantidad de repago estimada incluyendo capital e intereses basados en las condiciones actuales del mercado, y el propósito de los bonos?

PROPOSITION NO. 2

Revising Restrictions as to City Officials and Employees and Exempting Board and Commission Members from Certain Restrictions Involving City Contracts.

Shall Chapter XXII, Section 11 of the Dallas City Charter, which prohibits city officials and employees from having a financial interest in city contracts, be amended to exempt ownership of an interest of not more than 10 percent in a mutual or common fund; exempt non-negotiated, form contracts for general city services or benefits if the city services or benefits are made available to the city official or employee on the same terms that they are made available to the general public; and exempt board and commission members, but require that they comply with conflict of interest and ethics provisions in state law or the city code?

PROPOSICIÓN NO. 2

Modificar las restricciones relativas a funcionarios y empleados municipales y exonerar a miembros de juntas y comisiones de ciertas restricciones relativas a contratos de la ciudad.

¿Deberá ser enmendado el Capítulo XXII, Sección 11 de la Carta Orgánica de la Ciudad de Dallas, el cual prohíbe a los funcionarios y empleados municipales tener un interés financiero en contratos de la ciudad, para exonerar la propiedad de un interés de no más del 10 por ciento en un fondo de inversión mutuo o común; exonerar contratos de servicios o beneficios municipales generales no negociados si los servicios o beneficios municipales están disponibles para el funcionario o empleado municipal en los mismos términos que lo están para el público general; y exonerar a miembros de juntas y comisiones, pero exigiendo que cumplan con las disposiciones de conflicto de intereses y de ética de las leyes estatales o del código de la ciudad?

PROPOSITION NO. 3

Allowing Certain Changes to the Thoroughfare Plan Without Mailing Notice to Adjacent Property Owners

Shall Chapter XV, Section 8 of the Dallas City Charter be amended to allow changes to the Thoroughfare Plan that affect any area larger than one square mile and that does not increase the dimensional classification of a thoroughfare to be noticed through an alternate notice authorized by city council?

PROPOSICIÓN NO. 3

Permitir ciertos cambios en el Plan de Vías Públicas sin tener que enviar avisos por correo a los propietarios de propiedades adyacentes

¿Deberá ser enmendado el Capítulo XV, Sección 8 de la Carta Orgánica de la Ciudad de Dallas para permitir cambios en el plan de vías públicas que afecten cualquier área de más de una milla cuadrada que no aumenten la clasificación dimensional de una vía pública, dando aviso de los mismos mediante avisos alternados que el consejo municipal autorice?

PROPOSITION NO. 4

Amending the Provision for Nondiscrimination in City Employment

Shall Chapter XVI, Section 16(a) of the Dallas City Charter be amended to include color, age, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, and military or veteran status as additional classes for nondiscrimination in city employment?

PROPOSICIÓN NO. 4

Enmendar la disposición de no discriminación para empleo en la ciudad

¿Deberá ser enmendado el Capítulo XVI, Sección 16(a) de la Carta Orgánica de la Ciudad de Dallas para incluir color, edad, estado civil, orientación sexual, identificación y expresión del género, características genéticas, origen nacional, discapacidad, estatus militar o de veterano como clases adicionales que no deben ser discriminadas para ser empleado de la ciudad?

PROPOSITION NO. 5

Requiring the City Council to Set the Annual Budget for the City Auditor Directly

Shall Chapter XI, Section 2 of the Dallas City Charter be amended to require that the City Council shall set the annual budget for the city auditor's office directly, rather than as a component of the city manager's budget?

PROPOSICIÓN NO. 5

Requerir que el Consejo Municipal establezca el presupuesto anual para el auditor de la ciudad directamente

¿Deberá ser enmendado el Capítulo XI, Sección 2 de la Carta Orgánica de la Ciudad de Dallas para requerir que el Consejo Municipal establezca el presupuesto anual para el auditor de la ciudad directamente, en lugar de que sea un componente del presupuesto del administrador del municipio?

PROPOSITION NO. 6

Revising the Redistricting Process

Shall Chapter IV, Section 5 of the Dallas City Charter be amended to revise the redistricting process to provide for appointment of the redistricting commission after the federal decennial census data are available; require that a person appointed to the redistricting commission be a registered voter; set guidelines for drawing district lines; prohibit city councilmember contact with redistricting commissioners regarding the redistricting process, except in open meetings; and require a written explanation, 72 hours public notice, and a three-fourths vote for city council to modify the district map proposed by the redistricting commission?

