

**CITY  
OF  
IRVING  
TEXAS  
CHARTER**



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**\*Editor's note**—Set out herein is the Home Rule Charter of the City of Irving. The Charter was approved by the voters of the city on October 25, 1952. Amendments to the Charter have been included, and are indicated by an historical citation in parentheses following each amended or added section. A uniform system of capitalization has been employed in the Charter. Catchlines to sections and subsections have in some instances been slightly altered for clarity. A frontal analysis of the catchlines has been included for the convenience of the user.

The Charter was reprinted in its entirety in August 2013, incorporating the amendments of Ord. No. 2013-9464 as well as other nonsubstantive changes made by the city for consistency in language.

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## ARTICLE I. CORPORATE NAME

### Sec. 1. Designated.

All the inhabitants of the City of Irving, in Dallas County, Texas, as the boundaries and limits of said city are herein established, shall be a body politic, incorporated under and to be known by the name and style of the "City of Irving," with such powers, rights and duties as are herein provided.

## ARTICLE II. MUNICIPAL BOUNDARIES

### Sec. 1. Designated.

The boundaries of the City of Irving shall be the same as have been heretofore established and now exist pursuant to previous annexations and disannexations.

(Ord. No. 5567, § 3, 1-23-89)

### Sec. 2. Extension and alteration.

The bounds and limits of the City of Irving shall be those as established and described in ordinances duly passed by the city council of the City of Irving in accordance with state law. The city may extend and alter the boundaries of the City of Irving by annexation with or without the consent of the inhabitants of the territory annexed so long as said annexation or disannexation is not inconsistent with the procedural rules prescribed by the Texas Local Government Code, as amended and as same may be hereinafter amended. The city council, may in its exclusive discretion and not being inconsistent with the procedural rules prescribed by the Texas Local Government Code, as amended and as same may be hereinafter amended, by ordinance exclude from the city any territory within the corporate limits of the city when and if at least sixty (60) percent of the inhabitants thereof qualified to vote for members of the council shall present a verified petition requesting that such territory be discontinued as a part of the city and tender to the city secretary with such petition a sum of money equivalent to that percentage of the then outstanding indebtedness of the city for bonds and warrants and a fair proportion of the then existing budget which the assessed value of all property within such territory on the tax rolls next preceding the presentation of such petition bears to the total value of all property on said rolls. The council shall

never, regardless of the facts and circumstances, be required to discontinue any territory as a part of the city except at its exclusive discretion expressed by ordinance. The city secretary shall at all times keep a correct and complete description of recent annexations or disannexations and may maintain a map showing all annexations and disannexations.  
(Ord. No. 889; Ord. No. 5567, § 3, 1-23-89)

### Sec. 3. Platting of property.

Hereafter every owner of any tract of land or lot situated within the corporate limits, or within five miles of said corporate limit who subdivides the same in two or more parts shall plat said property as required by Chapter 212 of the Texas Local Government Code, as amended or as may be hereinafter amended and by City of Irving ordinance.

(Ord. No. 5567, § 3, 1-23-89)

## ARTICLE III. CORPORATE POWERS

### Sec. 1. Generally.

(a) The City of Irving, made a body politic and corporate by the legal adoption of this Charter, shall have perpetual succession; may use a common seal; may sue and be sued; may contract and be contracted with; implead and be impleaded in all courts and places and in all matters whatever; may take, hold and purchase such lands, within or without the city limits, as may be needed for corporate purposes of said city, and may sell any real estate or personal property owned by it; perform and render all public service, and when deemed expedient may condemn property for corporate use, and may hold, manage and control the same; and shall be subject to all duties and obligations now pertaining to or incumbent upon said city as a corporation, not in conflict with the provisions of this Charter; and shall enjoy all rights, immunities, powers, privileges and franchises now possessed by said city and herein conferred and granted; and except as prohibited by the Constitution of the State of Texas or restricted by this Charter, the City of Irving shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. In addition to the powers herein otherwise granted, the city shall have all powers enumerated in Chapter 51 Texas Local Government Code, and article 1175,

Revised Statutes of Texas, 1925, as heretofore amended as though such statutes were set forth herein. The City of Irving shall have all of the powers conferred by statutes and the Constitution to recover damages, costs and penalties, including, but not limited to, attachment, liens and foreclosure.

(b) The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Irving shall have, and may exercise, all powers which under the Constitution and statutes of the State of Texas it would be competent for the Chapter specifically to enumerate. All powers of the city, whether expressed or implied, shall be exercised in the manner prescribed by this Charter or, if not prescribed therein, then in the manner provided by ordinance or resolution of the council.

(Ord. No. 889; Ord. No. 7196, Amd. 7, 1-22-98; Ord. No. 2013-9464, Amd. 1, 5-22-13)

### **Sec. 2. Ordinances—Power to enact.**

The City of Irving shall have the power to enact and enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove all nuisances, and preserve and enforce good government and order and security of the city and its inhabitants; and to enact and enforce ordinances on any and all subjects; provided that no ordinances shall be enacted inconsistent with the provisions of this Charter, or Constitution of the State of Texas; it being the intention to obtain by the adoption of this Charter, full power of local government, and the City of Irving shall have and exercise all powers of local self government granted to the cities having more than five thousand inhabitants by what is known as the Home Rule Amendment to the Constitution of the State of Texas (Article XI, Section 5, Texas Constitution), and to the Home Rule Enabling Act passed by the legislature of Texas, and now known as chapter 13 of title 28 of the Revised Civil Statutes of Texas of 1925, and Chapter 51, Texas Local Government Code.

(Ord. No. 7196, Amd. 7, 1-22-98)

### **Sec. 3. Same—Style.**

The style of all ordinances of the City of Irving shall be: "Be it ordained by the City Council of the

City of Irving." but the same shall be omitted when the ordinances of the city are codified and published in book or pamphlet form by the City of Irving, or under the authority of its governing body.

(Ord. No. 889)

### **Sec. 4. Real estate; etc., owned by city.**

All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise, all public buildings, fire stations, parks, airports, streets and alleys; and all property, whether real or personal, of whatever kind, character or description now owned or controlled by the City of Irving shall vest in, inure to, remain and be the property of said City of Irving under this Charter; and all causes of action, choses in action, rights or privileges of every kind and character and all property of whatsoever character or description which may have been held and is now held, controlled or used by said City of Irving for public uses or in trust for the public, shall vest in and remain and inure to the City of Irving under this Charter, and all suits and pending actions to which the City of Irving heretofore was or now is a party, plaintiff, or defendant, shall not be affected or terminated by the adoption of this Charter, but shall continue unabated.

(Ord. No. 2013-9464, Amd. 2, 5-22-13)

### **Sec. 5. Authority to acquire or dispose of property.**

(a) The City of Irving shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation, lease or otherwise any character of property, real or personal, tangible or intangible, not denied by law to be used for public purposes, within or without its municipal boundaries, including any charitable or trust funds.

(b) The City of Irving shall have the power and authority to devise, deed, lease or otherwise dispose of any character of property, real or personal, tangible or intangible, unless prohibited by law.

(Ord. No. 5567, § 3, 1-23-89)

### **Sec. 6. Exemption of public property from execution.**

No public property or any other character of property owned or held by the City of Irving shall be subject to any execution of any kind or nature.

**Sec. 7. City funds exempt from garnishment.**

No funds of the City of Irving shall be subject to garnishment, and the City of Irving shall never be required to answer garnishment proceedings.

**Sec. 8. Liability for negligence.**

(a) Before the City of Irving shall be liable for damages for personal injuries of any kind or for injuries to or destruction or damage to property of any kind, the person injured or the owner of the property so injured, damaged, or destroyed or someone in his behalf, shall give the mayor and city council notice in writing of such injury, damage or destruction, not later than six (6) months after the same has been sustained, stating in such written notice when, where and how the injury, damage or destruction occurred, the apparent extent thereof, the amount of damage sustained, the amount for which the claimant will settle, the street and residence number of the claimant at the time and date the claim was presented and the actual residence of such claimant for the six months immediately preceding the occurrence of such injuries, damage or destruction, and the names and addresses of the witnesses upon whom he relies to establish his claim; and a failure so to notify the mayor and city council within the time and manner provided herein shall exonerate, excuse and except the city from any liability whatsoever.

(b) Neither the mayor, any city council person, the city manager, city secretary, city attorney nor any other officer or employee of the City of Irving or any employee of any firm, corporation or association employed by the City of Irving shall have authority to waive any provision of this section; however, the city council by five (5) or more affirmative votes may waive the six (6) months notice provision requirement.

(Ord. No. 889; Ord. No. 5567, § 3, 1-23-89)

**Sec. 9. City not required to give bond.**

It shall not be necessary in any suit or proceeding in which the City of Irving is a party for any bond, undertaking or other security to be demanded or executed by or on behalf of the city in any of the state courts, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if

such bond had been given, and the City of Irving shall be liable as if the security or bond had been duly executed.

**Sec. 10. Right of eminent domain.**

The City of Irving shall have the right of eminent domain for public purposes whenever the governing authority shall deem it necessary; and to take any private property, within or without the city for any municipal purposes that may be authorized by law and to pay for same as may be required by law. The power herein granted for the purpose of acquiring private property shall include the power of improvement and enlargement of water works, including water supply, riparian rights, standpipes, water sheds, dams, the construction of supply reservoirs, wells, parks, squares, and pleasure grounds, airports, and for the purpose of strengthening or improving the channel of any stream, branch, draw or drain, or the straightening or widening or extension of any street, alley, avenue, boulevard or other public highway. In all cases where the city seeks to exercise the power of eminent domain it shall be controlled as nearly as practicable by the laws governing the condemnation of property by home rule municipalities. The power of eminent domain hereby conferred shall include the right of the governing authority of the city, when so expressed, to take the fee in the land so condemned, and such power of authority shall include the right to condemn public property for such purpose.

