

Ordinances Governing  
**ADMINISTRATION**  
in the  
CITY OF ARLINGTON  
TEXAS

Amended by Ordinance No. 16-005

(January 26, 2016)

(Chapter Designator: ADMINISTRATION)

**ORDINANCE HISTORY**

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
88-36	02/23/88	
88-121	08/30/88	
88-158	11/22/88	
89-04	01/10/89	
89-10	01/17/89	
89-60	05/23/89	Amend <b>Section 3.05</b> , <u>Convention and Event Services Advisory Board</u> , relative to the number and residency of board members.
90-03	01/02/90	Amend <b>Section 7.01</b> , <u>Abandonment of Right-of-Way and Easements (Public or Private)</u> , relative to procedures and fees for the abandonment of right-of-way or easements.
90-33	03/27/90	Amend <b>Subsection 3.05(C)</b> , <u>Membership</u> , increasing the number of places served by board members on the Convention and Event Services Advisory Board.
90-54	05/15/90	Amend <b>Section 5.03</b> , <u>Amount of Deposits, Method of Computing</u> , increasing the percentage of City employees' earnings deposited into TMRS.
91-11	01/29/91	Amend <b>Section 3.02</b> , <u>Libraries</u> , designating the Library a department of the City; amend <b>Subsections 3.03(B)</b> and delete <b>Subsections 3.03(G)</b> and <b>(H)</b> relative to objectives and duties of the Library Board.
91-81	08/20/91	Amend <b>Subsection 1.04(C)</b> , <u>Chairman and Duties</u> , relative to the responsibilities of the chairman to oversee proper decorum during Council meetings.
92-28	03/10/92	Repeal existing <b>Article XII</b> , <u>City Council Code of Ethics</u> ; adopt new <b>Article XII</b> , <u>Code of Ethics</u> .

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
92-58	06/09/92	Amend <b>Article III, Section 3.01, General</b> , adding <b>Subsection 3.01(C), Chairpersons</b> , providing appointment of chairpersons for boards, commissions and committees by the Mayor with consent of majority City Council; amend <b>Section 3.03(E), Library Board</b> , providing for the appointment of a chairperson to the Library Board; amend <b>Section 3.07, Additional Boards and Commissions</b> , providing for the appointment of chairpersons to specific boards and commissions.
92-97	09/22/92	Repeal existing <b>Article III, Section 3.04, Convention and Visitors Bureau</b> , and <b>Section 3.05, Convention and Event Services Advisory Board</b> and renumber remaining subsections.
92-117	11/17/92	Amend <b>Section 3.05</b> to include the License and Amortization Appeal Board for the “Adult Entertainment” Chapter.
93-06	01/26/93	Amend <b>Article XII, Code of Ethics, Section 12.02, Standards of Conduct</b> , at <b>Subsection (G)(2)</b> , by the deletion of the reference to disclosure to supervisors; amend <b>Section 12.03, Prohibition Against Conflict of Interest</b> , at <b>Subsection (A)</b> , by the deletion of the reference to a conflict of interest by an employee and providing for the filing of a statement by a City official prior to each meeting of a body to which the official is a member; amend <b>Section 12.04, Disclosure of Conflict of Interest</b> , by the deletion of <b>Subsection (C)</b> , relative to notification to supervisors of a conflict of interest by a City official who is an employee; amend <b>Section 12.05, Substantial Interest of Relative</b> , at <b>Subsection (B)</b> , relative to substantial interest and reference to City employee; addition of new <b>Section 12.06, Disclosure of Interests Regarding Land Use Changes</b> , providing for the filing of a disclosure statement by a person seeking a land use change by City Council, Zoning Board of Adjustment, or Planning and Zoning Commission, and by the

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		renumbering of the remaining section; amend <b>Section 12.07, Definitions</b> , by the addition of the definitions of “person” and “substantial interest” and revision of the definition of “decision”.
95-07	01/10/95	Amend <b>Article III</b> by the addition of a new <b>Section 3.05, City of Arlington Beautification and Revitalization Board Definition and Purpose</b> , and the renumbering of the remaining section.
95-26	03/14/95	Amend <b>Article III</b> by the addition of a new <b>Section 3.06, Youth and Families Board</b> , relative to the creation of an advisory group on youth and families; Amend renumbered <b>Section 3.07, Additional Boards and Commissions</b> , to name additionally appointed boards.
<a href="#">96-70</a>	05/14/96	Amend <b>Article III</b> by the amendment of <b>Section 3.05, City of Arlington Beautification and Revitalization Board Definition and Purpose</b> , relative to the number of Board Members, the districts represented by each and the duties of the Chair.
<a href="#">96-96</a>	07/02/96	Amendment of <b>Article IX, City of Arlington Officer and Employee Liability Plan</b> , by amending <b>Section 9.01</b> concerning definitions; by amending <b>Section 9.02</b> regarding coverage; by amending <b>Section 9.03</b> regarding defense and settlement; by amending <b>Section 9.04</b> to provide for payments under the Plan; by amending <b>Section 9.05</b> establishing the Plan period; by amending <b>Section 9.06</b> to provide for exclusions from the Plan; by amending <b>Section 9.09</b> providing for reimbursement for a determination of coverage; by the addition of <b>Section 9.11</b> to provide for administration of the Plan; by the addition of <b>Section 9.12</b> providing that a Plan Member has no right to the fund; by the addition of <b>Section 9.13</b> providing for no waiver of defenses; by the addition of <b>Section 9.14</b> reserving the right of the City Council to amend or to repeal.

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
<a href="#">97-82</a>	06/10/97	Amendment of <b>Article VII, Section 7.01, Abandonment of Right-of-Way and Easements (Public or Private)</b> , at <b>Subsection (A)(2)</b> , relative to application procedures for abandonments; at <b>Subsection 7.01(F), Cases of Disputed Value</b> , relative to disputed value; at <b>Subsection 7.01(H), Abandonment by Plat</b> , relative to the abandonment of right-of-way or easements by plat; at <b>Subsection 7.01(I), Authorization and Appeal</b> , relative to delegation of authority to the City Manager.
<a href="#">98-39</a>	03/17/98	Amendment of <b>Article III, Section 3.05, Beautification and Revitalization Board</b> .
<a href="#">98-129</a>	10/13/98	Amend <b>Article V, Municipal Retirement System</b> , by repealing <b>Sections 5.02 through 5.13</b> and amending <b>Section 5.01</b> .
<a href="#">98-147</a>	11/10/98	Amend <b>Article III, Boards, Commissions and Departments</b> , by the deletion of <b>Section 3.05, Beautification and Revitalization Board</b> , and the renumbering of remaining sections.
<a href="#">99-02</a>	01/05/99	Amend <b>Article I, City Council Rules of Procedure, Section 1.04, Chair-person and Duties</b> , relative to presiding officer.
<a href="#">99-123</a>	10/05/99	Amend <b>Article III, Boards, Commissions and Departments, Section 3.03, Library Board, Subsection (A)</b> , relative to the addition of a youth representative to the Library Board; Amend <b>Section 3.03, Subsection (C)</b> , relative to the length of term of the youth representative; Add new <b>Section 3.06, Arts Grant Review Board</b> , and the renumbering of the remaining section.

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<b><u>Number</u></b>	<b><u>Date of Adoption</u></b>	<b><u>Comments</u></b>
<a href="#"><u>00-029</u></a>	03/21/00	Amend <b>Article I</b> , <u>City Council Rules of Procedure</u> , <b>Section 1.07</b> , <u>Votes Required</u> , relative to provision of a default tax rate under the Texas Tax Code.
<a href="#"><u>00-070</u></a>	06/20/00	Amend <b>Article I</b> , <u>City Council Rules of Procedure</u> , <b>Section 1.07</b> , <u>Votes Required</u> , <b>Subsection (A)(2)</b> , relative to ordinances providing for the assessment and collection of taxes.
<a href="#"><u>00-104</u></a>	09/12/00	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , <b>Section 3.07</b> , <u>Additional Boards and Commissions</u> , by the renaming of Landmark Preservation Committee to Landmark Preservation Commission and correcting certain cross-references identifying sections of the code describing the Landmark Preservation Commission, the Planning and Zoning Commission, and the Zoning Board of Adjustments; Amend <b>Article XII</b> , <u>Code of Ethics</u> , <b>Section 12.06</b> , <u>Disclosure of Interests Regarding Land Use Changes</u> , by adding the Landmark Preservation Commission to the list of Boards and Commissions requiring disclosure statements, by adding certificates of appropriateness and certificates of demolition or relocation to the list of applications requiring disclosure statements, and by adding the Neighborhood Services Department to the list of departments with whom such disclosure statements should be filed; Amend <b>Section 12.07</b> , <u>Definitions</u> , by the renaming of Landmark Preservation Committee to Landmark Preservation Commission.
<a href="#"><u>00-124</u></a>	10/24/00	Amend <b>Article I</b> , <u>City Council Rules of Procedure</u> , <b>Section 1.03</b> , <u>Meetings</u> , by the deletion of a specific time and location of City Council meetings.
<a href="#"><u>01-036</u></a>	04/10/01	Amend <b>Article I</b> , <u>City Council Rules of Procedure</u> , <b>Section 1.07</b> , <u>Votes Required</u> , by the addition of <b>Subsection (A)(6)</b> , relative to special voting requirements for condemnation resolutions.

