

THE CHARTER
of the
CITY OF ARLINGTON
TEXAS

(Adopted January 17, 1920, and
amended up to and including November 22, 2022)

NOTE: The Charter of the City of Arlington was adopted under the Home Rule Amendment under the State Constitution at an election held in the City on the 17th day of January, A.D., 1920. There are several amendments and additions to the Charter, adopted under the Home Rule Amendment under the State Constitution. All amendments or additions to the Charter are indicated by the citation immediately following the amended or added provisions. This citation gives the date of its adoption under the Home Rule Amendment of the Constitution. Unless so indicated, the section of the charter derives unchanged from the Charter as adopted in 1920.

For constitutional provisions that charters of Home Rule cities may not be amended more often than every two years, see Constitution of Texas, Article XI, Section 5.

For authority of cities of more than five thousand inhabitants to adopt or amend their charters by a majority vote of the qualified voters of such city at an election held for that purpose, see Constitution of Texas, Article XI, Section 5.

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
88-296	05/10/88	
90-437	08/14/90	Amending Article IV, Section 5, relative to filling vacancies on the City Council.
93-65	11/02/93	Passed final reading on 07/07/93, approved by voters at 11/02/93 election, amending Article IV and Article V to provide for a method of electing city council members; designating the places for holding such election; naming the officers thereof; prescribing the form of ballot and providing for notices.
96-38	05/07/96	Passed final reading on 03/19/96, approved by voters at 05/04/96 election, amending Article IV regarding the timing of runoff elections and to provide that candidates be registered voters; designating the places for holding such election; naming the officers thereof; prescribing the form of ballot and providing for notices.
05-017	05/17/05	Passed final reading on 02/22/05, approved by voters at 05/07/05 election, amending Article IX, Section 4, regarding allowing the City Council to use third party arbitration to make final determinations over certain types of employee disciplinary actions; and amending Article IV, Section 7, relative to adding a City Auditor as an officer appointed by the City Council.
15-006	05/19/15	Passed final reading on 02/24/15, approved by voters at 05/09/15 election, amending Article X, Section 12, relative to prohibiting photographic traffic signal enforcement.
18-042	11/15/18	Passed final reading on 08/20/18, approved by voters at 11/06/18 election, amending Article IV, Section 9, relative to provide that the Mayor and City Council members shall be limited to three elected terms and that no person shall serve as a Council Member for more than three elected terms, and under no circumstances may any person ever serve for more than twelve years in combination as a Council Member and Mayor, and

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		the term that each person as Mayor or as a Council Member is currently filling, and all terms served prior to that current term, shall be counted for purposes of determining whether three terms have been served, and that existing Section 9 of Article IV shall be renumbered to Section 10.
22-032	11/22/22	Passed final reading on 08/16/22, approved by voters at 11/08/22 election, amending Article IV, Sections 4 and 9, and Article V, Section 2, to provide that the term of office for the Mayor and City Council members shall be three years and to provide that a person may serve no more than nine years as a Council Member and nine years as Mayor and to provide for the staggering of terms.

TABLE OF CONTENTS

ARTICLE I CORPORATION NAME

ARTICLE II BOUNDARIES

Section 1	Limits and Boundaries
Section 2	Additional Territory
Section 3	Platting of Territory
Section 4	Privileges and Duties of Inhabitants
Section 5	City Property Outside City Limits
Section 6	Disannexation
Section 7	Limited Purpose Annexation

ARTICLE III MUNICIPAL POWERS

Section 1	Legislative and Contractual Powers
Section 2	Rights Reserved
Section 3	Local Self-Government
Section 4	Other Powers

ARTICLE IV MUNICIPAL GOVERNMENT

Section 1	Form of Government
Section 2	Elective Officers; Run-off
Section 3	Qualifications of Officers
Section 4	Terms of Office and Limitation of Terms
Section 5	Vacancies in the Office of Mayor or Council Member
Section 6	Compensation
Section 7	Appointive Officers
Section 8	Qualifications of Appointive Officers
Section 9	Term Limits
Section 10	Municipal Court

ARTICLE V ELECTIONS

Section 1	General Election Laws
Section 2	Mayor and City Council Members, Date of Election, Filing Fees
Section 3	Order of Election

Section 4	Polling Places
Section 5	Qualified Voters
Section 6	Form of Ballot and Number of Votes

ARTICLE VI THE BOARD OF CITY COUNCILMEN

Section 1	Regular Meetings and General Powers
Section 2	Mayor Pro Tem and Quorum
Section 3	Appointments
Section 4	Combining Duties of Officers
Section 5	Providing Subpoena Powers

ARTICLE VII POWERS OF THE CITY COUNCIL

Section 1	Presiding Officer
Section 2	Power over Members
Section 3	Attendance at Meetings
Section 4	Election of Mayor Pro Tempore
Section 5	Control of Finances, Property and Ordinances
Section 6	Power to Determine Duties of Officers
Section 7	Petitions and Remonstrances
Section 8	Ordinances
Section 9	Style of Ordinances
Section 10	Passage of Ordinances
Section 11	Emergency Measure, Definition and Passage
Section 12	Emergency, Denial
Section 13	Enrolling of Ordinances
Section 14	Effective Date of Ordinance
Section 15	Ordinances Imposing Penalties
Section 16	Publication of Ordinances
Section 17	Record

ARTICLE VIII DUTIES AND POWERS OF OFFICERS

Section 1	Required Oath and Bond
Section 2	Duties and Powers of the Mayor
Section 3	Duties and Powers of Appointive Officers

ARTICLE IX CITY MANAGER

Section 1	Qualifications
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Section 2	Compensation
Section 3	Term of Office
Section 4	Powers and Duties
Section 5	Absence of City Manager
Section 6	Governing Body's Relations with City Manager

ARTICLE X MISCELLANEOUS PROVISIONS

Section 1	Contracts
Section 2	Tax Debt Arrearages
Section 3	Ordinances and Resolutions in Force
Section 4	Execution of City Property
Section 5	Garnishment of City Funds
Section 6	Claims of Damages
Section 7	Effective Date of Charter
Section 8	Amendment or Repeal of Charter
Section 9	Recording of Charter
Section 10	Conformity of Charter with State Laws
Section 11	Force and Effect of Charter
Section 12	Photographic Traffic Signal Enforcement

ARTICLE XI REVENUE AND TAXATION

Section 1	Power to Levy Taxes; Limit
Section 2	Taxes for General Purposes and Current Expense
Section 3	Taxes to Pay Indebtedness
Section 4	Taxes for Civil Improvements
Section 5	Occupation Taxes and Licenses
Section 6	Granting of Occupation Taxes and Licenses
Section 7	Lien to Secure Payment of Taxes
Section 8	Provisions for Prompt Collection of Taxes
Section 9	Collections for Bonded and Other Indebtedness
Section 10	Irregularities in Levy and Assessment
Section 11	Levying Taxes
Section 12	Forced Collection of Taxes
Section 13	Hotel Occupancy Tax

ARTICLE XII PUBLIC UTILITIES

Section 1	Jurisdiction over Public Utilities
Section 2	Municipal Services

ARTICLE XIII BONDING POWER, INDEBTEDNESS

- Section 1 Authority to Incur Indebtedness
- Section 2 Treasury Interest Bearing Warrants

ARTICLE XIV CITY DEPOSITORY

ARTICLE I

CORPORATION NAME

The inhabitants of the City of Arlington, Texas, residing within the limits and boundaries hereinafter described or within such boundaries as may be hereinafter legally fixed or established, and such territory, are and shall continue to be, and are hereby continued and constitute a body politic and corporate, by and under the name and style of the CITY OF ARLINGTON, with all the rights, powers, privileges and immunities hereinafter more fully defined and set forth.

ARTICLE II

BOUNDARIES

Section 1. Limits and Boundaries: The limits and boundaries of the City of Arlington shall be as provided by ordinance. (Adopted by Charter Amendment, April 5, 1980)

Section 2. Additional Territory: The City Council shall have the power by ordinance to fix the boundary limits of the City of Arlington; and to provide for the alteration and the extension of said boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and the inhabitants annexed. However, upon the annexation of any additional territory, the City of Arlington must, in accordance with the laws of the State of Texas, make available governmental and proprietary services to the citizens of such annexed territory. Upon the introduction of any such annexation ordinance by the City Council, it shall be published in the form in which it may be finally passed, in a newspaper published in the City of Arlington, at least one time, and said ordinance shall not thereafter be finally acted upon until at least thirty (30) days have elapsed after the first publication thereof; and upon the final passage of any such ordinance, the boundary limits of the City shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Arlington and the property situated therein shall bear its pro rata part of the taxes levied by the City and the inhabitants shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City. (Adopted by Charter Amendment, April 5, 1980)

Section 3. Platting of Territory: Should any property lying within the City's limits or its extraterritorial jurisdiction be platted as provided by State Constitution or law, or by ordinance of this City, such plat shall designate such streets and other easements as may be appropriate to such plat and the Comprehensive Plans of this City, and such streets and other easements shall be laid off, as far as possible, to conform to the streets and other easements adjacent or abutting same; and the owners of such platted property shall file with the appropriate official of the City, and with the County Clerk of Tarrant County, a correct map thereof; provided, that in no event shall the City of Arlington be required to pay for any of said streets or other easements, or any portion thereof unless otherwise established by appropriate City ordinance, or resolution, but by the act of so platting and filing of such map with the appropriate City Official, the Streets and other easements as indicated thereon shall become the property of the City of Arlington for such uses. Nothing in this Charter shall prohibit the City of Arlington, by appropriate ordinance, from establishing other laws and regulations requiring or applicable to platting and its procedures in addition to, and not inconsistent with, those now or hereafter provided by State Constitution or law, where same are for the purpose of the orderly planning,

CHARTER
Section 3

development and growth of the City of Arlington. (Adopted by Charter Amendment, April 5, 1980)

Section 4. Privileges and Duties of Inhabitants: After the admission of territory as provided in the preceding section of this Article, the inhabitants of such added territory shall have all the privileges and be subject to all duties and liabilities of the inhabitants of the above particularly described territory.

Section 5. City Property Outside City Limits: The powers and jurisdiction of the City shall extend to property or territory beyond its limits, owned or held by it for municipal purposes.

