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ARTICLE I.
IN GENERAL.

SEC. 2-1. TIME WITHIN WHICH CITY OFFICERS TO DEPOSIT MONEY WITH CITY TREASURER.

All officers of the city who receive money for or on account of the city in any manner are hereby required to deposit same with the city treasurer on the same day that it is received in all cases where such money shall be received before the close of banking hours. Where any such money shall be received after banking hours, the same shall be deposited on the following day after the same is received, unless the same shall be a legal holiday or Sunday, and in such cases the same shall be deposited on the first day after the receipt of same when the banks are open. (Code 1941, Art. 19-2)

SEC. 2-1.1. ADVANCE PAYMENT OF CERTAIN FEES, CHARGES, AND TAXES REQUIRED; INTEREST ON DELINQUENT ACCOUNTS.

(a) Unless a different time and method of payment is specifically provided by another city ordinance, a city contract, or state or federal law, every fee, charge, or tax required to be paid to the city for any license, permit, right, privilege, property interest, or service must be paid in full to the city before the license, permit, right, privilege, property interest, or service may be issued, granted, conveyed, provided, or renewed.
§ 2-1.1 Administration § 2-4

(b) Except as provided in Subsection (c), any money owed to the city after May 28, 1997 will accrue simple interest at the rate of 10 percent a year from the day after the money became due until it is paid in full.

(c) The following types of money owed to the city are not subject to the interest established in Subsection (b):

(1) Any fee, charge, or tax upon which the assessment of interest is prohibited or otherwise regulated or provided for by another city ordinance or state or federal law.

(2) A fee, charge, or tax charged or collected by the city under the specific authority of a state or federal law, where the assessment of interest is not provided for in the applicable state or federal law.

(3) A fee or charge for copies, documents, records, or other information provided by the city under a request for public information.

(4) Money owed to the city under a contract that does not specifically provide for the assessment of interest, that prohibits the assessment of interest, or that specifically provides another method or rate of assessing interest.

(5) Money owed under a judgment awarded to the city.

(6) A criminal or civil fine or penalty.

(d) In this section, "contract" means a contract required under Section 1, Chapter XXII of the Dallas City Charter to be signed by the city manager and approved by the city attorney before it will be binding on the city. (Ord. 23135)

SEC. 2-2. DELIVERY OF BOOKS, ETC., TO SUCCESSOR IN OFFICE.

Every officer or agent shall, upon going out of office, deliver to his successor all books, papers, furniture and other things appertaining to his office. (Code 1941, Art. 19-2)

SEC. 2-3. OFFICERS, ETC., OF CITY NOT TO DEAL IN CITY WARRANTS OR OBLIGATIONS.

No officer of the city, nor any deputy, clerk or employee of any such officer, nor any servant or agent of the city, shall, directly or indirectly, by himself or by any other for his own or another's benefit, deal in the purchase of city warrants, bonds or other obligations of the city. (Code 1941, Art. 19-3)

SEC. 2-3.1. PRESERVATION OF DUTIES, POWERS, AND FUNCTIONS OF CITY MANAGER.

(a) Whenever this code, another city ordinance, or a city council resolution delegates a duty, power, or function to a specific employee who is responsible to the city manager, that duty, power, or function may, at the discretion of the city manager as the chief administrative and executive officer of the city, also be performed or exercised by the city manager or by any assistant city manager or other city employee designated by the city manager to perform or exercise that duty, power, or function.

(b) Nothing in Subsection (a) authorizes the city manager to designate a person to perform or exercise a duty, power, or function when such a designation would be inconsistent with the city charter or state law. (Ord. 22356)

SEC. 2-4. REMOVAL FROM OFFICE FOR MISCONDUCT OR NEGLECT OF DUTY.

Any officer of the city who shall refuse or willfully fail or neglect to perform any duty enjoined upon him by law or ordinance, or shall, in the discharge of his official duties, be guilty of any fraud, extortion, oppression, favoritism, partiality or willful wrong or injustice, is guilty of an offense, and may be removed from office for malfeasance in office as provided by the charter and the civil service rules. (Code 1941, Art. 19-4; 19963)
SEC. 2-5. LABOR UNIONS - CITY EMPLOYEES NOT TO ORGANIZE OR JOIN.

It shall be unlawful for any officer, agent, or employee, or any group of them, of the city to organize a labor union, organization or club of city employees, or to be concerned with or a member thereof, whether such labor union, organization or club is affiliated or not with any local, state, national or international body or organization whose charter, bylaws, rules, custom, policy, or practice govern or control, or has for its purpose the governing or controlling of its members in matter of working time, working conditions, or compensation to be asked or demanded of the city. (Code 1941, Art. 19-6; Ord. Nos. 3392; 5364)

SEC. 2-6. SAME - SAME - INTENT AND PURPOSE OF PROVISION.

It is further the intent and purpose of Section 2-5 to prohibit any officer, agent or employee of the city from becoming a member of any organization, which by its charter, rules, bylaws, practices, policy, or conduct undertakes as a body, or through its representatives, to represent its membership in any bargaining for wages, working conditions, rules of employment or otherwise, or which may as a body, or through its representatives or agents, attempt to influence local or state legislation regarding conditions of employment, wages, hours or other matters affecting their service, directly or indirectly, with the city. (Code 1941, Art. 19-6; Ord. Nos. 3392; 5364)

SEC. 2-7. SAME - SAME - PENALTY FOR VIOLATING PROHIBITIONS.

Any person violating the terms or provisions of Section 2-5 shall be subject to summary dismissal by the city council, board, city manager or officer having power to employ and discharge such officer, agent or employee. (Code 1941, Art. 19-6; Ord. Nos. 3392; 5364)

SEC. 2-8. HEARINGS AND INVESTIGATIONS AS TO CITY AFFAIRS - SUBPOENA POWERS OF PERSON OR BODY CONDUCTING SAME.

In all hearings and investigations that may hereafter be conducted by the city council, the city manager, or any person or committee authorized by either or both of them for the purpose of making investigations as to city affairs, shall for that purpose subpoena witnesses and compel the production of books, papers and other evidence material to such inquiry in the same manner as is now prescribed by the laws of this state for compelling the attendance of witnesses and production of evidence in the corporation court. (Code 1941, Art. 22-1)

SEC. 2-9. SAME - PENALTY FOR FAILURE TO TESTIFY, ETC.

Any person who refuses to be sworn or who refuses to appear to testify or who disobey any lawful order of the city council, the city manager, or any person or committee authorized by either or both of them, or who fails or refuses to produce any book, paper, document or instrument touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the city council, the city manager, or any person or committee authorized by either or both of them in the matter of such investigation or inquiry after being summoned to give or produce testimony in relation to any matter under investigation, is guilty of an offense. (Code 1941, Art. 22-2; 19963)

SEC. 2-10. PROPERTY PURCHASED BY CITY AT TAX SALE - CITY MANAGER TO EXECUTE QUITCLAIM DEED UPON REDEMPTION OF SAME.

In any case where the city has purchased a tax title to any property under tax foreclosure or may hereafter become the purchaser of a tax title under foreclosure proceedings or tax collector's deed, the city manager is authorized and directed to execute a quitclaim deed to such person entitled to redeem the property after such person has paid over to the city...
the amount of taxes, penalties, interest and costs, including the redemption penalty, if any, as provided for by the charter. (Code 1941, Art. 22-3)

SEC. 2-11. SAME - PROVISIONS OF QUITCLAIM DEED.

The quitclaim deed mentioned in Section 2-10 shall provide that the city releases, quitclaims and surrenders to the grantee such title or interest as it may have acquired, if any, by virtue of the tax foreclosure proceedings and by virtue of the city becoming the purchaser of the tax title under any tax collector's, sheriff's or constable's sale. It shall further provide that the instrument shall release the tax lien and judgment lien on the property described, securing the taxes for the years for which the judgment was recovered, and shall not in any way affect any taxes not included in the judgment. (Code 1941, Art. 22-4)

SEC. 2-11.1. SALE OR RELEASE OF INTERESTS IN REAL PROPERTY.

(a) Any sale of real property or any interest in real property, or the execution of any instrument dealing with or releasing an interest in real property, is sufficient to convey or release such interest when authorized by resolution passed by a majority of the city council and signed by the city manager, or his or her designee, and attested by the city secretary; except that, when such instrument is in effect for a term of not more than one year, is to a city public service franchise holder, and is made for the city's benefit, then the head of the department concerned is authorized, by permission of the city manager, to execute the instrument conveying a temporary interest in real property. When any instrument states on its face that it is authorized by this section, it is deemed to have been properly authorized and sufficient to convey or release the interest sought to be conveyed or released.

(b) Notwithstanding Subsection (a), the head of the department concerned, or his or her designee, is authorized, by permission of the city manager, to execute full or partial releases of:

(1) the following notes and liens, upon receipt of any required payment to the city:

   (A) a notice of intention to assess for paving;
   (B) a mechanic's and material-man's lien contract for paving or for water or sewer special assessments;
   (C) a street paving certificate;
   (D) a demolition lien;
   (E) a closure lien;
   (F) a lien imposed for civil penalties assessed by the municipal court or the former urban rehabilitation standards board against a structure found to be an urban nuisance;
   (G) an abstract of judgment for civil penalties, court costs, and attorney's fees assessed on property by a court of competent jurisdiction;
   (H) a weed cutting lien; and
   (I) a promissory note secured by any of the liens described in this subsection; and

(2) a lien on property that, upon investigation, is determined to have been placed in error by the department concerned.

(c) Each release executed under Subsection (b) must refer to this section by number, and this section will be the authority for the release. The release may, but is not required to, be attested by the city secretary. The head of the department concerned shall provide the executed and acknowledged release to the property owner. Unless otherwise required by law or contract, the property owner is responsible for recording the release at his or her own expense, except that the head of the department concerned shall promptly file in the official real property records of the county in which the property is located an executed release of any lien placed in error by the department concerned.

(d) All instruments concerning the conveyance or release of an interest in real property heretofore
executed pursuant to a resolution of the city council are in all respects ratified and confirmed as the action of the city council the same as though separately authorized by ordinance. 

(Ord. Nos. 10893; 11424; 16024; 26517)

SEC. 2-11.2. ACCEPTANCE OF CONVEYANCE OR ACQUISITION BY EMINENT DOMAIN WHERE CONSIDERATION IS $10,000 OR LESS.

(a) The city manager is authorized to accept and approve on behalf of the city any legal instrument executed by any person, which grants, gives, conveys, quitclaims, or releases any right in real property, whether such right is fee simple or any lesser title, estate, or right, where the total consideration to be paid by the city for the title, estate, or right is $10,000 or less.

(b) The city manager is authorized to acquire any title, estate, or right in real property by settlement, acceptance of a commissioner’s award, or payment of a court judgment if:

(1) the city council has previously authorized eminent domain proceedings on the real property; and

(2) the total consideration to be paid by the city for the title, estate, or right in the real property is $10,000 or less.

(c) Any such grant, gift, conveyance, quitclaim, release, settlement, acceptance of a commissioner’s award, or payment of a court judgment mentioned in this section must be approved by:

(1) the head of the city department concerned;

(2) the city attorney; and

(3) the city controller, if the amount of cash consideration to be paid by the city exceeds $10. 

(Ord. Nos. 12734; 15279; 17131; 19875; 20951)

SEC. 2-11.3. REAL PROPERTY ACQUISITIONS WHERE CONSIDERATION EXCEEDS $500,000.

If the consideration to be paid by the city for a proposed acquisition of an interest in real property exceeds $500,000, the city manager must obtain two independent fee appraisals of the real property interest to assist in determining the current market value of the real property interest to be acquired by the city. To the extent allowed by law and after a review of the specific circumstances, the city council may, by resolution, waive the requirement for two independent fee appraisals established under this section and require only one independent fee appraisal instead. 

(Ord. Nos. 20818; 26804)

SEC. 2-12. LEGAL ADVICE.

Whenever any officer desires legal advice with regard to the performance of his official duties, he shall apply to the city attorney for the same, and be guided by his opinion in the matter. 

(Code 1941, Art. 19-5)

SEC. 2-13. PUBLIC UTILITIES TO PAY EXPENSE OF OFFICE OF SUPERVISOR OF PUBLIC UTILITIES - GENERALLY.

All expenses and disbursements in connection with the maintenance and operation of the office of supervisor of public utilities, including all salaries of clerks, assistants, engineers, accountants, and the duly appointed supervisor, shall be paid pro rata each month by the public service utilities (exclusive of those operating on an annual flat charge basis), which are subject to supervision by the supervisor of public utilities, under any law, charter provision or franchise requirement. The pro rata contribution of each public service utility shall be in relation to its preceding calendar year gross receipts and shall be a percentage in relation to the calendar year total gross receipts of all such public service utilities (exclusive of those operating on an annual flat charge basis); provided, however, that any direct pro rata contribution exempt by franchise provisions in which a per cent gross receipts tax is provided in lieu of direct contribution to the payment on the salary and
expenses and charges of the supervisor of public utilities, and of his assistants and subordinates shall be paid by the city from its general fund and in conformity with required budgetary practice. The Dallas Railway & Terminal Company shall pay a pro rata contribution in the relation that its total gross receipts for the preceding calendar year bears to the calendar year total gross receipts of all such public service utilities (exclusive of those operating on an annual flat charge basis). The moneys collected under this section shall be deposited to the credit of the general fund of the city. (Ord. 6622)

SEC. 2-14. SAME - NOTICE REQUIRED.

All payments due direct from any public service utility shall be made monthly on notice from the supervisor of public utilities and such payment received from public service utilities shall be made to the city and credited to the general fund, to apply on the maintenance and operation expense of the office of supervisor of public utilities. (Ord. 3488)

SEC. 2-15. SAME - "GROSS RECEIPTS" DEFINED.

Gross receipts means such term as is defined by the provisions of the several franchises and shall apply to each utility company only in the manner set forth in the franchise of each such utility. If the term "gross receipts" is not used in the franchise of any utility subject to Section 2-13 then it shall include whatever equivalent term was used. (Ord. 3488)

SEC. 2-16. EMINENT DOMAIN PROCEEDINGS FOR PERSONAL PROPERTY.

(a) When the city council considers it necessary for a public purpose, the city may condemn public or private personal property, located inside or outside the city, for any purpose authorized by state law or the city charter.

(b) The procedures used to condemn personal property will be the same as those provided by state law for the condemnation of real property at the time condemnation proceedings are initiated for the personal property.

(c) The measure of damages for the condemnation of personal property is the local market value of the property at the time of the special commissioners' hearing, and, when less than the entire property is condemned, any damage to the remaining property. The remainder damage will be measured by the loss, if any, in the market value of the remaining property that is proximately caused by the condemnation, considering the extent of the injury and benefit to the remaining property. The injury or benefit considered must be peculiar to the property owner and must relate to the property owner's ownership, use, or enjoyment of the property, but may not include any injury or benefit that the property owner experiences in common with the general community. (Ord. 25464)

SEC. 2-17. PAYMENT OF COST OF PUBLISHING ORDINANCE GRANTING FRANCHISE OR CLOSING STREET.

The payment of the costs of publishing the ordinance, in the amount of $20, shall be made a condition precedent to the granting of any request by the city council for any franchise or the clearing of title by the abandoning or closing of any street or alley. Such sum shall be paid in advance by the person seeking such special privilege or franchise or the abandoning or closing of any street or alley within five days after the granting of the request and prior to the publication of the ordinance making the request effective. (Code 1941, Art. 117-3; Ord. 3756)

SEC. 2-17.1. FISCAL NOTES.

(a) The city manager shall prepare a fiscal note to accompany any proposed project or program presented to the city council if the project or program increases or decreases revenues or causes the expenditure or diversion of funds and the project or program is:

(1) to be considered by ordinance or resolution as an unbudgeted item;

(2) new and is to be considered as a part of the adoption of the annual budget; or
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(3) to be considered as part of the adoption of a bond program.

(b) A fiscal note shall include a statement of estimated revenues and expenditures that will result from a proposed project or program in the current and at least two future fiscal years.

(c) The city manager or his designee shall develop procedures and standardized formats in which to present fiscal impact information. (Ord. No. 17938)

SEC. 2-17.2. SELECTION OF CITY AUDITOR; NOMINATING COMMISSION.

(a) Before the end of each term of a city auditor, or at such other times when a vacancy occurs or is anticipated to occur in the office of city auditor, the city council shall appoint a nominating commission to select a city auditor in accordance with Chapter IX, Section 1 of the city charter. The commission shall be composed of five members, including a chair and vice-chair, meeting the following qualifications:

(1) One member must be a representative selected by the board of directors of the Dallas Chapter/Texas Society of Certified Public Accountants.

(2) One member must be the Dallas regional director of the United States Government Accountability Office, or the highest ranking auditor of the Dallas division of the United States Government Accountability Office.

(3) Three members must meet any one of the following qualifications:

(A) Be a managing partner of a multi-national public accounting firm with offices located in the city, excluding any firm under current contract with the city to provide external audit services.

(B) Be one of the following persons associated with a publicly-traded company headquartered in Dallas County that has at least one billion dollars in annual revenue:

(i) the current chief financial officer;

(ii) the current chief auditor of an internal audit group; or

(iii) the current chief executive officer or a person who has served as the chief executive officer within the preceding three years.

(C) Be a former mayor or council member of the city.

(D) Be a current or former city auditor of the city.

(b) Notwithstanding the general board qualifications of Section 8-1.4(a)(1) and (2) of this code, a person appointed to the city auditor nominating commission under Subsection (a)(2) or (a)(3)(B) of this section is not required to be a resident or qualified voter of the city of Dallas.

(c) The commission shall, within 15 days after being appointed, hold its first meeting to consider nomination of a person to serve as city auditor. Within 180 days after its first meeting, the commission shall nominate to the city council one or more candidates for city auditor selected by a majority of the commission members. The city council shall, within 30 days after receipt of the nomination, accept one of the nominated candidates or reject all of the candidates.

(d) If the city council rejects all candidates nominated for city auditor, it shall immediately notify the commission and request the nomination of different candidates. Commission members shall serve until the city council accepts a candidate nominated by them to be city auditor.

(e) The director of human resources of the city shall assist the commission, when necessary, in seeking and screening applicants for the position of city auditor.

(f) Notwithstanding Subsections (a) through (e) of this section, at the end of a city auditor's term (including any period in which a city auditor is holding over), the city council finance and audit
committee may, on its own initiative or at the direction of the city council, act as a nominating commission and, by a majority vote, nominate the incumbent city auditor for reappointment by the full city council. If a majority of the finance and audit committee does not vote to nominate the incumbent city auditor for another term, or if, upon receiving the nomination from the finance and audit committee, a majority of the city council does not vote to reappoint the incumbent city auditor for another term, then the nominating process described in Subsections (a) through (e) must be followed. (Ord. Nos. 20457; 21157; 22026; 22277; 24414; 25495; 25808)

SEC. 2-17.3. NONDISCRIMINATION IN THE PROVISION OF CITY SERVICES.

(a) The city of Dallas will not discriminate because of a person's race, color, age, religion, sex, marital status, sexual orientation, national origin, disability, political opinions, or affiliations in the provision of services to the general public.

(b) This section does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. (Ord. 25041)

ARTICLE II.

ASSISTANT CITY ATTORNEYS.

SEC. 2-18. QUALIFICATIONS AND APPOINTMENT.

The city attorney shall select and nominate such assistants, including those assigned to the municipal courts, as the city council shall determine are necessary. Each position must be filled by a licensed attorney at law and must be confirmed by the city council. (Code 1941, Art. 20-1; Ord. Nos. 7956; 13439; 22026; 24410)

SEC. 2-19. DUTIES.

Under the direction and control of the city attorney, assistant city attorneys shall perform all duties required by the city charter, the Dallas City Code, and any other ordinance or regulation which is enacted by the city council. All powers which are conferred by the city charter on the city attorney may be exercised by assistant city attorneys. (Code 1941, Art. 20-2; Ord. 14995)

SEC. 2-20. COMPENSATION.

Each of the assistant city attorneys shall receive such compensation for his services as may be fixed by the city council at the time of his appointment. (Code 1941, Art. 20-3)

SEC. 2-20.1. GUEST PROSECUTOR PROGRAM.

(a) The city attorney is authorized to conduct a volunteer program known as the guest prosecutor program. The purpose of the program is to allow attorneys who are employed by private law firms to obtain valuable trial experience at the municipal court level on a temporary and voluntary basis while, at the same time, providing a public service that benefits the city and its citizens.

(b) The city attorney may, without further city council approval, enter into arrangements with private law firms within the city through which volunteer attorneys are recommended and provided by the law firms to perform work in the municipal court. Every volunteer attorney recommended by a private law firm for the guest prosecutor program must be approved by the city attorney.