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
<a href="#">01-042</a>	04/24/01	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , <b>Section 3.06</b> , <u>Arts Grant Review Board</u> , relative to expansion of the duties of the Board and changing the name of the Board to the Arts Advisory Board.
<a href="#">01-043</a>	04/24/01	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , <b>Section 3.05</b> , <u>Youth and Families Board</u> , relative to voting members and Board committees.
<a href="#">01-065</a>	06/26/01	Amend <b>Article I</b> , <u>City Council Rules of Procedure</u> , <b>Section 1.07</b> , <u>Votes Required</u> , <b>Subsection (A)(4)</b> , relative to the 3/4 vote required for certain protested zoning cases.
<a href="#">01-074</a>	07/10/01	Amend <b>Article XII</b> , <u>Code of Ethics</u> , by the amendment of <b>Section 12.02</b> , <u>Standards of Conduct</u> ; by the addition of a new <b>Section 12.03</b> , <u>Additional Ethical Standards</u> ; by the amendment of <b>Section 12.04</b> , <u>Disclosure of Conflict of Interest</u> ; by the addition of a new <b>Section 12.07</b> , <u>Ethics Review Commission</u> ; by the addition of <b>Section 12.08</b> , <u>Disposition of Alleged Violations; Hearings</u> ; and by the addition of a new <b>Section 12.09</b> , <u>Definitions</u> .
<a href="#">01-082</a>	07/31/01	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , <b>Section 3.06</b> , <u>Arts Advisory Board</u> , <b>Subsection (B)</b> , relative to amending the terms of the Board Members.
<a href="#">02-002</a>	01/08/02	Amend <b>Article I</b> , <u>City Council Rules of Procedure</u> , <b>Section 1.06</b> , <u>Consideration of Ordinances, Resolutions and Motions</u> , through the amendment of <b>Subsection (B)</b> relative to ordinances.
<a href="#">03-006</a>	01/14/03	Amend <b>Article II</b> , <u>Appointive Officers</u> , <b>Section 2.03</b> , <u>Payment Procedures</u> , <b>Subsection (A)</b> , relative to replacement of the City Secretary with the Chief

**ORDINANCE HISTORY**

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		Financial Officer as the second signatory on all checks; amend <b>Section 2.04</b> , <u>Collection of Taxes</u> , relative to the City Manager's responsibilities regarding tax collections.
<a href="#">03-021</a>	02/25/03	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , <b>Section 3.04</b> , <u>Special Transportation Advisory Board</u> , relative to the number of members of the Board.
<a href="#">03-118</a>	11/18/03	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , by the suspension of <b>Section 3.05</b> , <u>Youth and Families Board</u> , and <b>Section 3.06</b> , <u>Arts Advisory Board</u> .
<a href="#">04-005</a>	01/13/04	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , <b>Section 3.07</b> , and <b>Article XII</b> , <u>Code of Ethics</u> , <b>Section 12.09</b> , relative to the replacement of the Housing Advisory and Appeals Board with the Housing Board of Appeals.
<a href="#">04-039</a>	05/11/04	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , <b>Section 3.03</b> , <u>Library Board</u> ; <b>Section 3.04</b> , <u>Special Transportation Advisory Board</u> ; <b>Section 3.05</b> , <u>Youth and Families Board</u> ; <b>Section 3.06</b> , <u>Arts Advisory Board</u> ; <b>Section 3.07</b> , <u>Additional Boards and Commissions</u> , relative to the appointment of board members; Amend <b>Article XII</b> , <u>Code of Ethics</u> , <b>Section 12.09</b> , <u>Definitions</u> , relative to the definition of City official or official.
<a href="#">04-061</a>	06/22/04	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , <b>Section 3.01</b> , <u>General</u> , <b>Subsection (A)</b> , relative to appointments.
<a href="#">05-078</a>	09/13/05	Amend <b>Article II</b> , <u>Appointive Officers</u> , <b>Section 2.01</b> , <u>General</u> , relative to establishing the City Auditor as a Council appointee; by the addition of <b>Section 2.05</b> , <u>City Auditor</u> , relative to establishing and defining the

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		City Auditor's qualifications, and the duties and administration of the office.
<a href="#">05-081</a>	09/13/05	Amend <b>Article I</b> , <u>City Council Rules of Procedure</u> , by the addition of <b>Section 1.09</b> , <u>Election of Mayor Pro Tempore and Deputy Mayor Pro Tempore</u> .
<a href="#">06-008</a>	01/24/06	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , by the addition of a new <b>Section 3.07</b> , <u>Citizens Environmental Committee</u> , and the renumbering of the remaining section.
<a href="#">06-020</a>	02/28/06	Amend <b>Article II</b> , <u>Appointive Officers</u> , <b>Section 2.05</b> , <u>City Auditor</u> , <b>Subsection (K)</b> , relative to audit working papers, draft audits or final audits; Amend <b>Subsection (L)(2)</b> relative to draft audit reports.
<a href="#">06-022</a>	02/28/06	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , <b>Section 3.07</b> , <u>Citizens Environmental Committee</u> , relative to the number of committee members.
<a href="#">06-034</a>	04/04/06	Amend <b>Article XII</b> , <u>Code of Ethics</u> , <b>Section 12.02</b> , <u>Standards of Conduct Subject to Ethics Commission Review</u> , by the addition of a new <b>Subsection (K)</b> relating to a standard of conduct for Planning and Zoning Commission members; and at <b>Section 12.09</b> , <u>Definitions</u> , relating to the definition of "Substantial interest."
<a href="#">06-078</a>	08/22/06	Amend <b>Article II</b> , <u>Appointive Officers</u> , <b>Section 2.05</b> , <u>City Auditor</u> , <b>Subsection (L)(2)</b> , relative to audit reports; Amend <b>Subsection (M)</b> , relative to follow-up audits.
<a href="#">06-079</a>	08/22/06	Amend <b>Article XII</b> , <u>Code of Ethics</u> , <b>Section 12.06</b> , <u>Disclosure of Interests Regarding Land Use Changes</u> , <b>Subsection (A)(1)</b> , relative to updating the reference to the Community Services Department.

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
<a href="#">07-091</a>	12/18/07	Amend <b>Article IX</b> , <u>City of Arlington Officer and Employee Liability Plan</u> , <b>Section 9.01</b> relative to definitions; <b>Section 9.02</b> relative to coverage; <b>Section 9.03</b> relative to the requirement of Plan Member cooperation; <b>Section 9.04</b> relative to limits of coverage; <b>Section 9.05</b> relative to exclusions from the Plan; <b>Section 9.06</b> relative to subrogation; <b>Section 9.07</b> relative to legal representation; <b>Section 9.08</b> relative to no creation of cause of action; <b>Section 9.09</b> relative to no waiver of defenses; <b>Section 9.10</b> relative to reserving the right of the City Council to amend or to repeal; <b>Section 9.11</b> relative to administration of the Plan; <b>Section 9.12</b> relative to no right to the fund by Plan Member.
<a href="#">09-077</a>	12/01/09	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , by the addition of a new <b>Section 3.08</b> , <u>Community Relations Commission</u> ; and the renumbering of the remaining sections.
<a href="#">10-077</a>	09/28/10	Amend <b>Article XII</b> , <u>Code of Ethics</u> , <b>Section 12.02</b> , <u>Standards of Conduct Subject to Ethics Commission Review</u> , relative to clarification of existing standards of conduct; amend <b>Section 12.09</b> , <u>Definitions</u> , by the amendment of the definition of “Substantial Interest.”
<a href="#">12-033</a>	05/15/12	Amend <b>Article I</b> , <u>City Council Rules of Procedure</u> , <b>Section 1.02</b> , <u>General Rules</u> , <b>Subsection (H)</b> , relative to designating a parliamentarian.
<a href="#">14-025</a>	05/13/14	Amend <b>Article VII</b> , <u>Rights-of-Way (Street and Alley) and Easement Abandonment</u> , in its entirety relative to the procedure of abandoning right-of-way and easements within the City of Arlington.
<a href="#">16-005</a>	01/26/16	Amend <b>Article III</b> , <u>Boards, Commissions and Departments</u> , <b>Section 3.08</b> , <u>Community Relations Commission</u> , <b>subsection (A)</b> , <u>Membership</u> , relative to the Community Relations Commission.

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**ARTICLE I**  
**CITY COUNCIL**  
**RULES OF PROCEDURE**

**Section 1.01 Authority**

Pursuant to Article VII, Section 2 of the Charter of the City of Arlington, the following rules shall be in effect until such time as they are amended or new rules are adopted in the manner provided by these rules.

**Section 1.02 General Rules**

- A. Meetings to be Public: Every regular, special or called meeting of the City Council shall be open to the public, provided that meetings need not be open to the public under the exceptions prescribed in Article 6252-17, Vernon's.
- B. Quorum: A majority of the Council shall constitute a quorum.
- C. Compelling Attendance: The Council may compel the attendance of absent members.
- D. Misconduct: The Council may punish its own members for misconduct.
- E. Minutes: Accurate minutes of all proceedings of the Council shall be kept by the City Secretary in books to be provided for that purpose.
- F. Right of Floor: Any member desiring to speak shall be recognized by the chairman and shall confine his remarks to the subject under consideration. No member shall be allowed to speak more than once on any one subject until every member wishing to speak has done so.
- G. City Manager: The City Manager, or other duly appointed person acting in his stead, shall attend all meetings of the Council unless excused. He may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote.

## ADMINISTRATION

### 1.02

#### H. City Attorney:

1. The City Attorney shall attend all meetings of the Council unless excused, and shall advise the Council on questions of law.
2. The City Attorney shall function as the parliamentarian at City Council meetings. The parliamentarian shall serve as a resource to the Chairperson by assisting in a non-interventionist manner in the conduct of the City Council meeting. The parliamentarian shall:
  - a. at the request of the Chairperson, render an advisory opinion on questions pertaining to the City Council Rules of Procedure; and
  - b. in the case of serious errors in procedure, call such errors to the attention of the Chairperson.

The role of parliamentarian is purely advisory and consultative and not binding on the Chairperson. The Chairperson shall make the final decisions on parliamentary matters, subject to the right of any member to appeal such decision to the City Council. (Amend Ord 12-033, 5/15/12)

I. City Secretary: The City Secretary shall attend all meetings of the Council unless excused, and shall keep the official minutes and perform such other duties as may be requested of her by the City Manager.

J. Officers and Employees: Officers or employees of the City Manager, when requested by the City Manager, shall attend any meeting of the Council. Upon his request, they may present information relating to matters before the Council.

K. Rules of Order: Unless in conflict with these rules, Robert's Rules of Order Revised shall govern the proceedings of the Council in all cases.

L. Suspension of Rules: Any provision of these rules not governed by the City Charter or State law, may be temporarily suspended by a two-thirds (2/3) vote of all members of the Council. The vote on any such suspension shall be taken and entered upon the records.