Section 6. Disannexation: The City Council shall have the full authority by ordinance to disannex territory from the corporate boundaries and may prescribe by ordinance procedures governing disannexation. (Adopted by Charter Amendment, April 7, 1984)

Section 7. Limited Purpose Annexation: The City Council shall have the power by ordinance to annex an area for the limited purposes of applying its planning, zoning, health and safety ordinances in the area, in accordance with State law. (Adopted by Charter Amendment May 10, 1988)

ARTICLE III

MUNICIPAL POWERS

Section 1. Legislative and Contractual Powers: The said City of Arlington shall have powers to ordain and establish such acts, laws, rules, regulations, resolutions, and ordinances, not inconsistent with the Constitution and laws of Texas and with this Charter, as shall be needful for the government, interests, health, welfare and good order of said City and its inhabitants. Under the name of the City of Arlington it shall be known in law and have succession and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and tribunals, and in all amounts whatsoever, subject to the laws of the State of Texas, or which shall hereafter be passed.

The City of Arlington shall have the power to take, hold, lease, grant, purchase and convey such real property or mixed property or estate, situated within, or without, the limits thereof, as the purpose of said corporation may require and shall have and use a corporate seal, and change and renew the same at pleasure.

Section 2. Rights Reserved: All suits, taxes, penalties, fines, forfeitures, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of said City, heretofore in force governing the same, shall belong to and vest in said City and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of the said City of Arlington and shall not be in any manner affected by the taking effect of this Charter; but as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect.

Section 3. Local Self-Government: The City of Arlington shall possess and may exercise the full power of local self-government. It may hold, by gift, deed, devise, or otherwise, any character of property, including any charitable or trust fund, and subject to and within the limits of superior law may act in perpetual succession as a body politic.

Section 4. Other Powers: For greater certainty, the following are hereby especially enumerated and referred to as being among the other powers which are hereby conferred upon and which may be exercised by the City of Arlington, to-wit:

- A. All of the powers conferred upon cities and towns by Title 22 of the Revised Civil Statutes of the State of Texas, 1911, except as may hereafter be denied, limited or

CHARTER
Section 4

extended, are hereby conferred upon the City of Arlington as fully and completely as if such powers were herein separately enumerated.

- B. All powers, privileges and immunities conferred upon cities of more than five thousand inhabitants, by Section 4 of Chapter 147, acts of the 33rd Legislature, General Laws Regular Session, at pages 310 to 316, entitled, "An Act Authorizing Cities Having More Than Five Thousand Inhabitants, by a Majority Vote of the Qualified Voters of said City, at an Election Held for that Purpose to Adopt and Amend Their Charters," etc.; and such powers are hereby conferred upon the City of Arlington as fully and completely as if each of said mentioned powers were herein separately enumerated; but enumeration of special powers herein, or in the Statutes referred to, shall not be held or construed to preclude the City from exercising all powers of local government not inhibited by the Constitution and laws of the State of Texas, or by special limitations in this Charter contained, the purpose of this Charter being to enlarge upon the power extended by the general laws of cities incorporated thereunder, and to secure to the City of Arlington, all the powers conferred by the Constitution and laws of the State upon Cities having more than five thousand inhabitants.

ARTICLE IV

MUNICIPAL GOVERNMENT

Section 1. Form of Government: The municipal government provided by this Charter shall be known as the "Council-Manager" government. Pursuant to the provisions of, and subject only to the limitations imposed by the State Constitution, the State laws and this Charter, all powers of the municipal government shall be vested in an elected governing body to be known as the "City Council". The City Council shall be composed of a Mayor and eight (8) other Council members. Five (5) of the Council members shall represent "Single Member Districts", such Districts being numbered 1, 2, 3, 4 and 5, respectively. Three (3) of the Council members shall represent the City at large from Districts numbered 6, 7 and 8, respectively. No legally filed candidate for an office on the City Council may file for any other office on the City Council. (Adopted by Charter Amendment, November 2, 1993)

Elsewhere in this Charter, all references to "City Commission", "Commission", "Board of Commissioners", "Commissioner" and "City Commissioners" be and they are amended to read "City Council", "Council", "City Council", "Councilman", "City Councilman", respectively. References in this Charter to the male gender shall include females, and references to the female gender shall include males. (Adopted by Charter Amendment, April 5, 1980)

The provisions of Article IV, Section 1, regarding "Single Member Districts" shall become effective upon the expiration of the two year term of office of the Mayor and City Council members serving at the time this ordinance is enacted. Therefore, Council members and the Mayor shall serve in an at-large capacity for the remainder of their current term of office and until their successor has been elected. At the first general election for City offices following the adoption of this amendment, the offices of Districts 1, 2, 6 and 7 shall appear on the ballot. The offices of Districts 1 and 2 shall be "Single Member Districts", and the offices of Districts 6 and 7 shall be at-large. The offices of the Mayor and Districts 3, 4, 5 and 8 shall be at-large until the general election for City offices is held on the first Saturday in May of 1995. At that time, the offices of Districts 3, 4 and 5 shall appear on the ballot as "Single Member Districts" and the offices of Mayor and District 8 shall be elected at large. (Adopted by Charter Amendment, November 2, 1993)

Prior to the first day for filing for the first City Council election after adoption of this amendment, the City Council shall divide the City into five (5) contiguous and compact Single Member Districts along voting precinct lines apportioned according to the population of the city as ascertained by the United States Census of 1990, if it has been published, or by any other means allowed by State or Federal law, if it has not been published, and shall number the Districts 1 through 5, respectively. Thereafter, the City

Council shall, after the publication of each Decennial United States Census, and within one (1) year thereof, reapportion the Single Member Districts along voting precinct lines to contain as nearly equal and proportionate population as possible according to the population of the City as ascertained by that Census. (Adopted by Charter Amendment, November 2, 1993)

Section 2. Elective Officers; Run-off: The Mayor and the City Council members in Districts 6, 7 and 8 shall be elected from the City at large by a majority vote of the qualified voters at an election held for that purpose. The City Council members in Districts 1, 2, 3, 4 and 5 shall be elected from their respective Districts at an election held for that purpose. In the event no candidate for the office of Mayor or Council member shall receive a majority of the votes cast for said office, a run-off election shall be held not earlier than the 10th or later than the 30th day after the date the final canvass of the regular election is completed, at which time the names of the two candidates having the greatest number of votes in the regular election shall be placed on the ballot. Such run-off election shall be conducted in the same manner as a regular election. (Adopted by Charter Amendment, May 7, 1996)

Section 3. Qualifications of Officers: The Mayor and each Council Member shall have such qualifications as are specified by State law for such municipal officers, and shall not be indebted to the City, shall not hold any other public office of emolument, shall not be interested in the profits or emoluments of any contract, job, work or service for the City, or interested in the sale to the City of any supplies, equipment, material or articles purchased and shall not, during the current term of office, enter a plea of guilty to a felony or be convicted in a trial court of a felony. Any members of the City Council who shall, after being elected thereto, cease to possess any of the qualifications herein required, shall forfeit forthwith his office, and any such contract in which such officer is or may become interested shall be void. Any member of the City Council who shall file for any other public office or for another place or position on the City Council at a time when he has more than one (1) year to serve on his current term shall, upon such filing, forthwith forfeit his office.

The Council members elected to Districts 1, 2, 3, 4, and 5 shall, in addition to all other requirements, reside and be registered to vote within the boundaries of their respective Districts at the time of filing for the election. The Mayor and Council members elected to Districts 6, 7 and 8 shall, in addition to all other requirements, reside and be registered to vote within the boundaries of the City of Arlington at the time of filing for the election. The Mayor and all Council members shall continue to reside in the City of Arlington during their term of office. (Adopted by Charter Amendment, May 7, 1996)

Section 4. Terms of Office and Limitation of Terms: All elective officers under this Charter shall serve, commencing with the first general election held following the adoption of this amendment, the term of three years, and until their successors have been elected and qualified. (Adopted by Charter Amendment, November 22, 2022)

Section 5. Vacancies in the Office of Mayor or Council Member: In the event there remains more than two hundred seventy (270) days in the unexpired term of the office vacated, the vacancy shall be filled by an election to be ordered by the City Council, for the unexpired term of said vacated office. Said two hundred seventy (270) day period shall be computed from the date the office becomes legally vacated, the date upon which the Council by resolution declares such office vacant, or the date the Council accepts the resignation for such office, as may be applicable in the particular situation. Resignations of officers shall be made to the City Council in writing, subject to the approval and acceptance of the City Council, but the persons resigning may be required to continue in their offices until their successors shall have been elected and qualified. Nothing contained in this Charter shall be construed to authorize the City Council to fill a Council vacancy by appointment. (Adopted by Charter Amendment, August 14, 1990)

Section 6. Compensation: Beginning October 1, 1980, and thereafter, the Mayor shall receive a compensation of \$250.00 per month, and each Council member shall receive a compensation of \$200.00 per month, and all appointive officers of the City Council, except where otherwise provided by law, shall receive such compensation as may be fixed by the City Council. Nothing contained herein shall prohibit the reimbursement of actual official City business expenses of the Mayor and City Council where same are provided in the annual City Budget. (Adopted by Charter Amendment, April 5, 1980)

Section 7. Appointive Officers: There shall be appointed by a majority of the City Council, on the nomination of the Mayor or any member of the City Council, a City Manager, a Municipal Judge or Judges, a City Health Officer, a City Attorney, a City Auditor and other officers as may be required by State Constitution or State law, any of whom may be removed by a like majority vote of the said City Council at the pleasure of the City Council. The duties of such officers shall be as prescribed by State law, or ordinance or direction of the City Council not in conflict therewith. The compensation of such offices shall be set by the City Council. Such appointive officers shall appoint and remove any officer or employee placed under his authority and control. (Adopted by Charter Amendment, May 17, 2005)

Section 8. Qualifications of Appointive Officers: Officers appointed by the City Council shall possess such qualifications as may be prescribed by State Constitution or

law, or as prescribed by ordinance not in direct conflict therewith. (Adopted by Charter Amendment, April 5, 1980)

Section 9. Term Limits: No person shall serve as Mayor for more than three (3) elected terms, and no person shall serve as a Council Member for more than three (3) elected terms. Under no circumstances may any person ever serve for more than nine (9) years as a Council Member and for more than nine (9) years as Mayor. For purposes of this section and computing the limitations on terms:

- (1) a Mayor or Council Member who vacates, for any reason the office before the end of the term for which he was elected shall be considered to have completed that term.
- (2) an appointment or election to fill an unexpired Council Member term, or unexpired Mayor term if applicable, shall be computed as follows:
 - a. if fifty percent (50%) or more of the term is remaining, it shall be included in the computation of term limits; or
 - b. if less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.
- (3) Council Member terms are counted by including together terms served as both single-member and at-large districts.