(Ord. No. 5567, § 3, 1-23-89)

**Sec. 11. Establish, vacate, etc., streets, sidewalks, etc.; removal of obstructions, encroachments, etc., from streets, etc.**

The City of Irving shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon and improve streets, alleys, sidewalks, squares, parks, public places and bridges and regulate the use thereof and require the removal from streets, sidewalks, alleys, and other public property or places all obstructions, telegraph, telephone, or other poles, carrying electric wires or signs, and all fruit stands, showcases and encroachments of every nature or character upon any said streets and sidewalks, and to vacate and close private ways; and when a street or alley has been vacated or aban-

done the city shall have the right to sell the same as now provided by the general laws of the State of Texas.

**Sec. 12. Street improvements and assessments.**

The act by the legislature of the State of Texas in 1927 and shown as chapter 106, Acts of the First Called Session of the Fortieth Legislature, together with all amendments thereof, said Act with amendments being shown as article 1105b, Vernon's Annotated Civil Statutes of the State of Texas, is hereby embraced in and made a part of this Charter.

**Sec. 13. Regulation of vehicles used for hire.**

The city council shall have the power by ordinance or otherwise to license, operate and control the operation of all character of vehicles used for hire using public streets, including motorcycles, automobiles, trucks, trailers, buses, or like vehicles; and to prescribe the speed of the same, the qualifications of the operators of the same, routing of the same, and the lighting of the same by night; and to provide for the giving of bond or other security for the operation of same.

(Ord. No. 889; Ord. No. 5567, § 3, 1-23-89)

**Sec. 14. Regulation of railroads.**

The city council shall have the power by ordinance or otherwise to direct and control, within the city limits, the speed of engines, locomotives and motor cars operating on railroad tracks, the construction of railroad tracks, turnouts and switches, and the regulation of the grade thereof and the use of streets, and regulating unusual and excessive noises, and to regulate by ordinance all signal lights and safety devices at street crossings.

(Ord. No. 889)

**Sec. 15. Regulation of public utilities and cable television service.**

(a) To the extent allowed by state law, the City of Irving shall regulate all aspects of rates and services prohibited by all public utilities enjoying a franchise from the City of Irving.

(b) Any company, corporation or person who may be engaged in furnishing to the inhabitants of the City of Irving any light, power, gas, or telephone

service shall on or before the first day of April of each year file with the city secretary of the City of Irving a sworn written report of all gross earnings from their operations within the corporate limits of the City of Irving for the preceding twelve-month period of time.

(c) The City of Irving shall regulate all rates and services provided by cable television companies enjoying a franchise from the City of Irving when not prohibited by state or federal legislation or regulation. The City of Irving may audit the said companies. (Ord. No. 889; Ord. No. 5567, § 3, 1-23-89)

**Sec. 16. Operation of public services or utilities by city.**

The city shall have power to build, construct, purchase, own, lease, maintain and operate, within or without the city limits, light and power systems, water systems, sewer systems, sanitary disposal equipment and appliances, natural gas systems, parks and swimming pools, fertilizer plants, abattoirs, any other public service or utility; power to mortgage and encumber such system or systems; and all the powers which the city might exercise in connection with such public utilities and public services under Article 1175 of Vernon's Texas Civil Statutes as amended, or as may be hereinafter amended or codified, Section 51.072 of Chapter 51 of the Local Government Code, as well as under any other laws of the State of Texas pertinent or applicable thereto, including the power to demand and receive compensation for service furnished for private purposes, or otherwise, and with full and complete power and right of eminent domain proper and necessary to carry out efficiently said objects.

(Ord. No. 5567, § 3, 1-23-89)

**Sec. 17. Purchase of gas, electricity, etc.**

The city shall have the power to purchase electricity, gas, oil, or any other article or service essential to a proper conduct of all the affairs of the city and of its inhabitants on such terms as the city council may deem proper, for sale and distribution to the inhabitants of the city or adjacent territory; provided that no contract of purchase binding the city shall be valid unless authorized by an election at which a majority of those voting shall favor the making of such contract.

(Ord. No. 889)

**Sec. 18. Franchises.**

(a) The right to control easement, use and ownership and title to the streets, highways, public thoroughfares and property of the city, its avenues, parks, bridges and all other public places and property, are hereby declared to be inalienable except by ordinance duly passed by a majority of all members of the city council, and no grant of any franchise or lease, or right to use the same, either on, through, along, across, under or over the same, by any private corporation, association or individual shall be granted by the city council for a longer period than thirty (30) years unless submitted to the vote of the legally qualified voters of the city—provided, however, that when any application is made for any grant of franchise, lease, right or privilege by any person or corporation, if requested by the applicant, the council shall submit it, at an election called for that purpose, the expense of which shall be borne by the applicant, and if the majority of the votes cast at said election shall be in favor of making the grant as applied for, said grant shall be made for a term of years as specified in the ordinance calling said election.

(b) The city council may, of its own notion, submit all of such applications to an election at which the people shall vote upon the propositions therein submitted, the expense of such election in all cases to be borne by the applicant.

(c) No franchise shall ever be granted until it has been approved by a majority of the city council, after having been read in full at three (3) regular meetings of the city council, nor shall any such franchise, grant or privilege ever be made unless it provides for adequate compensation or consideration therefor to be paid to the city.

(d) Every such franchise or grant shall make adequate provision, by way of forfeiture of the grant or otherwise, to secure efficiency of public service at reasonable rates and to maintain the property devoted to the public service in good repair throughout the term of grant of said franchise.

(e) No franchise grant shall ever be exclusive.

(f) The city council may prescribe the forms and methods of the keeping of accounts of any grantees under franchise, provided that the forms and methods of keeping such accounts have not already been prescribed by a state or federal agency.  
(Ord. No. 889)

**Sec. 19. Transportation facilities.**

(a) *Generally.* The securing of transportation facilities and services for passengers and freight within the City of Irving, between the City of Irving and the City of Dallas, between the City of Irving and other municipal corporations within Dallas County, and between the City of Irving and other cities and towns in the State of Texas and the United States is declared to be a public purpose. To provide for any and all modes of transportation facilities or services, the City of Irving, acting by and through its governing body, may grant franchises or may acquire, maintain and operate any or all of such transportation facilities or services and use public funds for such purposes, and issue warrants, assignments of revenues, and issue revenue or tax bonds for such purposes.

(b) *Airports.* The City of Irving, acting by and through its governing body, shall have the power, alone, or with the United States, the State of Texas, Dallas County, the City of Dallas, or any other municipal corporation to acquire, establish, maintain and operate an airport or airports, within or without the corporate limits of the city, and landing fields, radio beams, beacons and other apparatus, buildings, equipments and appurtenances necessary or convenient therefor, and to make suitable charges for their use.

(c) *Docks, channels, etc.* The City of Irving, acting by and through its governing body, shall have the power, alone, or with the United States, The State of Texas, Dallas County, the City of Dallas, or any other municipal corporation, to acquire, establish, maintain and operate yacht basins, channels, bridges slips, piers, docks, and warehouses, on, near, or adjacent to the water front of the City of Irving; to control, maintain, improve and regulate the use of channels, docks, piers, bridges and slips adjacent thereto; to license, regulate and control the landing, anchorage, mooring, and movement of vessels, boats and barges within the harbors of the City of Irving; to employ such persons as are necessary to effectuate the provisions of this section; and to fix the toll and charges to be made for the use of such facilities and provide for their collection.

(Ord. No. 889)

**Sec. 20. Parks, playgrounds, etc.**

The City of Irving shall be authorized to acquire land for parks and playgrounds by gift, deed, devise,

condemnation, lease, purchase or otherwise and to have exclusive control of all city parks and playgrounds, whether within or without the city limits, and to control, regulate and remove all obstructions and prevent all encroachments thereupon; to provide for raising, grading, filling, terracing, landscape gardening, erecting buildings, swimming pools and wading pools, and other structures, providing amusements therein, for establishing walks and paving driveways around, in and through said parks, playgrounds, and other public grounds, speedways, or boulevards owned by it, and lying both outside and inside the municipal boundaries.

(Ord. No. 5567, § 3, 1-23-89)

#### **Sec. 21. Placement of wires, etc., underground.**

The city council may require the placing of all wires or overhead construction of public utilities within the business area or fire limits of the city under the surface of the ground under such regulations as may be prescribed by the city council from time to time.

(Ord. No. 889)

#### **Sec. 22. Fire department and prevention.**

(a) The City of Irving shall have the power by ordinance to establish and maintain a fire department and to prescribe the duties of the members of said department, and regulate their conduct and their salaries. The head of the fire department of said city shall be known and designated as the "Fire Chief." The other sworn members thereof shall be known as "Firefighters" or "Fire Prevention Specialists." Qualified Fire Marshals of said department shall have power to arrest.

(b) The city council shall have power to adopt any ordinance or regulation having for its purpose the prevention of fires or the removal of fire hazards; to provide means for protection against conflagrations and may declare all dilapidated buildings to be nuisances and hazards and direct the same to be repaired, removed or abated in such manner as the city council may prescribe; it may also by ordinance regulate, prescribe, govern or forbid the transportation, use, or storage of lumber, building material or any kind of flammable, combustible, toxic or explosive goods, wares, and merchandise of any and

every kind within certain limits and prescribe certain limits within which such materials may be transported, used or stored.

(Ord. No. 889; Ord. No. 5567, § 3, 1-23-89; Ord. No. 2013-9464, Amd. 3, 5-22-13)

#### **Sec. 23. Health regulations.**

(a) The city council shall have the power to provide by ordinance for a health department and to establish all necessary rules and regulations protecting the health of the city.

(b) The city council is authorized to regulate, license and inspect persons, firms, corporations, common carriers, or associations operating, managing, or conducting any hotel or any other public sleeping or eating place, or any place or vehicle where food or drink or containers therefor, of any kind is manufactured, prepared, stored, packed, served, sold or otherwise handled within the city limits of said city, or any manufacturer or vendor of candies or manufactured sweets; and shall have the power to prescribe health regulations with reference to any and all workers or employees hired or used in any of said places or vehicles, or about said places and vehicles; or who deliver products to and from said places and vehicles; and shall have the power to inspect, license and regulate the sanitary condition of said places and vehicles and to condemn all articles not wholesome or fit for human consumption.