M. Amendments to Rules: These rules may be amended or new rules may be adopted by a majority vote of all members of the Council. Any such amendments shall be adopted by ordinance.

## ARTICLE I - 2

(Amend Ord 12-033, 5/15/12)

**Section 1.03 Meetings**

- A. Regular Meetings: The Council shall meet regularly once each week, and more often on the call of the Mayor. The regular meetings of the Council shall be held on Tuesday of each week, unless otherwise officially established by the Council. Notice of the regular meetings shall be given in accordance with Chapter 551, Texas Government Code.
- B. Special Meetings: Special meetings may be called by the Mayor or, in the event of his absence, by the Mayor Pro Tem. Where possible, special meetings shall be announced during a regular meeting. Otherwise, the call and special meeting, including the day and hour of such meeting, shall be given as much in advance of such meeting as possible, and in any event notice thereof shall be given in compliance with Chapter 551, Texas Government Code.
- C. Recessed Meetings: Any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular meeting. (Amend Ord 00-124, 10/24/00)

**Section 1.04 Chairperson and Duties**

- A. Chairperson: The Mayor, if present, shall preside as chairperson at all meetings of the Council. The Chairperson may call any other member to take his/her place in the chair, such substitution not to continue beyond adjournment. In the absence of the Mayor, the Mayor Pro Tem shall preside. The Council may elect one of the Councilmembers Deputy Mayor Pro Tem to preside at all meetings in the absence of both the Mayor and the Mayor Pro Tem. Should the Mayor, Mayor Pro Tem, and Deputy Mayor Pro Tem be absent, the Council shall elect a chairperson for that meeting.
- B. Call to Order: The meetings of the Council shall be called to order by the Chairperson.
- C. Preservation of Order: The Chairperson shall preserve order and decorum, prevent personalities or the impugning of members' motives, and confine members in debate to the question under discussion. During Council meetings, participants shall treat others with courtesy and common decency and shall not attempt to interrupt, embarrass, humiliate, berate, intimidate or personally offend any person, shall not debate with persons testifying and shall confine questions to the issues being discussed.

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- D. Points of Order: The Chairperson shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be "Shall the decision of the Chairperson be sustained?"
- E. Questions to be Stated: Immediately prior to voting, the Chairperson shall state the question being submitted; after voting, he/she shall announce the result. A roll call vote shall be taken upon request of any member. (Amend Ord 99-02, 1/5/99)

### **Section 1.05 Order of Business**

- A. Agenda: The order of business of each meeting shall be as contained in the agenda prepared by the City Manager. The agenda shall be a listing by topic of subjects to be considered by the Council and shall be delivered to members of the Council each Friday preceding the Tuesday meeting to which it pertains.
- B. Presentations by Members of Council: The agenda may provide a time when the Mayor or any Council member may bring before the Council any business that he feels should be communicated to the Council.
- C. Agenda Deadline: Any person desiring to present a subject for the Council's consideration shall advise the City Manager's office of that fact not later than 12:00 noon on the second Monday preceding the meeting at which he wishes the subject to be considered; provided, however, that the City Manager may grant exceptions to said deadline.
- D. Communication to Mayor and Council: Upon request, the City Manager shall provide the Council with an oral or written analysis of items to be acted upon by the Council at its meeting.

### **Section 1.06 Consideration of Ordinances, Resolutions and Motions**

- A. Form: All ordinances and resolutions shall be presented to the Council only in printed or typewritten form and shall be approved as to form and legality by the City Attorney.
- B. Ordinances: All ordinances shall be passed in accordance with the provisions of the City Charter. In addition, a minimum of seventy-two (72) hours shall elapse between the first and second reading of ordinances requiring two readings by the City Council. This shall not limit the City Council's authority to enact an

ordinance as an emergency measure pursuant to the City Charter. (Amend Ord 02-002, 1/8/02)

- C. Recording of Votes: Votes on all ordinances and resolutions shall be taken by a show of hands or electronic tabulation and shall be entered upon the official record of the Council.
- D. Subject: All ordinances and resolutions submitted for a vote shall contain only one (1) subject.
- E. Majority Vote Required: Unless specifically provided otherwise, approval of every ordinance, resolution or motion shall require the affirmative vote of a majority of all members of the Council present and voting.
- F. Tie Vote: In the event of a tie in votes on any motion, the motion shall be considered lost.
- G. Voting Required: No member shall be excused from voting except on matters involving the consideration of his own official conduct or where his financial interests are involved or unless excused by the Council for other valid reasons by majority vote.
- H. Order of Precedence of Motions: The following motions shall have priority in the order indicated:

**M O T I O N**

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- |   |  |
|---|--|
| U<br>N<br>D<br>E<br>B<br>A<br>T<br>A<br>B<br>L<br>E | <ul style="list-style-type: none"> <li>1. To adjourn<sup>1,2</sup> (cannot be amended)</li> <li>2. To recess<sup>1</sup></li> <li>3. To raise a question of privilege (cannot be amended)</li> </ul> |
|   | _____  |
|   | _____  |
|   | <ul style="list-style-type: none"> <li>4. To lay on the table (cannot be amended)</li> <li>5. To move the previous question (2/3 vote required, cannot be amended)</li> </ul>                        |

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	6.	To limit or extend limits of debate (2/3 vote required)	S U B S I D I A
<hr/>			
D	7.	To postpone to a certain time	
E			
B	8.	To commit or refer	
A			
T	9.	To amend <sup>3</sup>	
A			
B	10.	To postpone indefinitely (cannot be amended)	
L			
E	11.	A main motion	

Footnotes:

1. The first two (2) motions are not always privileged. To adjourn shall lose its privileged character and be a main motion if in any way qualified. To take a recess shall be privileged only when other business is pending.
2. A motion to adjourn is not in order:
  - (a) when repeated without intervening business or discuss
  - (b) when made as an interruption of a member while speaking, or
  - (c) while a vote is being taken.
3. A motion to amend shall be undebatable when the question to be amended is undebatable.
- I. Reconsideration: A motion to reconsider any action of the Council can be made not later than the next succeeding official meeting of the Council. Such a motion can only be made by a member who voted with the majority. It can be seconded by any member. No question shall be twice reconsidered, except by unanimous consent of Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

- J. The Previous Question (Close Debate): When a member moves the previous question (to close debate), it shall be put as follows:

“Shall we vote on the question?”

There shall then be no further debate, but pending amendments shall be put in their order before the main question. Unless otherwise stated, this motion is confined to the immediately preceding question. An affirmative vote of two-thirds (2/3) of the Council is required to move the previous question. If the motion is lost, the main question remains before the Council for further debate.

If there is no objection, an informal request to close debate or call the question shall be honored by the Chairman without a vote.

- K. Withdrawal of Motions: A motion may be withdrawn or modified by its mover without asking permission until the motion has been stated by the Chairman. If the mover modifies his motion, the seconder may withdraw his second. After the question has been stated, the mover shall neither withdraw it nor modify it without the consent of the Council.
- L. Amendments to Motions: No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order.
- M. Appropriations of Money: Before formal approval by the Council of motions providing for appropriation of money, information must be presented to the Council showing the purpose of the appropriation and the account to which it is to be credited. In addition, before finally acting on such an appropriation, the Council shall obtain a report from the City Manager as to the availability of funds and his recommendations as to the desirability of the appropriation.
- N. Transfer of Appropriations: Upon the written recommendation of the City Manager, the Council may, at any time, transfer an unencumbered balance of an appropriation made for the use of one (1) department, division or purpose to any other department, division or purpose.

**Section 1.07 Votes Required**

Approval of every ordinance, resolution or motion shall require the affirmative vote of a majority of all members of the Council present and voting, except when the City Charter, State statutes or these rules impose other voting requirements. These other voting requirements are listed below.

A. Special Voting Requirements – Substantive Matters:

1. Charter Amendment - 2/3 Vote: Ordinances submitting proposed City Charter Amendments must be adopted by a two-thirds (2/3) vote of the Council.
2. Levying Taxes – 2/3 Vote: Ordinances providing for the assessment and collection of taxes require the approval of two-thirds (2/3) of the members of the Council. (Amend Ord 00-070, 6/20/00)
3. Changing Paving Assessment - 2/3 Vote: Changes in plans for paving assessment require a two-thirds (2/3) vote of the Council.
4. Amending Zoning Ordinance - 3/4 Vote: Changes in zoning classifications where a hearing is held by the Council, and such change is protested in accordance with this provision must have the approval of three-fourths (3/4) of all the members of the City Council. For a legal protest, written instruments signed by the owners of twenty percent (20%) or more of the area of the lots or land covered by the proposed change or within two hundred feet (200') of the affected property must be submitted to the City Secretary. Such written instrument(s) should be in the form of a petition containing the zoning case number, the name of the protesting property owner, the address(es) or property description(s) of the property for which the property owner is asserting a protest, the reasons for the property owner's protest such as the zoning classifications or uses to which the property owner is opposed, and the verified signature of the protesting property owner(s) or a verification by the person submitting the petition confirming the authenticity of the signatures contained thereon. A protest must be presented to the City Council prior to the close of the public hearing in order to invoke the 3/4 vote. Protests submitted after the close of the public hearing shall not invoke a 3/4 vote requirement for approval of the requested zoning change.

A person may by written request withdraw their signature from the protest at any time prior to the close of the public hearing only. If the withdrawal of an owner's signature from a protest reduces the percentage of land area ownership protesting the zoning change to less than twenty percent (20%) of the total area of land a 3/4 vote for approval of the zoning change shall not be required.