The term that each person as Mayor or as a Council Member is currently filling, and all terms served prior to that current term, shall be counted for purposes of determining whether three (3) terms have been served.

This amendment shall become effective immediately upon adoption at the next municipal election, shall apply to all persons currently occupying the Office of Mayor or Council Member, and shall apply to all municipal elections conducted after the date of adoption. Any resident of the city may seek injunctive relief to enforce this prohibition. (Adopted by Charter Amendment, November 22, 2022)

Section 10. Municipal Court: There shall be a municipal court comprised of as many divisions as there are judges with such authority as provided by law. One of such judges shall be known as the Presiding Judge of the Municipal Court. The remainder of such judges shall be known as Associate Municipal Court Judges. There shall be a clerk or clerks of said court and its divisions, with such deputies as may be created or provided by ordinance by the City Council. The clerk or clerks of said court and the deputies thereof shall have the power to administer oaths and affidavits, make certificates, affix the seal of

said court thereto, and perform all other acts of a court clerk as may be provided by law. The clerk or clerks and deputies of said court shall be appointed and removed by the City Manager. (Adopted by Charter Amendment, May 10, 1988)

ARTICLE V
ELECTIONS

Section 1. General Election Laws: Except where otherwise provided herein, the general election laws of the State of Texas, insofar as applicable, shall control all elections, general and special, held by the City of Arlington.

Section 2. Mayor and City Council Members, Date of Election, Filing Fees: All regular elections for Mayor and City Council members shall be held on such date as is prescribed by State law or City ordinance not in conflict therewith. Commencing with the general election for City offices held in May 2023, the persons elected to the offices of Mayor and Council members for Districts 3, 4, 5, and 8 shall serve for a term of three years. Commencing with the general election for City offices held in May 2024, the persons elected to the offices of Council members for Districts 1, 2, 6 and 7 shall serve for a term of three years. The City Council shall have the power to call such special elections as they shall deem proper. Candidates for such offices shall pay such filing fee as may be set by appropriate ordinance of the City Council. (Adopted by Charter Amendment, November 22, 2022)

Section 3. Order of Election: All election procedures for the City of Arlington shall be as governed by the laws of the State of Texas for municipal elections, and as provided by City ordinance not in conflict therewith. (Adopted by Charter Amendment, April 3, 1982)

Section 4. Polling Places: The City Hall is hereby designated as the polling place at which all City elections shall be held until otherwise provided by ordinance. The board of City Councilmen may, from time to time, create and designate such polling places within the City as may be considered proper; provided, that in all elections general and special there shall be only one polling place for any one election, which shall be at the City Hall, until additional polling places shall be created and designated by the City Councilmen.

Section 5. Qualified Voters: Every person residing in the City of Arlington, who is a qualified elector under the laws of the State of Texas shall be entitled to vote for the Mayor and for the Council members elected from Districts 6, 7 and 8. Every person residing within each of the Single Member Districts who is a qualified elector under the laws of the State of Texas shall be entitled to vote in either District 1, 2, 3, 4 or 5, respectively, according to the elector's residence. (Adopted by Charter Amendment, November 2, 1993.)

Section 6. Form of Ballot and Number of Votes: In all elections, the vote shall be by official ballot. At the top of the official ballot shall be printed in large letters the words: "OFFICIAL BALLOT". It shall contain a statement of the title of the offices to be filled at such election and the printed names of all candidates for each office in such order as is required by State law or City ordinance. Each qualified voter shall be entitled to only one (1) vote for each office to be filled. No ballot shall be counted at any election unless prepared in accordance with the requirements of this section. (Adopted by Charter Amendment, April 5, 1980)

ARTICLE VI

THE BOARD OF CITY COUNCILMEN

Section 1. Regular Meetings and General Powers: The City Council shall meet regularly once each week, and more often on the call of the Mayor; provided, however, meetings, including regular meetings, may be cancelled by majority affirmative vote of all members of the Council. Notice of such cancellations shall be posted under the same laws and regulations applicable to the posting of agendas. The City Council shall see that all ordinances necessary and proper for carrying out the powers and duties prescribed in this Charter are passed and enforced. The City Council shall promote, in any way it sees fit, subject only to limitations imposed by the Constitution and laws of this State or by the provisions of this Charter, the welfare of the City and its inhabitants. (Adopted by Charter Amendment, April 5, 1980)

Section 2. Mayor Pro Tem and Quorum: The City Council shall elect one of the Council members Mayor Pro Tempore, who shall preside at all meetings at which the Mayor is not present, and a majority of the City Council shall constitute a quorum for the transaction of business. (Adopted by Charter Amendment, April 5, 1980)

Section 3. Appointments: The City Council shall appoint by majority vote such officers, boards, and commissions as may be required by State law and may appoint such other boards, commissions, and committees that the City Council may, within its discretion deem proper, any of whom may be removed by a like majority vote of the said Council at the pleasure of the City Council. This power of appointment shall include all other powers necessary to the efficacy of such appointments and the objectives of same. Such power of appointment includes the employment of professional, technical, and other expertise necessary and advisable to the efficient operation of the municipal government. The terms of such appointment shall be as prescribed by State law or City ordinance not in conflict therewith. (Adopted by Charter Amendment, April 5, 1980)

Section 4. Combining Duties of Officers: The board of City Councilmen shall also have power to combine the duties of any two or more officers of the City and provide that one person shall perform all the duties heretofore devolving upon the officers holding such offices thus combined.

Section 5. Providing Subpoena Powers: The City Council may, by ordinance, provide for subpoena powers to be exercised by City officers and employees in such manner as

CHARTER
Section 5

the City Council may, by ordinance, specify, not inconsistent with the Constitution and laws of the United States or of this State. (Adopted by Charter Amendment, April 5, 1986)

ARTICLE VII

POWERS OF THE CITY COUNCIL

Section 1. Presiding Officer: The Mayor, when present, shall preside over the City Council and in his absence the Mayor Pro Tempore shall preside.

Section 2. Power over Members: The City Council shall be the judge of the election and qualifications of its own members, may determine the rules of its proceedings and shall have power to compel the attendance of absent members and to punish them for disorderly conduct.

Section 3. Attendance at Meetings: It shall be the duty of each member of the City Council to attend each regular meeting thereof, and each special meeting of which he has notice, and failure of any member so to do, without good and sufficient excuse, shall constitute misconduct in office.

Section 4. Election of Mayor Pro Tempore: At the first meeting of each new Council, or as soon thereafter as practicable, the Council shall elect a Mayor Pro Tempore, who shall hold his office for one year, and in case of the failure, inability or refusal of the Mayor to act in respect to any matter of duty, such Mayor Pro Tempore shall act.

Section 5. Control of Finances, Property and Ordinances: The City Council shall have control of the finances of the City, and the control and disposition of its property, subject to the limitations hereof, and shall have power to ordain, alter, amend or repeal all ordinances, resolutions, rules, orders and regulations not repugnant to the Constitution and laws of the United States or of this State, and to enact such ordinances, resolutions, rules, orders, etc., as are necessary or proper for the good government of the City, for its religious interests, the preservation of peace and good order, and for the suppression of vice or immorality within its limits or for the proper promotion of trade and commerce within the City and for the security, preservation and protection of lives, well being and health of, and for the recreation of the inhabitants of the City and of persons within its limits and to accomplish and enforce the duties and powers hereby conferred upon the City or which may hereafter properly be conferred upon it.

Section 6. Power to Determine Duties of Officers: The City Council shall have power from time to time to require other and further duties of all officers whose duties are prescribed herein, and to define, prescribe and change, from time to time, the duties of all

CHARTER
Section 6

officers or employees appointed or elected by it or under its authority to any office or employment under the City, as in the judgment of the City Council may be best for the public interest, and the Council shall require good and sufficient bonds to be given by officers or employees handling funds of the City and may require bonds of other officers or employees if considered proper or necessary.

Section 7. Petitions and Remonstrances: Petitions and remonstrances to the City Council shall be presented in writing.

Section 8. Ordinances: Ordinances and resolutions shall be introduced in written or printed form, and shall not contain more than one subject which shall be clearly stated in the title except ordinances and resolutions appropriating money, which may contain various subjects and accounts for which monies are appropriated. Except in matters of a temporary character, or those having reference to the conduct of the ordinary and current affairs of the City, the Council shall proceed by ordinance only, and a majority vote of the Council who are present and voting shall be necessary to the adoption of an ordinance or resolution, or the allowance of any claim against the City. The vote on all ordinances and resolutions shall be entered of record, and on demand of any member of the City Council, the vote on any claim shall be so entered. No member of the City Council shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved, or where otherwise disqualified for ethical considerations, or unless excused by the Council for other valid reasons by majority vote. (Adopted by Charter Amendment, April 5, 1980)

Section 9. Style of Ordinances: The style of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON," but this style may be omitted when the laws and ordinances of the City are published in book or pamphlet form.

Section 10. Passage of Ordinances: No ordinance, except it be an emergency measure as hereinafter defined, shall be passed until it has been read at two meetings of the City Council. One of such readings must be at a regular meeting unless this requirement shall be dispensed with by the affirmative vote of all members of the City Council. (Adopted by Charter Amendment, April 5, 1980)

Section 11. Emergency Measure, Definition and Passage: An emergency measure is an ordinance for the immediate preservation of the public peace, property, health, and safety or one providing for the usual daily operation of the City. The Council shall, within its discretion, declare what measures are emergency measures and any ordinance

carrying an emergency clause shall be construed to be an emergency measure. Ordinances declared appropriately to be emergency measures may be passed after a reading at one meeting of the City Council on the affirmative vote of all members of the City Council who are present. (Adopted by Charter Amendment, April 5, 1980)

Section 12. Emergency, Denial: Any measure making grant or amendment to, or extension of any franchise or other special privilege, or increasing the rate to be charged for its services by any public utility, shall never be classed as an emergency measure.

Section 13. Enrolling of Ordinances: All ordinances and resolutions adopted by the City Council shall, before they take effect, be properly enrolled and be placed in the office of the City Secretary, and it shall be the duty of the Mayor, within ten (10) days after the same shall be placed in the hands of the Secretary, to see that they are properly enrolled, and shall approve or disapprove the same. If the Mayor shall disapprove any such ordinance or resolution, he shall do so in writing, stating his objections, and such order, ordinance or resolution shall be returned to the City Council for further action at a regular or adjourned regular meeting or special meeting, as the case may be, to be held not less than five (5) days after such disapproval of the Mayor; and if, after reconsideration, a majority shall vote in favor of the passage of such ordinance or resolution, their votes to be entered upon the Minutes of the City Council, then such ordinance or resolution shall become effective, the veto of the Mayor to the contrary notwithstanding. (Adopted by Charter Amendment, April 5, 1980)

Section 14. Effective Date of Ordinance: Every ordinance or resolution, after final passage, shall be recorded in a separate book kept for that purpose, and shall be effective from and after the approval of the Mayor, or its passage notwithstanding his veto, except penal ordinances.