PROPOSICIÓN NO. 6

Revisar el proceso de redefinición de distritos

¿Deberá ser enmendado el Capítulo IV, Sección 5 de la Carta Orgánica de la Ciudad de Dallas para revisar el proceso de redefinición de distritos para disponer la designación de una comisión de redefinición de distritos una vez que esté disponible la información del censo federal que se realiza cada diez años; para exigir que una persona que sea designada para integrar la comisión de redefinición de distritos sea un votante registrado; para establecer las pautas para marcar los límites de los distritos; para prohibir que haya contacto entre los miembros del consejo y los comisionados de la redefinición de distritos en relación al proceso de redefinición de distritos, exceptuando en asambleas abiertas; y para requerir una explicación por escrito, 72 horas de aviso al público, y un voto de tres cuartos para que el consejo municipal modifique el mapa de distritos propuesto por la comisión de redefinición de distritos?

PROPOSITION NO. 7

Municipal Judges and Board and Commission Members Must Resign to Run for Other Offices

Shall Chapter III, Section 17 and Chapter VIII, Section 4A of the Dallas City Charter be amended to clarify that the prohibition on running for other offices applies to municipal judges, all board and commission members, including Dallas Area Rapid Transit (DART) board members and Dallas/Fort Worth (DFW) International Airport board members; and to clarify that a municipal judge automatically resigns if the judge announces that he/she is a candidate for an elected office?

PROPOSICIÓN NO. 7

Los jueces municipales y los miembros de juntas y comisiones deben renunciar para poder presentar su candidatura para otros cargos

¿Deberá ser enmendado el Capítulo III, Sección 17 y el Capítulo VIII, Sección 4A de la Carta Orgánica de la Ciudad de Dallas para clarificar que la prohibición para presentar la candidatura para otros cargos se aplica a los jueces municipales, a todos los miembros juntas y comisiones, incluyendo los miembros del consejo de Tránsito Rápido del Área de Dallas (DART) y los miembros del consejo del Aeropuerto Internacional de Dallas/Fort Worth (DFW); y para clarificar que un juez municipal renuncia automáticamente si el juez anuncia que es candidato para un cargo electo?

PROPOSITION NO. 8

Increasing Compensation for the Mayor and Councilmembers

Shall Chapter III, Section 4(a) of the Dallas City Charter be amended to increase compensation for councilmembers to \$60,000, effective upon the swearing in of city council members in June 2015, and for the mayor to \$80,000, effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014?

PROPOSICIÓN NO. 8

Aumentar la compensación del Alcalde y los Miembros del Consejo

¿Deberá ser enmendado el Capítulo III, Sección 4(a) de la Carta Orgánica de la Ciudad de Dallas para aumentar la compensación de los miembros del consejo a \$60,000, con vigencia a partir de la presentación del juramento de los miembros del consejo en junio de 2015 y a \$80,000 para el alcalde, con vigencia a partir de la presentación del juramento como alcalde de una persona que no haya estado en el cargo de alcalde el 4 de noviembre de 2014?

PROPOSITION NO. 9

Technical Amendments to Conform to State Law, City Code, and Actual Practices; to Correct Terms; to Correct Spelling; to Clarify Language, and to Correct Cross-References

Shall Chapter III, Section 6; Chapter III, Section 10; Chapter III, Section 11; Chapter III, Section 17; Chapter III, Section 19; Chapter III, Section 20; Chapter XI, Section 4; Chapter XI, Section 5; Chapter XI, Section 6; Chapter XI, Section 8; Chapter XI, Section 11; Chapter XI, Section 13; Chapter XV, Section 1(2); Chapter XV, Section 7; Chapter XVI, Section 12(a), Chapter XVI, Section 12(c); Chapter XVI, Section 16(d); Chapter XIX, Section 1; Chapter XX, Section 2; Chapter XX, Section 11; Chapter XXII, Section 1; Chapter XXII, Section 11; and Chapter XXIV, Section 13(a) of the Dallas City Charter be amended to conform to state law, conform to the city code, match actual practices, correct terms, correct spelling, clarify language, correct cross-references, and other technical amendments?