The plain wording of the protest(s) shall determine whether a 3/4 vote is required for approval of the advertised zoning district applied for by the applicant or any less intensive zoning classification that the City Council decides to grant. (Amend Ord 01-065, 6/26/01)

5. Declaring Emergency - Unanimous Vote: In order for an emergency to be declared it shall be necessary that such measure be approved by the affirmative vote of all the members of the City Council present and voting.
  6. Condemnation Resolutions - 2/3 Vote: Condemnation resolutions authorizing the filing of an eminent domain action require a two-thirds (2/3) vote of the Council. (Amend Ord 01-036, 4/10/01)
- B. Council Rules Requirements: - Procedural Matters:
1. Suspending Rules - 2/3 Vote: Council rules may be suspended by an affirmative vote of two-thirds (2/3) of all members of the Council.
  2. Limit or Extend Limits of Debate - 2/3 Vote: An affirmative vote of two-thirds (2/3) of all members of the Council is required to limit or extend the limits of debate in Council meetings.
  3. The Previous Question - 2/3 Vote: An affirmative vote of two-thirds (2/3) of all members of the Council is required to move the previous question. (Amend Ord 00-029, 3/21/00)

### **Section 1.08 Creation of Committees, Boards and Commissions**

- A. Council Committees: The Council may, as the need arises, authorize the appointment of "ad hoc" Council committees. The Mayor shall appoint the members of the Council committees, subject to the approval of the Council. Any committee so created shall cease to exist upon the accomplishment of the special

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purpose for which it was created or when abolished by a majority vote of the Council.

- B. Citizen Boards, Commissions, and Committees: The Council may create other Committees, Boards and Commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify that are not inconsistent with the City Charter or the Code of the City of Arlington, Texas. Memberships and selections of members shall be as provided by the Council unless specified by the City Charter or the Code. Any such Committee, Board, or Commission shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council, unless otherwise provided in the Code. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the City Charter, the Code or State law.

### **Section 1.09 Election of Mayor Pro Tempore and Deputy Mayor Pro Tempore**

- A. Mayor Pro Tempore. At the first meeting of each new Council, or as soon thereafter as practicable, the Council shall elect a Mayor Pro Tempore who shall hold the office for one year. In the case of the absence or disability of the Mayor, the Mayor Pro Tempore shall perform the duties of the Mayor during the period of such absence or disability.
- B. Deputy Mayor Pro Tempore. At the first meeting of each new Council, or as soon thereafter as practicable, the Council may elect a Deputy Mayor Pro Tempore with a different Council member rotating into the position annually. In the case of the absence or disability of the Mayor and the Mayor Pro Tempore, the Deputy Mayor Pro Tempore shall perform the duties of the Mayor during the period of such absence or disability. Selection of a Deputy Mayor Pro Tempore shall be based upon the seniority of Council members who either have not served as Deputy Mayor Pro Tempore or are not currently serving as Mayor or Mayor Pro Tempore. Seniority of Council members shall include cumulative years of service on the City Council. If eligible Council members share the same years of seniority, the determining factor shall then be the place numbers of the Council members with the lowest number being considered higher in priority. (Amend Ord 05-081, 9/13/05)

**ARTICLE II**

**APPOINTIVE OFFICERS**

**Section 2.01 General**

There shall be appointed by a majority of the members of the City Council, on the nomination of the Mayor or any member of the City Council, a City Attorney, a City Auditor, a Municipal Judge or Judges, and Health Officer, any of whom may be removed by a like majority vote of the said City Council at the pleasure of said Council. From time to time, the Council shall review the work done by and efficiency of all appointive officers, and, when the City Council deems it practical to secure more efficient service to the City, it shall notify any appointive officer that his services will terminate not less than thirty (30) days from the date of said notice. (Amend Ord 05-078, 9/13/05)

**Section 2.02 City Manager**

The City Manager shall hold office in accordance with and shall perform the duties prescribed by the Charter of the City.

**Section 2.03 Payment Procedures**

A. Warrants, Claims and Checks: No claim, warrant, or order of any kind whatever that may be drawn on the City Treasury shall be paid unless the same shall show upon its face that the City Council directed its issuance and for what purpose; any such claim, warrant, or order shall be countersigned by the Mayor and signed by the Chief Financial Officer and state upon what fund it is drawn; provided, however, the signature of the Mayor and Chief Financial Officer may be mechanically affixed by a check-signing machine under the following conditions:

1. Only checks drawn for one of the following purposes may be signed by a mechanical check-signing machine:
  - (a) expenditures for goods and/or services in the annual operating budget as approved by the City Council;

- (b) expenditures for goods and/or services in a Capital Improvement Program as approved by the City Council; or
  - (c) expenditures for goods and/or services in grant programs or special revenue funds as approved by the City Council.
2. Said signatures may be mechanically affixed to said checks under the supervision of the Chief Financial Officer. Policies and procedures for the preparation, approval and distribution of all warrants, claims and checks shall be set forth and implemented by the Chief Financial Officer. (Amend Ord 03-006, 1/14/03)
- B. Moneys for Deposit: Hereafter, it shall be the duty of all officers collecting money from any person belonging to the City of Arlington, to promptly pay the same to the City showing when such collection was made and when deposited.
- C. Penalty: Any officer who shall fail to comply with the provisions of the foregoing Section or shall hold any money in his hands after his report of the collection of same shall have been made to the City Council shall be deemed guilty of misconduct in office, and may, in the discretion of the Council, be removed from office.

**Section 2.04    Collection of Taxes**

The City Manager shall provide for the collection of taxes in accordance with the Charter and ordinances of the City of Arlington. (Amend Ord 03-006, 1/14/03)

**Section 2.05    City Auditor**

- A. City Auditor Appointment. The City Auditor shall be appointed by a majority of the members of the City Council, on the nomination of the Mayor or any member of the City Council, and may be removed by a like majority vote of the said City Council as specified by Section 2.01 of the "Administration" Chapter of the Code of the City of Arlington, Texas, 1987.

- B. City Auditor Qualifications:
1. The City Auditor shall be knowledgeable in performance and financial auditing, public administration, and government financial and fiscal practices.
  2. The City Auditor shall possess adequate professional proficiency for the job, demonstrated by relevant certification such as CIA (Certified Internal Auditor), CPA (Certified Public Accountant) or an advanced degree in a relevant field with at least five years experience in the field of government auditing, evaluation or analysis.
- C. The City Auditor shall not be actively involved in partisan political activities or the political affairs of the City of Arlington.
- D. The City Council, or a committee appointed by them, shall act as the City's Audit Committee to consult with the City Auditor regarding establishment of audit schedule, audit progress, special needs; and shall work to assure maximum coordination between the work of the City Auditor and the needs of the City Manager, the City Council, and external City Auditors.
- E. The City Auditor and the City Auditor's office shall adhere to government auditing standards promulgated by the Comptroller General of the United States in conducting its work and shall be considered independent as defined by those standards.
- F. The City Auditor shall not make unauthorized disclosures concerning ongoing audits or investigations, or disclose any information received during an audit that is considered proprietary in nature (confidential) and exempted from disclosure by any local, state, or federal law or regulation.
- G. Independent Audit. The City Auditor shall organize and administer the City Auditor's Office to operate without interference or influence that might adversely affect an independent and objective judgment of the City Auditor.
- H. Administration, Powers, and Duties of the Office of the City Auditor

1. The Office of the City Auditor shall have the following duties and responsibilities:
  - a. No less than thirty (30) days prior to the beginning of each fiscal year, the Office of the City Auditor shall submit an annual audit plan to the City Council for review, comment, and approval.
  - b. The plan shall be based on:
    - (1) A risk assessment of all City activities, which shall be performed by the internal audit department each year prior to the completion of the annual audit plan;
    - (2) Requests from City Council, City Manager's office, and department heads;
    - (3) Suggestions from internal audit department staff based on their knowledge of City activities or observations made during the performance of other audits; and
    - (4) Other relevant criteria agreed to by the City Council or a committee appointed by the Council and the City Auditor.
  - c. The annual audit plan shall include a block of unassigned hours (the number to be approved by City Council or a committee appointed by the Council) which shall be used to perform special audits, investigations, and/or projects requested by the City Council and/or the City Manager.
  - d. The annual audit plan may be amended during the year, following approval of the City Council and notification to the City Manager.
  - e. If the City Auditor determines there is serious concern regarding fraud, abuse, or illegality, or that the scope of an audit in progress should be expanded as the result of any findings, the City Auditor is authorized to initiate spontaneously and conduct, or

expand the scope of, an audit beyond that approved in the audit plan.

- (1) Any changes made under this provision shall be communicated to the City Council or a committee appointed by the Council and City Manager immediately.
  - (2) In the case of suspected fraud or malfeasance, the City Auditor will inform and cooperate with the appropriate prosecuting authority.
2. The City Auditor shall conduct the following types of audits, varying in scope as required, on an ongoing basis:
- a. Financial-related audits. The department shall conduct financial-related audits of all City activities, designed to evaluate whether:
    - (1) The entity is maintaining effective control over revenues, expenditures, assets and liabilities, and financial operations;
    - (2) The entity is properly accounting for resources, liabilities and operations;
    - (3) The entity is using accounting methods and procedures which conform to established policies, practices, and guidelines; and/or
    - (4) The official financial statements fairly present the financial results of operations and the financial position of the entity.
  - b. Compliance audits. The department shall conduct compliance audits of all City activities, designed to evaluate whether:
    - (1) All activities are properly authorized;
    - (2) All activities required by law or policy are being carried out;

- (3) The management system provides the capacity for adequate control of compliance with applicable laws and policies; and/or
  - (4) Operations actually conform to applicable laws and policies.
- c. Contractor/vendor audits. The department shall conduct financial-related and compliance audits of contractors and vendors doing business with the City to determine whether materials furnished, work performed, and/or prices charged accord with the terms of the contracts involved.
  - d. Information system audits. The department shall conduct audits of the information system activities of the City.
  - e. Audits of Hotel/Motel Occupancy tax and other taxpayer audits as allowed by law.
  - f. Performance audits. The department shall conduct performance audits, designed to determine:
    - (1) Whether the audited entity is managing or utilizing its resources, including public funds, personnel, property, equipment, and space in an economical and efficient manner.
    - (2) The causes of inefficiencies or uneconomical practices, such as problems or inadequacies in organizational structures, management information systems, internal or administrative procedures, purchasing policies and/or in allocation of personnel, resources and equipment;
    - (3) Whether the desired results are being achieved.
  - g. Special audits and expanded scope of existing approved audits. The department shall conduct special audits, investigations, and projects when requested to do so by a City

Official and approved by the City Council or a committee appointed by the Council, with the scope of same to be determined by the request.