Section 15. Ordinances Imposing Penalties: The descriptive caption of each ordinance stating in summary the purpose of the ordinance and the penalty for violation thereof shall, after its passage, be published two times in the official newspaper of the City before becoming effective. The City Secretary shall note on each such ordinance the fact that the same has been published and the dates of publication, which shall be prima facie evidence of such publication. No publication of any ordinance shall be required except for those imposing a fine, penalty or forfeiture or where State law provides otherwise. (Adopted by Charter Amendment, April 7, 1984)

Section 16. Publication of Ordinances: Should the City publish its ordinance in pamphlet form, or in book form, it shall not be necessary to republish such as have been

CHARTER
Section 16

published, and all ordinances of the City printed or put in book form by authority of the City Council shall be admitted and received in evidence in all courts without further proof, and a statement in such pamphlet or book that the ordinances and measures therein contained are published by authority of the City Council shall be prima facie evidence of the fact thus recited.

Section 17. Record: Every ordinance or resolution, upon its becoming effective, shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the Mayor, and attested by the City Secretary.

ARTICLE VIII

DUTIES AND POWERS OF OFFICERS

Section 1. Required Oath and Bond: Every person elected by the voters of the City or appointed by the City Council, to any office under the City government shall, before entering upon the duties of his office, take and subscribe the official oath prescribed by the Constitution of this State, and where a bond is required, shall execute such bond to the satisfaction of the City Council.

Section 2. Duties and Powers of the Mayor: The Mayor of the City, in addition to duties elsewhere in this Charter prescribed, shall be the presiding officer of the City Council; he shall from time to time communicate to the City Council such information and recommendations as may, in his judgment, tend to the improvement of the finances, police, health, comfort and good government of the City. He shall represent the City in all its relations with other municipalities, and with the State, and the United States, and he shall perform such other duties and exercise such other powers not inconsistent with the provisions and limitations of this Charter and the Constitution of the State of Texas and all laws relative to mayors of home rule cities. (Adopted by Charter Amendment, April 5, 1980)

Section 3. Duties and Powers of Appointive Officers: Officers appointed by the City Council shall have such duties and powers as may be prescribed by the State Constitution or law or as prescribed by ordinances of the City of Arlington or directions of the City Council not in conflict therewith. (Adopted by Charter Amendment, April 5, 1980)

ARTICLE IX
CITY MANAGER

Section 1. Qualifications: The City Manager shall be employed by the governing body. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice with respect to the duties of his office. At the time of his appointment he need not be a resident of the City or State but, during his tenure of office, he shall reside within the City. No member of the governing body shall, during the time for which he is elected or for two years thereafter, be chosen as City Manager.

Section 2. Compensation: The City Manager's salary shall be fixed by the governing body of the City.

Section 3. Term of Office: The City Manager shall be appointed for an indefinite term and may be removed at any time by a majority vote of the members of the City's governing body.

Section 4. Powers and Duties: The City Manager shall be the chief administrative officer of the City government. He shall be responsible to the governing body for the proper administration of all affairs of the City placed under his control by this Charter or by ordinance or resolution of the governing body and to that end he shall:

- (a) Except for other officers appointed by the City Council under this Charter, and such other officers' employees, appoint and remove any officer or employee of the City. Notwithstanding this provision, or any other provision in this Charter, the City Council may implement by ordinance or personnel policy a procedure under which third party arbitration is used to make the final determination over certain types of employee disciplinary actions. (Adopted by Charter Amendment, May 17, 2005)
- (b) Prepare a budget annually, submit it to the governing body for approval, and be responsible for its administration following adoption;
- (c) Keep the governing body advised of the financial condition, administrative activities and future needs of the City, and make such recommendations as may be seen desirable;

CHARTER

Section 4

- (d) Attend all meetings of the governing body with the right to take part in the discussion but having no vote; and
- (e) Perform such other duties as may be prescribed by this Charter or required of him by the governing body, not inconsistent with the provisions of the Charter.

Section 5. Absence of City Manager: During the temporary absence or disability of the City Manager, he shall by letter filed with the City Secretary appoint a qualified administrative officer of the City to perform his duties during such absence or disability. In the event of the incapacity or failure of the City Manager to make such appointment, it may be made by the governing body. During any vacancy in the office of the City Manager, the governing body shall designate by letter filed with the City Secretary a qualified administrative officer of the City to serve as Acting City Manager during the existence of such vacancy.

Section 6. Governing Body's Relations with City Manager: The governing body and each of its members shall hold the City Manager responsible for the proper administration of all affairs of the City, but neither the governing body nor any board of Commission created by it, nor any members thereof, shall dictate the appointment of any person to or his removal from office or employment with the City, or in any manner interfere in the appointment of officers and employees in the departments of the administrative service vested in the City Manager by this Charter. Except for the purpose of inquiry, the governing body and its members shall deal with the administrative service solely through the City Manager, and neither the governing body nor any member thereof shall give orders to any subordinate of the City Manager either publicly or privately. (Adopted by Charter Amendment, April 5, 1960)

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 1. Contracts: All valid and existing contracts to which the City of Arlington is a party, heretofore validly made and not heretofore terminated by agreement, novation, breach or otherwise, shall be unaffected by the adoption of this Charter, and shall be executed in accordance with the provisions of this Charter, and laws applicable thereto, and for such purposes only, all laws and parts of laws applicable to any such contracts, if not in conflict herewith, are continued in full force and effect.

Section 2. Tax Debt Arrearages: No money shall be paid by the City upon any claims, debt, demand or account whatsoever, to any person, firm or corporation who is in arrears to the City of Arlington for taxes or otherwise, and the City shall be entitled to a counter claim and offset against any such debt, claim, demand or account, in the amount of taxes or other debt in arrears, and no assignment or transfer of such debt, claims, demands or accounts, after the said taxes or other debts are due, shall affect the right of the City to offset the said taxes or other debts against the same.

Section 3. Ordinances and Resolutions in Force: All ordinances and resolutions in force at the time this Charter shall become effective, not inconsistent with its provisions shall continue in force until amended or repealed.

Section 4. Execution of City Property: No property owned or held by in the City and held or used for public purposes, or intended for public use and reasonably adapted to such use, shall be subject to any execution of any kind or nature.

Section 5. Garnishment of City Funds: No fund of the City shall be subject to garnishment, and the City shall never be required to answer in any garnishment proceedings.

Section 6. Claims of Damages: The City shall not be liable on account of any claim for death, injury or damages to any person or property unless the person asserting such claims, or their representative, shall give the City written notice of such claim by filing such written notice with the City Secretary within one hundred eighty (180) days from the time the incident causing such death or damages occurred, with a statement of facts reasonably sufficient to form a basis of an intelligent investigation, and no suit shall be instituted or maintained on any such claim until the expiration of ninety (90) days from

CHARTER
Section 6

the time such notice shall have been filed. (Adopted by Charter Amendment, May 10, 1988)

Section 7. Effective Date of Charter: This Charter, if adopted, shall become effective from and after the votes cast at the election at which it is submitted to the voters shall have been counted and the result of said election declared and an order or ordinance shall have been entered upon the records of the City Council declaring it adopted.

Section 8. Amendment or Repeal of Charter: This Charter, if adopted, may be altered, amended or repealed as provided by State law. (Adopted by Charter Amendment, April 5, 1980)

Section 9. Recording of Charter: This Charter, if adopted, shall be recorded in full in the Minutes of the City Council, and as part of the proceedings of the meeting at which it is declared adopted, and the City Secretary shall carefully preserve the original in his office. As soon as practicable after it is adopted, it shall be the duty of the Mayor to certify to the Secretary of State, as required by statute, a duly authenticated copy hereof, under the seal of the City, for record in the office of said Secretary of State.

Section 10. Conformity of Charter with State Laws: The Charter herewith submitted is and shall be cumulative of all other laws of the State governing cities of more than five thousand inhabitants, not in conflict herewith, and the enumeration of the powers made in this Charter shall never be construed to preclude, by implication or otherwise, the City from doing any and all things not inhibited by the Constitution and laws of Texas.

Section 11. Force and Effect of Charter: This Charter shall have the force and effect of a general law, and it shall not be necessary to plead or prove the same, or any part thereof, in any suit or legal proceedings, and all courts shall take judicial notice.

Section 12. Photographic Traffic Signal Enforcement: The City of Arlington shall not use photographic traffic signal enforcement systems to civilly, criminally, or administratively enforce any state law or City Ordinance against the owner or operator of a vehicle operated in violation of a traffic control signal, specified by Section 544.007(d) of the Texas Transportation Code, nor shall it collect any money from any recipient of a Notice of Violation issued, in whole or in part, in connection with the use of a photographic traffic signal enforcement system. (Adopted by Charter Amendment, May 19, 2015)

ARTICLE XI

REVENUE AND TAXATION

Section 1. Power to Levy Taxes; Limit: The City Council shall have power to levy taxes to the extent and for all purposes authorized by the laws of the State of Texas and by this Charter, not to exceed, however, the constitutional and statutory limit of Two Dollars and Fifty Cents (\$2.50) on each One Hundred Dollars (\$100.00) of the assessed valuation, and provide for the mode and manner of levying, assessing and collecting the same, and apportion such taxes as in the discretion of the City Council shall be to the best interest of the City. (Adopted by Charter Amendment, September 11, 1954)

Section 2. Taxes for General Purposes and Current Expenses: It shall be the duty of the City Council, annually, to levy, assess and collect such taxes on the assessed valuation of all taxable property within the City as may be necessary for general purpose and current expenses of the City, provided that the rate of taxation shall never exceed the limit prescribed by this Charter.

Section 3. Taxes to Pay Indebtedness: The City Council shall have power to annually levy, assess and collect such taxes as may be necessary to pay the interest on, and create a sinking fund or funds for the bonded or other indebtedness of the City now existing or hereafter to be created.