(Ord. No. 889; Ord. No. 5567, § 3, 1-23-89)

#### **Sec. 24. Police department.**

The City of Irving shall have the power by ordinance to establish and maintain a police department and to prescribe the duties of the members of said department, and regulate their conduct and their salaries. The head of the police department of said city shall be known and designated as "Chief of Police," and the other sworn members thereof shall be known as "Police Officers." Said officer or officers shall have power to arrest.

(Ord. No. 2013-9464, Amds. 2, 3, 5-22-13)

#### **Sec. 25. Compromising and settling claims and lawsuits.**

The city council of the City of Irving shall have the power and authority to compromise and settle any

and all claims and lawsuits of every kind and character in favor of or against the said city, including suits by said city to recover delinquent taxes. (Ord. No. 889)

**Sec. 26. Contracts.**

(a) No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time; but all contracts for personal services shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city, with the exception of officers and heads of departments specifically mentioned herein.

(b) Nor shall the city or anyone acting as its agent make any contract for services for the municipality for more than one year unless the contract contains a provision which authorizes the city to terminate the contract at the end of each twelve (12) month period.

(c) The City of Irving may contract for the use, acquisition, or purchase of any property and finance said acquisitions pursuant to the authority vested in governmental agencies by virtue of Chapter 252 and Chapter 271 Texas Local Government Code, as amended or as may be hereinafter amended.

(d) No contract shall be made that binds the city to pay reimbursable expenses unless that contract provides that the council or council's designee may review, examine or audit all documents supporting such reimbursement. (Ord. No. 4754, § 1, 8-15-85; Ord. No. 7196, Amd. 9, 1-22-98; Ord. No. 2013-9464, Amds. 2, 4, 5-22-13)

**Sec. 27. Zoning.**

The city council shall have the full power and authority to zone property located within the corporate limits of the City of Irving. (Ord. No. 5567, § 3, 1-23-89)

**Sec. 28. Licenses, billboards, buildings; penalty for violation of ordinance; wiring and plumbing inspections, etc.; and power to fix penalties for violation of all ordinances.**

(a) In addition to the powers hereinbefore specifically enumerated, the city council of the City of Irving shall have the power to license any lawful

business, occupation or calling that is susceptible to the control of the police power; to license, regulate, control, or prohibit the erection of signs or billboards within the corporate limits of said city; to provide for the regulation and control of electricians, plumbers and gas fitters and electrical and plumbing works, and to require efficiency in the same; to provide for the inspection of weights, measures and meters and fix a standard of such weights, measures and meters, and to require conformity to such standards to provide penalties for failure to use or conform to the same; and to provide for inspection fees; to provide for the issuance of permits for erecting all buildings, for the inspection of the construction of buildings in respect to proper wiring for electrical lights and other electrical appliances, piping for gas, flues, chimneys, plumbing, and sewer connections; and to enforce proper regulations in regard thereto; require the construction of fire escapes for all public buildings, and to determine the sufficiency and regulate the safety of all exits and fire escapes provided for public buildings, of every kind and character; and to provide for the enforcement of all ordinances enacted by the city by a fine not to exceed the maximum allowed by state law.

(b) The city council shall be authorized to fix fines for failure of any person, firm, partnership, corporation, association or other entity to comply with any ordinance established by the city council or state law and the maximum fine shall be set by ordinance and only be limited by state law. (Ord. No. 889; Ord. No. 4754, § 2, 8-15-85)

**Sec. 29. Power to define nuisance and fix penalties.**

The city council shall have the power to:

- (a) To define all nuisances and prohibit the same within the city and outside the city limits for a distance of 5,000 feet; to have power to police all parks or grounds, speedways, or boulevards owned or leased by said city and lying both inside or outside said city; to prohibit the pollution of any stream, draw, drain or tributaries thereof, water deposit and reservoir, whether above or below the ground, which may constitute the source of storage of water supply, and to provide for policing the same, as well as to provide for the protection of any watersheds and the policing of

same; to inspect, license and regulate dairies, slaughter pens and slaughterhouses inside or outside the limits of the city from which meat or milk is furnished to the inhabitants of the city; to require property owners to make connection to the sewer system, when available.

- (b) To provide for the fixing of penalties for failure of any person, firm, corporation or association to comply with any such rules and regulations so prescribed by the city council under the provisions of this section; it being the intention to vest in the city council not only the powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health of the City of Irving and its inhabitants.

(Ord. No. 5567, § 3, 1-23-89)

**Sec. 30. Power to fix penalties.**

The city council shall be authorized to fix fines for failure of any person, firm, partnership, corporation, association or other entity to comply with any ordinance established by the city council or state law and the maximum fine shall only be limited by state law. (Ord. No. 5567, § 3, 1-23-89)

**Sec. 31. Public library.**

The City of Irving shall have the power to provide for a public library system and its maintenance. (Ord. No. 5567, § 3, 1-23-89)

**ARTICLE IV. OFFICERS AND ELECTIONS**

**Sec. 1. Governing body.**

The governing and law making body of the City of Irving shall consist of a mayor and eight (8) council members and said governing body shall be known as the city council. (Ord. No. 889; Ord. No. 1588; Ord. No. 2013-9464, Amd. 2, 5-22-13)

**Sec. 2. Elective officers.**

(a) The members of the city council of the City of Irving, which includes the mayor and eight (8) council members, shall be the only elective officers of the city, and they shall be elected and hold office and be

compensated as herein provided. The mayor and council members shall be elected by the qualified voters of the entire city, but each council member shall be elected to and occupy a place on the council such places being numbered 1, 2, 3, 4, 5, 6, 7 and 8 respectively. The places of the council members shall be designated on the official ballot as Council Member Place 1, 2, 3, 4, 5, 6, 7 and 8.

(b) No person shall be eligible as a single member district candidate for Place 1, Place 3, Place 4, Place 5, Place 6, or Place 7 on the city council, unless that person is at the time a bona fide resident of that district and will have been for a period of at least twelve (12) months immediately prior to election day.

No person shall be eligible as an at-large candidate for Mayor, or Place 2 or Place 8 on the city council unless that person is at the time a bona fide resident of the city and will have been for a period of at least twelve (12) months immediately prior to election day.

All council members, including those from specific voting districts, should serve all residents, not just those from the council member's district. The mayor and the council members in Place 2 and Place 8 may reside in any portion of the city. (Ord. No. 889; Ord. No. 1588; Ord. No. 4754, § 3, 8-15-85; Ord. No. 5567, § 3, 1-23-89; Ord. No. 7196, Amd. 2, 1-22-98; Ord. No. 2013-9464, Amd. 5, 5-22-13)

**Sec. 3. Mayor and city council members qualifications; filing of candidacy; official ballot; designation of city districts.**

(a) No person shall be a candidate for the office of mayor or council member unless that person is a qualified voter of the City of Irving, shall have resided in the city for not less than one year immediately prior to election day, shall not be in arrears in the payment of taxes or other liabilities due the city, and shall be a bona fide resident of the city.

(b) A person wishing to become a candidate for mayor or place on the city council shall be placed on the official ballot upon the sworn application of the candidate and the signatures of at least twenty-five (25) voters of the city or one-half of one percent of the total vote received in the territory from which the

office is elected by all candidates for mayor in the most recent mayoral general election, whichever is greater, which the candidate shall swear as being true and correct signatures of those signing the application, addressed and delivered to the city secretary no later than the date authorized by the State Election Code, stating the office for which that person is a candidate and if for councilperson, the place for which that person is running, and stating that the candidate has resided in the city for at least one year prior to the election, and thereupon the names of such candidate shall be printed upon the official ballot.

If the person wishes to become a candidate for Place 1, 3, 4, 5, 6 or 7, said person's application shall also state the candidate is at the time a bona fide resident of the district for which the person seeks election and has been for a period of at least twelve (12) months immediately prior to election day.

The order in which the names of the candidates for mayor and each place on the city council shall appear on the official ballot shall be determined by lot, in a drawing held under the supervision of the city secretary.

(c) Until the boundaries of the districts are revised as provided herein, they shall have the same boundaries as set forth in the City of Irving Ordinance No. 2011-9292.

(d) At least once each ten (10) years after the adoption of this amendment, the city council shall by ordinance rearrange said districts so as to make all districts as nearly equal in population as possible. (Ord. No. 889; Ord. No. 1588; Ord. No. 2721, § 1, 12-19-74; Ord. No. 4754, § 3, 8-15-85; Ord. No. 5567, § 3, 1-23-89; Ord. No. 2013-9464, Amds. 2, 5, 6, 5-22-13)

#### **Sec. 4. Election.**

The mayor and council members shall be elected by the qualified voters of the city, and the candidate receiving the majority number of votes cast for the place which that person seeks shall be elected to the respective office for which that person was a candidate.

(Ord. No. 889; Ord. No. 4754, § 4, 8-15-85; Ord. No. 2013-9464, Amd. 5, 5-22-13)

#### **Sec. 5. Judge of election; runoff election.**

(a) The city council shall be the judge of the election and qualification of its own members and of the mayor, subject to review of the courts in case of an election contest. The city council shall, as soon as practicable after an election, either at a called meeting for that purpose or at the next regular meeting date of said city council after each regular or special election, canvass the returns and declare the results of such election.

(b) Should any candidate running for mayor or council member fail to receive a majority vote of all votes cast in the regular municipal election for the office which the candidate seeks, then in that event it shall be the duty of the mayor to order a runoff election for every place or mayor to which no one was elected. Such runoff election between the two candidates who received the highest number of votes for each place or mayor to which no one was elected shall be voted on again, and the candidate who receives the majority of the votes cast for each such place or mayor in the runoff election shall be elected to such place or mayor. Should any person who was a candidate at the regular municipal election and who is entitled to become a candidate at the runoff election die, refuse or otherwise be unable to appear on the runoff election ballot, the candidate for such office standing next highest in the computation of votes for that office shall succeed to the rights of such candidate who failed to appear on the ballot at said runoff election. This method for selecting alternate runoff candidates shall be employed until there are two (2) candidates for each office in each runoff election and should there be only one candidate for office after the conclusion of this process, that candidate shall be declared the winner. However, if at the date of the election, there is no runoff candidate left from those who sought to be elected to that place or mayor in the regular election, the city council shall declare no one elected to such place or mayor and shall call a special election on such date provided by the Texas Election Code to elect a person to such place or mayor and said special election shall be conducted pursuant to the Texas Election Code prescribing special elections to fill vacancies in municipal offices.