PROPOSICIÓN NO. 9

Enmiendas de carácter técnico para estar en conformidad con las leyes estatales, el código de la ciudad y prácticas actuales; para corregir términos; para corregir errores ortográficos; para clarificar lenguaje, y para corregir referencias cruzadas

¿Deberá ser enmendado el Capítulo III, Sección 6; el Capítulo III, Sección 10; el Capítulo III, Sección 11; el Capítulo III, Sección 17; el Capítulo III, Sección 19; el Capítulo III, Sección 20; el Capítulo XI, Sección 4; el Capítulo XI, Sección 5; el Capítulo XI, Sección 6; el Capítulo XI, Sección 8; el Capítulo XI, Sección 11; el Capítulo XI, Sección 13; el Capítulo XV, Sección 1(2); el Capítulo XV, Sección 7; el Capítulo XVI, Sección 12(a); el Capítulo XVI, Sección 12(c); el Capítulo XVI, Sección 16(d); el Capítulo XIX, Sección 1; el Capítulo XX, Sección 2; el Capítulo XX, Sección 11; el Capítulo XXII, Sección 1; el Capítulo XXII, Sección 11; y el Capítulo XXIV, Sección 13(a) e la Carta Orgánica de la Ciudad de Dallas para estar en conformidad con las leyes estatales y el código de la ciudad, corresponder con las prácticas actuales, corregir términos, corregir errores ortográficos, clarificar lenguaje, corregir referencias cruzadas, y para otras enmiendas de carácter técnico?

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

SECTION 4. That the boundaries of the election precincts in which the election is to be held are defined by Ordinance No. 20231, as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, 25696, 27484, 28147, 28937, and 29375. Locations of the polling places in the election precincts are listed in the attached Exhibit A.

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

SECTION 6. That a person qualified to vote and residing in the city of Dallas, but not within any precinct described in Ordinance No. 20231, as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, 25696, 27484, 28147, 28937, and 29375 may vote in the precinct nearest the person's residence, and for that purpose the person's residence will be considered as part of that city election precinct. A person who has registered in a city election precinct, but whose residence is not in the city of Dallas, is not entitled to vote in the special election even though the person may own property subject to taxation in the city.

SECTION 7. That early voting by personal appearance will be by the use of an electronic voting system in accordance with the Texas Election Code, as amended. That tallying of early voting by mail will be by the use of a computerized voting system in accordance with the Texas Election Code, as amended. Early voting will be conducted at the following main locations and at the other locations during the dates and times designated in Exhibit B.

Dallas County Records Building
509 Main Street
Dallas, Texas 75202

Collin County Elections Administration Office
2010 Redbud Boulevard, Suite 102
McKinney, Texas 75069

Denton County Elections Administration Office
701 Kimberly Drive
Denton, Texas 76208

SECTION 8. Applications for ballots by mail must be received no later than close of business on Tuesday, October 28, 2014. That applications for early voting ballots to be voted by mail must be mailed to:

Early Voting Clerk
Elections Department
2377 N. Stemmons Freeway, Suite 820
Dallas, Texas 75207

Collin County Elections Administration Office
2010 Redbud Boulevard, Suite 102
McKinney, Texas 75609

Denton County Elections Administration Office
P. O. Box 1720
Denton, Texas 76202

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

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

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

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

CHARTER OF THE CITY OF TACOMA

Article II THE LEGISLATIVE BRANCH

Creation and Composition of City Council

Section 2.1 – The Council shall be composed of the Mayor and eight (8) Council Members nominated and elected, as provided hereinafter. At the next general municipal election to be held in the year 1975 on the date prescribed by state law, there shall be elected eight (8) Council Members for terms beginning on the second Monday in January 1976, as set out hereinafter in Section 5.3. Biennially thereafter, on the date prescribed by state law for general municipal elections, four (4) Council Members shall be elected for like terms of four years. Council Members shall continue in office until their successors are elected and qualified. The Council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this charter, to exercise all powers of the City.

(Amendments approved by vote of the people September 18, 1973 and November 4, 2014)

Qualifications and Compensation of Council Members

Section 2.2 – Council Members shall be qualified electors and shall be residents of the City for two years immediately preceding the time of filing as a candidate and, if running for a district position, shall be residents of their districts for one year immediately preceding the time of filing as candidate or, if appointed to fill a vacancy, the time of appointment. No person shall be eligible for the office of Council Member while holding any other elective public office.