Section 4. Taxes for Civic Improvements: In addition to the taxes hereinabove provided for, the City Council shall provide for the opening, maintenance and improvements of the streets, alleys, bridges, culverts, etc., and may provide for the maintenance and support of a public free library; for the maintenance and beautifying of the City cemeteries, and other improvements herein authorized.

Section 5. Occupation Taxes and Licenses: The City Council shall have the power, and it is hereby authorized, to levy, assess and collect occupation taxes upon all trades, professions, occupations, callings and businesses of every kind or character carried on in the City, on which a license or occupation tax is levied by the State at the time this Charter shall go into effect, and all such trades, professions, occupations, callings and all other businesses of every kind or character, which may hereafter be subject to a license or occupation tax as provided by the general laws of the State; but at no time shall the occupation tax of license levied by said City for any year on persons or corporations pursuing any trade, profession, occupation, calling or business, of any kind or character, subject to a license or tax under the laws of the State, exceed one-half of said license or

CHARTER
Section 5

tax levied by the State for the same period on such trade, profession, occupation, calling or business. All licenses or occupation taxes shall be received and collected by the assessor and collector of taxes, and shall be paid to that officer by each and every person and corporation, chargeable therewith, before engaging in any trade, profession, occupation, calling or business upon which said tax or license is charged, and the City Council shall have the power and authority and is hereby vested with all powers delegated to and prescribed for the collection of occupation taxes and licenses under the general laws of the State, either civil or criminal, except as they may be in conflict herewith, and in addition thereto the City may collect such taxes by suit in any court having jurisdiction of the amount. Any person pursuing more than one trade, profession, occupation, calling or business subject to the payment of occupation taxes or license, shall pay one occupation tax or license on each, and no tax or license shall extend to more than one profession, trade, occupation, calling or business.

Section 6. Granting of Occupation Taxes and Licenses: The City Council shall authorize the proper officer of the City to grant and issue occupation taxes and licenses, and shall direct the manner of issuing and registering the same, and fix the fees and charges therefor. No tax or license shall issue for a longer period than one year, and shall not be assignable except by permission of the City Council; nor shall same be issued except for the City's fiscal year or the unexpired portion thereof.

Section 7. Lien to Secure Payment of Taxes: The property of all persons owing any taxes to the City of Arlington is hereby made liable for all such taxes, whether the same be due upon personal or real property, or both, and a lien is hereby expressly fixed upon all such property to secure the payment of said taxes; and the ad valorem taxes due on any one piece of property shall not be received by the collector from the owner or other persons interested therein separately without paying the ad valorem taxes owing by him on other property.

Section 8. Provisions for Prompt Collection of Taxes: The City Council shall have full power to provide by ordinance for prompt collection of taxes levied, assessed and imposed under this Charter and the ordinances of said City, and it is hereby authorized, and to that end shall have full power and authority to sell, or cause to be sold, all kinds of property, real and personal, and shall make such rules and regulations, ordain and pass such ordinances, as it may consider necessary to the levying, imposing, assessing and collecting of any and all taxes provided for in this Charter and unless otherwise provided by ordinance, all property in said City liable and subject to taxation shall be assessed, and said taxes shall be levied and collected, in accordance with the provisions of the general laws of the State of Texas.

Section 9. Collections for Bonded and Other Indebtedness: All monies arising from the collection of taxes levied for the payment of interest on, and providing a sinking fund for, bonded or other indebtedness of the City, shall be maintained in a separate fund, to be designated "Interest and Sinking Fund" series of indebtedness.

Section 10. Irregularities in Levy and Assessment: No irregularities in the time and manner of making and returning of the assessment rolls, or the approval of such rolls, shall invalidate any assessment, nor shall any irregularity in the time and manner of making a levy or the form thereof invalidate any tax levy made hereunder.

Section 11. Levying Taxes: The City Council, at its first meeting in July of each year, or as soon thereafter as practicable, shall levy the annual taxes for each year. Special taxes or assessments provided for by this Charter may be levied, assessed and collected at such time or times as the City Council may provide. (Adopted by Charter Amendment, April 7, 1984)

Section 12. Forced Collection of Taxes: The City Council may provide by ordinance for the prompt collection, by suit, sale or otherwise, of all taxes of every kind due the City. Penalty and interest upon delinquent taxes shall be imposed in accordance with State law. (Adopted by Charter Amendment, April 7, 1984)

Section 13. Hotel Occupancy Tax: (Deleted by Charter Amendment May 10, 1988)

ARTICLE XII

PUBLIC UTILITIES

Section 1. Jurisdiction over Public Utilities: The City of Arlington shall have the power to construct, own, purchase or lease, within or without the City Limits, and to maintain and operate a system or systems of waterworks, sewers, sewage disposal plants, gas and electric light plants, parks, hospitals, telephone systems, street railways, garbage disposal plant and all other public utilities, and to receive compensation for services furnished for private purposes or otherwise, and to exercise the right of eminent domain, as by this Charter provided, for the appropriation of lands and rights-of-way that may be proper and necessary to efficiently carry out such objects; to adopt by ordinance such rules and regulations as it may consider necessary and advisable for the acquiring and operation of any such public utilities; to manufacture its own electricity, gas and ice, and to purchase, and make contracts with any person or corporation for the purpose of purchasing gas, electricity and ice, and to sell the same to the public on such terms as the Council may provide.

Section 2. Municipal Service: The rates charged for service furnished by any of the said public utility plants shall be fixed by the City Council, and shall be just and equitable and there shall not be allowed any person, firm or corporation, or to any officer or employee of said City, any service free of charge, except that free service may be provided for buildings and institutions owned or operated by the City. In determining the rates to be charged and collected for such service, the cost of operation, maintenance, depreciations, replacements, betterments, interest charges, and the creation of a sinking fund to pay the principal and the interest of any bonds issued for the construction or acquirement or improvement of any such public utilities, shall be taken into consideration; provided, that the City may charge a greater rate for such service to persons, firms or corporations without the City Limits than for the same service to those within the City Limits.

ARTICLE XIII

BONDING POWER, INDEBTEDNESS

Section 1. Authority to Incur Indebtedness: The Council shall have the power to incur, create, refund and refinance indebtedness and borrow money for public purposes, to issue special or general obligation bonds or other evidences of indebtedness in connection therewith and to secure and pay the same from the source or sources in the amount and manner, subject to the elections and in accordance with the procedures provided and required by State law. (Adopted by Charter Amendment, April 5, 1980)

Section 2. Treasury Interest Bearing Warrants: In addition to the power set forth in Section 1 of this article, the City Council shall have the power, when in its discretion it deems expedient and necessary, and at a regular meeting, to pass an ordinance or ordinances authorizing the issuance of interest-bearing time warrants with or without coupons for the purpose for which bonds are authorized to be issued under this Charter, such warrants to bear interest not to exceed that amount permitted by general law, payable annually or semi-annually, and to mature at such times and to be payable at such places as may be fixed by the City Council, but before any such warrants shall be delivered to the purchaser, the Mayor shall name twelve (12) citizens who must be legal voters and taxpayers as shown by the City Tax Rolls. Notice of naming these citizens shall be made public at least ten (10) days before the regular meeting at which said citizens committee is to consider proposed issue of warrants, and a majority of these twelve (12) citizens must give their written approval of such warrants and signs the minutes of the meeting at which warrants are ordered to be issued. Their approval shall not be given earlier than one regular meeting after the proposal to issue warrants by the City Council. At the time any such warrants are ordered to be issued, the City Council shall levy a sufficient tax to provide for the payment of the necessary annual interest thereon, and to create a sinking fund for such warrants as are authorized to be issued. In lieu of the taxes required to be levied in the sentence next above, the Council may secure and pay any such warrants from any other unencumbered revenues of the City. They shall be signed by the Mayor, counter-signed by the City Secretary and shall provide the purpose for which they are issued, the place where payable, and shall bear the seal of the corporation. (Adopted by Charter Amendment, April 5, 1980)

ARTICLE XIV

CITY DEPOSITORY

The provision of the general laws of the State governing the selection and designation of a City depository is hereby adopted as the law governing the selection and designation of a depository for the City of Arlington.

ORDINANCE NO. 96-38

AN ORDINANCE ORDERING AN ELECTION TO BE HELD ON MAY 4, 1996, IN THE CITY OF ARLINGTON FOR THE PURPOSE OF SUBMITTING AMENDMENTS TO THE ARLINGTON CITY CHARTER REGARDING THE TIMING OF RUNOFF ELECTIONS AND TO PROVIDE THAT CANDIDATES BE REGISTERED VOTERS; DESIGNATING THE PLACE OF HOLDING SUCH ELECTION; NAMING THE OFFICERS THEREOF; PRESCRIBING THE FORM OF BALLOT; PROVIDING FOR NOTICES; PROVIDING A SEVERABILITY CLAUSE; AND NAMING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That in accordance with the provisions of Section 9.04 of the Texas Local Government Code, there shall be submitted to the voters of the City of Arlington, Texas, at the regular City election to be held on May 4th, 1996, the following amendment to the Home-Rule Charter of the City of Arlington, Texas:

Amendment No. 1

That Section 2 of Article IV be amended, so that hereafter the same shall be:

Section 2. Elective Officers; Run-off: The Mayor and the City Council members in Districts 6, 7 and 8 shall be elected from the City at large by a majority vote of the qualified voters at an election held for that purpose. The City Council members in Districts 1, 2, 3, 4 and 5 shall be elected from their respective Districts at an election held for that purpose. In the event no candidate for the office of Mayor or Council member shall receive a majority of the votes cast for said office, a run-off election shall be held *not earlier than the 10th or later than the 30th day after the date the final canvass of the regular election is completed*, at which time the names of the two candidates having the greatest number of votes in the regular election shall be placed on the ballot. Such run-off election shall be conducted in the same manner as a regular election.

Amendment No. 2

That Section 3 of Article IV be amended, so that hereafter the same shall be:

Section 3. Qualifications of Officers: The Mayor and each Council Member shall have such qualifications as are specified by State law for such municipal officers, and shall not be indebted to the City, shall not hold any other public office of emolument, shall not be interested in the profits or emoluments of any contract, job, work or service for the City, or interested in the sale to the City of any supplies, equipment, material or articles purchased and shall not, during the current term of office, enter a plea of guilty to a felony or be convicted in a trial court of a felony. Any members of the City Council who shall, after being elected thereto, cease to possess any of the qualifications herein required, shall forfeit forthwith his office, and any such contract in which such officer is or may become interested shall be void. Any member of the City Council who shall file for any other public office or for another place or position on the City Council at a time when he has more than one (1) year to serve on his current term shall, upon such filing, forthwith forfeit his office.