(Ord. No. 2013-9464, Amds. 2, 6, 5-22-13)

#### **Sec. 6. Date and conduct of election.**

The regular municipal election of the City of Irving shall be held in May on the designated uniform

election date or at such time as prescribed by state law or pursuant to the Texas Election Code. All city elections shall be governed, except as otherwise provided by this Charter, by the laws of the state governing general or municipal elections. (Ord. No. 889; Ord. No. 1588; Ord. No. 7196, Amd. 2, 1-22-98; Ord. No. 2013-9464, Amd. 6, 5-22-13)

### **Sec. 7. Qualifying of officers.**

All officers of the city, whether elective or appointive, shall qualify by taking the oath prescribed by the Constitution of the State of Texas and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the city.

(Ord. No. 889)

### **Sec. 8. Term of office.**

(a) The term for each council member, which includes the mayor and the persons holding each of the eight (8) other places on the city council, elected at a regular municipal election shall be three (3) years.

(b) A member of the city council ceasing to reside in the city during the term of office shall immediately forfeit that office.

(c) Seating of newly elected council members:

(1) Members of the city council elected at the regular election shall take office at the next city council meeting following the date the city council canvasses the returns and declares the results of the regular municipal election.

(2) Should a runoff election be necessary, members of the city council elected at the runoff election shall take office at the next city council meeting following the date that the city council canvasses the returns and declares the results of the runoff election.

(d) No member of the city council shall be elected for more than three (3) full consecutive terms of three (3) years each in the same position on the city council as a councilperson.

(e) A council member who has served three (3) full consecutive terms of three (3) years in the same place on the council may not run for another place on

the city council for one (1) year after leaving office, except that in the case of the person holding office other than the mayor, that person may run for mayor. A mayor who has served three (3) full consecutive terms may not run for mayor or another place on council for one (1) year.

(Ord. No. 889; Ord. No. 1588; Ord. No. 4754, § 3, 8-15-85; Ord. No. 7196, Amd. 2, 1-22-98; Ord. No. 2013-9464, Amds. 2, 3, 7, 8, 5-22-13)

### **Sec. 8-A. Candidacy of council member for office of mayor or different place on council.**

If a member of the city council shall become a candidate for election to the office of mayor or for any place on the city council other than the specific office or place the person is then holding, that person shall forfeit that office or place on the council at the time said council member's successor is sworn into office. Further, if a member of the city council 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 Texas or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one (1) year, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled.

(Ord. No. 1331; Ord. No. 4754, § 3, 8-15-85; Ord. No. 7196, Amd. 4, 1-22-98)

### **Sec. 8-B. Effect of board member, city employee, etc., seeking public office.**

If a member of any board appointed by the city council, a city employee or appointive officer shall become a candidate for nomination or election to any public office, that person shall immediately forfeit the board position, employment or appointive office held under the City of Irving unless such prohibition is proscribed by state statute, Texas Constitution or the United States Constitution.

(Ord. No. 1331; Ord. No. 4754, § 3, 8-15-85)

### **Sec. 9. Vacancies in office of mayor or council member.**

(a) Vacancy created by any cause. In the event of a vacancy existing in the office of mayor or any council member from any cause, the vacancy shall

be filled at a special election called for such purpose within one hundred and twenty (120) days after said vacancy or vacancies exit. In the event any candidate for a vacancy fails to receive a majority of all votes cast for all the candidates for each such vacancy at such special election, the mayor shall order a runoff election to be held pursuant to the Texas Election Code prescribing special elections to fill vacancies in municipal office. Should a vacancy occur in the office of mayor, the mayor pro tem shall serve until the vacancy is filled by election.

(b) A member of the city council who is finally convicted of a felony shall immediately resign and forfeit the council member's office.

(c) The procedure for conducting a runoff election or special election, if necessary, to fill a vacant office shall be that set forth in subsection (b) of Section 5 above for regular municipal election runoffs and special elections.

(Ord. No. 889; Ord. No. 4754, § 3, 8-15-85; Ord. No. 7196, Amd. 2, 1-22-98; Ord. No. 2013-9464, Amds. 6, 9, 5-22-13)

**Sec. 10. Mayor pro tem and deputy mayor pro tem.**

The city council shall select from among the eight (8) council members a mayor pro tem who shall perform all duties of the mayor in the mayor's absence or disability and a deputy mayor pro tem who shall perform all duties of the mayor pro tem in the mayor pro tem's absence or disability.

(Ord. No. 889; Ord. No. 1588; Ord. No. 4754, § 3, 8-15-85; Ord. No. 2013-9464, Amd. 10, 5-22-13)

**Sec. 11. Compensation of mayor and council member.**

(a) The mayor shall receive a salary of twelve hundred dollars per month.

(b) Each council member shall receive a salary of nine hundred dollars per month.

(c) No member of the city council shall be entitled to receive reimbursement for expenses except for actual expenses incurred while in the performance of city council duties outside the municipal boundaries of the City of Irving.

(Ord. No. 889; Ord. No. 7196, Amd. 5, 1-22-98; Ord. No. 2013-9464, Amds. 2, 11, 5-22-13)

**Sec. 11-A. Effect of change of residence during term of office.**

A member of the governing body of the City of Irving ceasing to reside within the district for which the member was elected shall automatically resign from the office, but shall continue to serve as a member of the governing body of the City of Irving until the member's successor is chosen at the next lawfully available regular or special municipal election, unless the member ceases to reside in the City of Irving as stated in Art. IV, Section 8(b). The special election called in this section must be called for an additional purpose and not solely to replace the council member who automatically resigned under these circumstances.

(Ord. No. 889; Ord. No. 2013-9464, Amd. 12, 5-22-13)

**Sec. 12. Duties of mayor generally.**

The mayor of the City of Irving shall preside over the meetings of said city council and perform such other duties consistent with the office as may be imposed upon the mayor by this Charter and ordinances and resolutions passed in pursuance hereof. The mayor may participate in the discussion of all matters coming before the council and shall be entitled to vote as a member thereof on all legislative and other matters, but shall have no veto power. The mayor shall sign all contracts and conveyances made or entered into by the city and all bonds issued under the provisions of this Charter. The mayor shall be recognized as the official head of the city by courts for the purpose of serving civil process, by the governor for the purpose of enforcing military law, and for all ceremonial purposes. In time of danger or emergency, the mayor may with the consent of the council take command of the police and govern the city by proclamation and maintain order and enforce all laws.

(Ord. No. 889; Ord. No. 7196, Amd. 1, 1-22-98; Ord. No. 2013-9464, Amd. 2, 5-22-13)

**Sec. 13. Duties of city council generally.**

(a) The city council shall have all powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all powers necessary to carry out the terms of this Charter; it being intended that the city council and

mayor shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by the Constitution or laws of the State of Texas.

(b) The compensation of all appointive officers and employees shall be fixed by the city council, who may increase or diminish such compensation at will. The city council may dispense with the services of any employee at any time upon a majority vote of the members of the city council.

(Ord. No. 889)

**Sec. 14. Meetings of council generally.**

The city council shall hold at least one public meeting in each month at a time to be fixed by it for such meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens.

(Ord. No. 889; Ord. No. 5567, § 3, 1-23-89)

**Sec. 15. Rules of procedure; attendance of councilmen at meetings.**

The city council shall determine its own rules of procedure and may compel the attendance of its members.

**Sec. 15-A. Code of ethics.**

Such code of ethics shall set forth appropriate standards of conduct for elected and appointed officials of the city, appointees to city boards and committees and persons employed by or under contract with the city, not otherwise preempted by state law. The code of ethics may address conflicts of interest, improper financial relationships or activities or other desired subject matter, and may prescribe such policies and procedures as may be deemed appropriate by the city council.

(Ord. No. 2013-9464, Amd. 13, 5-22-13)

**Sec. 16. Quorum of city council; minutes of council meetings; procedure for voting on and recording of enacted ordinances.**

A majority of the city council shall constitute a quorum to do business, and the affirmative vote of at least five (5) of those attending any meeting at which there is a quorum present shall be necessary to

adopt any ordinance or resolution. All meetings of the city council shall be conducted pursuant to Chapter 551 Texas Government Code (Texas Open Meeting Act) as amended or as may be hereinafter amended. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" recorded by voice vote or by electronic vote recording equipment and the vote shall be entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for the purpose and shall be authenticated by the signature of the presiding officer and the person performing the duties of city secretary.

(Ord. No. 1588; Ord. No. 4754, § 5, 8-15-85; Ord. No. 7196, Amd. 7, 1-22-98)

**Sec. 17. Enactment of ordinances generally.**

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness of bonds or other evidence of indebtedness. All ordinances, resolutions or orders may be passed at any public meeting of the city council.

(Ord. No. 889; Ord. No. 2013-9464, Amd. 14, 5-22-13)

**Sec. 18. "Emergency measure" defined; enactment of ordinances as emergency measures.**

An emergency measure is an ordinance for the immediate preservation of the public business, property, health or safety, or providing for the usual daily operation of municipal departments in which the emergency is set forth in such ordinance. No ordinance regulating the rate or rates to be charged for services furnished the public generally by public utilities shall be passed as an emergency measure, nor shall such an ordinance be finally passed on the date it is introduced, but must be passed and voted upon at two public meetings of the city council. No ordinance making a grant, renewal or extension of a franchise or other special privilege shall be passed as an emergency measure nor shall such an ordi-

nance be finally passed and voted on the date it is introduced, but must be passed and voted upon at three public meetings of the city council.  
(Ord. No. 889; Ord. No. 5567, § 3, 1-23-89)

**Sec. 19. Ordinances in effect at time of adoption of Charter.**

All ordinances of the City of Irving now in existence and not inconsistent with provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the city council.  
(Ord. No. 889)

**Sec. 20. Pleading of ordinances; admissibility of ordinances as evidence.**

It shall be sufficient in all judicial proceedings to plead any ordinance of the city by caption without embodying the entire ordinance in the pleadings, and all pleaded ordinances or codes of ordinances shall be admitted in evidence in any suit and shall have the same force and effect as the original ordinance. Certified copies of the ordinances may also be used in evidence in lieu of original ordinances.