(c) While participating in the guest prosecutor program, a volunteer attorney is not an employee of the city but remains an employee of a private law firm, except that, for purposes of the city's officer and employee liability plan, a volunteer attorney is deemed a plan member under Section 31A-4(5)(D) of this code. The private law firm employing the volunteer attorney is solely and exclusively liable for compensation and benefits (including but not limited to workers' compensation insurance coverage) to be paid to the volunteer
attorney during the period of participation in the guest prosecutor program. Nothing in this section, or in any other provision of this code, may be construed to require the city to pay a volunteer attorney for services rendered during the period of the volunteer attorney’s participation in the program.

(d) A volunteer attorney, while participating in the guest prosecutor program, is subject to the direction of the city attorney and to the direction of any assistant city attorney designated to supervise the volunteer attorney. A volunteer attorney shall prosecute cases in the municipal court and perform tasks incidental to work as a municipal prosecutor, as directed by the city attorney. For purposes of this article, the city charter, and Section 45.201 of the Texas Code of Criminal Procedure, as amended, a volunteer attorney participating in the program is deemed an assistant city attorney while carrying out the limited duties of prosecuting cases in municipal court and performing tasks incidental to work as a municipal prosecutor.

(e) While participating in the guest prosecutor program, a volunteer attorney shall not:

(1) perform any legal work for the city other than work described in this section; or

(2) represent any person in a lawsuit, claim, or other proceeding against the city.

(f) A volunteer attorney, while participating in the guest prosecutor program, is subject to the restrictions of Section 2-122 of this code. A violation of any provision of Section 2-122, this section, or a directive of the city attorney’s participation in the program. The city attorney may also, in the city attorney’s discretion, terminate any arrangement with the private law firm that employs a volunteer attorney who commits a violation of any provision described in this subsection. (Ord. 24219)
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section, the city manager shall follow the procedures described in this section for the sale of real property other than property used as public right-of-way.

(b) If property has an estimated value of less than $100,000, the city staff shall make an appraisal of the property to determine fair market value. If property has an estimated value of $100,000 or more, the city manager shall obtain an independent appraisal of the property to determine fair market value. The appraisal shall be prepared for the city, and the appraiser shall be selected by the city manager.

(c) In order to publicize the availability of property for sale and to attract the attention of all potential buyers, at least 60 days before initiation of formal bid procedures, the city manager shall:

1. prepare a notice of the contemplated offer for sale and descriptive information and send it to:
   - all property owners within 200 feet of the property;
   - real estate brokers known to be active within the immediate community; and
   - neighborhood associations within the immediate community;
2. place a "for sale" sign or signs on the property; and
3. if the estimated value of the property is more than $100,000 and the property can be developed independently under the Dallas Development Code and the Dallas Building Code, place display advertising giving notice of availability of the property in appropriate newspapers or periodicals.

(d) If the property can be developed independently under the Dallas Development Code and the Dallas Building Code and there is evidence of an interest in the purchase of the property, the city manager shall initiate formal bid procedures in accordance with state law and send bid invitations to potential buyers.

(e) If the property cannot be developed independently under the Dallas Development Code and the Dallas Building Code or is otherwise exempted from bid procedures and publication requirements under state law and there is evidence of an interest in the purchase of the property, the city manager shall initiate negotiations for the sale of the property in accordance with Chapter 272 of the Texas Local Government Code, as amended.

(f) This section does not apply to:

1. the sale or exchange of land to other governmental entities; or
2. the sale of real property by public auction under Section 2-24.1 of this division.

(g) The procedures required by this section that are not required by state law may be waived or modified, by city council resolution, with respect to a particular parcel of land. (Ord. Nos. 17259; 17457; 20559; 28684)

SEC. 2-24.1. PROCEDURES FOR THE SALE OF UNNEEDED REAL PROPERTY BY PUBLIC AUCTION.

(a) Instead of selling real property pursuant to Section 2-24 of this division, the city may sell real property by public auction in accordance with this section and Sections 253.008 and 272.001 of the Texas Local Government Code, as amended.

(b) Before real property is offered for sale at a public auction, the city council, by resolution, shall authorize the sale by public auction and establish a reserve amount for the property that will be the minimum price acceptable to the city for that property.

(c) Notice of a public auction for the sale of real property must be published once a week, for three consecutive weeks before the auction, in a newspaper of general circulation in a county in which the city is located, and, if the real property is located in another county, in a newspaper of general circulation in the county in which the property is located. The first publication of the notice must be before the 20th day before the date of the auction. The notice must include:

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(1) the description and location of the real property;

(2) the date, time, and location of the public auction; and

(3) the procedures to be followed at the public auction.

(d) A public auction to sell real property must be conducted in accordance with procedures established by the city manager that are not in conflict with this division, the city charter, Sections 253.008 and 272.001 of the Texas Local Government Code, as amended, or other applicable law.

(e) The procedures required by this section that are not required by state law may be waived or modified, by city council resolution, with respect to a particular parcel of land. (Ord. 28684)

SEC. 2-25.  TYPE OF CONVEYANCE.

The city attorney shall determine the type of conveyance or other instrument to be executed by the city prior to the initiation of formal bid procedures or public auction procedures, and this information may be included in the notice when necessary. (Ord. Nos. 17259; 28684)

SEC. 2-26.  BIDDER INFORMATION.

A bidder for the purchase of real property or an interest in real property from the city, whether bidding through formal bid procedures or at a public auction, must state the full name of the prospective purchaser as it should appear in an instrument of conveyance. If a bid is made on behalf of another person, firm, trust, partnership, association, or corporation, disclosure of the facts relating to the agency may be required by the city manager. Failure to furnish the information upon request, before or after bid acceptance, is grounds for rejection of a submitted or accepted bid. (Ord. Nos. 17259; 28684)

SEC. 2-26.1.  CITY MANAGER RECOMMENDATION AND AWARD OF SALE.

(a) Formal bid procedures and negotiated sales. After receipt and tabulation of bids using formal bid procedures or after reaching agreement for a negotiated sale under Section 2-24 of this division, the city manager shall make a recommendation to the city council. The city council may act by resolution to award or reject the sale. Upon approval, the city attorney shall prepare and the city manager shall execute an appropriate instrument of conveyance.

(b) Public auction.

(1) After receipt and tabulation of bids at a public auction under Section 2-24.1 of this division, the city manager shall determine whether the highest qualifying bid equals or exceeds the reserve amount established by the city council for the real property.

(2) If the highest qualifying bid at the public auction equals or exceeds the reserve amount established for the property, the city manager may, without further council action, execute with the successful bidder a purchase and sales agreement and an appropriate instrument of conveyance, as prepared by the city attorney.

(3) If the highest qualifying bid is less than the reserve amount established for the property, the city manager shall make a recommendation to the city council, and the city council may, by resolution, accept or reject the sale. Upon approval of a sale by the city council, the city attorney shall prepare and the city manager shall execute a purchase and sales agreement and an appropriate instrument of conveyance.

(4) For purposes of this subsection, "highest qualifying bid," means the highest bid received from a prospective purchaser who is financially capable of purchasing the property and meets all qualifications established by the city for ownership of the property. (Ord. Nos. 17259; 28684)
§ 2-26.2. ABANDONMENT OF PUBLIC RIGHTS-OF-WAY.

(a) Application by property owner. A property owner whose property abuts a public right-of-way may apply to the city manager for abandonment, in whole or in part, of the abutting right-of-way. An application must be accompanied by:

(1) a nonrefundable application fee of $4,250, plus recording fees;

(2) the written concurrence of all persons who own property abutting the area proposed to be abandoned; and

(3) copies of recorded deeds showing current ownership of all property abutting the area proposed to be abandoned.

(b) Investigation and notice. Upon receipt of an application for abandonment of a public right-of-way, the city manager or the city manager's designee shall investigate the request and send written notice of the requested abandonment to all affected city departments, all public service franchise holders, and, if the proposed right-of-way abandonment is outside of the central business district freeway loop, then to all persons owning property within 300 feet of the right-of-way proposed to be abandoned.

(c) Date of valuation. The date for establishing the market value of the area proposed to be abandoned is the date the abandonment request is considered by the city council. Any independent appraisal used to establish market value for an abandonment must be performed not more than 180 days before the date on which the city council considers the abandonment request. The city manager or the city manager’s designee may require that a more current independent appraisal be performed at the applicant’s expense if the city manager or the city manager’s designee determines that the market value of the proposed abandonment area has significantly changed since the date of the last independent appraisal.

(d) Market value.

(1) If the estimated abandonment fee, to be established in accordance with Subsection (f), is less than $20,000:

(A) the city staff may use the appraised land value per square foot, as determined by the Dallas Central Appraisal District, of a fee simple interest in a useable tract of an abutting property to determine market value of the area proposed to be abandoned; or

(B) the city manager or the city manager’s designee may obtain an independent appraisal of the property to determine the per-square-foot market value of the area proposed to be abandoned, if the city manager or city manager’s designee has reason to believe the proposed abandonment area has experienced increases in property value.

(2) If the estimated abandonment fee is $20,000 or more, the city manager or the city manager’s designee shall obtain an independent appraisal of the property to determine the per-square-foot market value of the area proposed to be abandoned.

(3) If an independent appraisal is obtained under Paragraph (1)(B) or (2) of this subsection, the proposed abandonment area must be appraised as if it were an assembled portion of the applicant’s abutting property. The applicant shall pay the city the cost of an independent appraisal whether or not the abandonment is approved.

(e) Cases of disputed value. If the first appraisal obtained by the city is disputed by the applicant, the applicant shall obtain a second independent appraisal at the applicant’s expense. If the city manager or the city manager’s designee determines that there is a substantial difference between the two appraisals, the city manager or the city manager’s designee shall engage an independent appraiser to perform a review appraisal, the cost of which must be paid by the applicant. The city manager or the city manager’s designee shall then make a final determination of market value, which will be binding upon both parties.

(f) Fees for abandonment. Before the city council authorizes the abandonment of all or part of a public right-of-way, the applicant shall pay an abandonment fee calculated in accordance with one of the following methods:
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(1) Fee for a street, alley, or storm water management area abandonment: an amount equal to the square footage of the area abandoned x the market value of the area per square foot, or a $5,400 processing fee, whichever is greater. If property rights are retained by the city, the appraiser may, if warranted, discount the market value up to, but not exceeding:

   (A) 15% for a full abandonment with any encumbrance or easement retained;

   (B) 30% for an air rights abandonment;

   (C) 70% for a subsurface rights abandonment; and

   (D) 85% for an air rights abandonment deed restricted against use.

(2) Fee for an abandonment of a utility or drainage easement originally dedicated to the city at no cost: $5,400 processing fee, plus $1,000 for each easement in excess of five being abandoned.

(3) Fee for an abandonment of a utility or drainage easement originally purchased by the city: an amount equal to the greatest of:

   (A) the square footage of the area abandoned x the market value of the area per square foot x 50%;

   (B) the square footage of the area abandoned x the per-square-foot purchase price of the easement when originally purchased by the city; or

   (C) a $5,400 processing fee.

(4) Fee for an abandonment of a street, alley, or storm water management area originally dedicated at no cost to the city when the original dedicater applies for abandonment before the sale of abutting property has been made: $5,400 processing fee.

(g) Other abandonment regulations. The following regulations govern abandonment of public rights-of-way when applicable:

(1) If additional property owned by an applicant in the area of the proposed abandonment is needed by the city for public streets or other public purposes, the applicant may be allowed a square foot for square foot credit against the area to be abandoned. If the area dedicated to the city exceeds the area abandoned, the applicant will be charged only a $4,250 application fee, a $5,400 processing fee, and recording fees.

(2) An applicant will not be allowed a credit against the proposed abandonment for the dedication of a utility easement or the conversion of a right-of-way to a utility easement.

(3) An applicant will not be allowed a credit against the proposed abandonment for conversion of a right-of-way to a private street, private alley, or private drive, except when allowed under Subsection (h) of this section.

(4) The fees and procedures specified in this section, except for the processing fees required by Subsections (f), (g)(1), and (h)(4), may be waived or modified for a particular parcel of land upon approval of the city council, unless otherwise provided by another city ordinance, the city charter, or state law.

(h) Abandonment credit for private streets, alleys, and drives.

(1) An applicant will be allowed a credit against the proposed abandonment of a public right-of-way in a residential development if the applicant is a developer who has acquired an area for development and agrees to construct the following or is a homeowner or homeowner association who desires to convert existing public streets and alleys in a development into the following:

   (A) private streets and private alleys in an R, R(A), D, D(A), TH, TH(A), CH, or central area district, as defined in the Dallas Development Code, adequate to serve the area’s development, provided that:

   (i) each private street or private alley complies with all standards and requirements governing private streets and alleys set
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forth in Section 51A-4.211 of the Dallas Development Code;

(ii) the applicant obtains a special use permit for each private street or private alley as required by Section 51A-4.211 of the Dallas Development Code;

(iii) the applicant agrees to accept full responsibility for maintenance of each private street or private alley; and

(iv) any existing public street or alley, when converted to a private street or alley, may not be altered except as necessary to maintain the street or alley in the same or better condition;

(B) private drives in an MF or MF(A) district, as defined in the Dallas Development Code, provided that:

(i) each private drive is built to the same specifications as a street dedicated to public use, with a minimum width of 24 feet with no curb requirement, when adjacent to parking, and a minimum width of 20 feet with a curb requirement, when not adjacent to parking; and

(ii) each private drive contains service easements including, but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access; or

(C) private drives in a multifamily housing development located within a planned development district, provided that:

(i) each private drive or portion of a private drive for which a credit is claimed is located within the city's Intown Housing Program area, which is described in Resolution Nos. 93-1822 and 96-0279 as that area contained within a one-mile radius of the central business district;

(ii) each private drive is built to the same specifications as a street dedicated to public use, with a minimum width of 24 feet with no curb requirement, when adjacent to parking, and a minimum width of 20 feet with a curb requirement, when not adjacent to parking;

(iii) each private drive contains service easements including, but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading access; and

(iv) only that portion or side of a private drive that abuts property used exclusively for multifamily housing is eligible for the credit.

(2) A private street, private alley, or private drive for which a credit is allowed must be restricted to residential uses only for 40 years from the date of passage of the abandonment ordinance, unless the restriction is sooner removed by ordinance of the city council. If the restriction is removed before the 40-year period expires, the applicant, or the applicant’s heirs, successors, or assigns, shall pay a nonprorated abandonment fee calculated in accordance with the requirements of this section as those requirements existed on the date the abandonment ordinance was originally passed.

(3) If a public right-of-way is abandoned under this subsection to a homeowner association for conversion to a private street, private alley, or private drive, the ordinance authorizing the abandonment must include a provision stating that, if the homeowner association becomes defunct, each individual homeowner, and each homeowner’s heirs, successors, and assigns, shall become liable for all of the terms and conditions of the abandonment ordinance.

(4) Before the city council authorizes the abandonment of all or part of a public right-of-way for conversion to a private street, private alley, or private drive for which a credit is allowed under this subsection, the applicant shall pay a fee of $5,400 for processing the transaction, plus all applicable application, appraisal, and recording fees. (Ord. Nos. 17642; 18056; 19455; 19875; 23345; 24051; 24057; 25048; 25651; 26598; 27980; 28684; 29477, eff. 10/1/14)

SEC. 2-26.3. RESERVED.

(Repealed by Ord. No. 23694)
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Division 2. Alternate Manner of Sale of Real Property to Nonprofit Organizations for Affordable Housing.

SEC. 2-26.4. PURPOSE.

(a) It is the intent of the city council in adopting this division to establish, in accordance with Section 253.010 of the Texas Local Government Code, as amended, an alternate manner of sale of tax-foreclosed and seized real property to nonprofit organizations to provide for affordable housing in the city.

(b) Nothing in this division may be construed to require the city council to approve the sale of land to a nonprofit organization, to approve zoning changes for the land, or to provide funding for any proposal submitted under this division. (Ord. Nos. 23713; 24046; 25443)

SEC. 2-26.5. DEFINITIONS.

In this division:

(1) AFFORDABLE HOUSING means:

(A) owner-occupied housing that:

(i) is sold or resold under this division to a low-income individual or family; and

(ii) has a purchase price and an estimated appraised value at acquisition that does not exceed 95 percent of the "HUD 203B" maximum mortgage amounts established and published annually by HUD in Part 203, Title 24 of the Code of Federal Regulations, as amended; or

(B) renter-occupied housing for which housing expenses do not exceed HUD fair market rents, as defined in Part 888, Title 24 of the Code of Federal Regulations, as amended.

(2) DIRECTOR means the director of the department designated by the city manager to administer this division, or the director's authorized representative.

(3) HUD means the United States Department of Housing and Urban Development.

(4) LAND or PROPERTY means any real property that has been acquired by the city, for itself or as trustee for any other taxing unit, pursuant to Chapters 33 and 34 of the Texas Property Tax Code, as amended, by:

(A) foreclosure of a tax lien; or

(B) seizure.

(5) LAND ASSEMBLY PROGRAM means a city program established by Resolution No. 97-1504, as amended, that provides for the sale of tax-foreclosed properties to qualified nonprofit organizations for the furtherance of city-approved public purposes.

(6) LOW-INCOME INDIVIDUAL OR FAMILY means an individual or family whose annual income does not exceed 80 percent of the median income for the Dallas Standard Metropolitan Statistical Area, as determined annually by HUD, with adjustments for smaller and larger families.

(7) NONPROFIT ORGANIZATION means:

(A) a nonprofit corporation described by 26 U.S.C. Section 501(c)(3) that:

(i) has been incorporated in the State of Texas for at least one year;

(ii) has a corporate purpose to develop affordable housing that is stated in its articles of incorporation, bylaws, or charter;

(iii) has at least one-fourth of its board of directors residing in the city; and

(iv) engages primarily in the building, repair, rental, or sale of housing for low-income individuals and families; or

(B) a joint venture or partnership between:
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(i) a nonprofit corporation organized and existing under the laws of the State of Texas that develops affordable housing for low-income individuals and families as a primary activity to promote community-based revitalization of the city; and

(ii) a nonprofit corporation or other nonprofit legal entity composed of residents of or property owners in the community or neighborhood in which land subject to a purchase proposal under this division is located.

(8) TAXING UNIT means a taxing unit, as defined in Section 1.04(12) of the Texas Property Tax Code, as amended, that is a party to a judgment for delinquent taxes on a property or that has acquired seized property pursuant to a tax warrant. (Ord. Nos. 23713; 24046)

SEC. 2-26.6. ALTERNATE METHOD OF SALE FOR TAX-FORECLOSED OR SEIZED REAL PROPERTY.

(a) Notwithstanding any conflicting provision of Division 1 of this article, land on which a tax lien has been foreclosed in favor of the city or land that has been seized by the city may be sold to a nonprofit organization for the purpose of providing affordable housing in accordance with this division and Section 253.010 of the Texas Local Government Code, as amended. The land may be located anywhere within the corporate city limits, but must be currently zoned for residential use.

(b) Any nonprofit organization purchasing land under this division must develop the land for sale or lease of affordable housing units to low-income individuals and families within three years of obtaining a quitclaim deed from the city. The affordable housing may be single-family or multi-family units.

(c) Subject to approval by the governing bodies of all other affected taxing units, the city council may by resolution:

(1) approve changes to a nonprofit organization's proposal to develop affordable housing on land purchased from the city under this division, with any material changes being subject to the public hearing requirements set forth in Section 2-26.7; and

(2) extend the three-year development period in which a nonprofit organization is required to construct affordable housing units on land purchased from the city under this division. (Ord. Nos. 23713; 24046; 25443)

SEC. 2-26.7. PURCHASE PROPOSALS BY NONPROFIT ORGANIZATIONS; PROCEDURES AND REQUIREMENTS FOR CITY APPROVAL OR REJECTION OF PROPOSALS.

(a) A nonprofit organization wanting to purchase land under this division must submit a complete proposal to the director and the director of sustainable development and construction. The proposal must include all of the following information:

(1) Evidence that the requestor is a qualified nonprofit organization.

(2) A plan to develop the land as either single-family or multi-family affordable housing for low-income individuals or families in compliance with this code and all other applicable city ordinances and state and federal laws.

(3) A timetable showing the commencement of construction, completion of construction, and occupancy of affordable housing on the land by low-income individuals or families.

(4) Evidence of a citizen participation plan or the approval of area residents of the use of the land by the nonprofit organization.

(5) Identification and sources of the necessary project financing.

