

The following is an excerpt from the
Dallas City Charter relating to
Chapter III – City Council.

CHARTER

city of

DALLAS, TEXAS



CITY OF DALLAS

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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. *[Note: This version of subsection (a) is effective until the swearing in of city council members in June 2015.]*

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

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

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

(c) The 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; Amend. of 11-4-14, Prop. No. 8)

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.

(b) For purposes of this Charter, a regular meeting of the city council means a 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; Amend. of 11-4-14, Prop. No. 9)

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.

SEC. 8. OPEN MEETINGS; SPEAKERS.

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

(b) The city council shall adopt rules of procedure that provide reasonable opportunity for citizens to be heard by the city council. (Amend. of 5-1-93, Prop. No. 5)

SEC. 9. CITY COUNCIL QUORUM.

A quorum shall consist of nine members, except when the number of city council members, due to vacancies, is reduced to less than nine, in which event a quorum shall consist of all of the remaining city council members; but a less number than a quorum may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. (Amend. of 8-12-89, Prop. No. 1)

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. (Amend. of 11-8-05, Prop. No. 13; Amend. of 11-4-14, Prop. No. 9)

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 of the mayor if the mayor is unable to discharge that specific duty, 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 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. (Amend. of 11-8-05, Prop. No. 13; Amend. of 11-4-14, Prop. No. 9)

SEC. 12. CITY COUNCIL MAY SUMMON WITNESSES, ETC.

The city council shall have power to summon and compel the attendance of witnesses and the production of books and papers before it whenever it may be necessary for the more effective discharge of its duties, and shall have the power to punish for contempt before it with the same fines and penalties as the county judge may punish for contempt before the county court. All process shall be signed by the mayor and attested by the city secretary and shall be served by the chief of police or any police officer of the said city.

The mayor, city secretary or any member of the city council shall have authority to administer oaths in any matter pertaining to municipal affairs.

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

(a) In the performance of the powers of government, it is the duty of the mayor and the city council to make suitable provision for the assurance of adequate and appropriate prior review and consideration of official actions to be taken by the city council, and to assure that a high performance level of services to the citizens is maintained, responsiveness to the people is

provided, and accountability in municipal government is assured. To this end, the city council shall:

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

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

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

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

(b) The mayor shall appoint the members and chairs of all city council committees, and it shall be the duty of each member of the city council to serve and to participate on each committee to which the member is appointed. The mayor shall have the power to remove and reassign members to and from the various city council committees. (Amend. of 8-12-89, Prop. No. 2)

SEC. 14. PROFESSIONAL AND ADMINISTRATIVE ASSISTANTS TO MAYOR AND COUNCIL.

The city manager shall provide professional and administrative assistants to aid the council in the performance of its official duties. Assistants to individual council members shall be selected by the respective council members from a pool of applicants provided by the city manager. An individual council member may, at any time, require the city manager to reassign his or her council assistant and provide a pool of applicants from which the council member may select a new assistant. Personnel filling these positions shall not be subject to civil service. (Amend. of 6-12-73, Prop. No. 7; Amend. of 11-8-05, Prop. No. 2)

SEC. 15. NO INTERFERENCE BY COUNCIL WITH APPOINTMENTS OR SUBORDINATES OF CITY MANAGER.

Neither the council nor any of its committees or members shall dictate or attempt to dictate any person's appointment to, or removal from, office or employment by the city manager or any of the city manager's subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the manager by this Charter. Except for the purpose of inquiry, the council and its members shall deal with that part

of the administrative service for which the city manager is responsible solely through such manager, and neither the council nor any city council member shall give orders to any of the subordinates of the city manager in those departments, either publicly or privately. This section shall not apply to those professional and administrative assistants provided for in Section 14 of this chapter. (Amend. of 6-12-73, Prop. No. 7; Amend. of 11-8-05, Prop. Nos. 2 and 13)

SEC. 16. EXPULSION OF COUNCIL MEMBER.

Willful violation of the foregoing provisions of this Charter by any member of the council shall constitute official misconduct, and shall authorize the council, by a vote of two-thirds of its entire membership, to expel such offending member from the council, if found guilty after a public hearing, and thereby create a vacancy in the place held by such member.

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

(a) No person elected to the city council shall, during the term for which he 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. (Amend. of 6-12-73, Prop. No. 8; Amend. of 11-8-05, Prop. No. 13; Amend. of 11-4-14, Prop. Nos. 7 and 9)

SEC. 18. INVESTIGATIONS.

The council, the city manager or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the city; to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

SEC. 19. INDEPENDENT AUDIT.

The city council shall cause the annual financial statements and related records and accounts of the city to be audited annually by a firm registered with the Texas State Board of Public Accountancy as a firm practicing public accountancy. The auditor shall be selected by the city council, and shall be responsible to the council. The report of such auditor and the financial statements and related audit opinion for the fiscal year shall be printed and a copy shall be furnished to each city council member and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any citizen upon request. A summary of the annual financial statements and the audit report shall also be published once in a newspaper of general circulation in the city. The original report of the auditor or auditors shall be kept among the permanent records of the city. (Amend. of 6-12-73, Prop. No. 9; Amend. of 11-8-05, Prop. Nos. 11 and 13; Amend. of 11-4-14, Prop. No. 9)

SEC. 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 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, require designated city depositories 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 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, 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 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 shall perform such other acts and duties as the city manager may prescribe. (Amend. of 4-2-83, Prop. No. 6; Amend. of 4-6-85, Prop. No. 1; Amend. of 11-8-05, Prop. Nos. 8 and 13; Amend. of 11-4-14, Prop. No. 9)