The Council members elected to Districts 1, 2, 3, 4, and 5 shall, in addition to all other requirements, reside and be registered to vote within the boundaries of their respective Districts at the time of filing for the election. *The Mayor and Council members elected to Districts 6, 7 and 8 shall, in addition to all other requirements, reside and be registered to vote within the boundaries of the City of Arlington at the time of filing for the election. The Mayor and all Council members shall continue to reside in the City of Arlington during their term of office.*

2.

That the form of the ballot shall be substantially as follows:

Proposition No. 1 Shall Section 2 of Article IV of the City Charter be amended to state that run-off elections shall be held between ten (10) to thirty (30) days after the date the final canvass of the regular election is completed?

Yes _____ No _____

Proposition No. 2 Shall Section 3 of Article IV of the City Charter be amended to require that the Mayor and Council members reside and be registered voters within the City of Arlington?

Yes _____ No _____

3.

Said election shall be conducted in the same manner as prescribed in Ordinance No. 96-33 calling the general election on May 4, 1996, for the election of Council members for Districts 1, 2, 6, and 7. The physical means of voting, the designated polling places and officers shall be the same as those prescribed in Ordinance No. 96-33.

4.

Early voting shall be conducted in the same manner, at the same location, and on the same dates and times as provided in the aforementioned ordinance for the general election on May 4, 1996.

5.

Said election shall be held under the provisions of the Charter of the City of Arlington, Texas, the Constitution and laws of said State, and the Voting Rights Act of 1965, and amendment thereto, insofar as they may be applicable.

6.

This ordinance shall constitute the order and may serve as notice of such election.

7.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitu-

tional, such holding shall not affect the validity of the remaining portions of this ordinance.

9.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 12th day of March, **1996**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 19th day of March, **1996**, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

RICHARD E. GREENE, Mayor

ATTEST:

CINDY KEMP, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

ORDINANCE NO. 05-017

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2005, IN THE CITY OF ARLINGTON FOR THE PURPOSE OF SUBMITTING AMENDMENTS TO THE ARLINGTON CITY CHARTER REGARDING LENGTHENING OF COUNCIL TERMS, INCREASING COUNCIL COMPENSATION, ADDING COUNCIL APPOINTED ASSISTANTS, PROVIDING FOR THIRD PARTY ARBITRATION FOR CITY EMPLOYEES, AND ADDING A COUNCIL APPOINTED AUDITOR; PRESCRIBING THE FORM OF BALLOTS; PROVIDING FOR NOTICES; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY AND PROVIDING FOR INJUNCTIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That an election be held in the City of Arlington, Texas, on Saturday, the 7th day of May, 2005, for the purpose of submitting amendments to the Home-Rule Charter of the City of Arlington. Said election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on said date. In accordance with the provisions of Section 9.04 of the Texas Local Government Code, the following amendments to the Home-Rule Charter shall be submitted to the voters of the City of Arlington, Texas:

Amendments Relative to Proposition 2

That Section 4 of Article IV be amended so that hereafter the same shall be and read as follows:

Section 4. Terms of Office: All elective officers, under this Charter, shall serve, after the first election as herein provided, for a term of three years, and until their successors have been elected and qualified.

Further, that Section 2 of Article V be amended so that hereafter the same shall be and read as follows:

Section 2. Mayor and City Council Members, Date of Election, Filing Fees: All regular elections for Mayor and City Council members shall be held on such date as is prescribed by State law or City ordinance not in conflict therewith. Beginning with the May 2006 election, Council members for Districts 1, 2, 6, and 7 shall be elected for a term of three years. Beginning with the May 2007 election, the Mayor and Council members for

Districts, 3, 4, 5 and 8 shall be elected for a term of three years. The City Council shall have the power to call such special elections as they shall deem proper. Candidates for such offices shall pay such filing fee as may be set by appropriate ordinance of the City Council.

Amendment Relative to Proposition 3

That Section 6 of Article IV be amended so that hereafter the same shall be and read as follows:

Section 6. Compensation: Beginning June 1, 2007, and thereafter, the Mayor shall receive a compensation of \$1,500.00 per month, and each Council member shall receive a compensation of \$1,000.00 per month, and all appointive officers of the City Council, except where otherwise provided by law, shall receive such compensation as may be fixed by the City Council. Nothing contained herein shall prohibit the reimbursement of actual official City business expenses of the Mayor and City Council where same are provided in the annual City Budget.

Amendment Relative to Proposition 4

That Section 7 of Article IV be amended to add a second paragraph such that the second paragraph of Section 7, Appointive Officers, shall hereafter be and read as follows:

The City Council may appoint up to nine assistants to assist the Mayor and each Council member in carrying out the duties of their office. The Mayor and each City Council member may nominate an assistant to be voted upon by majority vote of the City Council, any of whom may be removed by a like majority vote of the said City Council at the pleasure of the City Council. The compensation of such offices shall be set by the City Council.

Amendment Relative to Proposition 5

That Section 4 of Article IX be amended at subsection (a) so that hereafter subsection (a) relative to the City Manager's duties shall be and read as follows:

(a) Except for other officers appointed by the City Council under this Charter, and such other officers' employees, appoint and remove any officer or employee of the City. Notwithstanding this provision, or any other provision in this Charter, the City Council may implement by ordinance or personnel policy a procedure under which third party arbitration is used to make the final determination over certain types of employee disciplinary actions.

Amendment Relative to Proposition 6

That Section 7 of Article IV be amended so that hereafter the first paragraph of Section 7 shall be and read as follows:

Section 7. Appointive Officers: There shall be appointed by a majority of the City Council, on the nomination of the Mayor or any member of the City Council, a City Manager, a Municipal Judge or Judges, a City Health Officer, a City Attorney, a City Auditor and other officers as may be required by State Constitution or State law, any of whom may be removed by a like majority vote of the said City Council at the pleasure of the City Council. The duties of such officers shall be as prescribed by State law, or ordinance or direction of the City Council not in conflict therewith. The compensation of such offices shall be set by the City Council. Such appointive officers shall appoint and remove any officer or employee placed under his authority and control.

2.

The Propositions shall be set forth substantially in the following form, so as to permit the voters to vote “FOR” or “AGAINST” the Propositions:

PROPOSITION NO. 2

AMENDMENT OF SECTION 4 OF ARTICLE IV AND SECTION 2 OF ARTICLE V OF THE CITY CHARTER TO LENGTHEN THE TERM OF OFFICE FOR MAYOR AND ALL MEMBERS OF THE CITY COUNCIL TO THREE YEARS.

PROPOSITION NO. 3

AMENDMENT OF SECTION 6 OF ARTICLE IV OF THE CITY CHARTER TO INCREASE COMPENSATION FOR THE MAYOR TO \$1500 PER MONTH AND FOR CITY COUNCIL MEMBERS TO \$1000 PER MONTH.

PROPOSITION NO. 4

AMENDMENT OF SECTION 7 OF ARTICLE IV OF THE CITY CHARTER TO ADD UP TO NINE COUNCIL ASSISTANTS AS OFFICERS APPOINTED BY THE CITY COUNCIL.

PROPOSITION NO. 5

AMENDMENT OF SECTION 4(A) OF ARTICLE IX OF THE CITY CHARTER TO ALLOW THE CITY COUNCIL TO USE THIRD PARTY ARBITRATION TO MAKE FINAL DETERMINATIONS OVER CERTAIN TYPES OF EMPLOYEE DISCIPLINARY ACTIONS.

PROPOSITION NO. 6

AMENDMENT OF SECTION 7 OF ARTICLE IV OF THE CITY CHARTER TO ADD A CITY AUDITOR AS AN OFFICER APPOINTED BY THE CITY COUNCIL.

3.

Said election shall be held under the provisions of the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and amendments thereof, insofar as same may be applicable.

4.

This ordinance shall constitute the Order and Notice of such elections.

5.

The following places are designated as polling places for the May 7, 2005, special election. The polling place locations shall be published in the Notice of Election as required by law.

<u>LOCATION</u>	<u>PRECINCT NO.</u>
Ashworth Elementary 6700 Silo Road 76018	#2031, 2383, 2405, 2541 2557, 2613
Atherton Elementary 2101 Overbrook Dr 76014	#2027, 2235, 2320, 2381, 2461, 2569
Bailey Junior High 2411 Winewood Lane 76013	#2181, 2205
Berry Elementary 1800 Joyce Street 76010	#2100, 2145, 2210, 2309, 2544

Boles Jr. High 3900 SW Green Oaks Blvd 76016	#2007, 2028, 2262, 2307, 2358, 2505, 2521, 2522, 2535
Burgin Elementary 401 E. Mayfield Road 76010	#2226, 2268, 2269, 2393, 2403
COA-Parks & Recreation 717 West Main St 76010	#2052, 2161
COA-Senior Center 2015 Craig Hanking Dr 76010	#2169, 2225, 2263, 2413, 2427
COA-South Service. Center 1100 SW Green Oaks Blvd 76017	#2030, 2304, 2356, 2462, 2519, 2525, 2553, 2581
Corey Elementary 5200 Kelly Elliott Rd 76017	#2029, 2305, 2306, 2352, 2425, 2506
Ditto Elementary 3001 Quail Lane 76016	#2220, 2266, 2319, 2464
Duff Elementary 3100 Lynnwood Dr 76013	#2171, 2310
Ellis Elementary 2601 Shadow Ridge Dr 76006	#2224, 2315, 2316, 3441, 3442, 3550, 3551, 3552
Ferguson Junior High 600 SE Green Oaks Blvd 76018	#2353, 2448, 2450
Fitzgerald Elementary 5201 Creek Valley Dr 76018	#2354, 2449, 2523
Gunn Junior High 3000 South Fielder Rd 76015	#2174, 2229, 2267, 2318, 2401, 2451, 2513
Miller Elementary 6401 W. Pleasant Ridge Rd 76016	#2173, 2219, 2520, 2556, 2609 2610
Nichols Junior High 2001 Ascension Blvd 76006	#2402, 2467, 2536, 2537, 2571, 2617
Pope Elementary 901 Chestnut Dr 76012	#1605, 1606, 2003, 2217, 2280, 2303
Shackelford Junior High	#1607, 2228, 2246, 2317

2000 North Fielder Rd 76012

Sherrod Elementary #1380, 1463, 2055, 2281,
2626 Lincoln Dr 76006 3564

South Davis Elementary #2143, 2147, 2168
2001 South Davis Dr 76013

Webb Elementary #2026, 2148, 2190
1200 North Cooper St 76011

Young Junior High #2313, 2314, 2468
3200 Woodside Drive 76016

6.