(6) Evidence that the requestor is not delinquent in payment to the city of any fees, charges, taxes, or liens, or, if delinquent, has paid at least one-third of the total amount owed and is currently on an approved payout arrangement with the city.
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(7) Evidence that the requestor is current on payment of taxes and liens owed to any other affected taxing unit under the Texas Property Tax Code.

(b) At the time of submitting its proposal, the nonprofit organization must also demonstrate to the director's satisfaction its compliance with approved development plans and timetables for all other property that the nonprofit organization has acquired under this division or under the city's land assembly program. The city may not consider the proposal of any nonprofit organization that the director finds is not in compliance with the development plans, timetables, this code, or other applicable city ordinances or state or federal laws on other properties acquired under this division or the land assembly program.

(c) If, after investigating the facts set forth in the proposal, the director determines that the nonprofit organization does not meet all requirements for receiving a quitclaim of land under this division, the director shall reject the proposal. The director shall notify the nonprofit organization and the director of sustainable development and construction in writing of the director's decision. The notice must state the reason the proposal was rejected and that the nonprofit organization may appeal the director's decision under Section 2-26.14 of this division.

(d) If the director determines that the nonprofit organization meets all requirements for receiving a quitclaim of land under this division, the director shall route the proposal to the affected city departments and taxing units for review. After receiving responses from all affected departments and taxing units, the city manager shall recommend to the city council whether to approve or reject the proposal.

(e) Not less than 10 calendar days before the city council takes action on a proposal submitted under this section or holds a public hearing on a proposal under Subsection (f) of this section, the director shall conspicuously post notice of the proposal on each property that is subject to the proposal. The notice must state that the property will be considered for purchase by a nonprofit organization for the development of affordable housing and provide a telephone number by which the public can obtain more information about the proposal.

(f) The city council shall hold a public hearing before taking action on a proposal submitted by a nonprofit organization described in Section 2-26.5(7)(A). The director shall send written notice of the public hearing to all owners of real property lying within 200 feet of the boundary of the area subject to the proposal. The measurement of the 200 feet includes streets and alleys. The notice must be given not less than 10 calendar days before the date set for the hearing by depositing the notice properly addressed and postage paid in the United States mail to the property owners as evidenced by the last approved city tax roll. This notice must be written in English and Spanish if the area subject to the proposal is located wholly or partly within a census tract in which 50 percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census. The director shall also give notice of the public hearing in the official newspaper of the city not less than 10 calendar days before the hearing date. After notice of a public hearing has been given, a nonprofit organization may not amend its proposal without city council approval.

(g) A proposal must be adopted by resolution of the city council and by an appropriate act of the governing body of each of the other affected taxing units before any land may be quitclaimed to a nonprofit organization under this division. (Ord. Nos. 23713; 25047; 27697)

SEC. 2-26.8. MULTIPLE PROPOSALS FOR THE SAME LAND.

If two or more nonprofit organizations request the same land, their proposals will be considered as follows:

(1) A nonprofit organization that needs the land as an outparcel to complete development of an affordable housing project will be given first preference to acquire the land.

(2) A nonprofit organization that is certified by the city as a community housing development organization, as that term is defined in
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Part 92.02, Title 24 of the Code of Federal Regulations, as amended, will be given second preference to acquire the land if the land is located in its neighborhood area of emphasis for the development of affordable housing, as that area is defined in its certification by the city.

(3) If none of the nonprofit organizations is entitled to preference under Subsection (1) or (2) of this section, or if more than one of the nonprofit organizations is entitled to preference under Subsection (1) or (2) of this section, the city council will evaluate the competing proposals for the land and accept the one determined to be in the best interest of the city. (Ord. 23713)

SEC. 2-26.9. PURCHASE PRICE OF LAND.

(a) A nonprofit organization that purchases land under this division shall pay the following amounts to the city for the land:

(1) a fixed price of $1,000 for up to 7,500 square feet of land purchased under a single proposal, plus $0.133 for each additional square foot of land purchased under the proposal, which amounts will be distributed by the city in accordance with Section 34.06 of the Texas Property Tax Code, as amended; and

(2) a sum equal to the actual fees charged by the county clerk for recording in the real property records the sheriff’s deed and the quitclaim deed for the land.

(b) No amount paid under this section may be refunded by the city, even if the land reverts to the city under Section 2-26.12. (Ord. Nos. 23713; 24046)

SEC. 2-26.10. QUITCLAIM DEED.

(a) Upon approval of a proposal under this division by the city council and the governing bodies of all other affected taxing units, the city manager is authorized to execute a quitclaim deed, approved as to form by the city attorney, quitclaiming the land to the nonprofit organization, subject to the possibility of reverter with right of reentry, deed restrictions, and the terms and conditions of this division and the proposal and subject to any redemption rights in the property provided by state law.

(b) The quitclaim deed to the land must contain all of the following:

(1) A copy or summary of the proposal from the nonprofit organization for the land and a requirement that the land be developed by the nonprofit organization in accordance with the proposal and the timetable specified in the proposal.

(2) A possibility of reverter with right of reentry providing that:

(A) the property may revert to the city of Dallas under the conditions set forth in Section 2-26.12 of this division; and

(B) the nonprofit organization and its successors and assigns shall be responsible for removal of all liens and encumbrances against the property that have occurred since the nonprofit organization received the quitclaim deed from the city.

(3) Deed restrictions that:

(A) restrict:

(i) the sale and resale of owner-occupied property to low-income individuals or families for five years after the date the deed from the nonprofit organization to the initial homebuyer is filed in the real property records of the county in which the property is located; and

(ii) the lease or occupancy of any rental property developed on the land to low-income individuals or families for 15 years after the date of initial occupancy of the property;

(B) require the nonprofit organization, for 15 years from the date of initial occupancy of rental property developed on the land, to maintain 50 percent of any multi-family housing units for occupancy by low-income individuals or families as affordable housing;

(C) require the nonprofit organization to develop all proposed housing units on
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the land in accordance with this code and all applicable city ordinances and state and federal laws within three years after receiving the quitclaim deed to the land, or by the end of any extended development period approved by the city council under Section 2-26.6(c), and to obtain inspections and approval of the housing units by the city before initial occupancy;

(D) require any low-income individual or family who purchases a housing unit on the land or, if a housing unit is not owner-occupied, the nonprofit organization that constructed the rental housing unit to maintain each housing unit and all improvements on the land in accordance with this code and all applicable city ordinances and state and federal laws during the five-year or 15-year affordability period, whichever applies;

(E) require the five-year and 15-year affordability restrictions of this division, whichever applies, to be enforced:

(i) in the case of the initial sale of owner-occupied property, by the nonprofit organization, which must submit to the director verification of income information for the purchasers of the housing unit at least 30 calendar days prior to closing and receive the director's written approval of the low-income qualifications of that purchaser;

(ii) in the case of subsequent resales of owner-occupied property, by the owner of the housing unit, who must submit verification to the director of income information for a subsequent purchaser at least 30 calendar days prior to closing and receive the director's written approval of the low-income qualifications of that purchaser; and

(iii) in the case of rental property, by the nonprofit organization, which must submit to the director monthly tenant income and rental information as specified and required by the director and permit the city to conduct annual inspections of rental property for compliance with this code and all applicable city ordinances and state and federal laws; and

(F) require the nonprofit organization to provide need-based social services to tenants of any rental property developed on the land that contains more than 25 housing units.

(4) An indemnification of the city and other affected taxing units by the nonprofit organization.

(5) A statement and acknowledgement that the property is quitclaimed subject to all redemption rights provided by state law.

(6) Such other terms and conditions as are required by the city for the resale of tax-foreclosed or seized property, whichever applies. (Ord. Nos. 23713; 24046; 25443)

SEC. 2-26.11. RESTRICTIONS ON USE OF LAND.

(a) A nonprofit organization may sell or lease housing units developed on the property only to low-income individuals and families under the terms, conditions, and restrictions of this division and the nonprofit organization's proposal and quitclaim deed.

(b) Land quitclaimed to a nonprofit organization under this division may be resold to another nonprofit organization prior to development without the property reverting to the city if:

(1) the city manager recommends the resale after reviewing the new proposal submitted in compliance with Section 2-26.7; and

(2) the resale is approved by the city council and the governing bodies of all other affected taxing units.

(c) Land quitclaimed to a nonprofit organization under this division may not otherwise be resold, conveyed, or transferred prior to completion of the development of affordable housing on the land and occupancy of the housing by low-income individuals and families, except that a nonprofit organization may grant a security interest in the property for purposes of developing the land, subject to the city's possibility of reverter with right of reentry and the terms, conditions, and restrictions of this division and the nonprofit organization's proposal and quitclaim deed. (Ord. 23713)
§ 2-26.12. POSSIBILITY OF REVERTER WITH RIGHT OF REENTRY.

(a) Land acquired by a nonprofit organization under this division may revert to the city if the director determines that the nonprofit organization:

1. has failed to take possession of the land within 90 calendar days after receiving the quitclaim deed to the land;

2. has failed to complete construction of affordable housing on the land within three years after receiving the quitclaim deed to the land, or by the end of any extended development period approved by the city council under Section 2-26.6(c);

3. is not developing the land in compliance with the timetable specified in the nonprofit organization's proposal;

4. is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;

5. has incurred a lien on the property because of violations of this code or other city ordinances within three years after receiving the quitclaim deed to the land; or

6. has sold, conveyed, or transferred the land without the consent of the city and other affected taxing units within three years after receiving the quitclaim deed to the land.

(b) Upon determination by the director that a condition described in Subsection (a) of this section has occurred, the city manager is authorized to execute an instrument, approved as to form by the city attorney, exercising against the land the city's possibility of reverter with right to reentry.

(c) The director shall file notice of the reverter and reentry of the land by the city in the real property records of the county in which the land is located, which notice must specify the reason for the reverter and reentry. The director shall provide a copy of the notice to the nonprofit organization in person or by mailing the notice to the nonprofit organization's post office address as shown on the tax rolls of the city or of the county in which the land is located. (Ord. Nos. 23713; 25443)

§ 2-26.13. RELEASE OF REVERTER RIGHTS AND DEED RESTRICTIONS.

The city manager is authorized to execute instruments, approved as to form by the city attorney, releasing the city's possibility of reverter with right of reentry and terminating the deed restrictions to the land upon compliance with all terms and conditions of this division and the nonprofit organization's proposal. (Ord. 23713)

§ 2-26.14. APPEALS.

(a) A nonprofit organization may appeal a decision of the director rejecting the nonprofit organization's proposal to purchase land under this division if the nonprofit organization requests an appeal in writing, delivered to the city manager not more than 10 calendar days after notice of the director's decision is received.

(b) The city manager or a designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make a ruling based on a preponderance of the evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or part of the decision of the director being appealed. The decision of the hearing officer is final as to available administrative remedies. (Ord. 23713)

ARTICLE IV. PURCHASING.

Division 1. Purchasing and Contracting Generally.

SEC. 2-27. DEFINITIONS.

In this article:
(1) CITY EXPENDITURE means the payment of money by the city directly to a vendor or contractor pursuant to a city-awarded contract in consideration of goods furnished to or services performed on behalf of the city, or in consideration of the accomplishment of some other lawful public or municipal purpose, regardless of the source or nature of the funds used by the city to make payment and regardless of the form of contract used.

(2) COMMUNITY DEVELOPMENT ITEM means the purchase, by competitive sealed proposal as required in Section 252.021(d) of the Texas Local Government Code, as amended, of goods or services pursuant to a community development program established under Chapter 373 of the Texas Local Government Code, as amended, in which the source of the city expenditure for the purchase is derived exclusively from an appropriation, loan, or grant of funds from the federal or state government for community development purposes.

(3) CONSTRUCTION SERVICES means the following activities, but does not include facility construction:

   (A) the construction of capital improvements to city-owned real property or right-of-way, including but not limited to streets, traffic signals, signal systems or control devices, storm drainage facilities, sidewalks, alleys, water or wastewater mains or appurtenances, process plants, or other similar facilities;

   (B) the renovation, modification, alteration, or repair of existing capital improvements upon or within city-owned real property or right-of-way; or

   (C) other construction, renovation, alteration, modification, or repair activities that are treated or defined under state law as public works.

(4) DIRECTOR means the director of the office of business development and procurement services, or the director's authorized representatives.

(5) FACILITY CONSTRUCTION means the construction, rehabilitation, alteration, or repair of a building or any portion of a building, the design and construction of which is governed by accepted building codes, but does not include construction that is specifically excluded from the definition of "facility" contained in Section 271.111, Texas Local Government Code, as amended.

(6) GENERAL SERVICES means insurance (including insurance-related services such as claims adjustment and policy administration), technical services related to the purchase of a high technology item, or other types of manual, physical, or intellectual labor performed on behalf of the city and purchased for a lawful municipal purpose. The term does not include personal services, professional services, planning services, facility construction, or construction services.

(7) GOODS means supplies, equipment, or other personal property, including but not limited to high technology items, purchased and used for a lawful municipal purpose.

(8) GOVERNMENTAL CONTRACT has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.

(9) HIGH TECHNOLOGY ITEM means an item of equipment, goods, or services of a highly technical nature, including but not limited to:

   (A) data processing equipment and software and firmware used in conjunction with data processing equipment;

   (B) telecommunications equipment and radio and microwave systems;

   (C) electronic distributed control systems, including building energy management systems; and

   (D) technical services related to those items listed in Paragraphs (A) through (C) of this subsection.

(10) LOCAL BUSINESS means a business with a principal place of business within the city.

(11) NONRESIDENT BIDDER has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.
(12) PERSONAL SERVICES means any service personally performed by the individual with whom the city has contracted.

(13) PLANNING SERVICES has the meaning given that term in Section 252.001, Texas Local Government Code, as amended.

(14) PRINCIPAL PLACE OF BUSINESS means:

(A) the headquarters of a business or the primary executive or administrative office of a business from which the operations and activities of the business are directed, controlled, and coordinated by its officers or owners; or

(B) an established office, plant, store, warehouse, or other facility where the majority of the business' operations and activities are conducted and located, except that a location solely used as a message center, post office box, mail drop, or similar service or activity that provides no substantial function to the business is not a principal place of business.

(15) PROFESSIONAL SERVICES means those services defined as professional services under state law applicable to municipal purchases or contracts, including but not limited to services provided by accountants, architects, artists, attorneys, auditors, court reporters, doctors, engineers, optometrists, real estate appraisers, land surveyors, scientists, and teachers. (Ord. Nos. 24243; 24410; 25047; 25819; 27697; 28705)

SEC. 2-28. OFFICE OF BUSINESS DEVELOPMENT AND PROCUREMENT SERVICES; POWERS AND DUTIES OF THE DIRECTOR AS CITY PURCHASING AGENT.

(a) There is hereby created a division of the city manager's office to be known as the office of business development and procurement services, the head of which shall be the director of business development and procurement services who shall be appointed by the city manager and who shall be a person professionally competent by experience and training to manage the office. The office will be composed of the director of business development and procurement services and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

(b) The director of business development and procurement services shall perform the following duties:

(1) Direct and administer the office of business development and procurement services.

(2) Serve, or designate a person to serve, as the city purchasing agent.

(3) Except where otherwise directed in this code, supervise all purchases by the city, other than real property, in accordance with this article and state law.

(4) Sell personal property of the city not needed for public use.

(5) Keep accurate inventories of all property under the director's supervision.

(6) Maintain the store rooms and warehouses placed under the director's supervision.

(7) Perform such other duties as are assigned by the city manager. (Code 1941, Art. 27-1; Ord. Nos. 13104; 17157; 18094; 19312; 21674; 24243; 24410; 25047; 25819; 27697)

SEC. 2-29. APPROVAL OF PLANS AND SPECIFICATIONS.

If the director determines that preparation of plans and specifications is necessary and practical for the purchase of goods, general services, or construction services, the director shall require the preparation of the plans and specifications in cooperation with the department concerned. The plans and specifications must be approved by both the director and the director of the department concerned. If the plans and specifications are approved, the director shall keep a copy of the plans and specifications on file in the director's office and make the copy available for public inspection for five years after the date of
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approval of the plans and specifications. Subject to state law requirements governing the retention and disposal of records, the director may dispose of any plans and specifications that have been on file in the director’s office longer than five years after the date of their approval. (Ord. Nos. 12755; 13104; 14885; 17700; 18850; 19312; 20061; 24243; 25819)

SEC. 2-30. GENERAL DELEGATION OF CONTRACTING AUTHORITY.

(a) Pursuant to Chapter XXII, Section 2(b) of the city charter, the city council shall, by ordinance, establish rules under which a contract may be let without city council approval. This section is established for that purpose. To the extent that this section, the city charter, or another provision of this code does not delegate approval authority for a particular contract, contract amendment, or other legal instrument, it is presumed that the contract, contract amendment, or other legal instrument must be approved by the city council.

(b) This section may not be construed to delegate authority to approve, without city council action, any contract, contract amendment, or other legal instrument that is required by state law to be approved by the city council.

(c) This section does not apply to:

(1) the city’s furnishing of ambulance service; water, wastewater, storm water drainage, or sanitation utility service; or any other similar municipal service to customers inside or outside of the city;

(2) a contract, contract amendment, or other legal instrument for which approval authority is separately delegated by the city charter or another section of this code; or

(3) the city’s grant of, or other action relating to, any license, franchise, permit, or other authorization pursuant to its regulatory powers.

(d) The city manager is authorized to approve the following by administrative action, without further city council action:

(1) A contract for the purchase of goods, general services, construction services, or facility construction, or for any other lawful municipal purpose not specifically described in this subsection, that requires a city expenditure not exceeding $50,000.

(2) A contract requiring a city expenditure exceeding $50,000, but not exceeding $70,000, for the purchase of goods, general services, or construction services required to be procured through competitive bid or competitive sealed proposal in accordance with Chapter 252, Texas Local Government Code, as amended.

(3) A change order to a contract required by state law to be procured through either competitive bid or competitive sealed proposal that increases or decreases the contract price by $50,000 or less, provided that the original contract price may never be increased by more than 25 percent. This paragraph does not delegate authority to the city manager to approve a change order amending a contract provision or a specification for the purpose of altering an existing payment schedule, payment method, time or date of payment, or interest rate on a payment, regardless of whether the payment obligation under the contract belongs to the contractor or the city and regardless of the amount of the increase or decrease in the contract price.

(4) A contract for personal, professional, or planning services requiring a city expenditure not exceeding $50,000, except that no formal administrative action is required to execute a contract for real estate appraisal services requiring a city expenditure not exceeding $50,000.

(5) An amendment to a contract not required by state law to be procured through competitive bid or competitive sealed proposal, which amendment increases the contract price by $50,000 or less or causes any decrease in the contract price, except that approval of the city council is required on an amendment that increases the contract price by $50,000 or less if:

(A) the original contract price does not exceed $50,000 and the amendment increases the total contract price to an amount greater than $50,000; or
(B) the original contract price exceeds $50,000 and the amendment increases the original contract price by more than 25 percent.

(6) The exercise of a renewal option of a contract required by state law to be procured through either competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed $70,000.

(7) The exercise of a renewal option of a contract not required by state law to be procured through competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed $50,000.

(8) A contract for facility construction procured pursuant to Chapter 271, Subchapter H, Texas Local Government Code, as amended, that requires a city expenditure exceeding $50,000, but not exceeding $70,000.

(e) All contracts, contract amendments, or other legal instruments (except purchase orders for supplies and equipment and change orders as described by Chapter XXII, Section 1 of the city charter) must be signed by the city manager and approved as to form by the city attorney. Purchase orders for supplies and equipment must be signed by the director. Subject to the restrictions provided by this code, the city charter, or state law, change orders may be approved by formal administrative action or may, as the city manager directs, be signed by the director of the department designated by the city manager to administer the contract that is the subject of the change.

(f) The city manager may delegate the authority granted under this section to the extent allowed by this code, the city charter, or state law. The city manager may make rules and procedures, which are not in conflict with this code, the city charter, or state law, concerning the form and substance of administrative actions and the administration of contracting and change order processes.

(g) Purchases for the park and recreation department must be made in compliance with Chapter XVII, Section 4 of the city charter and this division. (Ord. Nos. 24243; 25819; 28705)
(e) A contract for construction services or facility construction that requires a city expenditure not exceeding $50,000 must provide that, in lieu of requiring performance and payment bonds, no money will be paid to the contractor for any work under the contract until the final completion and acceptance of the work by the city. (Ord. Nos. 12755; 13104; 14885; 15279; 16801; 17700; 17777; 18850; 19312; 20061; 22434; 24243; 25819; 28705)

SEC. 2-32. RULES REGARDING EXPENDITURES EXCEEDING $50,000.