**Sec. 21. Designation of depository for city funds.**

The city council is authorized to select a depository for city funds in accordance with Chapter 105 Texas Local Government Code as amended, and to follow all the terms and provisions of same.  
(Ord. No. 889; Ord. No. 7196, Amd. 7, 1-22-98)

**Sec. 22. Ordinance—Codification.**

The city council, or city manager if one should be appointed under the provisions of Article VIII herein, as soon as practicable after the adoption of this Charter, shall cause to be codified and properly entered and published in pamphlet form for public distribution or for anyone desiring same, the ordinances of the City of Irving, and may annually thereafter revise same and keep it up to date.  
(Ord. No. 889)

**Sec. 23. Same—Publication.**

The caption of each ordinance imposing any penalty, fine, or forfeiture shall after passage thereof be published in one issue of some newspaper of general circulation in the city, and proof of such publica-

tion shall be made by the printer or publisher of such paper making affidavit before some officer authorized to administer oaths. Such affidavit shall be filed with the city secretary and shall be prima facie evidence of such publication and promulgation of such ordinance so published; said ordinances shall take effect and be in full force and effect from and after the date of publication, unless otherwise expressly provided. Ordinances not required to be published shall take effect and be in force from and after the date of passage thereof unless otherwise provided.  
(Ord. No. 889)

**Sec. 24. City secretary.**

The city council shall appoint a city secretary. Pursuant to Section 150.021 of the Texas Local Government Code, the city secretary, as an appointee of the mayor and city council, may be required to reside within the city. The city secretary shall receive for services such compensation as the city council may fix. Unless excused by the city council for good cause, the city secretary shall attend all meetings of the city council and keep accurate minutes of its proceedings; the city secretary shall preserve and keep in order all books, papers, documents, records and files of the city council. The city secretary shall have custody of the seal of the city and shall affix same to such documents and obligations only of the city as the city secretary may be legally authorized so to do. The city secretary shall facilitate city elections as the chief election official for the city of Irving, but the city council shall engage an election administrator to work with the city secretary as provided by the Texas Election Code. Final approval of the city secretary's budget and the expenditure of the budgeted funds, as well as the classification and salary structure of city secretary's department employees, shall be the sole responsibility and prerogative of the city council. By approval of the city secretary's annual budget, administrative services required by other city departments in support of the approved budget are authorized. The city secretary shall hire, discharge and supervise other employees of such department.  
(Ord. No. 889; Ord. No. 8575, Amd. 6, 11-8-05; Ord. No. 2013-9464, Amds. 3, 15, 16, 5-22-13)

**Sec. 25. City attorney.**

The city council shall appoint a city attorney. The city attorney shall be a person admitted to the prac-

tice of law by the State of Texas and shall have practiced law for at least four years. The city attorney shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees of the city in matters relating to their official powers and duties. The city attorney shall represent the city in all legal proceedings. The city attorney shall perform all services incident to the position as may be required by statute, by the City of Irving Charter, or by ordinance. Final approval of the city attorney's budget and the expenditure of budgeted funds, as well as the classification and salary structure of city attorney's department employees, shall be the sole responsibility and prerogative of the city council. By approval of the city attorney's annual budget, administrative services required by other city departments in support of the approved budget are authorized. The city attorney shall hire, discharge and supervise other employees of such department. (Ord. No. 2013-9464, Amds. 16, 17, 5-22-13)

**Sec. 26. Municipal court—Created; jurisdiction; judge; clerk.**

There is hereby created and established a court to be known as the municipal court of the City of Irving which court shall have jurisdiction within the territorial limits of said city of all criminal cases arising under the ordinances of such city, and over violations occurring within areas over which the city exercises control pursuant to an agreement as authorized by Chapter 791 Texas Government Code as amended or as may be amended hereinafter, and shall have jurisdiction over such other matters as designated by the laws of the State of Texas. Said court shall have jurisdiction over all matters consistent with the laws of the State of Texas, and the ordinances of the City of Irving. It shall also have jurisdiction of violations of ordinances of the city enacted for the preservation of its water system, watersheds of the city's water supply and the purity of the water supply, its sewer disposal plant and its garbage dumping grounds, whether such offenses are committed inside or outside of the corporate limits of the City of Irving, and the commission of any nuisance within five thousand (5,000) feet of the corporate lines of the city, outside of the city limits.

- (a) The judge of said court shall be known as the Judge of the Municipal Court and may be designated as recorder, and the judge's salary may be fixed by ordinance.

- (b) The judge of said municipal court, regardless of what his title may be, shall have all powers provided for by the constitution, criminal statutes, the Code of Criminal Procedure, Family Code, and other laws of the State of Texas, as well as those powers and duties provided for the Charter and ordinance of the City of Irving. Said judge shall further have the power to punish for contempt to the same extent and under the same circumstances as the justices of the peace may punish for contempt of criminal cases.
- (c) The judge of said court shall be a qualified voter of the city, shall be appointed by the city council and shall hold office at the pleasure of the city council.
- (d) The clerk of said court and the deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by clerks of courts in issuing process of said courts and conducting the business thereof.
- (e) The city council of the City of Irving shall have the power to create and establish additional municipal courts by ordinance, and to appoint more than one judge of each municipal court, whether one or more, each of whom shall be a magistrate, and each judge of a municipal court, now existing or hereafter created, shall be appointed by and serve at the pleasure of the city council.
- (f) The city council of the City of Irving shall have the power to appoint an additional person or persons meeting the qualification for such position to sit for the regular municipal judge or judges while the regular judge or judges may temporarily be absent or unable to act for any reason. The said appointee or appointees shall have all the powers and duties of the office and shall receive the compensation set by the city council. Said appointee or appointees shall serve only during the absence of the regular judge or judges of the municipal court.

(Ord. No. 889; Ord. No. 4754, § 6, 8-15-85; Ord. No. 7196, Amd. 7, 1-22-98; Ord. No. 8575, Amd. 7, 11-8-05; Ord. No. 2013-9464, Amds. 2, 6, 5-22-13)

**Sec. 27. Same—Procedure generally.**

All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, punishment for contempt, bail and the taking of bonds shall be governed by the provisions of title 2 of the Code of Criminal Procedure of the State of Texas applicable to corporation courts.

**Sec. 28. Same—Appeals.**

Appeals from conviction in the municipal court shall lie to the county criminal court, and such appeals shall be governed by the same rules of practice and procedure as are provided by law in cases of appeals from the justice court to said county criminal court, as far as said rules are applicable; however, so long as the municipal court is a municipal court of record, appeals shall be governed by the rules of practice and procedure as are provided by law for the Irving municipal court of record.

(Ord. No. 7196, Amd. 10, 1-22-98)

**Sec. 29. Nepotism.**

No person related, within the second degree by affinity or within the third degree by consanguinity to the mayor or any member of the city council shall be appointed to any office, position or clerkship or other service of the city whose salary is directly or indirectly paid from public funds or fees of office of the city; however, this section does not apply to the appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to any office, position or clerkship or other service of the city, if the individual is employed in the position immediately before the election or appointment of the public official to whom the individual is related in a prohibited degree, and that prior appointment or employment of the individual is continuous for at least six (6) months prior to the election of the mayor or member of the city council to which the appointee or employee is related in a prohibited degree.

(Ord. No. 889; Ord. No. 7196, Amd. 11, 1-22-98)

**Sec. 30. Official bond of appointive officers or employees.**

The city council of the City of Irving shall have the right to require bond from each appointive officer or

employee of the city in such amounts as said city council may from time to time fix by ordinance or resolution and conditioned upon the faithful discharge of the duties of his office and accounting for all moneys, credits and things of value coming into the hands of such officer or employee; and all such bonds shall be signed as surety by some surety company authorized to do business under the laws of the state, and the premiums accruing thereon shall be paid by the City of Irving.

(Ord. No. 889)

**Sec. 31. Audit and examination of city books and accounts.**

The city council shall cause audits annually to be made of the books and accounts of each and every department of the city. Such audits shall be made by a certified public accountant who shall be selected by the city council, and a contract entered into from year to year; such contract shall provide that the books and accounts of the city shall be audited at least annually; and such auditor's report to the city council shall be accessible to the public or for publication.

(Ord. No. 889)

**Sec. 32. Budget.**

(a) The fiscal year of the city shall begin on the first day of October and end on the last day of September of each calendar year.

(b) The city manager, if one is appointed, shall prepare and submit to the city council a budget to cover all proposed expenditures of the city for the succeeding fiscal year. Such budget shall be prepared in conformity with Chapter 102 Texas Local Government Code.

(c) No public money shall ever be spent or appropriated, except in case of an emergency or public calamity, unless funds are currently in the possession of the city to cover said expenditures or appropriation. No expenditure shall ever be made by the city except upon checks drawn upon the account, for which a previous appropriation shall have been made, and countersigned by the mayor or the city manager, if one is appointed.

(d) The city manager must submit a structurally balanced budget annually, and must submit a financial report to the city council at least quarterly. (Ord. No. 889; Ord. No. 7196, Amd. 7, 1-22-98; Ord. No. 2013-9464, Amds. 2, 3, 5-22-13)

## ARTICLE V. TAXES AND TAXATION\*

### Sec. 1. Property subject to taxation.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. It shall be the duty of the tax assessor and collector on or before the first day of July of each year or as soon thereafter as practicable, to make and return to the city council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation.

(Ord. No. 5567, § 3, 1-23-89)

### Sec. 2. Levy and collection.

(a) The city council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under the Charter, and is hereby authorized to enforce the collection of the same against all property subject to taxation and the owners thereof as provided by law. Unless otherwise provided by ordinance and Charter, all property in the city liable to taxation shall be assessed in accordance with the provisions of the general laws of the state insofar as applicable.