3. The department shall notify the City Council or a committee appointed by the Council when audits in progress identify areas which may require the use of additional resources (City staff from other departments or outside consultants) to address serious operational problems.
4. In the performance of its duties, the City Auditor shall have access to any of the City's records, properties, information, and personnel relevant to a review. The City Auditor or a designee has express authority to require City employees and other persons to cooperate with the auditor conducting an investigation and divulge the employee's or other person's knowledge of information related to City operations or the operations of related entities. The City Auditor or a designee shall have the same authority as supervisors to require cooperation as stated in the City of Arlington Personnel Manual.

I. Office Organization

1. The Office of the City Auditor shall be subject to the budgetary, personnel and administrative regulations of the City. Within those parameters, the City Auditor shall have the authority to appoint, employ, and remove audit staff, and office personnel, and to prescribe and assign their duties, scope of authority and qualifications, as he/she may deem necessary for the efficient administration of the Office of the City Auditor.
2. The City Council may assign signature authority for routine administrative matters, such as purchase authorizations, to the City Manager or his/her designee.

J. Legal Counsel, Contract Audit Staff, Consultants, and Experts

1. The City Auditor may at any time consult with, and obtain advice from, the City Attorney's office.

2. Within budget limitations, the City Auditor may obtain the services of Certified Public Accountants, qualified management consultants, or other professional experts necessary to perform the City Auditor's duties. An assignment that is performed by contract must be conducted by persons who have no financial interests in the affairs of the governmental unit or its officers. The City Auditor will coordinate and monitor auditing performed by public accounting or other organizations employed under contract by the City of Arlington.
- K. Authorized Audits. The City Auditor is hereby authorized to conduct audits as set forth in the annual audit plan and any amendments thereto as approved by the City Council. The audit working papers, draft audits or final audits for such authorized audits shall not be disclosed or released pursuant to V.T.C.A., Government Code § 552.116 or other relevant law. Final audits shall be released if there is no statutory basis for temporary confidentiality. (Amend Ord 06-020, 2/28/06)
- L. Audit Reports
1. Each audit will result in a written report containing relevant background information, findings, and recommendations.
  2. A draft of the audit report will be discussed at an exit conference with the auditee. The auditee shall respond in writing, specifying agreement with each audit finding and recommendation or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to issues identified and a time table to complete such activities. The response must be forwarded to the City Auditor within thirty (30) days from the date of the exit conference. The City Auditor will include the auditee's response in the report. If no response is received within thirty (30) days, the City Auditor will contact the City Manager and/or the appropriate Deputy City Manager and advise him/her that no response was received. If no response is received within five (5) business days from contacting the City Manager or the appropriate Deputy City Manager, the City Auditor will note that fact in the transmittal letter and the final audit report. The City

Auditor will then present the final audit report to City Council. (Amend Ord 06-078, 8/22/06)

3. The City Auditor shall submit each final audit report to the City Council or a committee appointed by the Council and shall retain a copy as a permanent record. Any subsequent correspondence concerning the audit shall be distributed to those who received the audit report.
- M. Follow-up on Audit Recommendations. The City Council or a committee appointed by the Council may request from the City Manager periodic status reports regarding actions taken to implement audit recommendations and address reported deficiencies. The City Auditor shall include follow-up audits as a part of the Annual Audit Plan. The results of the follow-up audits shall be communicated to City Council in a final audit report. (Amend Ord 06-078, 8/22/06)
- N. Records. The City Auditor shall retain a complete file of each audit report and each report of other examinations, investigations, surveys, and reviews made under legislative authority in accordance with the City's retention schedule (or longer if so directed by statute or ordinance). The file should include audit work papers and other supportive material directly pertaining to the audit report.
- O. Quality Assurance Reviews
1. The audit activities of the City Auditor's office shall be subject to quality review in accordance with applicable government auditing standards by a professional, non-partisan objective group utilizing guidelines endorsed by National Association of Local Governments Auditors (N.A.L.G.A). A copy of the written report of this independent review shall be furnished to each member of the Audit Committee and City Council. This report shall be available to the public.
  2. The quality control review shall determine compliance with government auditing standards, the quality of the audit effort, and reporting including:

- a. General standards such as staff qualifications, due professional care, and quality assurance;
  - b. Fieldwork standards such as planning, supervision, and audit evidence; and reporting standards such as report content, presentation, and timeliness.
3. The City shall reimburse the costs of the quality control review team from funds budgeted in the City Auditor's budget or other in-kind support.  
(Amend Ord 05-078, 9/13/05)

## ARTICLE III

### BOARDS, COMMISSIONS AND DEPARTMENTS

#### Section 3.01 General

- A. Appointment: Unless provided otherwise in this Code, State law or the City Charter, wherever in this Code provision is made for the appointment of persons to advisory boards and commissions of the City, said appointment shall be made by the Mayor with the consent of a majority of the City Council. (Amend Ord 04-061, 6/22/04)
- B. Terms: Wherever in this Code provision is made for the appointment of persons to advisory boards and commissions of the City, notwithstanding other provisions to the contrary, the terms of office of persons so appointed shall be deemed to extend to and terminate on the 30th day of June of the year in which said appointment is provided to expire, but in any event shall extend until their successors are appointed, qualify and take office.
- C. Chairpersons: Wherever in this Code provision is made for the appointment of persons to advisory boards and commissions of the City, notwithstanding other provisions to the contrary, the appointment of a chairperson shall be made by the Mayor with the consent of the majority of the City Council, notwithstanding other provisions to the contrary, unless State law or the State Charter provide otherwise. (Amend Ord 92-58, 6/9/92)

#### Section 3.02 Libraries

There shall be a department of City government to be known as the Library Department. Said department shall be under the supervision of the Director of Libraries, who shall be appointed by the City Manager and who shall be responsible to the City Manager in the conduct of the affairs of said department. (Amend Ord 91-11, 1/29/91)

#### Section 3.03 Library Board

- A. Establishment. There shall be a Board of Trustees of the Arlington Public Library System (hereafter referred to as the Board). The Board shall consist of ten (10) members. The Mayor and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. One of the ten (10)

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- members will be a youth representative nominated by the Mayor and confirmed by the City Council who is a junior or senior in high school and in good standing at the respective high school. The youth representative must maintain good standing with the respective high school. The members shall be residents of the City of Arlington. All members shall be voting members. In the event of a tie in votes on any motion, the motion shall be considered lost. The Board shall conduct its business under such rules and regulations as it may prescribe. (Amend Ord 04-039, 5/11/04)
- B. Objective. The Board shall serve in an advisory capacity to the City Council and library administrative staff concerning policies and matters related to the library services of the City. The Board's role shall be advisory with respect to policy recommendations and the Board shall have no administrative duties or authority. (Amend Ord 91-11, 1/29/91)
- C. Membership and Vacancies. All members except the youth representative shall serve for a term of two (2) years from the first day of July of the year of their appointment. The youth representative shall serve for a term of one (1) year from the first day of July of the year of appointment. Vacancies on the Board shall be filled in the same manner as hereinabove prescribed, and vacancy appointments shall be for the duration of the term of the position being vacated. (Amend Ord 04-039, 5/11/04)
- D. Attendance. Each member shall attend all official meetings of the Board unless excused by the chair. If any Board member accrues three (3) consecutive absences, whether excused or unexcused, or fails to attend more than one-half (½) of the regularly scheduled Board meetings in any twelve (12) month period, it will be brought to the attention of the City Council for consideration of that person's continued service on the Board.
- E. Organization. The Board shall include a chairperson, a vice-chairperson and a secretary. The vice-chairperson and the secretary shall be elected by a majority of the Board. (Amend 92-58, 6/9/92)
- F. Duties.
1. The Chairperson shall:
    - a. Call meetings of the Board at such times and places deemed necessary for the conduct of its business.

## ARTICLE III - 2

(Amend Ord 04-039, 5/11/04)

- b. Preside at all meetings and direct and guide the activities of the Board.
  - c. Appoint chairpersons and members to serve on standing committees established by the Board.
  - d. Appoint additional committees of the Board as deemed necessary.
  - e. Serve as ex officio member of all Board Committees.
  - f. Represent the Board to the City Council and the administrative staff.
  - g. Serve as spokesperson of the Board to the Director of Libraries.
  - h. Serve as spokesperson of the Board to the media.
2. The Vice-Chairperson shall:
- a. Preside in the absence of the chairperson.
  - b. Fulfill such duties as assigned by the chairperson.
3. The Secretary shall:
- a. Record the minutes of the Board meetings.
  - b. Distribute a typed copy of the minutes to the Board members for approval.
4. The Board may establish such standing committees as it deems necessary to carry out its duties.
5. As an advisory board to the City Council, the Board's duties shall include but are not limited to the following:
- a. Act in an advisory capacity to the City Council in all matters pertaining to the library program.
  - b. Study and encourage development of adequate library facilities for city residents.

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- c. Recommend policies on library services to the City Council.
- d. Advise in the coordination of library service with programs of appropriate agencies and organizations.
- e. Assist in interpreting the policies and functions of the library to the public.
- f. Make recommendations to the City Council for the appointment and reappointment of members to the Library Board.
- g. Make recommendations to the City Council, City Manager and Director of Libraries concerning operating policy of the library, long-range capital improvement planning and policy and the purchase of books, journals, publications and other materials.
- h. Act in concert with the Director of Libraries and the Library staff for the betterment of library services. (Amend Ord 91-11, 1/29/91)

### **Section 3.04 Special Transportation Advisory Board**

There shall be a Special Transportation Advisory Board of nine (9) members. The Mayor and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. Said members shall be citizens of the City of Arlington. Members shall serve for a term of two (2) years from the 1st day of July of the year of their appointment. Vacancies on the Board shall be filled in the same manner as hereinabove prescribed, and vacancy appointments shall be for the duration of the term of the position being vacated. The Special Transportation Advisory Board shall serve in an advisory capacity concerning special transportation services of the City. The Board shall conduct its business at such times and under such rules and regulations as it may prescribe. The Board shall be presided over by one (1) of its members, who shall be appointed by the Mayor with the consent of the majority of the City Council. (Amend Ord 04-039, 5/11/04)

**Section 3.05 Youth and Families Board**  
**(SUSPENDED BY ORD 03-118, 11/18/03)**

- A. The purpose of the Arlington Youth and Families Board is to improve the coordination of service and support available to youth and families in Arlington. The Board will establish long and short-term goals, assess current services and evaluate programs funded by the City of Arlington for youth and families.
- B. The Board will report to the City Council's Social Capital Committee, and the City Council may request the Board to undertake action to implement approved recommendations.
- C. Rules of Procedure. The following are the rules of procedure to become effective on or after the date of the adoption of same by the Youth and Families Board ("the Board"), and said rules shall be in effect until such time as same are amended or repealed.