(a) No city expenditure exceeding $50,000 may be made without advertising for competitive bids or competitive sealed proposals pursuant to Chapter 252, Texas Local Government Code, as amended, and this division, except in cases of facility construction as provided in Section 2-33 of this division, an immediate emergency, or where competitive bidding or sealed proposal is not otherwise required by state law or the city charter. In cases of immediate emergency, the director may make the necessary emergency expenditure, subject to the approval of the city manager or a designee. If an emergency expenditure is made, a written report setting out the emergency purchase, accompanied by a definite statement of the occasion and the reasons for the purchase, must be submitted by the director to the city manager for presentation to the city council for its approval prior to payment for the purchase.

(b) The following rules govern purchases authorized administratively as described in Section 2-30(d)(2) of this division:

(1) If the purchase is for goods, the director or the director's designee, or the city council if the purchase is being considered under Subsection (b)(5), shall tabulate the bids or sealed proposals and shall select the vendor or contractor with the lowest responsible bid (or with the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or the vendor or contractor who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis.

(2) If the purchase is for general services, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder (or as to the most advantageous proposal if the purchase is allowed by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or present a recommendation as to who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis. The city manager, or the city council if the contract is being considered under Subsection (b)(5), shall select the contractor that provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies.

(3) If the purchase is for construction services, the director or the director's designee shall tabulate the bids and present to the city manager a recommendation as to the lowest responsible bidder. The city manager, or the city council if the contract is being considered under Subsection (b)(5), shall select the contractor with the lowest responsible bid.

(4) If, in the opinion of the city manager, or the city council if the purchase is being considered under Subsection (b)(5), no bid or sealed proposal is satisfactory or it is otherwise in the best interest of the city, the city manager or the city council may reject all bids or sealed proposals, and the director may readvertise for competitive bids or competitive sealed proposals.

(5) A member of the city council may request that a purchase or contract be brought before the city council for consideration any time before 48 hours have elapsed after bid or proposal opening.

(c) The following rules govern competitive bid or sealed proposal contracts requiring a city expenditure exceeding $70,000:

(1) The director or the director's designee shall tabulate the bids or sealed proposals.

(2) If the purchase is for goods or general services, the city manager shall recommend to the city council who, in the city manager's opinion, provides the lowest responsible bid; the most advantageous proposal if the purchase is by...
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competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended; or the best value to the city if the bid specifications or requirements indicate contract selection on a best value basis. The city council shall determine which bidder provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies, and, if that bidder or proposer is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids or sealed proposals.

(3) If the purchase is for construction services, the city manager shall recommend who, in the city manager’s opinion, is the lowest responsible bidder. The city council shall determine the lowest responsible bidder and, if that bidder is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids.

(4) If all bids or sealed proposals are rejected, the city council may authorize the director to readvertise or proceed otherwise, as may be determined at the discretion of the city council, in accordance with state law. The original specifications, as amended or changed, must be kept on file in the office of the director in accordance with Section 2-29 of this division.

(d) The following additional rules govern all purchases made by competitive bid, including purchases on a best value basis, in accordance with Subsections (b) and (c) of this section:

(1) If there is a single responsive bid, the director, the city manager, or the city council may consider the bid as the lowest responsible bid.

(2) A nonresponsive bid has the effect of being a no bid and may not be considered for any purpose.

(3) A bid that has been opened is not subject to amendment, alteration, or change for the purpose of correcting an error in the bid price. This restriction is not intended to alter, amend, or revoke the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

(e) For the purchase of goods and general services (including but not limited to community development items, high technology items, and insurance) requiring a city expenditure exceeding $50,000, the director may follow the competitive sealed proposal procedures authorized in this division and in Chapter 252, Texas Local Government Code, as amended. If the director chooses not to follow the competitive sealed proposal process, the purchase must be competitively bid as required by this division and by Chapter 252, Texas Local Government Code, as amended.

(f) The city manager may establish procedures for purchasing goods, general services, or construction services under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code. The city manager may also establish procedures for purchasing goods or general services pursuant to the reverse auction method defined in Section 2155.062(d), Texas Government Code, as amended, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.

(g) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.

(h) Local preferences.

(1) Where a contract is required to be awarded to the lowest responsible bidder and a competitive bid is received from a nonresident bidder, the city may not award a governmental contract to the nonresident bidder unless the nonresident’s bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident’s principal place

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(2) In a purchase for goods, general services, construction services, or facility construction through competitive bid, if one or more bids are received from a local business whose bid is within five percent of the lowest responsible bid received from a bidder who is not a local business, a contract for construction services or facility construction in an amount less than $100,000 or a contract for goods or general services in an amount less than $500,000 may be awarded to:

(A) the bidder with the lowest responsible bid; or

(B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

(3) In a purchase for goods through competitive bid, if one or more bids are received from a local business whose bid is within three percent of the lowest responsible bid received from a bidder who is not a local business, a contract in an amount of $500,000 or more may be awarded to:

(A) the bidder with the lowest responsible bid; or

(B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

(4) Subsection (h)(2) of this section does not apply to the purchase of telecommunication services or information services, as those terms are defined by 47 U.S.C. Section 153, as amended.

(5) Subsections (h)(2) and (h)(3) of this section do not prohibit the city from rejecting all bids. (Ord. Nos. 24243; 25819; 28705)

SEC. 2-33. ALTERNATIVE METHODS OF PROCUREMENT FOR FACILITY CONSTRUCTION.

(a) The city council finds that, in general, the methods of procuring a contractor to perform facility construction established in Chapter 271, Subchapter H, Texas Local Government Code, as amended, provide a better value for the city than the methods set forth in Chapter 252, Texas Local Government Code, as amended. The provisions of Chapter 271, Subchapter H, Texas Local Government Code, as amended, are therefore adopted for use in procuring a contract for facility construction, superseding any conflicting provisions in the city charter.

(b) The city manager is authorized, in accordance with Chapter 271, Subchapter H, Texas Local Government Code, as amended, to choose which method of contractor selection provides the best value for the city on each facility construction project, subject to the applicable provisions of Sections 2-30 through 2-32 of this division. The city manager may, by administrative directive, establish procedures for choosing the method of contractor selection and to conduct the selection process, to the extent the procedures do not conflict with state law or Sections 2-30 through 2-32 of this division.

(c) If, in the case of an individual facility construction project, the city manager finds that there is better value in following the methods of procurement authorized in Chapter 252, Texas Local Government Code, as amended, the city manager is authorized to secure a contractor in accordance with the rules of that state law. If the procedures of Chapter 252, Texas Local Government Code, as amended, are used to procure a facility construction contract, the award of the contract must be to the lowest responsible bidder or to a local business when allowed under Section 2-32(h) of this division. The rules of Section 2-32(b) and (c) of this division also apply to an award made under this subsection. (Ord. Nos. 25819; 28705)

SEC. 2-34. PERSONAL, PROFESSIONAL, AND PLANNING SERVICES.

Personal, professional, or planning services must be procured, regardless of who approves the contract,
in accordance with applicable state law and through procedures established by the city manager or a designee that are not in conflict with this article or applicable state law. (Ord. Nos. 24243; 25819)

SEC. 2-35. INTEREST ON CERTAIN LATE OR DELAYED PAYMENTS.

Unless otherwise authorized by the city council, at the request of the city manager, no contractor of the city is entitled to interest on any late or delayed payment that is caused by any good faith claim or dispute in connection with the contract, or that the city has a right or obligation to withhold under the contract or state or federal law, nor is any contractor entitled to attorney’s fees in any dispute to collect such payments. (Ord. Nos. 18850; 19312; 20061; 22434; 24243; 25819)

SEC. 2-36. CONTRACTS WITH PERSONS INDEBTED TO THE CITY.

(a) Except as provided in Subsection (b), a bidder, proposer, or other person interested in receiving the award of a contract from the city or entering into any other transaction with the city shall be deemed nonresponsible and shall be denied any contract or other transaction with the city if that bidder, proposer, or other person is indebted to the city or is delinquent in any payment owed to the city under a contract or other legal obligation.

(b) Disqualification under Subsection (a) of a bidder, proposer, or other person interested in contracting with or entering into a transaction with the city may be waived by the city council, after a review of the specific circumstances, if the waiver is deemed to be in the best interest of the city. (Ord. 25819)

SECS. 2-37 THRU 2-37.1.9. RESERVED.

(Ord. Nos. 21856; 24243; 25819)

Division 2. Sale of Unclaimed and Surplus Property.

SEC. 2-37.2. AUTHORITY TO SELL; DEPOSIT OF CASH.

(a) The following property may be sold by the city in the manner provided in this article:

(1) abandoned, stolen, or recovered property, except motor vehicles, that remain unclaimed with the city for 60 days, whether or not the owner is known;

(2) abandoned, stolen, or recovered motor vehicles that remain unclaimed with the city for 30 days, whether or not the owner is known;

(3) personal property owned by the city that has been declared surplus, obsolete, worn out, or useless by the head of a department and that is no longer needed for public use; except that microcomputer equipment and software covered by the microcomputer executive plan policy must be disposed of in accordance with that policy; and

(4) city-owned firearms and firearm accessories and ammunition that the chief of police has declared surplus or obsolete and has recommended for use as trade-ins on new property of the same general type.

(b) Property listed in Subsection (a)(4) may be traded only to a person holding a federal firearms license.

(c) Items of personal property, the sale of which is restricted by criminal law, may only be sold by the city if the sale is in accordance with all applicable provisions of the law containing the restrictions.

(d) Cash money that is abandoned, stolen, or recovered, that remains unclaimed with the police department for 60 days, and that is not being held for evidence, whether or not the owner is known, must be deposited in the general fund of the city unless the money is of collector quality. Money of collector quality may be sold as other personal property. (Ord. Nos. 15519; 18201; 18212; 19312; 21877; 22153; 27865; 29478, eff. 10/1/14)
SEC. 2-37.3. DELIVERY OF UNCLAIMED PROPERTY TO DIRECTOR; USE FOR CITY PURPOSES.

(a) The chief of police or the director of the department holding property shall give the director a list of all unclaimed property subject to sale under this article and shall deliver the listed property, except motor vehicles, to the director before the date of sale. The director shall give the chief of police or other department director a receipt which indicates in detail all property delivered. The chief of police shall retain custody of motor vehicles until a sale is made.

(b) If in reviewing the list of unclaimed property subject to sale, the director determines that certain items of property could be used by the city, he may recommend to the city manager that the items be used for city purposes rather than sold. If the city manager believes that it is in the best interests of the city, he may authorize the director to remove specific items from the list of property subject to sale and to convert the items to use for city purposes. (Ord. Nos. 15519; 19312)

SEC. 2-37.4. METHOD OF SALE.

(a) Except as otherwise provided in Subsection (h) or (i), the director shall sell unclaimed property and surplus, obsolete, worn out, or useless property by public auction or by accepting sealed bids, to the highest bidder. The property may be auctioned, each piece individually or in assembled lots, whichever the director determines will bring the best price obtainable, except for motor vehicles which must be sold individually unless in accordance with Subsection (b). If in the opinion of the director the highest bid on a particular item is not sufficient, the director may refuse the bid and hold the item for sale at another time.

(b) Unclaimed motor vehicles and motor vehicle parts on which the vehicle identification numbers have been destroyed, mutilated, or removed may be sold in assembled lots in accordance with this section if the following requirements are met:

(1) The vehicles and vehicle parts must be sold as scrap metal only and may not be reconstructed or made operable after the sale.

(2) The vehicles and vehicle parts must be sold to a demolisher who owns an auto crusher located within the city.

(3) A representative of the city auto pound must witness the demolition of the vehicle and vehicle parts to ensure that no parts are removed for use or resale.

(4) All notification and other requirements of Chapter 683, Texas Transportation Code, as amended, that are applicable to the disposal of abandoned motor vehicles must be met.

(c) If the director receives a group of 10 or more identical items for sale, the director may sell a minimum of three of the items at public auction and then advertise in the official newspaper of the city and sell the remaining items at a price not less than the average price obtained for the auctioned items.

(d) When sale is to be by acceptance of sealed bids, the bids must remain in the office of the city secretary for public inspection at least 48 hours after the bids are opened.

(e) Except as provided in Subsection (f), the director may accept the following in exchange for the sale of items by any method of sale:

(1) cash money;

(2) personal or business checks if proper identification is shown;

(3) a bank credit card that the city honors pursuant to contractual arrangements with a bank; or

(d) When sale is to be by acceptance of sealed bids, the bids must remain in the office of the city secretary for public inspection at least 48 hours after the bids are opened.

(e) Except as provided in Subsection (f), the director may accept the following in exchange for the sale of items by any method of sale:

(1) cash money;

(2) personal or business checks if proper identification is shown;

(3) a bank credit card that the city honors pursuant to contractual arrangements with a bank; or
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(4) new property of the same general type, if the items are city-owned property declared surplus or obsolete by the head of the department holding the property and recommended by the city manager for use as trade-ins on the new property.

(f) The director may only accept new property of the same general type in exchange for the sale of city-owned firearms or firearm accessories or ammunition that the chief of police has declared surplus or obsolete and has recommended for use as trade-ins on the new property.

(g) If the highest bid for property is $20,000 or less (or the equivalent in trade-in value when applicable), the property may be sold to the highest bidder by the director subject to the approval of the city manager. If the highest bid for property is more than $20,000 (or the equivalent in trade-in value when applicable), the sale to the highest bidder must be confirmed by the city council.

(h) The director may, in lieu of conducting a sale by public auction or sealed bids, return surplus, obsolete, worn out, or useless property to the contract vendor or original manufacturer and accept a refund or a credit toward the purchase of new property of the same general type if the contract with the vendor or manufacturer requires the acceptance of returns or trade-ins at a price or refund rate of not less than the current fair market value of the property.

(i) The director may, in lieu of conducting a sale by public auction or sealed bids, sell unclaimed property and surplus, obsolete, worn out, or useless property at the city store in accordance with Section 2-37.15 of this article. (Ord. Nos. 15519; 19312; 19640; 21877; 22153; 22403; 25819)

§ 2-37.5. TIME AND PLACE OF SALE; NOTICE.

(a) After determining the time and place for a public auction, acceptance of sealed bids, or sale of identical items, the director shall give notice of the auction, acceptance, or sale, by:

(1) advertising in the official newspaper of the city for three consecutive days, the last publication date to be not less than seven days before the date of the auction, acceptance, or beginning of sale; and

(2) sending by certified mail to the last known address of the owner of unclaimed property, if the name of the owner is known, 14 days before the date of auction, acceptance, or beginning of sale.

SEC. 2-37.6. RECORDS; REPORTS TO THE DIRECTOR OF FINANCE; PROCEEDS.

(a) The director shall keep accurate records of all sales and shall submit reports to the director of finance containing:

(1) the time, place, and method of sale; and

(2) copies of receipts given for all sales that describe the items sold and show the price paid or other value given for the items.

(b) The director shall keep sales tickets covering each transaction for 30 months, at which time they may be destroyed.

(c) The director shall deposit all proceeds received for sales to the credit of the appropriate fund. (Ord. Nos. 15519; 17672; 19312; 21877)

SEC. 2-37.7. DESTRUCTION OF RESTRICTED WEAPONS; EXCEPTIONS.

(a) All clubs, explosive weapons, firearm silencers, handguns, illegal knives, knuckles, shotguns, rifles, semi-automatic assault weapons, machine guns, and short-barrel firearms that are abandoned, stolen, or recovered and remain unclaimed with the police department for six months and are not being held for evidence, or that are owned by the city and have been declared surplus or obsolete by the chief of police, must be destroyed in the presence of:
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(1) three police officers of the rank of lieutenant or higher; or

(2) one police officer of the rank of lieutenant or higher, a representative of the city council, and a representative of the crime commission; or

(3) two police officers of the rank of lieutenant or higher and a representative of the city council or crime commission.

(b) The witnesses shall make a report under oath to the city council, listing the make, model, type, and serial number of the weapons destroyed and stating the time, date, place, and manner of destruction.

(c) This requirement of destruction does not apply to:

(1) handguns or other restricted firearms that the chief of police has determined to be serviceable, which shall be kept in reserve by the police department for use in the event of civil disorder or disaster;

(2) city-owned firearms or firearm accessories or ammunition that the chief of police has declared surplus or obsolete and has recommended for use as trade-ins on new property of the same general type; or

(3) handguns or other restricted firearms that the chief of police has determined are required for training purposes or other law enforcement activities, or whose parts are needed for repair of departmental weapons. (Ord. Nos. 15519; 17386; 18201; 18212; 20044; 22153)

SEC. 2-37.8.  LIEN ON MOTOR VEHICLES.

The city shall have a lien on all motor vehicles taken into custody for the actual towing expense, storage charges, and service fee as provided in Section 28-4 of this code and for an administrative fee of $150, plus any reasonable attorney's expenses, if the motor vehicle is processed for auctioning. This lien is superior to all other liens and claims except liens for ad valorem taxes and may be satisfied by sale of the motor vehicle. (Ord. Nos. 15519; 16287; 17547; 19312; 19742)

SEC. 2-37.9.  PURCHASE BY CERTAIN PERSONS PROHIBITED.

(a) The following persons shall not, directly or indirectly, submit a bid for, purchase, or acquire ownership of, personal property sold pursuant to the provisions of this article:

(1) City employees who work in the city manager's office or in the department designated by the city manager to enforce and administer this article.

(2) The person who determines that the property is surplus, obsolete, worn out, or useless.

(b) In addition to other penalties, a person who violates this section forfeits his employment. (Ord. Nos. 15519; 17672; 19312)

SEC. 2-37.10.  AUTHORITY TO SELL SURPLUS ISSUE WEAPONS TO CERTAIN PERSONNEL.

(a) Upon recommendation of the chief of police, the director shall sell to a police officer, park ranger, retired police officer, retired police reserve officer, retired park ranger, or retired security officer a weapon that was issued to the officer if the weapon is surplus, obsolete, worn out, or useless property.

(b) Upon recommendation of the municipal court administrator, the director shall sell to a retired city marshal or retired deputy city marshal a weapon that was issued to the city marshal or deputy city marshal if the weapon is surplus, obsolete, worn out, or useless property.

(c) Upon recommendation of the fire chief, the director shall sell to a retired fire investigator who is a certified peace officer a weapon that was issued to the officer if the weapon is surplus, obsolete, worn out, or useless property.
§ 2-37.10 Administration

(d) An officer is not "retired" for purposes of this section unless the officer:

(1) receives a disability pension;

(2) has vested rights in a retirement pension and has completed 10 years of service in the department; or

(3) has completed 20 years of service in the city as a police reserve officer.

(e) The price of a weapon sold under this section shall be its fair market value as determined by the director or its original cost depreciated by five percent a year, whichever amount is less. In no event may a weapon be sold for less than $25. If a weapon is sold under this section for less than its fair market value, the difference between the purchase price and the fair market value shall be considered as part of the officer's agreed compensation for services provided to the city.

(f) The director shall treat all funds received for sales under this section the same as other funds received for sales under this article. (Ord. Nos. 17672; 19312)

SEC. 2-37.11. AUTHORITY TO SELL UNIFORMS TO EMPLOYEES.

(a) The director may sell to a city employee any uniform or portion of a uniform worn by the employee if the uniform or portion of the uniform is surplus, obsolete, worn out, or useless property.

(b) For purposes of this section, "uniform" means clothing of a distinctive design or fashion issued by the city to the employee and required to be worn by the employee while on the job. The term "uniform" includes hats, helmets, shirts, badges, pants, coats, shoes, and boots, but does not include weapons or equipment.

(c) The price of any uniform or portion of a uniform sold under this section shall be not less than its fair market value as determined by the director.

(d) The director shall treat all funds received for sales under this section the same as other funds received for sales under this article. (Ord. Nos. 17672; 19312)

SEC. 2-37.12. SALES OF CERTAIN COLLECTIBLE PROPERTY.

(a) In this chapter:

(1) COLLECTIBLE PROPERTY means an item of personal property originally acquired for exhibition, collection, or study, including, but not limited to, any work of art, antique, memorabilia, rare object, art education material or display, or other item of lasting interest or value.

(2) CULTURAL AFFAIRS DIRECTOR means the director of the office of cultural affairs of the city or a designated representative.

(b) Collectible property owned by the city that has been acquired by the Dallas Museum of Art may be sold, exchanged, or otherwise disposed of in accordance with this section.

(c) All sales of collectible property must be under the direction and control of the cultural affairs director, who shall function for this purpose in the place of the director.

(d) The cultural affairs director shall sell, exchange, or otherwise dispose of particular collectible property designated for sale by the Dallas Museum of Art by one of the following methods:

(1) public auction;

(2) silent auction (public sale by unsealed written bids); or

(3) sale by sealed bids from one or more interested persons.