(Amendments approved by vote of the people September 18, 1973 and November 4, 2014)

Section 2.3 – A Citizen Commission on Elected Salaries will determine the compensation and salary of the Mayor and each Council Member. The Commission shall set the salary and any salary changes for the Mayor and Council Members. The salary and any salary changes set by the Commission shall be adopted by the City Council.

- (a) The Salary Commission shall consist of seven members appointed as follows:
 - (1) Five of the seven Commission members shall be selected by lot by the County Auditor from among those registered City of Tacoma voters eligible to vote at the time the persons are selected for appointment to the Commission. There shall be one member selected from each of the City's Council districts. The Auditor shall establish policies and procedures for conducting the selection by lot to be forwarded to the City Council for appointment.
 - (2) The remaining two of the seven Commission members must be residents of the City of Tacoma and shall be appointed by the Mayor and confirmed by the Council. One person shall have experience in human resource management. The second person shall have experience in the legal profession.
- (b) Members of the Commission may not include any public office holder, filed candidate for public office, officer, official or employee of the City of Tacoma or any of their immediate family members. For the purpose of this section, the phrase "immediate family member"

means the parents, spouse, siblings, children or dependent relative of any officer, official or employee whether or not living in the household of the officer, official or employee.

(c) The terms of the Commission shall be as follows:

- (1) The terms of office for the members shall be three years, except initial appointment to the Commission shall be for the following terms:
- (2) For the members selected by lot by the Auditor, two shall be appointed to serve a one-year term, two shall be appointed to a two-year term, and the remaining member shall be appointed to serve a three-year term.
- (3) For the members selected by the Mayor and confirmed by the Council, one shall serve a one-year term and one shall serve a three-year term.

(d) Upon a vacancy in any position on the Commission, a successor shall be selected and appointed to fill the unexpired term in the same manner as outlined in this section.

The Commission shall meet each year beginning in 2015 in one or more regular or special meetings to carry out its duties set forth in this section. Determinations for any change in the salaries of these elected officials shall be filed with the City Clerk and transmitted to the Council for adoption no later than September 1 of the calendar year. ³

(Amendment approved by vote of the people November 4, 2014)

Section 2.35 – No person shall be allowed to serve on the Council for more than ten (10) consecutive years, either as a Council Member, Mayor, or combination thereof.

(Amendments approved by vote of the people September 18, 1973 and November 4, 2014)

The Mayor

Section 2.4 – On the date prescribed by state law for the general municipal elections, commencing in the year 1973, the Mayor shall be elected for a term of four (4) years. The Mayor shall become a member and presiding officer of the City Council with the right to speak and vote as any other Council Member. The Mayor shall be the official head of the City government for purposes of ceremony and military law and upon declaration of an emergency or disaster which constitutes an event or set of circumstances which demands immediate action to preserve public health, protect life, protect public property, or which reaches such a dimension or degree of destructiveness that exceeds the resources of the City of Tacoma to respond to the situation. The Mayor shall authenticate by signature such instruments as may be required by law, ordinance, or this charter. The Mayor shall have such appointive and other powers, duties, and authority as may be conferred by law, ordinance, or this charter; provided, however, that all appointments where not in conflict with state law shall be made by majority vote of the Council Members from nominees whose names are presented in writing to the Council by the Mayor or by any three members of the Council. This provision shall supersede and prevail over any other provision or ordinance or of the charter inconsistent with or in conflict herewith. A candidate for the office of Mayor shall not be ineligible by reason of holding the office of Council Member; provided that, if elected, the Council office of any such candidate shall, upon taking office as Mayor, be and become vacant. The compensation to be paid to the Mayor for the performance of the Mayor's duties as such shall be fixed by

ordinance, which sum shall be inclusive of compensation as a Council Member. Except as otherwise provided herein, all provisions relating to the office of Council Member shall relate also to the office of Mayor. Vacancies in the office of Mayor shall be filled by appointment by the City Council for a term expiring at the time a successor has been elected and qualified as hereinafter provided. In the event such a vacancy occurs during the first or second year of the Mayor's term of office, then the office of Mayor shall also be placed upon the ballot for the primary and general elections. The Mayor elected at such general election shall be elected for a full four-year term and shall take office at the same time as City Council Members elected at said general election. In the event that the vacancy occurs subsequent to such time for filing, the appointment shall be for the unexpired term.

(Amendments approved by vote of the people September 18, 1973, November 3, 1992, and November 4, 2014)

Removal from or Forfeiture of Office

Section 2.5 – Any member of the City Council and any other elected officer of the City of Tacoma may be removed from office by recall as provided by law.