(b) The city council shall have the power and it is hereby authorized and made its duty to levy annually for general purposes and for the purpose of paying interest and providing the sinking fund on the bonded

**\*Editor's note**—Ord. No. 5567, § 3, adopted January 23, 1989, amended Article V of the Charter to read as set out herein. Former Art. V, §§ 1—11, was concerned with similar provisions which had been approved by the voters on October 25, 1952, as amended by Ord. No. 889. The new provisions, §§ 1—20 were adopted at an election held on January 21, 1989, as Amendment No. 26.

indebtedness of the City of Irving now in existence or which may hereafter be created an ad valorem tax on all real, personal or mixed property within the territorial limits of said city and upon all franchises granted by the city to any individual or corporation not exceeding a total of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) assessed valuation of said property. If for any cause the city council shall fail, neglect or refuse to pass a tax ordinance for any one year levying taxes for that year, then and in that event the tax levying ordinance last passed shall and will be considered in force and effect as the tax levying ordinance for the year for which the city council failed, neglected or refused to pass such ordinance, and the failure so to pass such ordinance for any year shall in no wise invalidate the tax collections for that year.

(c) The city councilperson or any other officer of the city shall never extend the time for the payment of taxes or remit, discount or compromise any tax legally due the city, nor waive the penalty that may be due thereon by any person, but the city council may by ordinance provide for the remission, discount, compromise or waiver of penalty to all persons legally owing any taxes where such remission, discount, compromise or waiver of penalty is for any particular and specified year or years and applies equally to all persons, firms, or corporations owing taxes to the city for such year or years; provided, however, that this provision shall not prevent the compromise of any tax suit.

(Ord. No. 5567, § 3, 1-23-89)

### Sec. 3. Supplemental assessment.

If the tax assessor and collector shall discover any real or personal property which was subject to taxation for any previous year, and which from any cause has escaped taxation for the year, he/she shall assess the same in a supplement to his/her next assessment roll at the same rate under which such property should have been assessed for such year, stating the year, and the taxes thereon shall be collected the same as other assessments; provided, that such supplement roll may be made at any time and reported to the city council for its approval, and any number of such rolls may be made that may be necessary. The taxes assessed in such supplement rolls for years previous to the approval of such rolls shall be due at once upon the approval of such rolls

by the city council and such taxes may bear interest at the rate specified by statute from the date on which the same would have been delinquent if levied and assessed, and if the same shall not be paid within thirty (30) days after the date of such approval, the tax assessor and collector shall proceed to collect the same as provided by this Charter and applicable state law. Provided, that a misnomer of or failure to name the owner in the assessment rolls shall not affect the validity of the assessment of any taxes; and provided, further, that when such taxes have not been attempted to be assessed for such previous year, such taxes shall bear interest only from date of the approval of the supplemental rolls. The tax assessor and collector may in any year reassess property which, because of irregularity in the assessment of any previous year, may have been improperly assessed; such reassessment shall be at the value at which it should have been assessed in any such year, and property owners of such property shall take notice of such reassessment, if made prior to the first of April of any year, but if made after such date, notice shall be given by the tax assessor and collector of the raising of an assessment. Any property owner whose property has been reassessed may appeal to the board of equalization as in case of an original assessment. (Ord. No. 5567, § 3, 1-23-89; Ord. No. 2013-9464, Amd. 6, 5-22-13)

**Sec. 4. Franchises; taxation of.**

All rights, privileges and franchises, heretofore or hereafter granted to and held by any person, firm or corporation, in the streets, alleys, highways or public grounds or places in the city shall be subject to taxation by the city separately from and in addition to the other assets of such person, firm or corporation and the city council may require the rendition and assessment thereof accordingly. (Ord. No. 5567, § 3, 1-23-89)

**Sec. 5. Irregularity shall not invalidate.**

No irregularity in the time or manner of making or returning the city assessment rolls or the approval of such rolls shall invalidate any assessment. (Ord. No. 5567, § 3, 1-23-89)

**Sec. 6. Rendition.**

All property, real and personal, shall be rendered for taxation by the owner thereof or his agent, as provided by the laws of the state. (Ord. No. 5567, § 3, 1-23-89)

**Sec. 7. Tax lien; liability for taxes.**

A lien is hereby created on all property, personal and real, in favor of the City of Irving, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from January 1 in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien, but the tax assessor and collector may pursue such property, and whenever found may seize and sell enough thereof to satisfy such taxes.

In the event that personal property of the taxpayer is delivered into the actual or constructive possession of a receiver, trustee, or other person because of insolvency, bankruptcy, receivership or otherwise, between January 1 and the date that the taxes are actually levied, then and in that event the amount of the taxes due shall be the same as was levied for the prior year for the same property and shall be secured by a lien in that amount.

All persons or corporations owning or holding personal property or real estate in the city on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year.

The personal property of all persons owing any taxes to the city is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both. (Ord. No. 5567, § 3, 1-23-89)

**Sec. 8. Seizure to prevent removal.**

If anyone against whom a personal tax is assessed, and which is due and unpaid, whether the same be delinquent or not, shall have removed out of the city, or shall be about to remove out of the city, or shall have removed or about to remove his personal property out of the city, it shall be the duty of the tax assessor and collector to proceed at once and col-

lect such taxes by seizure and sale of any personal property of such person to be found in the city, or anywhere in the State of Texas.  
(Ord. No. 5567, § 3, 1-23-89)

**Sec. 9. Place of payment; demand unnecessary.**

All taxes shall be payable at the office of the tax assessor and collector, Irving, Dallas County, Texas. No demand for such taxes shall be necessary but it is made the duty of the taxpayer to make payment of such taxes in cash within the time specified.  
(Ord. No. 5567, § 3, 1-23-89)

**Sec. 10. Tax title to personal property.**

A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.  
(Ord. No. 5567, § 3, 1-23-89)

**Sec. 11. City may purchase.**

The city shall have the right to become a purchaser of property at tax sales, and the city manager or the person designated by the city manager, may attend such sales and bid on behalf of the city.  
(Ord. No. 5567, § 3, 1-23-89)

**Sec. 12. Redemption by owner; vesting title.**

The owner of real estate sold for the payment of taxes, or his/her heirs or assigns or legal representative, may redeem the same within the time period provided by state law. If the real property is not redeemed within the time as herein provided, then the title shall become absolute in the purchaser.  
(Ord. No. 5567, § 3, 1-23-89; Ord. No. 8575, Amd. 8, 11-8-05)

**Sec. 13. Amendment of property description.**

In any suit by the city for the collection of any delinquent tax where it shall appear that the description of any property in the city assessment rolls shall be insufficient to identify such property, the city shall have the right to set up in its pleading a good description of the property intended to be assessed and to prove the same, and to have its judgment foreclosing its tax lien upon the same, and personal judgment

against the owner, for such taxes, the same as if the property were fully described upon the assessment rolls.  
(Ord. No. 5567, § 3, 1-23-89)

**Sec. 14. Prima facie evidence of tax levy and assessment.**

The provisions herein for the collection of taxes shall not be construed to prevent the city from filing suit in any court of competent jurisdiction for the collection of any taxes due on real estate, as well as personal property, and for the enforcement of levies for such taxes, and the assessment rolls shall be prima facie evidence of the facts stated in said rolls and that all taxes assessed on such rolls have been regularly levied and assessed in accordance with the provisions of this Charter and the state law; and no irregularity in the manner of levying or assessing taxes shall invalidate the same unless it appears from affirmative proof that such irregularity operated injuriously to the taxpayer attempting to avoid the payment of such tax.  
(Ord. No. 5567, § 3, 1-23-89)

**Sec. 15. State law on assessment applicable.**

Unless otherwise provided by this Charter amendment and by ordinances passed thereunder, all property in such city liable to taxation shall be assessed and collected in accordance with the provisions of general laws of the state, insofar as applicable.  
(Ord. No. 5567, § 3, 1-23-89)

**Sec. 16. Assessment of property; joint, common and conflicting interest in real estate; separate assessment of.**

The tax assessor and collector shall not be required to make separate assessments of individual, joint, common or conflicting interest in any real estate, but the owner of such interest may furnish to the tax assessor and collector at any time before the 1st day of May of each year, and not thereafter, a written description of any parcel of land in which he has an interest less than the whole, showing the amount of his interest therein and the tax assessor and collector may thereupon assess such interest as a separate parcel and the remaining interest as a different parcel and proceed to fix the value of each.  
(Ord. No. 5567, § 3, 1-23-89)

**Sec. 17. Collection of taxes on undivided interest.**

The tax assessor and collector may receive the taxes on parts of any lots or parcels of real property or on an undivided interest therein, but no such taxes shall be received until the person tendering the same shall have furnished the tax assessor and collector a particular description of the particular part or interest on which payment is tendered, and the tax assessor and collector shall enter such specification in the name of the person paying and at the proper place in the assessment books, so that the part or interest on which payment has been made and the part or interest on which taxes remain unpaid may clearly appear.

(Ord. No. 5567, § 3, 1-23-89)

**Sec. 18. General state laws adopted.**

In addition to the powers herein conferred with reference to the assessment and collection of taxes, the City of Irving shall have and may exercise all powers and authority now conferred or that may hereinafter be conferred upon cities by the laws of the State of Texas.

(Ord. No. 5567, § 3, 1-23-89)

**Sec. 19. Occupation tax.**

The city council shall have the power to levy and collect taxes upon trades, professions, callings or other businesses carried on to the full extent permitted by the general laws of the State of Texas, to prescribe penalties for non-payment thereof, and to regulate the operation of any business, trade or calling or profession.

(Ord. No. 5567, § 3, 1-23-89)

**Sec. 20. Contract for collection of delinquent taxes.**

The city council shall have the power to contract with any attorney-at-law for the collection of delinquent taxes owing the city.

(Ord. No. 5567, § 3, 1-23-89)

**ARTICLE VI. RECALL**

**Sec. 1. Procedure generally.**

(a) The mayor or any other member of the city council may be removed from office in the following manner:

Any qualified voter of the city may make and file with the city secretary an affidavit containing the name of the mayor or at-large member of the city council whose removal is sought. Any qualified voter of the single member district in which that qualified voter resides may make and file with the city secretary an affidavit containing the name of the voter's respective single member district council member whose removal is sought. The city secretary shall thereupon deliver to the voter making such affidavit copies of petition blanks for demanding such removal, printed forms of which the city secretary shall keep on hand. Such blanks shall be issued by the city secretary with the city secretary's signature thereto attached, and they shall be dated and addressed to the city council, indicate the person to whom issued, and state the name of the member whose removal is sought. A copy of the petition shall be recorded in a record book for that purpose to be kept in the office of the city secretary. A recall petition to be effective must be returned and filed with the city secretary within forty-five (45) days after the filing of the affidavit about a council member in a single member district or within sixty (60) days after the filing of the affidavit about a council member in an at-large district, and must bear the signatures of qualified voters of the district equal in number to at least 10 percent (10%) of those who were qualified voters for the person sought to be removed on the date of the last regular municipal election.