(e) A sale of collectible property may be held at any city, place, or location determined advisable by the cultural affairs director.
§ 2-37.12 Administration

(f) The cultural affairs director may accept collectible property of at least like value in exchange for collectible property if, in the judgment of the cultural affairs director, it is in the interest of the city to do so, and if an offer of exchange constitutes the highest bid for collectible property to be sold.

(g) The cultural affairs director shall sell collectible property to the highest bidder. The cultural affairs director’s decision as to the sufficiency and acceptance of the highest bid is final and no further approval is required.

(h) The cultural affairs director shall deposit all proceeds received for the sale of collectible property to the credit of a fund designated for that purpose.

(i) Proceeds of a sale must be used by the Dallas Museum of Art to purchase other collectible property, such acquisition being of similar type and identified in the name of the original donor whenever feasible. Proceeds of an exchange will be placed directly in the collection of the Dallas Museum of Art.

(j) The Dallas Museum of Art will preserve in its permanent files a record of all collectible property sold or exchanged and will record the source of funds or collectible property used to acquire other collectible property with proceeds of a sale or an exchange.

(k) The cultural affairs director shall follow the notice and record keeping requirements of Sections 2-37.5 and 2-37.6. (Ord. Nos. 17815; 19312; 21421; 22026; 23694)

SEC. 2-37.13. SALE OF SURPLUS LIBRARY MATERIAL.

(a) In this section:

(1) SURPLUS LIBRARY MATERIAL means books, magazines, records, films, and any other audio or visual material no longer needed by a public library. The term does not include furnishings, equipment, or other capital assets.

(2) LIBRARY DIRECTOR means the director of the municipal library department of the city.

(b) Surplus library material owned by the city may be sold, exchanged, or otherwise disposed of in accordance with this section.

(c) The library director shall, in the place of the director, direct and control the sale, exchange, or other disposition of surplus library material.

(d) Surplus library material shall be sold or exchanged at its present market value. The library director shall appoint a qualified appraiser to determine the present market value of the surplus library material.

(e) The library director shall deposit all proceeds received from the sale of surplus library material in a fund designated for that purpose.

(f) Proceeds from the sale of surplus library material shall be used to purchase other library material. (Ord. Nos. 18623; 19312)

SEC. 2-37.14. SALE OF PERSONAL PROPERTY TO OTHER GOVERNMENTAL ENTITIES.

(a) The director may approve the intermittent sale of personal property from city inventories to a political subdivision or agency of the state or to an entity of the federal government.

(b) The price of any city personal property sold under this section shall be not less than the fair market value of the property as determined by the director.

(c) The director shall keep an accurate record of every sale under this section and shall submit reports to the city controller containing the following information:

(1) the time, place, and method of sale; and

(2) a copy of each receipt given for the sale that describes:
(A) the item sold;

(B) the governmental entity purchasing the item; and

(C) the price received by the city for the item.

(d) The director shall keep every sales ticket covering a sale under this section for 36 months, at which time the sales ticket may be destroyed.

(e) The director shall deposit all proceeds received from a sale under this section to the credit of the appropriate city fund. (Ord. 20559)

SEC. 2-37.15. SALE OF UNCLAIMED AND SURPLUS PROPERTY AT THE CITY STORE.

(a) In this section:

(1) CITY STORE means a location designated by the director where unclaimed property and surplus, obsolete, worn out, or useless property is offered for sale to the public.

(2) DIRECTOR means the “director” as defined in Section 2-27 of this article.

(b) Unclaimed property and surplus, obsolete, worn out, or useless property may be sold, exchanged, or otherwise disposed of at the city store in accordance with this section.

(c) The director shall direct and control the sale, exchange, or other disposition of unclaimed property and surplus, obsolete, worn out, or useless property at the city store.

(d) Unclaimed property and surplus, obsolete, worn out, or useless property must be sold or exchanged for not less than its present market value. The director shall determine the present market value of all property offered for sale at the city store. In determining present market value, the director may refer to prices at which similar property is offered for retail sale at other locations throughout the United States.

(e) The director shall keep accurate records of all sales of unclaimed property and surplus, obsolete, worn out, or useless property at the city store. The records must include:

(1) the date, time, and place of sale; and

(2) copies of receipts given for all sales that describe the items sold and show the price paid or other value given for the items. (Ord. Nos. 22873; 25819)

SEC. 2-37.16. SALE OF SURPLUS CITY-OWNED ANIMALS.

(a) In this section, SURPLUS CITY-OWNED ANIMAL means an animal owned by the city that is no longer needed by the city.

(b) A surplus city-owned animal may be sold, exchanged, or otherwise disposed of in accordance with this section.

(c) The director of the department holding a surplus city-owned animal shall, in the place of the director of business development and procurement services, direct and control the sale, exchange, or other disposition of the animal.

(d) A surplus city-owned animal must be sold, exchanged, or otherwise disposed of for not less than its present market value. The director of the department holding the surplus city-owned animal, with the approval of the director of business development and procurement services, shall determine the present market value of the surplus city-owned animal.

(e) The director of the department holding a surplus city-owned animal shall keep an accurate record of the disposition of the animal. The record must include:

(1) the date, time, place, and method of sale, exchange, or other disposition; and

(2) a copy of each receipt given for the sale, exchange, or other disposition that describes the animal and shows the price paid or other value given to the city for the animal.
§ 2-37.16 Administration

(f) The director of the department holding a surplus city-owned animal shall deposit all proceeds received from the sale, exchange, or other disposition of the animal in a fund designated for that purpose.

(g) Section 2-37.9 of this article, which places restrictions on who may submit a bid for, purchase, or acquire ownership of personal property sold under this article, does not apply to a surplus city-owned animal disposed of in accordance with this section. (Ord. Nos. 24588; 25047)

SEC. 2-37.17. DONATION OF OUTDATED OR SURPLUS FIREFIGHTING EQUIPMENT, SUPPLIES, AND MATERIALS.

(a) In lieu of conducting a sale under other provisions of this division, the city council, by resolution, may donate outdated or surplus equipment, supplies, and other materials used in fighting fires to:

(1) an underdeveloped country, pursuant to Article 3, Section 52h of the Texas Constitution; or

(2) the Texas Forest Service or a successor agency authorized to cooperate in the development of rural fire protection plans, pursuant to Article 3, Section 52i of the Texas Constitution. (Ord. 25511)

ARTICLE IV-a.
OFFICE OF ECONOMIC DEVELOPMENT.

SEC. 2-38. CREATED; DIRECTOR OF ECONOMIC DEVELOPMENT.

There is hereby created a division of the city manager’s office to be known as the office of economic development of the city, the head of which shall be the director of economic development who shall be appointed by the city manager. The office of economic development will be composed of the director of economic development and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 25834)

SEC. 2-39. DUTIES OF THE DIRECTOR OF ECONOMIC DEVELOPMENT.

(a) The director of economic development shall perform the following duties:

(1) Supervise and administer the office of economic development.

(2) Represent the city in negotiating contracts with private developers for joint venture projects or development incentives.

(3) Plan and supervise the city’s efforts to attract and retain businesses.

(4) Participate in the preparation and revision of the capital improvement program.

(5) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 25834)

SEC. 2-40. RESERVED.

ARTICLE V.
DEPARTMENT OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION.

SEC. 2-41. CREATED; DIRECTOR OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION.

There is hereby created the department of sustainable development and construction of the city, the head of which shall be the director of sustainable development and construction who shall be appointed by the city manager. The department of sustainable development and construction will be composed of the director of sustainable development and construction and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 25047; 27697)
SEC. 2-42. DUTIES OF THE DIRECTOR OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION.

(a) The director of sustainable development and construction shall perform the following duties:

(1) Supervise and administer the department of sustainable development and construction.

(2) Supervise the purchase and sale of all real property of the city.

(3) Manage real property under the director's supervision including approval of short term month-to-month leases.

(4) Determine pursuant to the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970 the public necessity for the acquisition of real property, when the property is purchased in whole or in part with community development grant funds.

(5) Add to, delete from, modify or otherwise specify the property area determined to be acquired with community development funds.

(6) Solicit proposals from independent appraisers for the furnishing of appraisals of real property when appropriate.

(7) Advise the city manager, in cooperation with the chief planning officer and others designated by the city manager, on matters affecting the urban design and physical development of the city.

(8) Participate with the chief planning officer in developing and recommending to the city manager a comprehensive plan for the city.

(9) Participate with the chief planning officer in reviewing and making recommendations regarding proposed actions implementing the comprehensive plan.

(10) Participate in the preparation and revision of the capital improvement program.

(11) Administer the regulations governing the subdivision and platting of land in accordance with state and local laws.

(12) Participate in the planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.

(13) Give advice and provide staff assistance to the board of adjustment and the plan commission in the exercise of their responsibilities.

(14) Serve as secretary to the landmark commission.

(15) Supervise the engineering, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways when the work is being done by a private developer.

(16) Supervise the engineering and construction of the storm sewers and storm drainage systems when the work is being done by a private developer.

(17) Administer, implement, and enforce city regulations relating to the construction of public water and wastewater infrastructure improvements by private developers.

(18) Provide for the administration, implementation, and enforcement of the city's construction codes.

(19) Perform plan reviews and inspections for new construction and renovation of fixed facilities for food products establishments.

(20) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(b) Whenever the directors of property management, planning and development, and development services are referred to in any city ordinance or resolution or in any contract, license, permit, franchise, or other agreement granted or executed by the city, those terms mean the director of sustainable development and construction. (Ord. Nos. 25047; 25834; 27697; 29478, eff. 10/1/14)
ARTICLE V-a.

DEPARTMENT OF EQUIPMENT AND BUILDING SERVICES.

SEC. 2-43. CREATED; DIRECTOR OF EQUIPMENT AND BUILDING SERVICES.

There is hereby created the department of equipment and building services of the city of Dallas, at the head of which shall be the director of equipment and building services who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of equipment and building services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 23694)

SEC. 2-44. DUTIES OF THE DIRECTOR OF EQUIPMENT AND BUILDING SERVICES.

The director of the department of equipment and building services shall perform the following duties:

(1) Supervise and administer the department of equipment and building services.

(2) Have responsibility for the operation, maintenance, repair, renovation, and expansion of all public buildings belonging to or used by the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(3) Provide for the maintenance and upkeep of the grounds around all public buildings, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(4) Provide for security in and around all public buildings, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(5) Maintain and repair all automotive and heavy motor-driven equipment owned by the city and used in municipal operations, except as otherwise provided by the city manager.

(6) Maintain an inventory control over all automotive and heavy motor-driven equipment and parts owned by the city, except as otherwise provided by the city manager, and make reports as may be required by the city manager.

(7) Control all automotive and heavy motor-driven equipment used for municipal purposes with the advice and assistance of the using department, except as otherwise provided by the city manager.

(8) Provide advice and assistance to all departments and agencies of the city government in the purchase of all automotive and heavy motor-driven equipment to be used for municipal purposes.

(9) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 23694)

SEC. 2-45. RESERVED.

(Repealed by Ord. 19312)

ARTICLE V-b.

DEPARTMENT OF CONVENTION AND EVENT SERVICES.

SEC. 2-46. CREATED; DIRECTOR OF CONVENTION AND EVENT SERVICES.

There is hereby created the department of convention and event services of the city, the head of which shall be the director of convention and event services who shall be appointed by the city manager. The department shall be composed of the director of convention and event services and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. Nos. 14216; 17226; 22026; 23694; 24053)
SEC. 2-47. DUTIES OF THE DIRECTOR OF CONVENTION AND EVENT SERVICES.

(a) The director of convention and event services shall perform the following duties:

(1) Supervise and administer the department of convention and event services.

(2) Supervise and manage the facilities of the convention center, reunion arena, the municipal produce market, Union Station, and WRR radio station and other facilities of the city as designated by the city manager or by ordinance or resolution of the city council.

(3) Supervise and administer the special events program of the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(b) The director of convention and event services and any designated representatives may represent the city in negotiating and contracting with persons planning to use the facilities of the convention center, reunion arena, the municipal produce market, Union Station, or WRR radio station or any other facility under the management of the director of convention and event services. (Ord. Nos. 14216; 17226; 22026; 23694; 24053)

ARTICLE V-c.

DEPARTMENT OF PUBLIC WORKS.

SEC. 2-48. CREATED; DIRECTOR OF PUBLIC WORKS.

(a) There is hereby created the department of public works of the city of Dallas, at the head of which shall be the director of public works who shall be appointed by the city manager. The director must be an engineer registered to practice in the State of Texas or registered in another state with reciprocal rights. The department will be composed of the director of public works and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

(b) Whenever the director or department of public works and transportation is referred to in this code or any other city ordinance, rule, or regulation, the term means the director or department of public works, or any other director or department of the city to which certain former public works and transportation functions or duties have been transferred by the city council or city manager. (Ord. Nos. 14214; 22026; 28424)

SEC. 2-49. DUTIES OF THE DIRECTOR OF PUBLIC WORKS.

The director of public works shall perform the following duties:

(1) Supervise the engineering, opening, construction, and paving of all streets, boulevards, alleys, sidewalks, and public ways, except when the work is being done by a private developer.

(2) Supervise the engineering and construction of the storm sewers and storm drainage systems associated with a paving project, except when the work is being done by a private developer.

(3) Approve the location of equipment and facilities installed under, on, or above the public right-of-way.

(4) Have responsibility for the design and construction of all public buildings belonging to or used by the city, except as otherwise provided by the city manager, the city charter, or ordinance or resolution of the city council.

(5) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 14214; 15005; 17157; 22026; 23694; 25047; 27697; 28424)
ARTICLE V-d.
WATER UTILITIES DEPARTMENT.

SEC. 2-50. CREATED; DIRECTOR OF WATER UTILITIES.

There is hereby created the water utilities department of the city of Dallas, at the head of which shall be the director of water utilities who shall be appointed by the city manager. The department shall be composed of the director of water utilities and such other assistants and employees as the council may provide by ordinance upon recommendation of the city manager. (Ord. 14215)

SEC. 2-51. DUTIES OF THE DIRECTOR OF WATER UTILITIES.

The director of water utilities shall perform the following duties:

1. Supervise the water and waste (municipal and industrial) water collection systems, mains, filtration plants, sanitary waste water treatment plants, reservoirs and all plants, properties, and appliances incident to the operation of the water and municipal and industrial waste water utilities of the city.

2. Make recommendations to the city manager concerning the need for acquisition of additional water rights; appear before the Water Rights Commission, legislative committees and such other bodies as may be necessary for the acquisition of water rights; negotiate with the proper departments of the federal and state governments for the maintenance and acquisition of additional water rights; plan and program a waterworks system for the future growth of the city; conduct negotiations with customer cities, other public entities and industries for the furnishing of raw water and treated water; conduct negotiations with customer cities, other public entities and industries for the furnishing of treated waste water for irrigation and industrial use; and conduct negotiations with federal, state and local agencies for obtaining supplies of raw water.

3. Make recommendations to the city manager concerning the need for expansion and improvements of the waste water collection and treatment system; and conduct negotiations with customer cities for the treatment of waste water.

4. Make recommendations to the city manager as to rates and connection charges for the water utilities department necessary to defray the costs of proper maintenance, operation, expansion, and extension of the water or municipal and industrial waste water systems and facilities, treatment plants, reservoirs, appurtenances, facilities, and land owned and operated by the water utilities department.

5. Supervise and administer special collections.


7. Perform other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 14215; 27697)

ARTICLE V-e.
DEPARTMENT OF PLANNING AND NEIGHBORHOOD VITALITY.

SEC. 2-52. CREATED; CHIEF PLANNING OFFICER.

There is hereby created the department of planning and neighborhood vitality, the head of which shall be the chief planning officer who shall be appointed by the city manager. The department of planning and neighborhood vitality will be composed of the chief planning officer and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 29478, eff. 10/1/14)

SEC. 2-53. DUTIES OF THE CHIEF PLANNING OFFICER.

The chief planning officer shall perform the following duties:
(1) Supervise and administer the department of planning and neighborhood vitality.

(2) Advise the city manager, in cooperation with others designated by the city manager, on matters affecting the urban design and physical development of the city.

(3) Develop and recommend to the city manager a comprehensive plan for the city.

(4) Review and make recommendations regarding proposed actions implementing the comprehensive plan.

(5) Participate in the preparation and revision of the capital improvement program.

(6) Coordinate all planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.

(7) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 29478, eff. 10/1/14)

SEC. 2-62. DUTIES OF DIRECTOR OF HUMAN RESOURCES.

The director of human resources shall perform the following duties:

(1) Supervise and administer the department of human resources.

(2) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 22026; 28424)

SECS. 2-63 THRU 2-70. RESERVED.

ARTICLE VII.

DEPARTMENT OF CODE COMPLIANCE.

SEC. 2-71. CREATED; DIRECTOR OF CODE COMPLIANCE.

(a) There is hereby created the department of code compliance of the city of Dallas, at the head of which shall be the director of code compliance who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of code compliance and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 23666)

(b) Whenever the director or department of streets, sanitation, and code enforcement services is referred to in relation to a code enforcement responsibility in this code or in any other city ordinance, the term means the director or department of code compliance. (Ord. 23666)

SEC. 2-72. DUTIES OF THE DIRECTOR OF CODE COMPLIANCE.

The director of the department of code compliance shall perform the following duties:

(1) Supervise and administer the department of code compliance.
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(2) Supervise and administer code enforcement programs of the city, except as otherwise provided by the city manager.

(3) Provide for the administration, implementation, and enforcement of the city’s transportation regulations.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 23666; 28424)

ARTICLE VII-a.
OFFICE OF MANAGEMENT SERVICES.

SEC. 2-73. CREATED; DIRECTOR OF MANAGEMENT SERVICES.

There is hereby created a division of the city manager’s office to be known as the office of management services, the head of which shall be the director of management services who shall be appointed by the city manager. The office of management services will be composed of the director of management services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 25517; 27697)

SEC. 2-74. DUTIES OF THE DIRECTOR OF MANAGEMENT SERVICES.

The director of management services shall perform the following duties:

(1) Supervise and administer the office of management services.

(2) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 25517; 27697)

ARTICLE VII-b.
DEPARTMENT OF TRINITY WATERSHED MANAGEMENT.

SEC. 2-75. CREATED; DIRECTOR OF TRINITY WATERSHED MANAGEMENT.

There is hereby created the department of Trinity watershed management of the city, the head of which shall be the director of Trinity watershed management who shall be appointed by the city manager. The department shall be composed of the director of Trinity watershed management and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. 27697)

SEC. 2-75.1. DUTIES OF THE DIRECTOR OF TRINITY WATERSHED MANAGEMENT.

The director of Trinity watershed management shall perform the following duties:

(1) Supervise and administer the department of Trinity watershed management.

(2) Perform floodplain and drainage management.

(3) Provide for maintenance and repair of the city’s river levees.

(4) Provide for flood protection and education.

(5) Provide for implementation of the Trinity River Corridor project.

(6) Supervise the engineering and construction of the storm sewers and storm drainage systems, except when the work is associated with a paving project or being done by a private developer.

(7) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 27697)
ARTICLE VIII.
DEPARTMENT OF PUBLIC AFFAIRS.

SECS. 2-76 THRU 2-77. RESERVED.
(Repealed by Ord. 17393)

SEC. 2-78. STATION MANAGER; OFFICE CREATED, APPOINTMENT.

There is hereby created the office of station manager to which the city manager shall appoint a person professionally competent to manage a radio station. (Ord. Nos. 14164; 17226)

SEC. 2-79. CONTRACTS FOR RADIO STATION AIR TIME REQUIRED; OTHER RADIO STATION CONTRACTS.

(a) There shall be a contract made for the use of each period of air time sold by the radio station, no matter how small, and the sale shall be represented by written contract. Each contract shall be signed by the station manager or shall be approved by the station manager if the sale was made by some subordinate. In the event a contract for sale of air time provides for other services such as line rentals, commentators, musicians, announcers and other costs incidental to the rendition of the program, then such contract shall distinctly specify each separate item or charge made for such service.

(b) Each contract shall provide for cancellation by the city upon reasonable notice, and shall distinctly specify whether the air time used is commercial, civic or non-revenue and shall be signed by the person or organization so using the air time.

(c) The following types of contracts for the benefit of the radio station, requiring an expenditure of $50,000 or less, may be authorized by the city manager by administrative action, approved as to form by the city attorney, without further city council approval:

(1) payment of copyright or license fees or royalties to obtain the rights to broadcast or play specific musical works or compositions;

(2) the purchase of rights to broadcast radio programs produced by persons or entities other than other radio station employees or former radio station employees less than two years after their employment with the city;

(3) the purchase of advertising, through radio, television, print, billboard, or other media, to promote the radio station, including services rendered in connection with the production or preparation of artwork, copy or music used in such advertising;

(4) payment of fees to secure professional talent (other than employees of the radio station) for the purpose of promoting the radio station;

(5) payment of commissions (not to exceed 25 percent of the contract amount) to persons or advertising agencies (other than employees of the radio station) who render services in connection with the sale of radio station air time or the purchase of advertising to promote the radio station; and

(6) the purchase of services rendered in connection with market research and analysis, radio station ratings, and statistical, demographic, or other related research or analysis.