(Amendment approved by vote of the people November 2, 2004)

Section 2.6 – Any Council Member who shall cease to possess any of the qualifications herein required for eligibility for election to the Council, or shall fail to attend three consecutive meetings of the Council without being excused by the Council, shall be deemed to have forfeited their office. The Council shall take the necessary action to enforce this provision and shall cause such action to be entered upon its journal.

(Amendment approved by vote of the people November 2, 2004)

Council Vacancies

Section 2.7 – Whenever a vacancy occurs in the office of Council, the Council shall fill such vacancy by appointment by a majority vote of its remaining members until the commencement of the term of office of municipal officials succeeding the next general municipal election occurring after the date of such appointment, and if any unexpired term remains, it shall be filled by election; however, that in the event a majority of the Council fails to make an appointment to fill a vacancy on the Council within a period of sixty (60) days from the date the vacancy occurs, then the Mayor shall make the appointment, subject to the confirmation of the remaining members of the Council.

(Amendments approved by vote of the people September 18, 1973, September 16, 1980, and November 4, 2014)

Section 2.25 – The City Council shall commence a review of this charter no less frequently than once every ten years, by appointing citizens to a charter review committee, or by the election of a board of freeholders in the manner provided in state law. Any freeholders shall be nominated and elected by position and by district. The charter review committee, which shall be provided with sufficient staff and budget to perform a comprehensive review, shall report any

recommended amendments to the City Council. The City Council may accept, reject or modify the recommended amendments and may submit any recommended charter amendments to the voters in the manner provided in state law. The recommendations of a board of freeholders shall be placed before the voters in the manner provided in state law. Nothing in this section shall limit the right of citizens to initiate amendments to this charter in any other manner allowed by state law.

(Amendment approved by vote of the people November 2, 2004)

Article V NOMINATIONS AND ELECTIONS

Application of State Election Laws

Section 5.1 – At all municipal elections, general, special and primary, the manner of electing officers and of submitting questions or propositions to the qualified electors, conducting and voting at elections, canvassing the votes, declaring the results and certifying the returns, shall be in accordance with state law, except as otherwise provided in this charter.

(Amendment approved by vote of the people November 4, 2014)

Filing and Certification of Candidates

Section 5.2 – Any qualified elector eligible thereto may become a candidate for any elective City office by filing a declaration of candidacy with the County Auditor in accordance with state law.

(Amendment approved by vote of the people November 4, 2014)

Election of Council Members – Numbered Positions

Section 5.3 – Before the general municipal election to be held in the year 1975, the Council shall divide the city into five election districts so that each district shall comprise as nearly as possible one-fifth of the population of the City; provided, that the territory comprised in any voting precinct of such district shall remain compact and shall not be divided by the lines of said district. The Council shall change the lines of the election districts, in the time and manner as prescribed by state law.

The City Clerk shall designate, by consecutive numbers commencing with number one and ending with number five, all positions on the Council to be nominated by district and shall further designate, by consecutive numbers commencing with number six and ending with number eight, all positions on the Council to be elected at large, and all of such designations shall thereafter be permanent and the positions so designated shall thereafter be considered as separate offices for election purposes.

The qualified electors of each election district, and they only, shall nominate from among their number candidates for the office of Council Member of such election district to be voted for at the following general election.

The qualified electors of the City shall nominate from among their number candidates for the office of Council Member at large to be voted for at the following general election.

The two candidates having the highest vote totals for each Council position shall be certified as having been nominated and shall run for that position in the general election. Council Members nominated by district shall be elected by all of the qualified voters of the district, and the person receiving the highest number of votes for the office of Council Member for the position for which they are a candidate shall be declared duly elected.

Council Members nominated at large shall be elected by all of the qualified voters of the City. The person receiving the highest number of votes for the office of Council Member for the position for which they are a candidate shall be declared duly elected. On expiration of the present term of office, Council positions nominated by Council district shall be elected by the qualified voters in that district.

In the event any Council Member nominated from a district shall, after election, move or reside outside the district from which the Council Member was nominated, the Council Member shall, by virtue thereof, be deemed to have forfeited their office, and their seat shall become vacant and shall be filled in the manner provided herein for the filling of vacancies.

(Amendments approved by vote of the people November 3, 1992 and November 4, 2014)