In the May 7, 2005, election, the City Secretary shall cause paper ballots, which are optically scanned, to be prepared in the form of the ballot first above prescribed, being in both English and Spanish, and shall furnish election officials said ballots, in such form, together with any other forms or blanks, in accordance with the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and any amendments thereto, insofar as same are applicable.

7.

Early voting by personal appearance in the May 7, 2005, election will begin April 20, 2005, and continue through May 3, 2005, with the voting times to be from 8:00 a.m. to 5:00 p.m. each week day. Extended hours for early voting shall occur at all early voting sites on Saturday, April 30, 2005, from 8:00 a.m. to 5:00 p.m. Early voting in person in the May 7, 2005 election shall be conducted by the City Secretary, as Early Voting Clerk, at the following locations:

- A. Bob Duncan Community Center, 2800 South Center Street, Arlington, TX 76014;
- B. South Service Center, 1100 SW Green Oaks Blvd, TX 76017;
- C. Turning Point High School, 5618 West Arkansas Lane, Arlington, TX 76016;
- D. Sherrod Elementary School, 2626 Lincoln Drive, Arlington, TX 76006; and,
- E. Kooken Educational Center, 423 North Center Street, Arlington, Texas 76011

e-Slate, a Direct Record Electronic (DRE) System, shall be used for early voting by personal appearance, and paper ballots, which are optically scanned, shall be used for early voting by mail in the May 7, 2005 election.

An Early Voting Balloting Board is hereby appointed to canvass the early votes cast by mail and by personal appearance in the May 7, 2005 election. The following persons are hereby appointed as election officers of said Early Voting Balloting Board:

Presiding Judge: Mary Ann Keal

Alternate Judge: James Ditto

8.

The rate of pay for election judges and clerks shall be as follows:

Judges: \$10.00 per hour

Alternate Judges: \$9.00 per hour

Clerks: \$8.00 per hour

9.

Notice of the Election shall be given by posting a notice containing a substantial copy of this Ordinance in both English and Spanish at the City Hall on the bulletin board used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date of the Election, and by publication of said notice in a newspaper of general circulation on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election, and said notices shall be posted in both English and Spanish.

10.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

11.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

12.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

13.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

14.

This ordinance shall become effective from and after its passage upon signature of the Mayor.

PRESENTED AND GIVEN FIRST READING on the **8th** day of **February, 2005**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **22nd** day of **February, 2005**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

Ordinance No. 15-006

An ordinance ordering a Special Election to be held on May 9, 2015, in the City of Arlington for the purpose of submitting an amendment to the Arlington City Charter to prohibit photographic traffic signal enforcement; prescribing the form of ballots; providing for notices; providing this ordinance be cumulative; providing for severability; providing for governmental immunity and providing for injunctions

WHEREAS, on receipt of a petition signed by five percent of the registered voters of the City, the City Council shall submit a proposed charter amendment to the voters for their approval pursuant to Section 9.004 of the Texas Local Government Code; and

WHEREAS, on January 20, 2015, a petition was filed with the City Secretary's Office to amend the Arlington City Charter to prohibit photographic traffic signal enforcement; and

WHEREAS, the City Secretary's Office has verified that the petition meets the requisites provided by Section 9.004 of the Texas Local Government Code and Chapter 277 of the Texas Election Code; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That an election be held in the City of Arlington, Texas, on Saturday, the 9th day of May, 2015, for the purpose of submitting an amendment to the Home-Rule Charter of the City of Arlington. Said election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on said date. In accordance with the provisions of Section 9.04 of the Texas Local Government Code, the following amendment to the Home-Rule Charter shall be submitted to the voters of the City of Arlington, Texas:

Amendment Relative to Proposition 1

That Section 12 of Article X of the Charter of the City of Arlington be added so that hereafter the same shall be and read as follows:

Section 12. Photographic Traffic Signal Enforcement: The City of Arlington shall not use photographic traffic signal enforcement systems to civilly, criminally, or administratively enforce any state law or City Ordinance against the owner or operator of a vehicle operated in violation of a traffic control signal, specified by Section 544.007(d) of the Texas Transportation Code, nor shall it collect any money from any recipient of a

Notice of Violation issued, in whole or in part, in connection with the use of a photographic traffic signal enforcement system.

2.

The Proposition shall be set forth substantially in the following form, so as to permit the voters to vote "FOR" or "AGAINST" the Proposition:

PROPOSITION NO. 1

ADDITION OF SECTION 12 OF ARTICLE X OF THE
CITY CHARTER TO PROHIBIT PHOTOGRAPHIC
TRAFFIC SIGNAL ENFORCEMENT.

3.

Said election shall be held under the provisions of the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and amendments thereof, insofar as same may be applicable.

4.

This ordinance shall constitute the Order and Notice of such election.

5.

Frank Phillips is hereby appointed as Early Voting Clerk for the Special Election. Early voting by mail shall be conducted in conformance with the requirements of the Texas Election Code. The main early voting polling place is hereby designated to be the Tarrant County Elections Center, 2700 Premier, Fort Worth, Texas 76111. Ballot applications and ballots voted by mail shall be sent to: Frank Phillips, Early Voting Clerk, P.O. Box 961011, Fort Worth, TX 76161-0011.

6.

Early voting by personal appearance in the Special Election will begin April 27, 2015, and continue through May 5, 2015, with the voting dates and hours as follows:

April 27- May 1	Monday-Friday	8:00 a.m. – 5:00 p.m.
May 2	Saturday	7:00 a.m. – 7:00 p.m.
May 3	Sunday	11:00 a.m. – 4:00 p.m.
May 4 - 5	Monday-Tuesday	7:00 a.m. – 7:00 p.m.

7.

The City Secretary shall cause official ballots to be prepared in the form of the ballot first above prescribed, being in both English and Spanish, and shall furnish election officials said ballots, in such form, together with any other forms or blanks, in accordance with the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and any amendments thereto, insofar as same are applicable. e-Slate, a Direct Record Electronic (DRE) System, shall be used for early voting by personal appearance. Paper ballots, which are optically scanned, shall be used for early voting by mail and on Election Day. e-Slate, a Direct Record Electronic (DRE) System, shall also be provided and used at each polling location on Election Day.

8.

Notice of the Election shall be given by posting a notice containing a substantial copy of this Ordinance in both English and Spanish at the City Hall on the bulletin board used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date of the Election, and by publication of said notice in a newspaper of general circulation on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election, and said notices shall be posted in both English and Spanish.

9.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

10.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

11.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

12.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

13.


This ordinance shall become effective from and after its passage upon signature of the Mayor.

PRESENTED AND GIVEN FIRST READING on the 10th day of February, 2015, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 24th day of February, 2015, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY _____

Ordinance No. 18-042

An ordinance ordering a Special Election to be held on November 6, 2018 in the City of Arlington for the purpose of submitting an amendment to the Arlington City Charter to add a new Section 9 of Article IV to provide that the Mayor and City Council members shall be limited to three elected terms and that no person shall serve as a Council Member for more than three elected terms, and under no circumstances may any person ever serve for more than twelve years in combination as a Council Member and Mayor, and the term that each person as Mayor or as a Council Member is currently filling, and all terms served prior to that current term, shall be counted for purposes of determining whether three terms have been served, and that existing Section 9 of Article IV shall be renumbered to Section 10; prescribing the form of ballots; providing for notices; providing this ordinance be cumulative; providing for severability; providing for governmental immunity and providing for injunctions

WHEREAS, on receipt of a petition signed by five percent of the registered voters of the City, the City Council shall submit a proposed charter amendment to the voters for their approval pursuant to Section 9.004 of the Texas Local Government Code; and

WHEREAS, on July 9, 2018, a petition was filed with the City Secretary's Office to add a new Section 9 of Article IV of the Arlington City Charter to provide that no person shall serve as Mayor for more than three elected terms and no person shall serve as a Council Member for more than three elected terms, and under no circumstances may any person ever serve for more than twelve years in combination as a Council Member and Mayor, and the term that each person as Mayor or as a Council Member is currently filling, and all terms served prior to that current term, shall be counted for purposes of determining whether three terms have been served; and

WHEREAS, the City Secretary's Office has verified that the petition meets the requisites provided by Section 9.004 of the Texas Local Government Code and Chapter 277 of the Texas Election Code; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That an election be held in the City of Arlington, Texas, on Tuesday, the 6th day of November, 2018, for the purpose of submitting an amendment to the Home-Rule

Charter of the City of Arlington. Said election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on said date. In accordance with the provisions of Section 9.004 of the Texas Local Government Code, the following amendment to the Home-Rule Charter shall be submitted to the voters of the City of Arlington, Texas; provided however that the proposition will be presented to the voters as Proposition F or such other sequential letter as appropriate:

Amendment Relative to Proposition F

That Section 9 of Article IV of the Charter of the City of Arlington be added and because of such addition, existing Section 9 shall be renumbered to Section 10 so that hereafter Section 9 shall be and read as follows:

Section 9. Term Limits: No person shall serve as Mayor for more than three (3) elected terms, and no person shall serve as a Council Member for more than three (3) elected terms. Under no circumstances may any person ever serve for more than twelve (12) years in combination as a Council Member and Mayor. For purposes of this section and computing the limitations on terms:

- (1) a Mayor or Council Member who vacates, for any reason the office before the end of the term for which he was elected shall be considered to have completed that term.
- (2) an appointment or election to fill an unexpired Council Member term, or unexpired Mayor term if applicable, shall be computed as follows:
 - a. if fifty percent (50%) or more of the term is remaining, it shall be included in the computation of term limits; or
 - b. if less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.
- (3) Council Member terms are counted by including together terms served as both single-member and at-large districts.

The term that each person as Mayor or as a Council Member is currently filling, and all terms served prior to that current term, shall be counted for purposes of determining whether three (3) terms have been served.

This amendment shall become effective immediately upon adoption at the next municipal election, shall apply to all persons currently occupying the Office of Mayor or Council Member, and shall apply to all municipal elections conducted after the date of adoption. Any resident of the city may seek injunctive relief to enforce this prohibition.

2.