(d) If a contract described in Subsection (c) requires an expenditure exceeding $50,000, the contract must be authorized by the city council. If a contract described in Subsection (c) is required by state law to be competitively bid, the rules stated in Sections 2-34(a) through (c), 2-35, 2-37, and 2-37.1 of this code apply to the contract.

(e) All other radio station contracts not covered by this section are governed by the other applicable provisions of this code. (Ord. Nos. 14164; 17226; 21129)

SEC. 2-80. RESERVED.
(Repealed by Ord. 17226)
ARTICLE VIII-a.
CLAIMS AGAINST THE CITY.

Division 1. Tort Claims.

SEC. 2-81. FILING CLAIMS AGAINST THE CITY.

Any person wishing to file a claim against the city shall file the claim with the office of risk management in compliance with the form requirements and six-month notice requirements set forth in Sections 1, 2, and 3, Chapter XXIII of the city charter. (Ord. Nos. 21674; 22026; 26225; 28424; 27805)

SEC. 2-82. HANDLING BY CITY ATTORNEY.

The city attorney is authorized to investigate, settle, and recommend disposition of all claims against the city that are alleged to have resulted from any act or omission of an officer, servant, or employee of the city. (Ord. Nos. 14211; 20527; 22026; 26225; 28424; 28705)

SEC. 2-83. HANDLING BY DIRECTOR OF RISK MANAGEMENT.

The director of risk management is authorized to assist the city attorney in investigating, settling, and recommending disposition of any claim against the city for property damage, personal injury, or wrongful death that is alleged to have resulted from the negligent act or omission of an officer, servant, or employee of the city. The director of risk management is further authorized to investigate, at the request of the city attorney, any other claim against the city. (Ord. Nos. 20527; 22026; 26225; 28424; 28705)

SEC. 2-84. PAYMENT OF A PROPERTY DAMAGE, PERSONAL INJURY, OR WRONGFUL DEATH CLAIM WITHOUT PRIOR CITY COUNCIL APPROVAL.

(a) The city controller shall, without prior city council approval, pay a claim for property damage, personal injury, or wrongful death that has been settled for an amount that does not exceed $25,000 when payment is recommended by the city attorney, or by the director of risk management when assisting the city attorney in handling the claim, and approved by the city manager, except that payment of a meritorious claim, in whatever amount, must be approved by the city council as required by Section 4, Chapter XXIII of the city charter.

(b) For purposes of this section, claims for property damage, personal injury, and wrongful death resulting from the same occurrence may be considered as separate claims. (Ord. Nos. 14211; 15279; 17353; 20527; 21354; 22026; 24415; 26225; 28424; 28705)

SEC. 2-85. NON-WAIVER OF NOTICE OF CLAIM.

The delegation of authority to the city attorney or the director of risk management prescribed by this division does not grant the city attorney or the director of risk management authority to waive the six months written notice of claim requirement contained in Sections 1 and 2, Chapter XXIII of the city charter. (Ord. Nos. 14211; 20527; 22026; 26225; 28424; 28705)


SEC. 2-86. NOTICE REQUIRED FOR CERTAIN BREACH OF CONTRACT CLAIMS.

(a) In this division:

(1) CITY CONTRACT or CONTRACT means a written contract that is properly executed or entered into by the city.
(2) DIRECTOR means the director of the city department that is responsible for administering the city contract that is the subject of a claim filed pursuant to this section, or the director’s designee.

(3) PERSON means an individual, corporation, partnership, professional corporation, limited liability company, or any other legally constituted and existing business entity, other than the city.

(b) This section applies to any alleged breach of contract by the city occurring on or after January 30, 2006.

(c) A person may not file or maintain a lawsuit or alternative dispute resolution proceeding to recover damages for the city’s breach of a city contract unless, as a condition precedent and a jurisdictional prerequisite to the filing of the lawsuit or proceeding:

(1) the person files a notice of claim with the city manager in writing, in the form prescribed in Subsection (d) of this section, not later than 180 days after the date of occurrence of the event that gives rise to the breach of contract claim; and

(2) the city council, or the city manager in the case where a change order or contract amendment may be authorized by administrative action or administrative change order, neglects or refuses to pay all or part of the claim on or before the 90th day after the date of presentation of written notice in accordance with this section.

(d) The written notice of claim required under Subsection (c) must:

(1) state the facts giving rise to the alleged breach;

(2) state the legal theory justifying recovery for the alleged breach;

(3) state the amount the person seeks in damages; and

(4) include supporting documentation indicating how those damages were calculated.

(e) The city attorney is authorized to investigate, evaluate, and recommend settlement or disposition of any breach of contract claim made against the city pursuant to this section.

(f) The city manager and the director shall assist the city attorney in the investigation, evaluation, and recommendation processes related to the settlement and disposition of a breach of contract claim made against the city pursuant to this section.

(g) The delegation of authority conferred under Subsection (e) or (f) does not include the authority to waive any requirements of this section.

(h) Nothing in this section supersedes, modifies, or excuses compliance with any other requirement for notices established by any city contract, law, or equity.

(i) A person filing a claim under this section is not entitled to recover attorney’s fees, either as a part of the damages calculated in the notice of claim or in any subsequent lawsuit or alternative dispute resolution proceeding.

(j) Nothing in this section may be construed as waiving the city’s governmental immunity from suit or liability.

(k) The provisions of this section are incorporated by reference into all existing and future city contracts.

(l) The city manager may, with the concurrence of the city attorney, elect to treat a notice received pursuant to this section as a demand for nonbinding mediation. If the city manager treats the notice as a demand for nonbinding mediation, the city manager shall, within a reasonable time, notify the person filing the claim of that election and of the applicable procedures to be followed. The notice of nonbinding mediation extends by 60 days the applicable period for responding to a claim notice set forth in Subsection (c)(2). (Ord. Nos. 26225; 28705)
SEC. 2-87. PAYMENT OF A BREACH OF CONTRACT CLAIM WITHOUT PRIOR CITY COUNCIL APPROVAL.

The city controller shall, without prior city council approval, pay a breach of contract claim that has been settled for an amount that does not exceed $25,000 when payment is recommended by the city attorney and approved by the city manager. (Ord. 28705)

Division 3. Miscellaneous Claims, Fines, Penalties, and Sanctions against the City.

SEC. 2-88. HANDLING AND INVESTIGATION OF MISCELLANEOUS CLAIMS, FINES, PENALTIES, AND SANCTIONS AGAINST THE CITY.

(a) The city attorney is authorized to investigate, evaluate, and recommend settlement or disposition of:

(1) any claim made against the city (other than a property damage, personal injury, or wrongful death claim governed by Division 1 of this article or a breach of contract claim governed by Division 2 of this article); or

(2) any fine, penalty, or sanction imposed upon the city.

(b) The city manager or the city manager's designee shall assist the city attorney in the investigation, evaluation, and recommendation processes related to the settlement and disposition of a claim, fine, penalty, or sanction under this division. (Ord. 28705)

SEC. 2-89. PAYMENT OF A MISCELLANEOUS CLAIM, FINE, PENALTY, OR SANCTION WITHOUT PRIOR CITY COUNCIL APPROVAL.

The city controller shall, without prior city council approval, pay any claim made against the city (other than a property damage, personal injury, or wrongful death claim governed by Division 1 of this article or a breach of contract claim governed by Division 2 of this article) or any fine, penalty, or sanction imposed upon the city that has been settled for an amount that does not exceed $25,000 when payment is recommended by the city attorney and approved by the city manager. (Ord. 28705)

SECS. 2-90 THRU 2-94. RESERVED. (Ord. Nos. 20527; 26225; 28705)

ARTICLE IX.
PERMIT AND LICENSE APPEAL BOARD.

SEC. 2-95. PERMIT AND LICENSE APPEAL BOARD - CREATED; FUNCTION; TERMS.

(a) There is hereby created the permit and license appeal board of the city, which shall be composed of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair.

(b) The permit and license appeal board shall hear appeals of department directors' actions on licenses and permits issued by the city filed in accordance with Section 2-96 of this chapter and requests for exemptions from locational restrictions filed in accordance with Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies.

(c) All members shall be appointed for a term to expire on September 1, 1985. Subsequent appointments will be made in August of each odd-numbered year for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified. (Ord. Nos. 18200; 21153; 21514; 22259; 23386; 25002)
SEC. 2-95.1. TRAINING.

(a) Every person appointed as a member of the permit and license appeal board must attend a one-day training course before hearing an appeal under Section 2-96 of this chapter or a request for an exemption from locational restrictions under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies. The training course will include, but not be limited to:

(1) an orientation session concerning the powers and duties of the permit and license appeal board and the procedures and requirements for hearing appeals and requests for exemptions from locational restrictions;

(2) instruction in the city's ordinances governing the various licenses and permits issued by the city that may be involved in appeals to the permit and license appeal board;

(3) instruction concerning locational restrictions contained in Chapters 14 and 41A of this code and the procedures and requirements for obtaining exemptions from those restrictions; and

(4) a mock hearing or an observation of an actual hearing.

(b) A person who fails to attend the one-day training course within 90 days from the date of appointment as a member of the permit and license appeal board shall forfeit that position with the city, and that position becomes vacant. (Ord. Nos. 23386; 23736; 25002)

SEC. 2-96. APPEALS FROM ACTIONS OF DEPARTMENT DIRECTORS.

(a) If the director of a city department denies, suspends, or revokes a license or permit over which the director has regulatory authority, and no appeal is provided by ordinance to another city board, the action is final unless the applicant, licensee, or permittee files a written appeal to the permit and license appeal board with the city secretary within 10 calendar days after the date of receiving notice of the director's action.

(b) If a written request for an appeal hearing is filed with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.

(c) The permit and license appeal board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. The permit and license appeal board shall decide the appeal on the basis of a preponderance of the evidence presented at the hearing if there is a dispute of fact, otherwise the board shall decide the appeal in accordance with the provisions of this code. The board shall affirm, reverse, or modify the action of the director by a majority vote. Failure to reach a majority decision on a motion leaves the director's decision unchanged. A hearing of the permit and license appeal board may proceed if a quorum of the board is present. The decision of the permit and license appeal board is final as to administrative remedies, and no rehearing may be granted. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

SEC. 2-97. RESETS AND CONTINUANCES OF HEARINGS BEFORE THE PERMIT AND LICENSE APPEAL BOARD.

(a) A request for a reset or continuance of an appeal hearing or of a hearing on an exemption from a locational restriction must be granted by the city secretary if the request is received in writing by the city secretary not less than 10 days before the scheduled hearing date.

(b) The city secretary may not grant any request for a reset or continuance received less than 10 days before a scheduled hearing date, unless the city secretary, after notifying all parties to the appeal or exemption hearing of the request, determines that:

(1) exigent, compelling, or exceptional circumstances exist that:

(A) were unforeseen by and beyond the control of the person requesting the reset or continuance; and
(B) require immediate action or attention by the person requesting the reset or continuance; and

(2) no opposing party will be unreasonably damaged or inconvenienced by the reset or continuance.

(c) Notwithstanding Subsection (a) of this section, a party that has been granted one reset of a scheduled hearing may not be granted another reset of any scheduled hearing for the same appeal or request for an exemption unless the city secretary makes the determinations required by Subsection (b) of this section. (Ord. Nos. 23386; 25002)

SEC. 2-98. PUBLIC NOTICE REQUIREMENTS FOR HEARINGS ON EXEMPTIONS FROM LOCATIONAL RESTRICTIONS.

If a permit or license is denied because of a locational restriction and the applicant is seeking an exemption to the locational restriction from the permit and license appeal board, a nonrefundable public notice fee of $100 must be paid to the director of sustainable development and construction at the time the written request for the exemption hearing is filed. Not less than 10 days before the hearing date, the director of sustainable development and construction shall publish notice of the hearing in a newspaper of general circulation and provide written notice of the hearing to all neighborhood associations registered with the department of sustainable development and construction to receive zoning notices for the area in which the subject of the exemption is located. The director of sustainable development and construction may waive the $100 public notice fee upon receipt of an affidavit from the applicant showing financial hardship. (Ord. Nos. 20064; 20267)

SEC. 2-99. APPEALS TO STATE DISTRICT COURT.

Once the decision of the permit and license appeal board is final under Section 2-96 of this chapter for an appeal of a department director’s action on a license or permit or under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies, for a request for an exemption from a locational restriction, the decision may be appealed to the state district court by the city, by the applicant, licensee, or permittee, or by any other person aggrieved by the decision. An appeal to the state district court must be filed within 20 days after the date of the board’s final decision. An appeal to the state district court is limited to a hearing under the substantial evidence rule. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

SEC. 2-100. RESERVED.

ARTICLE X.
PUBLIC ART PROGRAM.

SEC. 2-101. PURPOSE.

The city recognizes the importance of expanding the opportunities for its citizens to experience public art and other projects resulting from the creative expression of its visual artists in public places of the city. The city further recognizes the substantial economic benefits to be gained in the form of increased tourism through enhancement of public spaces and consequent retail activity throughout the city. A policy is established in this article to include works of art and design services of artists in certain city capital improvement projects. (Ord. Nos. 20064; 20267)

SEC. 2-102. DEFINITIONS.

(1) ANNUAL PUBLIC ART PROJECTS PLAN means a prioritized list, to be recommended by the cultural affairs commission and approved by the city council, of visual projects, including budgets and recommended design approaches, developed by the arts committee in consultation with city departments anticipating capital improvement projects.

(2) ARTS COMMITTEE means a subcommittee of the cultural affairs commission appointed to oversee quality control of the public art program and projects and to recommend the scope of projects, artworks, and artists for the public art
program. The arts committee shall be composed of three members who are the full city council appointments to the cultural affairs commission and eight members who are professionally qualified citizens appointed by the cultural affairs commission.

(3) BONDS means all general obligation bonds, revenue bonds, certificates, notes, or other obligations authorized and issued by the city.

(4) CITY means the city of Dallas, Texas.

(5) CITY BOND PROCEEDS means the proceeds from bonds payable from a pledge of all or part of any revenues, funds, or taxes, or any combination thereof. The term does not include proceeds of bonds authorized and issued by the city to refund or otherwise refinance other bonds.

(6) CITY CAPITAL IMPROVEMENT PROJECT means any permanent public improvement project paid for wholly or in part by monies appropriated by the city to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the city limits or under the jurisdiction of the city. This term includes projects at the Dallas/Fort Worth International Airport only upon approval of the public art program by the airport board and the city of Fort Worth.

(7) DEMOLITION COSTS means payments for any work needed for the removal of a building or other existing structure from city property.

(8) EQUIPMENT COSTS means payments for any rolling stock, equipment, or furnishing that is portable and of standard manufacture or that is installed as part of normal major maintenance, whether portable or affixed. The term does not include an item, whether portable or affixed, that is custom designed or specially fabricated for a facility.

(9) NORMAL MAJOR MAINTENANCE COSTS means payments for any work needed to maintain and preserve city property in a safe and functional condition, including, but not limited to, the cleaning, replacement, and repair of floors, ceilings, roofs, landscaping, and plumbing, mechanical, and electrical systems.

(10) PUBLIC ART ACCOUNT means a separate account established within each capital improvement project fund by the city to receive monies appropriated to the public art program; provided that:

(A) city bond proceeds to be used for the public art program must be maintained in the respective bond funds established in accordance with the city ordinance authorizing the issuance of the bonds; and

(B) monies from non-bond sources that are appropriated from a city fund to be used for the public art program must be maintained in a separate account within that fund.

(11) PUBLIC ART ADMINISTRATION FUND means an annual appropriation from each public art account for administration of the public art program.

(12) PUBLIC ART COLLECTION means all city-owned artworks that are not under the care and control of nonprofit institutions operating under management agreements with the city.

(13) REAL PROPERTY ACQUISITION COSTS means payments made for the purchase of parcels of land, and any existing buildings, structures, or improvements on the land, and costs incurred by the city for appraisals or negotiations in connection with the purchase. (Ord. Nos. 20064; 20267; 20456; 21972)
design services of artists, for the selection, acquisition, commissioning, and display of artworks, and for administration of the public art projects. Monies appropriated as part of one project, but not deemed necessary by the city council in total or in part for the project, may be expended on other projects approved under the annual public art projects plan; provided that proceeds from bonds issued and authorized for a particular use or purpose shall not be used or diverted for a different use or purpose.

(b) **Grants and contributions from non-city sources.** Beginning January 1, 1989, each city department shall include in every application to a granting authority for a capital improvement project grant an amount for artists’ services and artworks in accordance with this article. The public art appropriation shall apply to all capital improvement projects financed with grants or contributions from private persons or governmental or public agencies, subject to conditions of the granting or contributing person or agency. If the public art appropriation is not allowed as a reimbursable expense, only the city-funded portion of the project is subject to the public art appropriation.

(c) **Method of calculation.** The minimum amount to be appropriated for artists’ services and artworks is equal to the total city capital improvement project appropriation multiplied by 0.015, or by 0.0075 if the project is exclusively for street, storm drainage, utility, or sidewalk improvements; provided that amounts budgeted for real property acquisition costs, demolition costs, equipment costs, normal major maintenance costs, financing costs, costs paid for from the contingency reserve fund, capital reserve funds, or interest earnings on city bond proceeds, costs of any below-grade water or wastewater improvements, and costs of resurfacing or repair of existing streets, sidewalks, and appurtenant drainage improvements are not subject to the calculation.

(d) **Public art accounts.** Amounts appropriated pursuant to this article shall be established by the city manager, or his designee, in a public art account within each capital improvement project fund. Contributions to the public art program from private sources shall be deposited into a separate public art account, subject to any donor’s conditions within the instrument of conveyance. Disbursements from each public art account must be made in accordance with the annual public art projects plan and this article.

(e) **City bond financed projects.**

1. This article shall apply to a city capital improvement project financed with proceeds from:

   A) general obligation bonds authorized and approved by the voters on or after January 1, 1989; or

   B) revenue bonds, certificates, notes, or other obligations authorized and approved by the city council on or after January 1, 1989.

2. This article shall not apply to any refunding bond proceeds.

3. The public art appropriation on a city capital improvement project financed with city bond proceeds shall be established in the fiscal year in which the bonds are sold.

4. In developing the capital improvement program for bond-financed capital improvement projects, the city manager may recommend that the city council exempt certain bond-financed capital improvement projects from the application of this article. The city manager's recommendations shall govern unless the city council provides otherwise.

5. If a city capital improvement project is financed with city bond proceeds, the use of any amounts appropriated for artists' services and works of art in accordance with this article must be consistent with any voted proposition approved by the voters of the city, any resolution or ordinance adopted by the city council authorizing issuance of the bonds, and applicable state or federal law. In no event shall city bond proceeds be used for public art maintenance purposes.
(f) Water and wastewater utility projects.

(1) Notwithstanding any other provision of this article, the public art appropriation for that portion of a city capital improvement project financed with Dallas water utilities department revenues shall not exceed 0.75 percent of the total water utilities revenues appropriated for the capital improvement project.

(2) This article shall not apply to:

(A) any city capital improvement project financed with Dallas water utilities department revenues that is located outside the city limits; or

(B) any below-grade capital improvement financed with Dallas water utilities department revenues, whether or not the below-grade improvement is part of a city capital improvement project that involves at-grade or above-grade improvements.

(g) City council exclusions. When adopting the capital budget each year, the city council may exclude individual city capital improvement projects from the application of this article. (Ord. Nos. 20064; 20267)

SEC. 2-104. USES OF MONIES IN PUBLIC ART ACCOUNTS.

(a) Monies appropriated under this article may be used for artists’ design concepts and for the selection, acquisition, purchase, commissioning, placement, installation, exhibition, and display of artworks. Artworks must be of a permanent nature and may be integral to the architecture or incorporated into the city capital improvement project.

(b) Up to 20 percent of the total annual public art appropriation shall be used to establish the public art administration fund and may be used to pay the costs incurred in the administration of the public art program, including project administration, artist-selection-related costs, architect’s fees where collaboration is involved, design, drawing, and maquette costs, community education, insurance, curatorial services, identifying plaques, documentation, publicity, and such other purposes as may be deemed appropriate by the city council for the administration of the public art program. (Ord. Nos. 20064; 20267)

SEC. 2-105. ADMINISTRATION OF THE PUBLIC ART PROGRAM-RESPONSIBILITIES.