1. Board Size and Composition

The Board shall consist of nine (9) members all of whom shall be voting members. The Mayor and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. (Amend Ord 04-039, 5/11/04)

- a. Three (3) of the members will be representatives of the Teen Advisory Group. The following organizations shall each have one representative appointed to the Board.
- b. Arlington Independent School District, Arlington Human Service Planners (United Way), the Arlington Ministerial Association, Tarrant County and the Tarrant County Youth Collaboration.

2. Meetings

- a. Regular Meetings. The Board shall meet regularly at a time and place to be established by the Board.
- b. Staff Representatives. The City Manager or his designee, one representative from the Arlington Police Department and one representative from the Arlington Public Library will attend all

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meetings of the Board. The City Manager or his designee, the Police representative and the Library representative may make reports and recommendations to the Board and shall have the right to participate in all discussions of the Board but shall have no voting right.

c. Special Meetings. Special meetings may be called by the Chair, or in the absence of the Chair, by the Vice Chair.

d. Quorum. A quorum of the Board will be eight (8) voting members.

### 3. Creation of Committees

Board Committees. The Board shall authorize the appointment of two (2) committees to provide information and feedback to the Board on a regular basis. The committees will be known as: Teen Advisory Group and Social Service Providers Network. The Board may authorize the appointment of other committees as the need arises. (Amend Ord 01-043, 4/24/01)

### **Section 3.06 Arts Advisory Board** **(SUSPENDED BY ORD 03-118, 11/18/03)**

A. Membership. There shall be an Arts Advisory Board consisting of ten (10) members. The Mayor and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. One of the ten (10) members will be a youth representative nominated by the Mayor and confirmed by the City Council who is a junior or senior in high school and in good standing at the respective high school. The youth representative must maintain good standing with the respective high school. Arts Advisory Board members shall be citizens of the City of Arlington.

B. Term. All members except the youth representative shall serve for a term of two (2) years from the first day of July of the year of their appointment. The youth representative shall serve for a term of one (1) year from the first day of July of the year of appointment. (Amend Ord 04-039, 5/11/04)

C. Voting Procedures. All members shall be voting members. In the event of a tie in votes on any motion, the motion shall be considered lost.

- D. Vacancies. Vacancies on the Arts Advisory Board shall be filled in the same manner as hereinabove prescribed and vacancy appointments shall be for the duration of the term of the position being vacated.
- E. Responsibilities and Objectives.
1. The Arts Advisory Board shall establish policies, procedures and objectives to guide the Board in its endeavors to promote the arts and culture within the City of Arlington by providing nonprofit, tax-exempt organizations with financial support through matching grants for projects representing a significant contribution to the arts and culture in Arlington.
  2. To establish short term and long term goals, as necessary to accomplish the objectives stated herein, and to promote arts within the City of Arlington.
  3. To conduct public hearings as deemed advisable and appropriate by the Board, or as requested by the City Council, in order to obtain public comment in all matters related to the Board's objectives as stated herein.
  4. As an advisory board to the City Council, the Arts Advisory Board should strive to:
    - a. maintain a strong commitment to the arts, recognizing the arts as fundamental to the quality of life and economic viability in the City of Arlington; and
    - b. maximize the impact of City support for the arts and to provide consistent public policy regarding City involvement in the arts; and
    - c. advocate and advance opportunities for artists and arts organizations; and
    - d. collaborate with artists, arts organizations and other community stakeholders including business, educational institutions, human services and individuals on matters of common concern regarding the arts; and
    - e. explore new funding opportunities for the creation and maintenance of public art in partnership with private developers.  
(Amend Ord 01-042, 4/24/01)

**Section 3.07 Citizens Environmental Committee**

There shall be a Citizens Environmental Committee consisting of ten (10) members. The Mayor shall nominate two members and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. Said members shall be citizens of the City of Arlington. Members shall serve for a term of two (2) years from the 1st day of July of the year of their appointment. Vacancies on the Committee shall be filled in the same manner as hereinabove prescribed, and vacancy appointments shall be for the duration of the term of the position being vacated. The Citizens Environmental Committee shall serve in an advisory capacity concerning strategies and initiatives for improving the quality of the natural environment in the City. The Committee shall meet at least four (4) times per year, report to the City Council not less than annually, and conduct its business at such times and under such rules and regulations as it may prescribe. The Committee shall be presided over by one (1) of its members, who shall be appointed by the Mayor with the consent of the majority of the City Council. (Amend Ord 06-022, 2/28/06)

**Section 3.08 Community Relations Commission**

- A. Membership. There shall be a Community Relations Commission consisting of up to fifteen (15) members. Members shall be confirmed by majority vote of the City Council. Said members shall be citizens of the City of Arlington whose race, gender and ethnicity closely mirror the race and ethnicity categories defined by the U.S. Census. Members shall serve for a term of two (2) years from the 1st day of July of the year of their appointment. Vacancies on the Commission shall be filled in the same manner as hereinabove prescribed, and vacancy appointments shall be for the duration of the term of the position being vacated. The Commission shall be presided over by one (1) of its members, who shall be appointed by the Mayor with the consent of the majority of the City Council. (Amend Ord 16-005, 1/26/16)
- B. Responsibilities and Objectives. As an advisory commission to the City Council, the Community Relations Commission shall strive to:
1. Foster understanding and promote amicable relations among all persons and groups in the City and to promote City activities and programs among the residents of the community.

2. Promote the positive aspects of competing for City contracts among historically underrepresented local businesses.
3. Promote the importance of volunteerism among all persons and groups in the City to support diverse community service needs.
4. Study and consider special projects as may be referred to it by the City Council.
5. With City Council concurrence, conduct and promote such educational and other programs as may be necessary to carry out the functions of the Commission, including key community events. (Amend Ord 09-077, 12/1/09)

### **Section 3.09 Additional Boards and Commissions**

Additional Boards and Commissions are appointed by the Council, and the membership and duties of such boards and commissions are described in various other sections of the Code. The appointment of chairpersons shall be made by the Mayor, with a consent of a majority of the City Council, notwithstanding other provisions to the contrary, unless state law or the City Charter provide otherwise.

Additional Boards and Commissions are as follows:

Arlington Convention and Visitors Bureau, Inc.

Arlington Sports Facilities Development Authority, Inc.

Building Code Board of Appeals; "Construction" Chapter, Article II.

Electrical Code Board of Appeals; "Electrical" Chapter, Article III.

Emergency Physicians Advisory Board.

Health Authority.

Hospital Authority; "Health and Sanitation" Chapter, Article III.

Housing Authority.

Industrial Development Corporation.

Landmark Preservation Commission; "Zoning" Chapter, Article III.

License and Amortization Appeals Board; "Adult Entertainment" Chapter, Article IV.

Mechanical and Plumbing Board of Appeals; "Mechanical" and "Plumbing" Chapters

Mid-Cities Joint Airport Zoning Board.

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North Texas Higher Education Authority.

Park and Recreation Board; "Parks" Chapter, Article II.

Planning and Zoning Commission; "Zoning" Chapter, Article III.

Zoning Board of Adjustments; "Zoning" Chapter, Article III. (Amend Ord 09-077, 12/1/09)

ARTICLE IV  
PUBLIC DOCUMENTS

**Section 4.01 Definitions**

Active records shall mean those City records in current use which must be retained in a City department because frequent reference is necessary in the conduct of the day-to-day operations.

City Department shall mean any City department or agency which is under the control and administration of the City Manager, as provided in the City Charter, but shall not include the office of the City Secretary or the City Attorney.

City records shall mean all papers, correspondence, memoranda, accounts, reports, maps, plans, photographs, sound recordings, files, microfilm, microphotograph, magnetic or paper tape, digitized documents, punched card or other documents, regardless of physical form or characteristic, which have been or shall be created, received, filed or recorded by any City office or department or its lawful successor or officials thereof in pursuance of law or ordinance or in the conduct, transaction or performance of any business, duty or function of public business, whether or not confidential or restricted in use, are hereby declared to be records of the City of Arlington, Texas, and shall be created, maintained and disposed of in accordance with provisions of this ordinance and procedures authorized by it and in no other manner. Library and museum materials acquired solely for reference, exhibit or display and stocks of publications shall not constitute records for purposes of this Ordinance.

Criminal Justice Records shall mean all records generated, maintained and/or accessed by the Police Department relating to the report or commission of a criminal offense or other violation of law, statute or ordinance, or the arrest of an individual, including but not limited to: offense/ incident/ accident reports, supporting documents for said reports, criminal history information, criminal intelligence information, fingerprints, "mug" shots and data entered into the computer-aided dispatch system relating to law enforcement activity.

Departmental Records Liaison shall mean a person or person in a City department who shall be designated by the department director to act as his agent in the issuance and certification of copies of records of such department.

Departmental Records Custodian shall mean a director of a City department or his designee who is responsible for ensuring the integrity and safety of the records of his department.

City Council Records Custodian shall mean the City Secretary who is responsible for ensuring the integrity and safety of the records of the City Council.

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Electronic Storage shall mean the storage of records on a magnetic medium. Typically, this is a write-once read-many (WORM) process such as optical disk storage.

Inactive records shall mean those records in a City department which are seldom referred to but which must be retained, temporarily or permanently, because of legal, fiscal, administrative or archival value.

Index shall mean a list describing the items of a collection and where they may be found; a catalog.

Microfilm shall mean a film containing photographic records or images considerably reduced in size from the original material filmed.