The Proposition shall be set forth substantially in the following form, so as to permit the voters to vote "FOR" or "AGAINST" the Proposition:

CITY OF ARLINGTON PROPOSITION F

ADDITION OF SECTION 9 OF ARTICLE IV OF THE CITY CHARTER TO PROVIDE THAT NO PERSON SHALL SERVE AS MAYOR FOR MORE THAN THREE ELECTED TERMS AND NO PERSON SHALL SERVE AS A COUNCIL MEMBER FOR MORE THAN THREE ELECTED TERMS AND UNDER NO CIRCUMSTANCES MAY ANY PERSON EVER SERVE FOR MORE THAN TWELVE YEARS IN COMBINATION AS A COUNCIL MEMBER AND MAYOR AND THE TERM THAT EACH PERSON AS MAYOR OR AS A COUNCIL MEMBER IS CURRENTLY FILLING AND ALL TERMS SERVED PRIOR TO THAT CURRENT TERM SHALL BE COUNTED FOR PURPOSES OF DETERMINING WHETHER THREE TERMS HAVE BEEN SERVED AND THE RENUMBERING OF THE EXISTING SECTION 9 TO SECTION 10.

3.

Said election shall be held under the provisions of the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and amendments thereof, insofar as same may be applicable.

4.

This ordinance shall constitute the Order and Notice of such elections.

5.

Heider Garcia is hereby appointed as Early Voting Clerk for the Special Election. Early voting by mail shall be conducted in conformance with the requirements of the Texas Election Code. The main early voting polling place is hereby designated to be the Tarrant County Elections Center, 2700 Premier, Fort Worth, Texas 76111. Ballot applications and ballots voted by mail shall be sent to: Heider Garcia, Early Voting Clerk, P.O. Box 961011, Fort Worth, TX 76161-0011.

6.

Early voting by personal appearance in the Special Election will begin October 22, 2018 and continue through November 2, 2018.

7.

The City Secretary shall cause official ballots to be prepared in the form of the ballot first above prescribed, being in English, Spanish and Vietnamese, and shall furnish election officials said ballots, in such form, together with any other forms or blanks, in accordance with the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and any amendments thereto, insofar as same are applicable. e-Slate, a Direct Record Electronic (DRE) System, shall be used for early voting by personal appearance. Paper ballots, which are optically scanned, shall be used for early voting by mail and on Election Day. e-Slate, a Direct Record Electronic (DRE) System, shall also be provided and used at each polling location on Election Day.

8.

Notice of the Election shall be given by posting a notice containing a substantial copy of this Ordinance in English, Spanish and Vietnamese at the City Hall on the bulletin board used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date of the Election, and by publication of said notice in a newspaper of general circulation on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election, and said notices shall be posted in English, Spanish and Vietnamese.

9.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

10.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

11.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this

ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

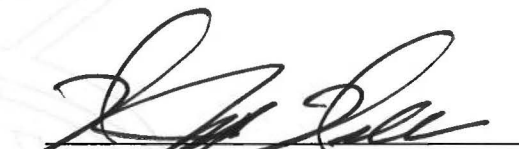
12.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

13.

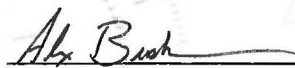
This ordinance shall become effective from and after its passage upon signature of the Mayor.

PRESENTED AND GIVEN FIRST READING on the 7th day of August, 2018, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 20th day of August, 2018, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



W. JEFF WILLIAMS, Mayor

ATTEST:



ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY: 

Ordinance No. 22-032

An ordinance ordering a Special Election to be held on November 8, 2022 in the City of Arlington for the purpose of submitting an amendment to the Arlington City Charter Article IV, Sections 4 and 9, and Article V, Section 2, to provide that the term of office for the Mayor and City Council members shall be three years and to provide that a person may serve no more than nine years as a Council Member and nine years as Mayor and to provide for the staggering of terms; providing for notices; providing this ordinance be cumulative; providing for severability; providing for governmental immunity and providing for injunctions

WHEREAS, pursuant to Texas Local Government Code § 9.004, the City Council desires on its own motion to submit a proposed charter amendment, designated as Proposition A, to the voters for their approval at an election that would amend Article IV, Sections 4 and 9, and Article V, Section 2 to provide that the term of office for the Mayor and City Council members shall be three years and to provide that a person may serve no more than nine years as a Council Member and nine years as Mayor and to provide for the staggering of terms; and

WHEREAS, pursuant to Texas Constitution Article XI § 11(a), a Home Rule City may provide by charter amendment for its elective officers to hold a longer term of office than two years, but not to exceed four years; provided, however, that such officers are subject to automatic resignation if they shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time when the unexpired term of the office then held exceeds one year and 30 days, in accordance with Texas Constitution Article XVI § 65(b); NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That an election be held in the City of Arlington, Texas, on Tuesday, the 8th day of November 2022, for the purpose of submitting an amendment to the Home-Rule Charter of the City of Arlington. Said election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on said date. In accordance with Texas Local Government Code § 9.004,

the following amendment to the Home-Rule Charter shall be submitted to the voters of the City of Arlington, Texas:

Amendment Relative to Proposition A

That Section 4 of Article IV be amended so that hereafter the same shall be and read as follows:

Section 4. Terms of Office and Limitation of Terms: All elective officers under this Charter shall serve, commencing with the first general election held following the adoption of this amendment, the term of three years, and until their successors have been elected and qualified.

Further, that Section 9 of Article IV be amended so that hereafter the same shall be and read as follows:

Section 9. Term Limits: No person shall serve as Mayor for more than three (3) elected terms, and no person shall serve as a Council Member for more than three (3) elected terms. Under no circumstances may any person ever serve for more than nine (9) years as a Council Member and for more than nine (9) years as Mayor. For purposes of this section and computing the limitations on terms:

- (1) a Mayor or Council Member who vacates, for any reason the office before the end of the term for which he was elected shall be considered to have completed that term.
- (2) an appointment or election to fill an unexpired Council Member term, or unexpired Mayor term if applicable, shall be computed as follows:
 - a. if fifty percent (50%) or more of the term is remaining, it shall be included in the computation of term limits; or
 - b. if less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.
- (3) Council Member terms are counted by including together terms served as both single-member and at-large districts.

The term that each person as Mayor or as a Council Member is currently filling, and all terms served prior to that current term, shall be counted for purposes of determining whether three (3) terms have been served.

This amendment shall become effective immediately upon adoption at the next municipal election, shall apply to all persons currently occupying the Office of Mayor or Council

Member, and shall apply to all municipal elections conducted after the date of adoption. Any resident of the city may seek injunctive relief to enforce this prohibition.

Further, that Section 2 of Article V be amended so that hereafter the same shall be and read as follows:

Section 2. Mayor and City Council Members, Date of Election, Filing Fees: All regular elections for Mayor and City Council members shall be held on such date as is prescribed by State law or City ordinance not in conflict therewith. Commencing with the general election for City offices held in May 2023, the persons elected to the offices of Mayor and Council members for Districts 3, 4, 5, and 8 shall serve for a term of three years. Commencing with the general election for City offices held in May 2024, the persons elected to the offices of Council members for Districts 1, 2, 6 and 7 shall serve for a term of three years. The City Council shall have the power to call such special elections as they shall deem proper. Candidates for such offices shall pay such filing fee as may be set by appropriate ordinance of the City Council.

2.

The Propositions shall be set forth substantially in the following form, so as to permit the voters to vote “FOR” or “AGAINST” the Proposition:

CITY OF ARLINGTON PROPOSITION A

AMENDMENT OF SECTIONS 4 AND 9 OF ARTICLE IV AND SECTION 2 OF ARTICLE V OF THE CITY CHARTER TO PROVIDE THAT THE TERM OF OFFICE FOR THE MAYOR AND CITY COUNCIL MEMBERS SHALL BE THREE YEARS AND TO PROVIDE THAT A PERSON MAY SERVE NO MORE THAN NINE YEARS AS A COUNCIL MEMBER AND NINE YEARS AS MAYOR AND TO PROVIDE FOR THE STAGGERING OF TERMS

3.

Said election shall be held under the provisions of the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and amendments thereof, insofar as same may be applicable.

4.

This ordinance shall constitute the Order and Notice of such election.

5.

Heider Garcia, Tarrant County Elections Administrator, or his successor, is hereby appointed as Early Voting Clerk for the Special Election. Early voting by mail shall be conducted in conformance with the requirements of the Texas Election Code. The main early voting polling place is hereby designated to be the Tarrant County Elections Center, 2700 Premier, Fort Worth, Texas 76111. Ballot applications and ballots voted by mail shall be sent to: Heider Garcia, Early Voting Clerk, P.O. Box 961011, Fort Worth, TX 76161-0011. Ballot applications and ballots voted by mail shall be sent to:

Early Voting Clerk
Tarrant County Elections Center,
P.O. Box 961011,
Fort Worth, TX 76161-0011
Telephone Number: 817-831-8683
Fax Number: 817-850-2344

Email: votebymail@tarrantcounty.com

Early Voting Clerk's Website: <https://www.tarrantcounty.com/en/elections.html>

Applications for Ballots by Mail must be received no later than the close of business on: October 28, 2022.

6.

Early voting by personal appearance in the Special Election will begin October 24, 2022 and continue through November 4, 2022 with the voting dates and hours as follows:

October 24 - 28	Monday - Friday	8:00 a.m. - 5:00 p.m.
October 29	Saturday	7:00 a.m. - 7:00 p.m.
October 30	Sunday	10:00 a.m. - 4:00 p.m.
October 31 - November 4	Monday - Friday	7:00 a.m. - 7:00 p.m.

7.

The City Secretary shall cause official ballots to be prepared in the form of the ballot first above prescribed, being in English, Spanish and Vietnamese, and shall furnish election officials said ballots, in such form, together with any other forms or blanks, in accordance with the Charter of the City of Arlington, Texas, the Constitution and laws of the State of Texas and the Voting Rights Act of 1965, and any amendments thereto, insofar as same are applicable. The Hart InterCivic Verity Voting System v. 2.5, a Hybrid system,

shall be used for all forms of voting for the Special Election, including election day voting at polling locations, early voting in person, early voting by mail, and provisional voting.

8.

Notice of the Election shall be given by posting a notice in English, Spanish and Vietnamese at the City Hall on the bulletin board used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date of the Election, and by publication of said notice in a newspaper of general circulation on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election, and said notices shall be posted in English, Spanish and Vietnamese.

9.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

10.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

11.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.


12.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

13.

This ordinance shall become effective from and after its passage upon signature of the Mayor.

PRESENTED AND GIVEN FIRST READING on the 9th day of August, 2022, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 16th day of August, 2022, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



JIM R. ROSS, Mayor

ATTEST:



ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
MOLLY SHORTALL, City Attorney

BY: 