(a) Cultural affairs commission and the office of cultural affairs. The cultural affairs commission, acting in cooperation with the director of cultural affairs, shall have the following duties and responsibilities associated with the administration of the public art program:

(1) The overall administration of the public art program, including the selection of citizen members of an arts committee, the establishment of program policies and guidelines, the recommendation of program budgets, and the approval of all selection juries and all other recommendations made by the arts committee to the cultural affairs commission.

(2) The establishment of policies and guidelines to facilitate and encourage the donation of high quality artworks to the city.

(3) The establishment of policies and guidelines to ensure that the long-term collection of artworks by the city represents a broad range of artistic schools, styles, tastes, and media, without giving exclusive support to any particular one, and gives consideration to affirmative action.

(4) The conducting of a survey, to be updated annually, of the condition of the public art collection. The survey must include a report on the condition of each artwork, prioritized recommendations for the restoration, repair, and maintenance of the artwork, and estimated costs.

(5) The recommendation of an annual designation of funds for repair and maintenance of the public art collection. Any recommendation involving a work of art for which operation or maintenance costs exceed $5,000 a year must be accompanied by a detailed fiscal note.
(b) Arts committee. The arts committee shall have the following duties and responsibilities associated with the administration of the public art program, with all decisions and recommendations made by the arts committee being subject to the review and approval of the cultural affairs commission and, when required, the city council:

1. The commission of artworks; the review of the design, execution, and placement of artworks; and the overseeing of the removal of artworks from the public art collection.

2. The designation of sites for implementation of the public art program; the determination of the scope and budget of public art program projects; and the overseeing of the artist selection process.

3. The selection of juries, to be composed of professionals in the visual arts and design fields and members of the community, who will recommend artists and artworks of the highest quality.

4. The education of the community on the public arts program.

5. The review and recommendation for approval of any artworks proposed to be donated to the city. (Ord. Nos. 20064; 20267; 20456; 21972; 22026; 23694)

SECS. 2-106 THRU 2-117. RESERVED.

ARTICLE XI.

FILLING TEMPORARY VACANCIES.

SEC. 2-118. DESIGNATION, APPOINTMENT AND DUTIES OF TEMPORARY ACTING AND ACTING CITY MANAGER.

The following procedures shall be used to fill the position of city manager where a temporary vacancy of the type specified occurs in that position, and such successors shall be responsible for the duties as ascribed thereto:

(a) Designation and duties of temporary acting city manager. The city manager shall, by written memorandum filed with the city secretary and with copies forwarded to each member of the city council, the city auditor, the city attorney and all other department directors, designate one of his assistants who shall have and exercise the powers and duties of the city manager during his absence from the city for any reason. Any documents, orders or official papers signed by him shall be presumed to have been signed during the absence of the city manager and in his official capacity while so acting. The authority and responsibility of the city manager shall continue to exist concurrently with those of the temporary acting city manager and he shall resume his duties upon his return.

(b) Appointment and duties of acting city manager.

1. In the event the city manager is absent from the city for an extended period of time for whatever reason or is unable to perform his duties by reason of any illness or disability, the city council may appoint a temporary successor to be titled acting city manager to perform the duties of the city manager until his return to the city or his recovery from such illness or disability. During such period of time, the city manager shall be relieved of his authority and responsibilities.

2. In the event the position of city manager becomes vacant by reason of termination or dismissal, the city council may appoint a temporary successor as acting city manager to perform the duties of city manager, pending the selection and appointment of a successor on a permanent basis.

3. Any such temporary appointment shall be made at a regular meeting of the city council by majority vote, and a copy of the memorandum of appointment shall be promptly furnished the mayor, each member of the city council, the city attorney and to department directors.

4. During the term of a temporary appointment, the acting city manager shall have the powers and duties of the city manager, as set forth in the charter, ordinances and resolutions. (Ord. 13015)
SEC. 2-119. DESIGNATION, APPOINTMENT AND DUTIES OF TEMPORARY ACTING AND ACTING DEPARTMENT DIRECTORS; "DEPARTMENT DIRECTOR" DEFINED.

As used herein, the term "department director" means the official of any department of the city whose title is "director," "chief" or "manager" thereof or any other official who is the head of any administrative department or office of the city.

The following procedures shall be used to fill vacancies as they may occur with respect to the director of any city department, and the successor in office shall be responsible for the duties ascribed thereto:

(a) Designation and duties of temporary acting department director. Every department director shall, by written memorandum filed with the city manager in the case of those appointed by him and with the city secretary, city auditor and the city attorney, designate one of his assistants to be temporary acting department director who shall have and exercise the powers of the department director during his absence from the city for any reason. The authority and responsibility of the department director shall continue to exist concurrently with the temporary acting department director, and he shall resume his duties upon his return.

(b) Appointment and duties of acting department director.

(1) In the event a department director is absent from the city for an extended period of time, or is deemed by the city council, city manager, board or commission that has the appointing authority with respect to the department director, to be unable to perform his duties by reason of any illness or disability, the appointing authority may appoint a temporary successor, with the title of acting department director, to perform the duties of the department director until his return to the city, or his recovery from such illness or disability.

(2) In the event a department director's position is vacated by reason of termination or dismissal, or if a new department is established, the appointing authority may appoint an acting department director to exercise the duties of the position pending the selection and appointment of the department director on a permanent basis.

(3) Appointments to positions of acting department director made by the appointing authority shall be by memorandum and a copy of such memorandum shall promptly be furnished the city manager, in cases of action by the council, a commission or board, the city secretary, the city auditor and the city attorney. The city secretary shall retain in an official file a signed copy of every such memorandum for a period of five years from the date thereof.

(4) During the term of such appointment, the acting department director shall have the same powers and duties of the department director, as set forth in the charter, ordinances and resolutions. During such term of appointment, the department director shall be relieved of his authority and responsibilities. (Ord. 13015)

ARTICLE XII.
RESERVED.

SECS. 2-120 THRU 2-124. (Repealed by Ord. 24316)

ARTICLE XIII.

MARTIN LUTHER KING, JR. COMMUNITY CENTER BOARD.

SEC. 2-125. DEFINITIONS.

In this article:

(1) MARTIN LUTHER KING, JR. COMMUNITY CENTER means the group of buildings located in the 2900 block of Forest Avenue in the city that are in proximity to one another and in which the city and other agencies or organizations offer a consolidation of various community services into a single delivery system in response to the needs of the community.

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(2) SERVICES means the functions and work performed by community agencies concerned with the health, education, social, physical, economic and other related needs to improve the quality of the urban environment. Such services may be provided by privately or publicly sponsored organizations and agencies.

(3) SERVICE AREA means the geographical area within the city primarily served by the Martin Luther King, Jr. community center, as shall be delineated by the city council.

(4) BOARD means the Martin Luther King, Jr. community center board. (Ord. Nos. 13384; 14941; 15574; 15955)

SEC. 2-126. CREATED; TERMS; MEMBERSHIP; VACANCIES.

(a) There is hereby created the Martin Luther King, Jr. community center board, which shall consist of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) The members shall be appointed in August of each odd-numbered year for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(c) If a vacancy occurs in a board position held by a member appointed directly by the city council, the city council shall appoint a new member to serve for the unexpired term. If a vacancy occurs in a board position held by a member appointed from service area nominations, the vacancy may not be filled, and that position will not be counted in determining total board membership for quorum purposes. (Ord. Nos. 13384; 14083; 14941; 15574; 15955; 15979; 21153; 21514; 22259)

SEC. 2-127. FUNCTIONS.

(a) The board shall serve in an advisory capacity and shall make recommendations to the city center manager concerning programs and policies within the service center.

(b) The board shall submit an annual report to the city council in accordance with Section 8-1.1 of this Code. (Ord. Nos. 13384; 14941; 15955)

SEC. 2-128. RESERVED.

(Repealed by Ord. 17393)

SEC. 2-129. TREATMENT OF BUDGET.

The budget of the center shall be approved by the city council and treated as is the budget of other city departments by referring it to the city manager through the usual budget administration process. (Ord. Nos. 13384; 14941; 15955)

ARTICLE XIV.

SOUTH DALLAS/FAIR PARK TRUST FUND BOARD.

SEC. 2-130. SOUTH DALLAS/FAIR PARK TRUST FUND BOARD - CREATED; TERMS; MEMBERSHIP.

(a) There is hereby created the South Dallas/Fair Park trust fund board of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) All members will be appointed for an initial term to expire on August 31, 1991. Subsequent appointments will be made in September of each odd-numbered year for a two-year term beginning on October 1. All members will serve until their successors are appointed and qualified.

(c) Members of the board must meet the following qualifications:

(1) Eight members must meet any of the following qualifications:

(A) Be a resident of the South Dallas/Fair Park trust fund program area as defined by city council resolution.
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(b) The city manager shall present the recommendations of the board, along with any recommendations of the city manager, to the city council. (Ord. Nos. 20570; 22414; 26811)

SEC. 2-132.  RESERVED.  (Ord. Nos. 20570; 26811)

ARTICLE XV.

CHIEF FINANCIAL OFFICER.

SEC. 2-133.  POSITION OF CHIEF FINANCIAL OFFICER CREATED.

There is hereby created the position of the chief financial officer of the city. The chief financial officer shall be appointed by the city manager and shall be a person professionally competent by experience and training to perform the duties of the position. (Ord. Nos. 22026; 24410; 27697)

SEC. 2-134.  DUTIES OF THE CHIEF FINANCIAL OFFICER.

(a) The chief financial officer shall perform the following duties:

(1) Direct the cash and debt management programs of the city with authority to make the following investment and redemption decisions:

(A) Purchase, at their original sale or after they have been issued, securities that are permissible investments under state law with money that is not required for the immediate necessities of the city and as the chief financial officer determines is wise and expedient, and sell or exchange securities for other eligible securities and reinvest the proceeds of the securities so purchased.

(B) From time to time redeem the securities in which city money has been invested so that the proceeds may be applied to the purposes for which the original purchase money was designated or placed in the city treasury.

SEC. 2-131.  SOUTH DALLAS/FAIR PARK TRUST FUND BOARD - DUTIES AND RESPONSIBILITIES.

(a) The board shall act as an advisory body to the city manager and the city council and shall:

(1) recommend to the city manager guidelines and projects for the expenditure of the South Dallas/Fair Park trust fund; and

(2) perform other duties assigned by the city council or requested by the city manager.

(3) In addition to the qualifications listed in Paragraphs (1) and (2) of this subsection, at least two of the board members must have loan underwriting experience.

(d) The city manager or a designated representative shall serve as an ex officio, nonvoting member of the board. (Ord. Nos. 20570; 21153; 21514; 21765; 22414; 26811)
(C) Prepare a written report, at least once a year, describing the investment position of the city as of the end of the date of the report.

(2) With the approval of the city manager, and in accordance with Subsection (b), sell at the current market price shares of stock or corporate bonds received from time to time by the city as a gift, donation, or bequest or as a result of a bankruptcy proceeding; deposit the proceeds of each sale, netted after payment of any commissions and other related expenses, in the appropriate city fund; and carry out any terms of the gift, donation, or bequest.

(3) Direct the accounting function of the city and specifically:

(A) establish and maintain an adequate and efficient accounting and financial information system for the city;

(B) maintain comprehensive accounts of all real, personal, and mixed property of the city; and

(C) maintain comprehensive accounts of all receipts and disbursements of money, separating under proper headings each source of receipt and the cause of each disbursement.

(4) Prepare and transmit regular reports detailing the activities of all city departments, including but not limited to:

(A) a summary statement of the revenues and expenses of the preceding period, transmitted to the city manager, detailed as to the appropriations and funds, in such manner as to show the financial condition of the city and of such department, division, and office as of the last day of the period, reflecting the condition of each of the city funds, showing the budget appropriation, the amount expended to the date of the report, and the unexpended balance; and

(B) periodic and annual financial reports, including an annual balance sheet.

(5) Serve, or designate a person to serve, as the assessor and collector of taxes of the city and direct the assessment and collection of taxes in accordance with state law, Chapter 44 of this code, and Chapter XIX of the charter of the city, including those billing and collection functions of the city as may be provided for by contract or assigned by the city manager or ordinance.

(6) Administer the public utility franchises granted by the city.

(7) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(b) The chief financial officer shall conduct any sale authorized under Subsection (a)(2) of this section as soon as is reasonably possible following receipt of the stock or corporate bonds, using the city's financial advisor or investment advisor. The city manager is authorized to execute such documents, authorizations, assignments, and endorsements as necessary to accomplish the sale. The chief financial officer shall provide confirmation of each sale to the director of the department designated by the city manager to carry out any terms of the gift, donation, or bequest. The chief financial officer shall keep an accurate record of each sale transaction.

(c) Whenever the director of finance is referred to in the city charter, this code, or any other city ordinance, the term means the chief financial officer.

(d) Whenever the director of public utilities or the director of consumer services is referred to in a franchise granted by the city, those terms mean the chief financial officer. (Ord. Nos. 22026; 23694; 24410; 27697)
ARTICLE XV-a.

CITY CONTROLLER’S OFFICE.

SEC. 2-135. CREATED; CITY CONTROLLER AS HEAD OF OFFICE.

There is hereby created a division of the city manager’s office to be known as the city controller’s office of the city, the head of which shall be the city controller who shall be appointed by the city manager. The city controller must be a person professionally competent by experience and training to manage the office. The office shall be composed of the city controller and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. 27697)

SEC. 2-135.1. DUTIES OF THE CITY CONTROLLER.

The city controller shall perform the following duties:

(1) Supervise and administer the city controller’s office.

(2) Direct the accounting function of the city and specifically:

   (A) establish and maintain an adequate and efficient accounting and financial information system for the city;

   (B) maintain comprehensive accounts of all real, personal, and mixed property of the city; and

   (C) maintain comprehensive accounts of all receipts and disbursements of money, separating under proper headings each source of receipt and the cause of each disbursement.

(3) Prepare and transmit regular reports detailing the activities of all city departments, including but not limited to:

   (A) a summary statement of the revenues and expenses of the preceding period, transmitted to the city manager, detailed as to the appropriations and funds, in such manner as to show the financial condition of the city and of such department, division, and office as of the last day of the period, reflecting the condition of each of the city funds, showing the budget appropriation, the amount expended to the date of the report, and the unexpended balance; and

   (B) periodic and annual financial reports, including an annual balance sheet.

(4) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 27697)

ARTICLE XV-b.

OFFICE OF FINANCIAL SERVICES.

SEC. 2-135.2. CREATED; DIRECTOR OF FINANCIAL SERVICES.

There is hereby created a division of the city manager’s office to be known as the office of financial services of the city of Dallas, at the head of which shall be the director of financial services, who shall be appointed by the city manager and who shall be a person professionally competent by experience and training to manage the office. The office will be composed of the director of financial services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 27697)

SEC. 2-135.3. DUTIES OF THE DIRECTOR OF FINANCIAL SERVICES.

The director of financial services shall perform the following duties:

(1) Supervise and administer the office of financial services.

(2) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 27697; 29478, eff. 10/1/14)
ARTICLE XV-c.
OFFICE OF RISK MANAGEMENT.

SEC. 2-135.4. CREATED; DIRECTOR OF RISK MANAGEMENT.

There is hereby created a division of the city manager’s office to be known as the office of risk management of the city of Dallas, at the head of which shall be the director of risk management, who shall be appointed by the city manager and who shall be a person professionally competent by experience and training to manage the office. The office will be composed of the director of risk management and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 28424)

SEC. 2-135.5. DUTIES OF THE DIRECTOR OF RISK MANAGEMENT.

The director of risk management shall perform the following duties:

(1) Supervise and administer the office of risk management.

(2) Administer the risk management program of the city, including, but not limited to, liability and workers’ compensation programs, procurement of insurance policies for the city, loss control initiatives, and performance of risk assessments.

(3) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. 28424)

ARTICLE XVI.
DEPARTMENT OF COMMUNICATION AND INFORMATION SERVICES.

SEC. 2-136. CREATED; DIRECTOR OF COMMUNICATION AND INFORMATION SERVICES.

(a) There is hereby created the department of communication and information services, the head of which shall be the director of communication and information services who shall be appointed by the city manager and who shall be a person professionally competent by experience and training to manage such department.

(b) In addition to the office of director of communication and information services, there will also be such additional personnel as may be necessary for the administration of the department as the council may provide, upon recommendation of the city manager. (Ord. Nos. 13718; 19312; 22026; 23694)

SEC. 2-137. DUTIES OF DIRECTOR OF COMMUNICATION AND INFORMATION SERVICES.

The director of communication and information services shall perform the following duties:

(1) Provide all information services for administration of the affairs of the city of Dallas to be used in the municipal operations of the city and make such reports as may be required by the city manager.

(2) Acquire, maintain, and operate all telephone and radio communications systems used in municipal operations.

(3) Obtain and maintain radio licenses from the Federal Communications Commission on behalf of all city departments and ensure compliance with all applicable regulations of the Federal Communications Commission.
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ARTICLE XVII.

DEPARTMENT OF SANITATION SERVICES.

SEC. 2-138. CREATED; DIRECTOR OF SANITATION SERVICES.

There is hereby created the department of sanitation services of the city of Dallas, at the head of which shall be the director of sanitation services who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of sanitation services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. Nos. 13718; 15004; 22026; 23666; 23694)

SEC. 2-139. DUTIES OF THE DIRECTOR OF SANITATION SERVICES.

The director of the department of sanitation services shall perform the following duties:

(1) Supervise and administer the department of sanitation services.

(2) Supervise and administer the solid waste collection and disposal programs of the city.

(3) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 13718; 14385; 15004; 17226; 22026; 23666; 23694)

ARTICLE XVII-a.

DEPARTMENT OF STREET SERVICES.

SEC. 2-139.1. CREATED; DIRECTOR OF STREET SERVICES.

There is hereby created the department of street services of the city of Dallas, at the head of which shall be the director of street services who shall be appointed by the city manager. The director must be a person professionally competent by experience and training to manage the department. The department will be composed of the director of street services and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 23694)

SEC. 2-139.2. DUTIES OF THE DIRECTOR OF STREET SERVICES.

The director of the department of street services shall perform the following duties:

(1) Supervise and administer the department of street services.

(2) Provide for the maintenance and repair of streets, alleys, medians, and public rights-of-way, as designated by the city manager.

(3) Provide for street hazard and emergency response.

(4) Plan, design, construct, maintain, and operate, by contract or with city employees, the public lighting system that illuminates highways, streets, parks, and other public ways in the city, except as provided otherwise by the city manager, the city charter, or ordinance or resolution of the city council.

(5) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 23694; 27697; 28424)
ARTICLE XVIII.

SENIOR AFFAIRS COMMISSION.

SEC. 2-140. SENIOR AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the senior affairs commission of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) All members will be appointed for a term to expire on August 31, 1989. Subsequent appointments will be made in August of each odd-numbered year for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(c) Members must be at least 55 years of age and must be chosen, as far as practicable, in a manner that will represent the entire community. Members should be persons who are concerned about senior affairs in the community. Disqualification of an appointee under the minimum age requirement of this subsection may be waived by the city council after a review of the specific circumstances.

(d) The commission must meet at least once each month and may hold additional meetings at the call of the chair. (Ord. Nos. 20216; 20665; 21153; 21514; 24194; 25478)

SEC. 2-141. SENIOR AFFAIRS COMMISSION - FUNCTIONS.

(a) The senior affairs commission shall act as an advisory body to the city manager and the city council and shall:

(1) recommend the role of the city and the commission in ensuring the provision of services to the elderly;

(2) advise the city council as requested on elderly issues;

(3) provide access for citizen comment on elderly issues;

(4) assist the city in the identification of programs for the elderly that are needed in the community; and

(5) perform other duties assigned by the city council.

(b) Staff liaison responsibilities to the commission shall be designated by the city manager. (Ord. 20216)

ARTICLE XIX.

DEPARTMENT OF HOUSING/COMMUNITY SERVICES.

SEC. 2-142. CREATED; DIRECTOR OF HOUSING/COMMUNITY SERVICES.

There is hereby created the department of housing/community services of the city, the head of which shall be the director of housing/community services who shall be appointed by the city manager. The department will be composed of the director of housing/community services and such other assistants and employees as the city council may provide upon recommendation of the city manager. (Ord. Nos. 17226; 22026; 27697)

SEC. 2-143. DUTIES OF THE DIRECTOR OF HOUSING/COMMUNITY SERVICES.

The director of housing/community services shall perform the following duties:

(1) Supervise and administer the department of housing/community services.