(b) Signatures to a recall petition need not all be appended to one paper, but to each such petition paper there shall be attached an affidavit of the circulator thereof, stating that each signature thereto was made in the petitioner's presence and is the genuine signature of the person whose name it purports to be. Each signer of a recall petition shall sign the signer's name in ink or indelible pencil and shall place after the signer's name the date when the signer's signature was made and the signer's residence by street and number, or other description to

identify the place. Recall petition papers provided by the city secretary shall be in a form which complies with the Texas Election Code.

(c) All papers and affidavits comprising a recall petition shall be assembled and filed with the city secretary as one instrument. Within thirty (30) days of the date of filing a recall petition the city secretary shall determine the sufficiency thereof and attach thereto a certificate showing the result of the city secretary's examination. If the city secretary shall certify that the petition is insufficient, the city secretary shall set forth in the certificate the particulars in which it is defective and shall at once notify the affiant of the findings.

(d) Upon finding of the insufficiency of a recall petition, the affiant shall not have the ability to file further affidavits for a recall election for the same purpose through the duration of the mayor or council member's term in office.

(e) If a recall petition, or amended petition shall be certified by the city secretary to be sufficient the city secretary shall at once submit it to the city council with the city secretary's certificate to that effect and shall notify the member whose removal is sought of such action. If the member whose removal is sought does not resign within five days of such notice the city council shall thereupon order and fix the date for holding a recall election. Any such election shall not be held less than sixty days after the petition has been submitted to the city council, and it may be held at the same time as any other general or special election within such period; but, if no election is held within such period, the city council shall call a special recall election to be held on the next uniform election date.

(f) The question of recalling any number of members of said city council may be submitted at the same election, but as to each member whose removal is sought a separate petition shall be filed and there shall be an entirely separate ballot. Candidates to succeed any members of the city council whose removal is sought shall be placed in nomination by petition signed, filed and verified as provided for nominating petitions for a regular municipal election; except that each petition paper shall specify that the candidate named therein is a candidate to succeed the particular member whose removal is sought.

(g) The ballots used in a recall election shall submit the two following propositions in the order indicated:

"For the recall of (name of mayor or council member);"

"Against the recall of (name of mayor or council member);"

The voter shall mark the box for or against the council member being named for recall. Under the propositions shall appear the word "candidates" and the direction. "Vote for one," and beneath this the names of the candidates nominated as hereinabove provided. The council member whose recall is sought shall not have the council member's name printed on the ballot as a candidate. Except that the space left for the names and dates shall be filled by the correct names and date, the ballots used in a recall election shall be in form substantially as follows:

RECALL ELECTION

City of Irving

\_\_\_\_\_ (Month and day of Month) \_\_\_\_\_ 2 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For the recall of \_\_\_\_\_  
Against the recall of \_\_\_\_\_

CANDIDATES

Vote for one

\_\_\_\_\_  
\_\_\_\_\_

Except as provided for in this section, ballots used in recall elections shall comply with the provisions of this Charter regarding ballots for a regular municipal election.

(h) If a majority of the votes cast on the question of recalling the mayor or a city council member be against recall, the council member shall continue in office for the remainder of the council member's unexpired term, and is not subject to recall for the remainder of the term in which the petition was filed. If a majority of such votes be for the recall of the council member on the ballot, the council member shall, regardless of any defect in the recall petition, be deemed removed from office. When the mayor or

a council member is removed from office by recall, the candidate to succeed such officer who receives the highest vote shall be declared elected to fill the unexpired term.

(i) If a mayor or council member in regard to whom sufficient recall petition is submitted to the city council shall resign within five days thereof, the place thus made vacant on the city council shall be filled by a special election.

(j) No recall shall be filed against the mayor or council member within six (6) months after taking office of the most recent term. No recall petition may be filed within 270 days of the end of the term of a mayor or council member.  
(Ord. No. 889; Ord. No. 7196, Amd. 6, 1-22-98; Ord. No. 8575, Amd. 9, 11-8-05; Ord. No. 2013-9464, Amds. 2, 6, 18, 5-22-13)

## **ARTICLE VII. BONDS, WARRANTS AND OTHER EVIDENCE OF INDEBTEDNESS**

### **Sec. 1. Authority to issue.**

In keeping with the Constitution of Texas, and not contrary thereto, the City of Irving shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidence of indebtedness as now authorized or as may hereafter be authorized by the laws of the State of Texas.  
(Ord. No. 5567, § 3, 1-23-89)

### **Sec. 2. Manner of issuance.**

Bonds and warrants of the City of Irving, shall be issued in the manner provided by the laws of Texas.  
(Ord. No. 5567, § 3, 1-23-89)

## **ARTICLE VIII. CITY MANAGER**

### **Sec. 1. Appointment.**

The governing body of the City of Irving shall appoint a city manager who shall be the administrative head of the municipal government and shall be responsible for the efficient administration of all de-

partments. The city manager shall become a qualified voter of the city following the city manager's appointment and reside within the city limits.  
(Ord. No. 889; Ord. No. 2013-9464, Amd. 19, 5-22-13)

### **Sec. 2. Compensation.**

The city manager, if one is appointed, shall receive a salary as set by the city council. The performance of the city manager shall be evaluated on an annual basis, or more often, as determined necessary by the city council.  
(Ord. No. 889; Ord. No. 2013-9464, Amd. 20, 5-22-13)

### **Sec. 3. Powers and duties.**

The city manager shall also be the chief executive and shall see that the laws and ordinances of the city are enforced. The city manager shall appoint all appointive officers, or employees of the city (such appointments to be made upon merit and fitness alone), and may at will remove any officers or employees appointed by the city manager, except that the city judge, city attorney, and city secretary shall be appointed and removed from office by the city council, and employees reporting directly to boards of directors or via alternate operating structures as defined by ordinance. The city judge, city attorney, city secretary, and employees reporting directly to boards of directors or via alternate operating structures defined by ordinance shall solely hire, discharge and supervise their staff. The city manager shall exercise control and supervision over all other departments and offices that may be created by the council, and all officers and employees appointed by the city manager. The city manager shall attend all meetings of the council with the right to take part in the discussion, but having no vote. The city manager shall recommend in writing to the council such measures as the city manager may deem necessary or expedient. The city manager shall keep the council fully advised as to the financial condition and needs of the city, and perform such other duties as may be prescribed by this Charter or which may be required of the city manager by ordinance or resolution of the council.

(Ord. No. 889; Ord. No. 7196, Amd. 1, 1-22-98; Ord. No. 2010-9190, Amd. 2, 5-17-10; Ord. No. 2013-9464, Amds. 2, 21, 5-22-13)

**Sec. 4. Nepotism.**

No person related within the second degree by affinity or within the third degree by consanguinity, to the city manager, shall be appointed to any official position, clerkship or service of the city whose salary is directly or indirectly paid from public funds or fees of office by the city; and this section does not apply if the individual has been employed in the position immediately before the appointment of the city manager.

(Ord. No. 7196, Amd. 12, 1-22-98)

**Sec. 5. Reserved.**

**Editor's note**—Ord. No. 7196, Amd. 13, adopted Jan. 22, 1998, repealed § 5 in its entirety. Former § 5 pertained to official bond and derived from Ord. No. 889. This correction to the Charter was made with Supplement 23, August 2003.

(Ord. No. 889; Ord. No. 7196, Amd. 13, 1-22-98)

**Sec. 6. Reserved.**

**Editor's note**—Ord. No. 2013-9464, Amd. 16, adopted May 22, 2013, renumbered Art. VIII, § 6 as Art. IX, § 10(a). The former § 6 pertained to the Irving Convention and Visitors Bureau. The historical notation has been retained with the amended provisions for reference purposes.

**Sec. 7. Reserved.**

**Editor's note**—Ord. No. 2013-9464, Amd. 16, adopted May 22, 2013, renumbered Art. VIII, § 7 as Art. IX, § 10(b). The former § 7 pertained to the Irving Arts Center. The historical notation has been retained with the amended provisions for reference purposes.

**Sec. 8. Reserved.**

**Editor's note**—Ord. No. 2013-9464, Amd. 16, adopted May 22, 2013, renumbered Art. VIII, § 8 as part of Art. IX, § 11. The former § 8 pertained to the Irving Housing and Human Services Department and derived from Ord. No. 8575, Amd. 3, adopted Nov. 8, 2005.

**Sec. 9. Reserved.**

**Editor's note**—Ord. No. 2013-9464, Amd. 16, adopted May 22, 2013, renumbered Art. VIII, § 9 as

part of Art. IX, § 11. The former § 9 pertained to the Irving Preservation Department and derived from Ord. No. 8575, Amd. 4, adopted Nov. 8, 2005.

**ARTICLE IX. GENERAL PROVISIONS****Sec. 1. "Qualified voter" defined.**

A "qualified voter," in a city election is a person who meets the requirements of the Texas Election Code to be a qualified voter.

(Ord. No. 4754, § 7, 8-15-85)

**Sec. 2. Qualification of jurors.**

In any action or proceeding in which the City of Irving may be party at interest no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant, freeholder or taxpayer of the City of Irving.

**Sec. 3. Withholding of political contributions.**

The city shall not withhold money from the pay of its employees for purposes of conveying those funds to political action committees.

(Ord. No. 2013-9464, Amd. 23, 5-22-13)

**Sec. 4. Construction of terms generally.**

The use of the singular number includes the plural, and the plural the singular, and words used in the masculine gender include the feminine also, unless by reasonable construction, it appears that such was not the intention of the language.

**Sec. 5. Charter deemed public act.**

This Charter must be deemed a public act and judicial notice shall be taken thereof in all courts.