Microform shall mean any medium containing micro-images, i.e. reduced images, such as microfiche, 16 mm roll microfilm, 35 mm aperture card.

Microform record shall mean any record preserved in one of the various formats of microfilm.

Micrographics shall mean the art of reducing any form of information to a microform medium; also termed microphotography or microfilming.

Municipal records shall mean all records, whether of public or private origin, housed in the City departments and administered by such departments.

Nonrecords shall mean all material not usually included within the definition of records, such as unofficial or additional copies of documents that are kept only for convenience or reference, stocks of publications and processed documents, library or museum material intended solely for reference or exhibition, and material with short-term value.

Original public records shall mean that portion of all documents, writings, letters, memoranda or other written, printed, typed, copied or developed materials which contains public information, as defined in Article 6252-17a of Vernon's Annotated Civil Statutes of Texas.

Office of Records Management shall mean that office in the General Services Division of the Support Services Department which is created by and charged with the administration of the City Records Ordinance.

Records Center Technician shall mean a person within the Office of Records Management who is charged with the responsibility of coordinating the transfer and disposition of inactive records to the Records Center.

Records Manager shall mean a position within the Office of Records Management, created by this Records Ordinance, which is charged with the

responsibility of management of City records from their creation to their ultimate disposition, including creation, active use, inactive storage, retention and destruction and related duties.

#### **Section 4.02 Policy and Purpose**

It is hereby declared to be the policy of the City of Arlington, Texas, to provide for efficient, economical and effective controls over the creation, distribution, organization, maintenance, use and disposition of all City Records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition. Sections 4.10 through 4.22 apply only to records of City departments and agencies which are under the control and administration of the City Manager, as provided in Article IX of the City Charter, and are not to be applied to records of the City Council or to records which are under the care, custody and control of the City Secretary or the City Attorney.

#### **Section 4.03 City Records Declared Public Property**

All City records as defined in Section 4.01 of this Article are hereby declared to be property of the City of Arlington, Texas. No City official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled such records. The unauthorized destruction, removal from files or use of such records is prohibited.

#### **Section 4.04 Public Use or Distribution**

The custodian of any records of the City shall make the same available for public examination and/or reproduction in accordance with and to the extent required by the provisions of Article 6252-17a, V.T.C.S.

#### **Section 4.05 Schedule of Fees**

The schedule of fees and charges determined to be the reasonable costs of reproducing the herein-named or designated public documents shall be established by resolution of the City Council, and the same shall be collected by the departmental records custodian of records upon the distribution of said documents to members of the public.

#### **Section 4.06 Research**

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When a request for public information under Article 6252-17a, V.T.C.S., requires independent research or compilation on the part of City employees, the rates to be charged shall be in conformity with Section 4.05 above.

**Section 4.07 Police Department Documents**

Charges made by the Police Department of the City of Arlington shall be in conformity with Section 4.05 above.

**Section 4.08 Municipal Court Clerk Charges**

Charges made by the Municipal Court Clerk of the City of Arlington shall be in conformity with Section 4.05 above.

**Section 4.09 Custody of City Council Records and Official Papers**

The City Secretary is hereby declared to be the custodian of the records of the City Council of the City provided, that the Departmental Records Custodian of various departments of the City government shall protect and preserve all records held in their custody and control in the ordinary course of business.

**Section 4.10 Office of Records Management Established**

There is hereby established an Office of Records Management. The Records Manager, General Services Manager and the Support Services Director are responsible for directing the office and coordinating records management operations among the City departments.

**Section 4.11 Position of Records Manager Established**

A City Records Manager shall be appointed by the General Services Manager (or person designated by the City Manager to fulfill those duties), who shall administer the Office of Records Management and shall be responsible for City-wide files management and records disposition, program direction, guidance, and technical assistance. The Records Manager shall report to and be responsible to the General Services Manager. The Records Manager shall have the vested authority of the City Manager to ensure compliance of this Ordinance and related policies.

**Section 4.12 Duties of Records Manager**

The Records Manager shall have the following duties, and others as assigned by the General Services Manager; however, duties assigned shall be limited to records management activities.

- A. Planning, formulating and prescribing basic files management and records disposition policies, systems, standards and procedures.
- B. Preparing records schedules for all City offices and departments, defining and identifying vital and permanent records and establishing retention periods for all records. Retention periods with consideration of the needs of the originating department shall be as long as deemed necessary by either the Records Manager or the City Attorney.
- C. Reviewing schedules annually and update or change as needed.
- D. Coordinating the City-wide files management and records disposition programs.
- E. Providing records management advice and assistance to all City offices and departments, by preparation of manuals or procedures and policies and by on-site consultation.
- F. Developing, analyzing and coordinating files maintenance and records disposition procedures, including but not limited to those prescribed by this Ordinance, to meet the current and long-term information needs of the City.
- G. Carrying out at the proper time actions such as microfilming, destruction and transfers which are required by record schedules.
- H. Reviewing departmental requests for records management equipment.
- I. Protect privacy and assure availability of public information from records stored in records center; bring to attention of General Services Manager any office not in compliance with laws or ordinances regarding public access to information or protection of privacy.

#### **Section 4.13 Responsibilities of City Department Heads**

All City department heads are responsible for implementation and operation of effective files management, records transfers and dispositions and other activities in accordance with the provisions of this Ordinance, within their areas of responsibility. They shall designate a qualified Records Liaison within their offices and provide the Records Manager the name of such designee and of all file stations and files custodians under their supervision. It shall be the

responsibility of the Departmental Records Custodian to ensure that each record is microfilmed as provided for in this Chapter.

#### **Section 4.14 Responsibilities of Records Liaison**

The Records Liaison in each office and department is responsible for providing coordination between the Records Manager and personnel in the Records Manager's office to ensure that provisions of this Ordinance and policies and procedures adopted pursuant to it are complied with. This responsibility shall include overseeing the application of records retention schedules within the office or department and coordinating the disposition and transfer of said records to the Records Center.

#### **Section 4.15 City Offices To Use Records Schedules**

- A. All City offices and departments shall adopt Records Retention Schedules and destroy, transfer or otherwise dispose of records only according to such schedules. Retention periods to be included in schedules shall be submitted by the Records Manager to the City Attorney, who shall notify the Records Manager of the City Attorney's approval of or objection to a retention period. If objection is made, the Records Manager shall determine a retention period satisfactory to the office concerned and to the City Attorney.
- B. When a retention schedule is adopted, it shall thenceforth constitute full authority to destroy, transfer, microfilm or take other actions, and the City Council hereby directs that such action be taken by the Records Manager or under his supervision. The Records Manager shall notify the State Library of intended destruction, as required by law, but no further notice to the City Council or other City office shall be required.
- C. Revision of retention periods shall be submitted for review by the City Attorney in the same manner as the original retention periods.

#### **Section 4.16 One-time Destruction Of Obsolete Records**

Prior to adoption of schedules for an office, a one-time destruction of accumulated obsolete records of that office may be made by or under the supervision of the Records Manager. Prior to such destruction, the Records Manager shall submit lists of records to be destroyed to the City Attorney who shall give notice within thirty (30) working days of any records they believe should not be destroyed, and such records shall be retained for a period suggested by the City Attorney. The Records Manager shall submit notice as required by law to the State Library. Obsolete records shall include those no longer created by the office or department and no longer needed for administrative, legal, fiscal or other research purposes.

**Section 4.17 Destruction of Certain Original Municipal Public Records**

- A. Original municipal records which are located in City departments and are microfilmed in compliance with this Article may be destroyed as directed by the City Council with the advice and consent of the City Attorney, unless otherwise required by federal or state law, provided that notice of proposed destruction or disposition of those original municipal public records shall first be given to the State Library or State Archivist, and, if such records are, in his opinion, needed for the State Library, the records shall be transferred thereto.
- B. Any original municipal public record, the subject matter of which is in litigation, may not be destroyed unless such litigation is final and the City Attorney certifies the record is not needed.
- C. Original municipal public records which are not microfilmed in compliance with this Article or which are determined worthless by the City Council may be destroyed as directed by the City Council, provided that notice of proposed destruction or disposition of those original municipal public records shall first be given to the State Librarian or State Archivist, and, if such records are, in his opinion, needed for the State Library, the records shall be transferred thereto.

**Section 4.18 Destruction of Certain Other Municipal Records**

- A. Municipal records in City departments other than those records defined in this Article as original public records may be disposed of upon approval of the Records Manager in the Office of Records Management and the department custodian of such records in the City department.
- B. Notice of proposed destruction or disposition of all nonpublic municipal records, including records series titles, description, inclusive of dates and volumes, shall first be given to the Records Manager in the Office of Records Management, and said proposed destruction shall be subject to approval by the Office of Support Services and in compliance with established record retention schedules.

**Section 4.19 Records Center**

The Records Manager shall design a Records Center operation, which shall provide economical storage of records no longer required to be kept in active office space. The Records Center operation shall utilize one or more buildings to ensure security of records from deterioration, theft, or damage during

the period of storage and to permit fast efficient retrieval of information from stored records. An information retrieval service and microfilming program shall be carried out in conjunction with the Records Center operation for the benefit of City offices.

#### **Section 4.20 Non-current Records Not To Be Maintained In Office Files**

Records no longer required in the conduct of current business by any office of the City shall be promptly transferred to the Records Center or the State Library, or destroyed, at the time such action is designated on an approved schedule. Such records shall not be maintained in current office files or equipment.

#### **Section 4.21 Microfilming Program Established**

A centralized microfilming program shall be designed and implemented by the Records Manager to serve all City offices and departments. No office or department shall operate a separate microfilm program, and no City funds may be expended to film or contract with a service company to film any City records, except through the Office of Records Management.

#### **Section 4.22 Micrographics of Certain Municipal Records**

- A. Records To Be Microfilmed. The Records Manager is authorized to provide a micrographics policy for the reproduction of or creation of microform municipal records in City departments. The Records Manager shall determine how long the various records of the City could be stored in the records center before the cost of storage during their retention periods would exceed the cost of preserving them in microfilm format. In making this determination the Records Manager shall also compare the cost of long term lease of economical storage facilities, in addition to or in place of the present records storage building, with the cost of microfilm. In calculating comparative costs, the Records Manager shall consider document preparation and refiling time of staff, and other indirect costs of microfilming, as well as cost of separate archival storage for the master negative of microfilm.