(2) Perform such other duties as may be required by the city manager or by ordinance of the city council. (Ord. Nos. 17226; 22026; 27697)
ARTICLE XX.
RESERVED.

ARTICLE XXI.
COMMUNITY DEVELOPMENT COMMISSION.

SEC. 2-150. COMMUNITY DEVELOPMENT COMMISSION CREATED.

(a) There is hereby created the community development commission of the city, which shall be composed of 15 members. Each city council member shall appoint one member to the commission. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair. Appointments must be made in accordance with the provisions of Title 24 of the Code of Federal Regulations.

(b) All members will be appointed for a term to expire on September 1, 1981. Subsequent appointments will be made in August of each odd-numbered year for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified. (Ord. Nos. 16923; 17702; 18836; 19604; 20418; 21012; 21153; 21514; 22414)

SEC. 2-151. DUTIES AND FUNCTIONS.

(a) The commission shall hold monthly meetings each month and may hold additional meetings at the call of the chair. The commission shall act as an advisory body to the city manager and the city council.

(b) The commission shall:

(1) hold public meetings at such times and locations as will further the purpose of obtaining citizens' suggestions and comments concerning uses of HUD entitlement grant funds;

(2) carry out the objectives of the city's citizen participation plan for HUD entitlement grant funds;

(3) submit to the city manager and the city council:
   (A) a recommended list of priorities for the consolidated application for HUD entitlement grant funds; and
   (B) specific recommendations as to the use and allocation of HUD entitlement grant funds for the next year;

(4) review and make recommendations with respect to the city's housing and nonhousing community development needs;

(5) participate in the review and assessment of the past and current use of HUD entitlement grant funds;

(6) submit to the city council an annual report containing an analysis of the use of HUD entitlement grant funds and a summary of the commission's work during the prior year;

(7) review the status of unspent community development funds at least once each quarter of each fiscal year and make recommendations with respect to the reallocation of unappropriated and unobligated community development funds;

(8) hold public hearings and make recommendations concerning the creation or elimination of projects that affect the HUD entitlement grant fund budget; and

(9) perform other duties assigned by the city council or requested by the city manager.
(c) The final determination of the consolidated application and the annual budget for HUD entitlement grant funds will be made by the city council.

(d) In this section, "HUD entitlement grant funds" means funds from the following grants and programs:

1. the Community Development Block Grant (CDBG);
2. the HOME Investment Partnerships Program (HOME);
3. the Housing Opportunities for Persons with AIDS (HOPWA); and
4. the Emergency Shelter Grant (ESG).

ORD. Nos. 16923; 17139; 17702; 18836; 19604; 21012; 22354; 22414

SEC. 2-151. ADMINISTRATION

ARTICLE XXIII.

RESERVED.

SECS. 2-155 THRU 2-156. (Repealed by Ord. 28127)

ARTICLE XXIV.

ANIMAL ADVISORY COMMISSION.

SEC. 2-157. CREATED; MEMBERSHIP; MEETINGS.

(a) There is hereby created the animal advisory commission, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) All members shall be appointed for an initial term to expire on August 31, 1985. Subsequent appointments will be made in August of each odd-numbered year for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(c) Members of the commission must meet the following qualifications:

1. one member must be a licensed veterinarian;
2. one member must be a city or county official;
3. one member must have duties including the daily operation of an animal shelter;
4. one member must be a representative from an animal welfare organization; and
5. eleven members must be chosen from the general public.

(d) Disqualification of an appointee under Section 8-1.4(a)(1) of this code may be waived by the city council after review of the specific circumstances.

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(e) The commission must meet at least three times a year and may hold additional meetings at the call of the chair. (Ord. Nos. 18665; 18940; 21153; 21515; 22414; 29403)

SEC. 2-158. DUTIES AND RESPONSIBILITIES.

(a) The commission shall act as an advisory body to the city manager and the city council to assist in complying with the requirements of state law and city ordinances pertaining to the operation of an animal shelter.

(b) The city manager shall provide necessary information and assistance to the commission in the performance of its duties and responsibilities. (Ord. Nos. 18665; 22414; 29403)

ARTICLE XXV.

RESERVED.

SECS. 2-159 THRU 2-160.1. (Repealed by Ord. 28020)

ARTICLE XXVI.

CULTURAL AFFAIRS COMMISSION.

SEC. 2-161. CULTURAL AFFAIRS COMMISSION - CREATED; TERMS; MEMBERSHIP; MEETINGS.

(a) There is hereby created the cultural affairs commission of the city, which shall be an advisory body of 18 members appointed by the city council. Fifteen of the members shall be appointed respectively by each city council member, and three of the members shall be appointed by the city council as a whole. The mayor shall appoint the chair of the commission, and the full city council shall appoint the vice-chair.

(b) All members shall be appointed for an initial term to expire on August 31, 1989. Subsequent appointments will be made in August of each odd-numbered year for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified.

(c) Members of the commission should be persons who are concerned about cultural affairs in the city of Dallas and may be persons who have professional expertise or substantial volunteer involvement in the following areas:

(1) architecture, design, or urban planning;
(2) visual, performing, or literary arts;
(3) history;
(4) science;
(5) cultural institutions management; or
(6) volunteer cultural board experience.

(d) The membership of the cultural affairs commission may include at least one of each of the following persons:

(1) a registered professional architect or landscape architect;
(2) a professional visual artist;
(3) a professional performing artist;
(4) a scientist;
(5) an historian; and
(6) an interested citizen who does not represent any specific cultural organization or interest group.
(e) The three members of the commission appointed by the city council as a whole shall also serve on the arts committee of the cultural affairs commission, and, in addition to qualifying for service on the commission under this section, must meet the qualifications for service on the arts committee as set forth in the city's cultural policy and program adopted by city council resolution.

(f) The chair of the city council arts and education committee and one member of the park and recreation board of the city shall serve as ex-officio, nonvoting members of the cultural affairs commission.

(g) The commission must meet at least once each month and may hold additional meetings at the call of the chair. (Ord. Nos. 20266; 20462; 21153; 21515; 21972; 22259)

SEC. 2-162. CULTURAL AFFAIRS COMMISSION - DUTIES AND RESPONSIBILITIES.

(a) The cultural affairs commission shall act as an advisory body to the city manager and the city council and shall:

(1) make recommendations concerning the establishment and implementation of cultural policies and procedures, including cultural diversity;

(2) make recommendations concerning the design, operation, and use of city facilities devoted to the arts and other cultural activities;

(3) make recommendations to encourage the development of cultural programs and activities involving emerging cultural organizations and artists, with special emphasis on the development of ethnic and minority artists and arts organizations;

(4) make recommendations concerning the expenditure of city funds on cultural programs, facilities, and organizations; and

(5) make recommendations to create opportunities for all citizens of the city to have access to the arts and the means of cultural expression; and

(6) perform other duties assigned by the city council or requested by the city manager.

(b) The city manager shall provide staff to assist the commission in performing its duties and responsibilities. (Ord. Nos. 20266; 21515; 21972)

ARTICLE XXVI-a.

OFFICE OF CULTURAL AFFAIRS.

SEC. 2-162.1. CREATED; DIRECTOR OF CULTURAL AFFAIRS.

There is hereby created a division of the city manager's office to be known as the office of cultural affairs, the head of which shall be the director of cultural affairs who shall be appointed by the city manager and who shall be a person professionally competent by experience and training to manage the office. The office of cultural affairs will be composed of the director of cultural affairs and other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager. (Ord. 23694)

SEC. 2-162.2. DUTIES OF THE DIRECTOR OF CULTURAL AFFAIRS.

(a) The director of cultural affairs shall perform the following duties:

(1) Supervise and administer the office of cultural affairs.

(2) Manage cultural facilities of the city as designated by the city manager or by ordinance or resolution of the city council.

(3) Perform such other duties as may be required by the city manager or by ordinance of the city council.

(b) The director of cultural affairs and any designated representatives may represent the city in negotiating and contracting with persons planning to use any cultural facility under the management of the director of cultural affairs. (Ord. 23694)
ARTICLE XXVII.

CIVIL SERVICE BOARD; ADJUNCT MEMBERS; ADMINISTRATIVE LAW JUDGES.

SEC. 2-163. SPECIAL QUALIFICATIONS FOR ADJUNCT MEMBERS OF THE CIVIL SERVICE BOARD.

(a) In addition to the qualifications required by the city charter and Chapter 8 of this code, each adjunct member of the civil service board must meet the following qualifications:

1. have a total of at least five years experience as a volunteer or employee with a business, governmental, or nonprofit organization that has a work staff of at least 15 persons;

2. have a total of at least five years experience as a volunteer or employee in the administration or personnel functions of a business, governmental, or nonprofit organization; or

3. have an accumulation of at least five years experience under Paragraphs 1 and 2 of this subsection.

(b) Nothing in this article prohibits the appointment of a former city employee as a member or adjunct member of the civil service board.

(c) The city council shall, as nearly as may be practicable, appoint adjunct members of the civil service board that are representative of the racial, ethnic, and gender makeup of the city's population.

(Ord. 20526)

SEC. 2-164. ADMINISTRATIVE LAW JUDGES: APPOINTMENT; QUALIFICATIONS; TERMINATION OF CONTRACT.

(a) By January 1 of each even-numbered year beginning with the year 1992, and whenever a vacancy occurs, the judicial nominating commission shall recommend persons to be appointed by the city council to serve as administrative law judges, as provided for in Section 12.1, Chapter XVI of the city charter. Each appointment will be made through the award of a city contract, and not less than three nor more than five persons may have contracts with the city to serve as administrative law judges at the same time. Administrative law judges shall hear appeals in accordance with Section 34-40 of this code.

(b) The judicial nominating commission shall recommend as administrative law judges persons selected from applicants responding to an open, public request for proposals for professional services. The judicial nominating commission shall review the applications and resumes, research applicant qualifications, and interview the applicants. If a vacancy occurs within 120 days after the appointment of any administrative law judge, for which the commission conducted interviews, the commission is not required to conduct additional interviews but may, in its discretion, recommend nominees to fill the new vacancy from applicants who were interviewed for any administrative law judge position that was filled within the preceding 120 days. The judicial nominating commission shall, as nearly as may be practicable, recruit and recommend as administrative law judges persons who are representative of the racial, ethnic, and gender makeup of the city's population.

(c) An administrative law judge must:

1. be a licensed attorney who has practiced law in the State of Texas for at least three years or a person who has at least five years experience adjudicating hearings of personnel decisions; and

2. not have been an employee or an elected or appointed officer of the city, other than a full-time or associate municipal judge, within the five years immediately preceding application.

(d) An administrative law judge will be compensated for services based on a rate established by contract with the city. At least every two years, the judicial nominating commission shall review the pay structure of the administrative law judges and recommend to the city council appropriate rate adjustments or other compensation.
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(e) A person is ineligible to serve as an administrative law judge if, on two occasions within any 12-month period after appointment as an administrative law judge, the person:

(1) refuses or is unable to accept an assignment from the civil service board to conduct an appeal hearing, except when based on a challenge by a party as to the selection of the administrative law judge; or

(2) is unable to conduct an appeal hearing within the time limits required by Section 34-40 of this code after considering all allowable postponements and extensions.

(f) The judicial nominating commission shall periodically review and evaluate the performance of each administrative law judge and recommend to the city council whenever the contract of an administrative law judge should be terminated or not renewed. The city council may, by a majority vote and upon the recommendation of the judicial nominating commission, terminate the contract of an administrative law judge for unsatisfactory performance. Unsatisfactory performance includes, but is not limited to:

(1) failure to acquire, retain, or correctly apply knowledge of the city's personnel rules, civil service process, and civil service procedures;

(2) an orientation session concerning police and fire personnel rules and procedures;

(3) an overview session concerning civilian employees and their responsibilities at the various levels of administration; and

(4) a mock trial board or observation of an actual appeal hearing.

SEC. 2-165. TRAINING.

(a) Every person appointed as a member or adjunct member of the civil service board or as an administrative law judge must attend a two-day training course before hearing an appeal under Section 34-40 of this code. The training course will include, but not be limited to:

(1) instruction in the city's personnel rules, civil service process, and civil service procedures;

(b) In addition to the training course required in Subsection (a) of this section, an administrative law judge must take a refresher training course not less than 12 months nor more than 15 months after being appointed.

(c) A person who fails to attend the two-day training course within 90 days from the date of appointment as a member or an adjunct member of the civil service board or as an administrative law judge, or an administrative law judge who fails to attend the refresher training course within the time required in Subsection (b) of this section, shall forfeit that position with the city, and that position becomes vacant. (Ord. Nos. 20526; 22612)

SEC. 2-166. TRIAL BOARD RESPONSIBILITIES OF CIVIL SERVICE BOARD MEMBERS; ATTENDANCE.

(a) The chair of the civil service board shall establish a rotation procedure for selecting civil service board members and adjunct members to serve on trial boards, as provided for in Section 34-40 of this code. Except where conflicts of interest exist or unexpected circumstances arise, the chair shall enforce a strict rotation for service on a trial board. A member shall not request service on a particular trial board and may not serve on a requested trial board. Such a request is a violation of this section and is cause for removal of the member from the civil service board by the city council.

(b) If a member or an adjunct member of the civil service board is unable to participate on a trial board when the member's name comes up in rotation
any three times within a 12-month period, that member forfeits membership on the board, and that place becomes vacant. The civil service board secretary shall keep accurate records of all rotation procedures and members' service. (Ord. 20526)

ARTICLE XXVIII.
STORM WATER DRAINAGE UTILITY.

SEC. 2-167. CREATION OF STORM WATER DRAINAGE UTILITY.

(a) In the interest of public health and safety and a more efficient and economic operation of storm water drainage facilities of the city, a storm water drainage utility is created, which shall be a public utility. The rules of Chapter 402, Subchapter C of the Texas Local Government Code, as amended, which is adopted and incorporated into this article by reference, and any other provisions of this code relating to storm water drainage shall govern the operation of the utility. Nothing in this section shall be construed to restrict the city council's ability to make other rules or policies governing the operation of the utility.

(b) The city manager shall designate a department to manage the storm water drainage utility. The director of the designated department must be a person professionally competent by experience and training to manage storm water drainage operations.

(c) The director of the designated department shall perform such duties as required by:

(1) Chapter 402, Subchapter C of the Texas Local Government Code, as amended;

(2) the city manager; and

(3) ordinance of the city council. (Ord. 21059)

SEC. 2-168. STORM WATER DRAINAGE UTILITY RATES; BILLING AND COLLECTION PROCEDURES.

(a) In this section:

(1) AGRICULTURAL USE has the meaning given that term in Section 51A-2.102 of this code.

(2) CALCULATED DRAINAGE AREA means the impervious area of a lot or tract of land that is determined by multiplying the total square footage of the lot or tract by its applicable runoff coefficient.

(3) CITY TAX ROLLS means the current tax records of the appraisal district in which a particular property is located.

(4) COMMERCIAL REAL PROPERTY means an improved lot or tract, platted or unplatted:

(A) to which storm water drainage service is made available;

(B) that eventually discharges into a creek, river, slough, culvert, or other channel that is part of the city’s storm water drainage utility system; and

(C) that is not residential or unimproved real property.

(5) CUSTOMER OF RECORD has the meaning given that term in Section 49-1 of this code.

(6) DIRECTOR means the director of the department designated by the city manager to manage the storm water drainage utility.

(7) IMPROVED LOT OR TRACT means a lot or tract of land that has a structure or other improvement on it that causes an impervious coverage of the soil under the structure or improvement.

(8) RESIDENTIAL REAL PROPERTY means an improved lot or tract:

(A) to which storm water drainage service is made available;
(B) that eventually discharges into a creek, river, slough, culvert, or other channel that is part of the city’s storm water drainage utility system; and

(C) that contains or is platted to contain a single-family or duplex dwelling unit.

(9) RUNOFF COEFFICIENT means a percentage of a lot or tract of land determined to be impervious based on the use of the lot or tract in accordance with the following schedule:

<table>
<thead>
<tr>
<th>TYPE OF USE</th>
<th>RUNOFF COEFFICIENT (percentage of impervious area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile home, master-metered</td>
<td>55%</td>
</tr>
<tr>
<td>Multifamily apartments</td>
<td>70%</td>
</tr>
<tr>
<td>Townhomes/condominums</td>
<td>80%</td>
</tr>
<tr>
<td>Schools</td>
<td>70%</td>
</tr>
<tr>
<td>Churches</td>
<td>80%</td>
</tr>
<tr>
<td>Commercial</td>
<td>90%</td>
</tr>
<tr>
<td>Parking lots</td>
<td>95%</td>
</tr>
<tr>
<td>Cemetery/agricultural business</td>
<td>25%</td>
</tr>
<tr>
<td>Parks/golf courses</td>
<td>25%</td>
</tr>
<tr>
<td>Vacant lot/raw land</td>
<td>20%</td>
</tr>
</tbody>
</table>

(10) UNIMPROVED REAL PROPERTY means a lot or tract of land:

(A) to which storm water drainage service is made available;

(B) that eventually discharges into a creek, river, slough, culvert, or other channel that is part of the city’s storm water drainage utility system; and

(C) that is:

(i) owned and maintained in its natural, undeveloped state; or

(ii) subdivided, but does not yet contain any structure or other improvement.

(11) WHOLLY SUFFICIENT AND PRIVATELY OWNED STORM WATER DRAINAGE SYSTEM means real property owned and operated by a person other than the city, the drainage of which property does not discharge into a creek, river, slough, culvert, or other channel that is part of the city’s storm water drainage utility system.

(b) The monthly storm water drainage charge for residential real property is as follows:

<table>
<thead>
<tr>
<th>PROPERTY AREA (in square feet)</th>
<th>MONTHLY RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 6,000</td>
<td>$3.65</td>
</tr>
<tr>
<td>6,001 - 8,000</td>
<td>$5.77</td>
</tr>
<tr>
<td>8,001 - 17,000</td>
<td>$7.77</td>
</tr>
<tr>
<td>17,001 - 215,000</td>
<td>$13.87</td>
</tr>
<tr>
<td>more than 215,000</td>
<td>$43.87</td>
</tr>
</tbody>
</table>

(c) The storm water drainage charge for commercial and unimproved real property is an amount equal to $0.1589 per month for each 100 square feet of the calculated drainage area of the commercial or unimproved real property, with a minimum charge of $5.00 per month for commercial and unimproved real property and a maximum charge of $57.10 per month for unimproved real property.

(d) If information regarding the square footage of a particular lot or tract of residential, commercial, or unimproved real property is unavailable or inadequate, the director may make a reasonable estimate of square footage and levy the drainage charge on that basis.

(e) The following real property is exempt from the charges prescribed in this section:

(1) real property with proper construction and maintenance of a wholly sufficient and privately owned storm water drainage system;

(2) real property owned by the city and used for municipal purposes;

(3) real property that is appraised for agricultural use on the city tax rolls; and

(4) real property owned by a state agency or by a public or private institution of higher education.

(f) Storm water drainage charges will be billed and collected in accordance with the following procedures:

(1) For storm water drainage service to commercial and residential real property, the water utilities department shall bill the customer of record
in the regular water and wastewater service bill or, if no water or wastewater service account exists, the true owner of record as shown in the current city tax rolls.

(2) For storm water drainage service to unimproved real property, the water utilities department shall bill the true owner of record as shown in the current city tax rolls or, if a water or wastewater service account exists, the customer of record. For the purpose of assessing and billing storm water drainage charges, adjoining tracts of unimproved real property that have the same true owner of record, as shown in the current city tax rolls, will be treated as a single property.

(3) In cases involving occupancy of a lot or tract of commercial real property by two or more tenants who are customers of record, the water utilities department may either prorate the charges on an equitable basis between all the customers of record or may instead bill the property owner for storm water drainage service under a separate account. In addition, if a lot or tract of land receives water or wastewater service under two or more service accounts and the service accounts are all in the name of the same customer of record, the water utilities department may bill the entire drainage charge due through one service account.

(4) If more than one person is named in the current city tax rolls as the true owner of record of unimproved real property, each person is jointly and severally liable for storm water drainage charges on the property. The water utilities department may bill any or all of the joint owners through one service account.

(g) The water utilities department shall administer collection procedures and service accounts under this section. An application for water or wastewater service is deemed to include application for storm water drainage service.

(h) Except as otherwise provided in this section, the provisions of Sections 49-3, 49-7, 49-8, 49-12, 49-15, and 49-16 of this code will govern in all matters regarding the application for storm water drainage service, payment and collection of storm water drainage charges, the liability of persons for charges, and the remedies of the city in the event of nonpayment. (Ord. Nos. 21060; 21429; 21823; 22207; 22563; 22665; 24411; 25384; 25754; 27353; 27695)
Administration

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