**Sec. 6. Procedure for amending Charter.**

This Charter may be amended at any time in accordance with the provisions applicable thereto contained in Chapter 9 Texas Local Government Code or any amendments thereto or any amendments that may be made hereafter thereto.

(Ord. No. 7196, Amd. 7, 1-22-98)

**Sec. 7. Severability of portions of Charter.**

If any provision of this Charter violates any statutes or the Constitution of the State of Texas, or if any court holds such provisions for naught for any reason, the remaining provisions shall not be affected thereby and shall continue in effect.

**Sec. 8. Employee retirement plan limitations.**

For employees participating in the Irving Firemen's Relief and Retirement Fund or the Texas Municipal Retirement System, the total annual amount of the City of Irving contribution for retirement benefits for such employees shall not exceed 16.75% of the total annual salaries of such employees. This section shall not limit any federal or state mandated contributions to any retirement benefit provision over which the city has no discretion to provide the required benefit.

Retirement benefits shall include a contribution to or for the Firemen's Relief and Retirement Fund and the Texas Municipal Retirement System, City of Irving Supplemental Benefit Plan, disability benefits, and medical insurance for retired employees. (Ord. No. 4754, § 8, 8-15-85; Ord. No. 7196, Amd. 15, 1-22-98; Ord. No. 8575, Amd. 5, 11-8-05; Ord. No. 2013-9464, Amd. 25, 5-22-13)

**Sec. 9. Charter commentary.**

Although this Charter may only be amended by a vote of the qualified voters of the city, portions of the Charter may become inoperative or inapplicable due to the passage of law at the state or federal level or due to court order. In such event, the city attorney may draft a commentary specifying the affected provisions of the Charter and the laws or orders which cause the Charter provisions to come into question. If approved by the city council, such commentary shall be published on the city's website or in a similar manner to give the citizen notice of the affected provisions.

(Ord. No. 2013-9464, Amd. 24, 5-22-13)

**Sec. 10. Independent boards.**

(a) *Irving Convention and Visitors Bureau.* The city council may by ordinance provide that the management and operation of the Irving Convention and Visitors Bureau shall be conducted independently of

the office of city manager and the general management of the city. Such ordinance may provide that the board of directors of the Irving Convention and Visitors Bureau shall have the exclusive right to appoint, remove and supervise the executive director of the bureau and may give the executive director the exclusive authority to hire, discharge and supervise the employees of the Irving Convention and Visitors Bureau.

The board of directors of the Irving Convention and Visitors Bureau shall recommend to the city council the bureau's annual budget and the manner and use of the expenditures and allocation of bureau revenues and funds. Final approval of the Irving Convention and Visitors Bureau budget and the expenditure of bureau funds, as well as the classification and salary structure of bureau employees, shall be recommended by the Irving Convention and Visitors Bureau board and shall be the sole responsibility and prerogative of the city council.

By approval of the bureau's annual budget, its expenditures and allocation of bureau revenues and funds, administrative services required by other city departments in support of the approved budget are authorized.

(b) *Irving Arts Center.* The city council may by ordinance provide that the management and operation of the Irving Arts Center shall be conducted independently of the office of city manager and the general management of the city. Such ordinance may provide that the Irving Arts Center board shall have the exclusive right to appoint, remove and supervise the executive director of the Irving Arts Center and may give the executive director the exclusive authority to hire, discharge and supervise the employees of the Irving Arts Center.

The Irving Arts Board shall recommend to the city council the Irving Arts Center's annual budget and the manner and use of the expenditures and allocation of arts center revenues and funds. Final approval of the Irving Arts Center budget and the expenditure of arts center funds, as well as the classification and salary structure of arts center employees, shall be recommended by the Irving Arts Center board and shall be the sole responsibility and prerogative of the city council.

By approval of the Irving Arts Center's annual budget, its expenditures and allocation of art center revenues and funds, administrative services required by other city departments in support of the approved budget are authorized. (Ord. No. 8575, Amds. 1, 2, 11-8-05; Ord. No. 2013-9464, Amd. 16, 5-22-13)

**Sec. 11. Irving special purpose agencies.**

To the extent the city council authorizes the creation or continued maintenance of special purpose agencies which have a majority of funding from sources other than the General Fund of the city, the city council may provide by ordinance for alternative methods of appointment, removal and supervision of the executive director and other employees of such agency, in which case the city manager's power to hire, supervise or remove such persons will be limited to the extent specified in such ordinance. (Ord. No. 2013-9464, Amd. 16, 5-22-13)

**ARTICLE X. ADOPTION OF CHARTER**

**Sec. 1. Procedure.**

a. This Charter shall be submitted to the qualified voters of the City of Irving for adoption or rejection on October 25, 1952, at which election, if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the governing law of the City of Irving until amended or repealed.

b. It being impractical to submit this Charter by sections, it is hereby prescribed that the form of ballot to be used in such election shall be as follows, to wit:

FOR THE ADOPTION OF THE CHARTER

AGAINST THE ADOPTION OF THE CHARTER

c. The present city council of the City of Irving shall call an election in accordance with the provisions of the general laws of the state governing such elections, and the same shall be conducted and the returns made and results declared as provided by the laws of the State of Texas governing municipal elections, and in case a majority of the votes cast at such election shall be in favor of the adoption of such

Charter, then an official order shall be entered upon the records of said city by the city council of Irving declaring the same adopted, and the city secretary shall record at length upon the records of the city, in a separate book to be kept in his office for such purpose, such Charter as adopted, and such secretary shall furnish to the mayor a copy of the Charter which copy of the Charter shall be forwarded by the mayor as soon as practicable, to the secretary of state under the seal of the city together with a certificate showing the approval of the qualified voters of such Charter. (Ord. No. 889)

**ARTICLE XI. INITIATIVE AND REFERENDUM**

**Sec. 1. General authority.**

(a) *Initiative.* The registered voters of the city shall have power to propose lawful ordinances to the council, and if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election provided that such power shall not extend to the budget or capital program or any ordinance relating to zoning, appropriation of money, levy of taxes or salaries of city officers or employees.

(b) *Referendum.* The registered voters of the city shall have the power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, but such power shall not extend to the budget or capital program, zoning, or any emergency ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees. (Ord. No. 2013-9464, Amd. 22, 5-22-13)

**Sec. 2. Commence of proceeding; petitioners' committee; affidavit.**

(a) Any five (5) registered voters may commence initiative or referendum proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are

to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

(b) Within two (2) working days after the affidavit of the petitioners' committee is filed, the city secretary shall issue the appropriate petition blanks to the petitioners' committee.

(Ord. No. 2013-9464, Amd. 22, 5-22-13)

### **Sec. 3. Petitions.**

(a) Initiative and referendum petitions must be signed by registered voters of the city equal in number to ten percent (10%) of the total number of registered voters registered to vote at the last regular election.

(b) An initiative petition that is filed with the city secretary shall include a financial impact statement of the estimated financial consequences of the proposed initiative.

(c) All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(d) Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(e) Referendum affidavits must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered, and referendum petitions must be filed within thirty (30) days after issuance of the appropriate petition blanks to the petitioners' committee.

(f) Initiative petitions must be filed within thirty (30) days after issuance of the appropriate petition blanks to the petitioners' committee.

(Ord. No. 2013-9464, Amd. 22, 5-22-13)

### **Sec. 4. Procedure after filing.**

(a) Within ten (10) working days after the petition is filed with the city secretary, the city secretary shall complete a certificate as to the sufficiency of the petition. The city secretary shall determine the sufficiency of the petition in accordance with state law. If the petition is found to be insufficient, the city secretary shall specify in writing the particulars wherein it is defective and shall send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city secretary within two (2) working days after receiving the copy of the city secretary's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (a) and (b) of section 3 and within five (5) working days after it is filed the city secretary shall complete a certificate as to the sufficiency of the petition as amended and send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the city secretary shall present the city secretary's certificate to the council at the next regularly scheduled council meeting on which the item may appear on the agenda, and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review shall not prejudice the filing of a new petition for the same purpose.

(Ord. No. 2013-9464, Amd. 22, 5-22-13)

### **Sec. 5. Referendum petitions; suspension of effect of ordinance.**

When a referendum petition is filed with the city secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (a) There is a final determination of insufficiency of the petition;

- (b) The petitioners' committee withdraws the petition;
- (c) The council repeals the ordinance; or
- (d) Thirty (30) days have elapsed after a vote of the city on the ordinance.

(Ord. No. 2013-9464, Amd. 22, 5-22-13)

**Sec. 6. Action on petitions.**

(a) When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative or referendum ordinance in the manner provided herein or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient it shall submit the proposed or referred ordinance to the voters of the city. The election must be held on the next available general election date as established by state law, which election is called for any purpose than initiative or referendum.

(b) Copies of the proposed or referred ordinance shall be made available at the polls.

(c) An initiative or referendum petition may be withdrawn at any time prior to the date the election is called by filing with the city secretary a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Ord. No. 2013-9464, Amd. 22, 5-22-13)

**Sec. 7. Results of election.**

(a) If a majority of the registered voters, voting on a proposed initiative ordinance, vote in its favor, the ordinance shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum. If a majority of the registered voters, voting on a referred ordinance, vote against it, the ordinance shall be considered repealed upon certification of the election results.

(Ord. No. 2013-9464, Amd. 22, 5-22-13)

**Sec. 8. Initiative and referendum—Failure of city council to act.**

In case all of the requirements of this Charter shall have been met and the council shall fail or refuse to receive the petition or discharge any other duties imposed upon the council by the provision of this Charter with reference to initiative and referendum, then a district judge of Dallas County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the city secretary or by the council.

(Ord. No. 2013-9464, Amd. 22, 5-22-13)

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8575	11- 8-05	Amds. 1—4	VIII 6—9
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				VIII 3
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				9(a)
				26(a)
				V 3
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		Amd. 10		IV 10
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		Amd. 12		IV 11-A
		Amd. 13	Added	IV 15-A
		Amd. 14		IV 17
		Amd. 15		IV 24
		Amd. 16	Rnbd	VIII 6
			as	IX 10(a)
			Rnbd	VIII 7
			as	IX 10(b)
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