The micrographics policy established by the Records Manager may be applied to any municipal record located in any City department, including, but not limited to, documents, notices, correspondence, memoranda, any writing or communication or any record of any department of the City. Records determined to be more economically stored on microfilm shall be microfilmed and in addition, the Records Manager shall include the following types of records in the microfilming program:

1. Those which, because of the nature of the information they contain, are indispensable to the continued operations of an office and, therefore, should be microfilmed to provide a security copy.
  2. Those which, because of high volume use, require frequent and/or large numbers of copies to be made which could be made more efficiently or economically through microfilm.
- B. Indices of Microform Records. The Records Manager shall assist the City departments in the development of indices to microform records, said indices to be maintained and kept current by the Records Manager through the assistance of the departments.
- C. Micrographic Standards. Microfilm shall meet the requirements of the American National Standards Institute for archival quality, density, resolution and definition, except that microfilm intended only for short-term use, as determined by the Records Manager through approved records retention schedules.
- D. Certification of Microform Records. The first image on a roll of microfilm or of a discrete group must be a title page that gives the name of the municipal record; the image identification number of the title page; the date of the filming; and a certificate of the microfilm clerk of the Office of Records Management.

The last image on a roll of microfilm or of a discrete group must be a certificate of the microfilm clerk that states: "The microfilming of the images between the title page and the certificate is a true, correct and exact copy of the page or pages of the identified municipal record and no splice was made in the original negative film between the title page and this certificate." A microform record of the City that complies with the provisions of this Chapter shall constitute an original record of the City of Arlington.

#### **4.23 Criminal Justice Records**

Nothing in this ordinance shall permit or require the processing of Criminal Justice Records in conflict with the provisions of applicable state or federal law and regulations pursuant thereto, relating to storage, retention, dissemination, destruction, access, review, security or maintenance of such records.

ARTICLE V

MUNICIPAL RETIREMENT SYSTEM

Section 5.01 Employees Covered Under Texas Municipal Retirement System

The City Council hereby elects to have regular full time employees of the City of Arlington and certain part-time employees as specified in the Personnel Policies and Procedures participate in the Texas Municipal Retirement System. Such participation shall be subject to the requirements of state law. The terms of such participation shall be defined by ordinances adopted by the City Council from time to time. (Amend Ord 98-129, 10/13/98)

**ARTICLE VI****EMPLOYMENT INVESTIGATIONS****Section 6.01      Criminal Records Clerk**

All applicants for employment by the City are subject to a criminal record check prior to employment. The applicant's name and identifying information shall be submitted to the Police Department for a criminal history information check. Once employed, the employee remains subject to criminal records checks for suitability for continued employment. Use and dissemination of the information shall be limited for personnel employment screening purposes only. (Amend Ord 79-201, 12-4-79)

**Section 6.02      Discipline and Denial or Termination of Employment**

Employment, discipline or termination by the City may be based on criminal history information reflecting conviction and/or non-conviction data, as permitted by Federal and State law. (Amend Ord 79-201, 12-4-79)

**ARTICLE VII****RIGHTS-OF-WAY (STREET AND ALLEY) AND EASEMENT ABANDONMENT****Section 7.01 Abandonment of Rights-of-Way and Easements (Public or Private)**

A. Application by Property Owner. A property owner whose property abuts right-of-way or contains an easement (public or private as required by City) may apply to the City of Arlington for the abandonment, in whole or in part, of the abutting right-of-way or easement, or consent to abandonment (in the case of private easements required by the City). An abandonment application will be processed upon submitting the following:

1. An application fee, as set by resolution of the City Council, and due at the time the application request is submitted for processing. This fee shall be nonrefundable, regardless of the ultimate action of the City of Arlington, and shall be in addition to other charges hereinafter described.
2. The property owner shall make application for the abandonment of right-of-way or easement rights by submitting an application form to the Public Works and Transportation Department. The application form should contain the following:

Exhibit "A" - a metes and bounds description of the area and calculations specifying the area to be abandoned. The legal description shall describe any save and except property as required and shall be signed, sealed and dated by a Registered Professional Land Surveyor (RPLS) in the State of Texas.

Exhibit "B" - a survey map of the area proposed for abandonment containing the names of the adjacent property owners, the lot and block numbers of all contiguous property, and the location and description of any public facilities or encroachments situated on or adjacent to the area proposed for abandonment. This survey map shall be signed, sealed and dated by a Registered Professional Land Surveyor in the State of Texas.

Exhibit "C" - Written concurrence of property owner(s) abutting the right-of-way or easement proposed to be abandoned. The Director of Public Works and Transportation may waive the requirement for

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written concurrence when, in the opinion of the Director, such written concurrence is not critical and that the abandonment of such right-of-way or easement does not adversely affect the property owner(s) or impact their property(s). The City may require additional property owner(s) consent, including but not limited to properties that may not be abutting but would be impacted by the abandonment of the right-of-way or easement. In addition, notification may be required for additional property owner(s).

B. Review Process. Upon receipt of a completed application for the abandonment of a right-of-way or easement and the appropriate application fee, the City shall process the request, which includes the following:

1. The abandonment application shall be reviewed by affected City departments. Departments may approve, deny or comment on the request.
2. The City shall notify or obtain the written concurrence of all registered public service providers in the City of Arlington, where applicable. The registered public service providers may approve, deny or comment on the request.
3. The City will prepare the abandonment document on City approved form and record with Deed Record, Tarrant County, Texas or schedule for City Council action, when applicable.

C. Additional Requirements. As condition of approval for the abandonment, the following are applicable. The applicant will be responsible for any cost associated with these requirements:

1. Right-of-way abandonments may require easements to be retained.
2. A drainage plan prepared by a licensed professional engineer, and/or a traffic study prepared by a licensed professional engineer experienced in traffic engineering may be required.
3. Relocation or removal of existing facilities may be required. Dedication of alternate or replacement rights-of-way or easements, onsite or offsite may also be required. The application will not proceed until the facilities have been relocated, removed or converted to private.

4. The City may require additional conditions for approval of the abandonment or consent to abandon request, including but not limited to replatting to incorporate the abandoned right-of-way or requiring a mechanism for inclusion of the abandoned right-of-way into existing lots.
- D. Remuneration. A remuneration fee will be assessed for the City to relinquish its rights to the public right-of-way or easement where:
1. The City of Arlington purchased the original right-of-way or easement proposed for abandonment;
  2. The City of Arlington previously provided an “in kind” consideration when the area to be abandoned was obtained by the City (e.g., impact fee credits, exchange of property, etc.); or
  3. The land proposed for abandonment is capable of being used independently as zoned (or as reasonably capable of being zoned in the future) or under applicable subdivision or other development control ordinances.

Except in the case of D.1., D.2. or D.3., above, there shall be no remuneration fee charged.

- E. Value of Remuneration. The remuneration fee will be based on fair market value of the area proposed for abandonment. The City’s Real Estate Services Division will commence with the determination of the fair market value after the completed application is submitted for processing.
1. The City may obtain an independent appraisal of the property to assist in the determination of fair market value.
  2. If the City’s estimated fair market value is \$50,000 or more, the Real Estate Services Division shall obtain an independent appraisal of the property to determine the fair market value of the area proposed to be abandoned.
  3. If the estimated fair market value, whether determined by the Real Estate Services Division or appraised by an independent appraiser, is disputed by the applicant, the applicant shall obtain an independent appraisal from another source of his/her choice. If the Real Estates Services Division determines that there is a substantial difference between the two (2)

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appraisals, Real Estate Services Division shall then engage an independent appraiser to perform a review appraisal. The applicant shall be responsible for the cost of the independent appraisal and the review appraisal whether or not the abandonment is approved. The Director of Public Works and Transportation shall then make a final determination of fair market value which shall be binding on both parties.

4. The Director of Public Works and Transportation may waive the requirement for the remuneration fee or for an independent appraisal and can determine the value of non-monetary consideration.
- F. Administrative Approval. When unanimous consent to abandon from all parties concerned, including but not limited to City departments, registered public service providers and property owners(s) is obtained and all stipulations and requirements have been satisfied, the City may process the request administratively and record the abandonment document with Deed Records Tarrant County, Texas.
- G. City Council Approval. The request may be forwarded to the City Council for consideration when:
1. unanimous consent to abandon cannot be reached by all impacted parties, other than the registered public service providers; or
  2. the abandonment involves an existing public easement or right-of-way that provides vehicular access; or
  3. at the discretion of the Director of Public Works and Transportation.

The action by the City Council will be in the form of an ordinance on the agenda of a regularly scheduled City Council meeting. A public hearing is not required but may be held. If approved with stipulations, the stipulations must be complied with prior to Final Reading of the ordinance by City Council.

- H. Abandonment by Plat. The abandonment of right-of-way and/or easement(s) may be vacated through the platting process if the property(s) is being replatted for other purposes; or if the plat is a Plat Vacation that reverts back to a previous plat and where no existing infrastructure is in the right-of-way and/or easement being vacated by the recording of the Plat Vacation; or as approved by the Director of Public Works and Transportation. Said plat shall be submitted to the Community Development and Planning Department and shall be in accordance with all other platting requirements and ordinances. Abandonment will not be allowed by plat if

the sole purpose of the plat is for abandonment. With the exception of the submittal of an application form and Exhibits “A” and “B”, abandonment by plat shall comply with all the requirements of this chapter, including but not limited to all applicable application and remuneration fees, and concurrence from other property owner(s), registered public service providers, and City. The Director of Public Works and Transportation may deny the application to abandon by plat and require that the right-of-way and/or easement(s) be abandoned by separate instrument if the Director determines that abandonment by separate instrument would be more appropriate.

- I. Authorization. The City Council hereby delegates the authority for approving the abandonment or consent to abandonment of right-of-way and/or easement(s) (public or private) and for filing with the Deed Records of Tarrant County to the City Manager or his/her designee, when such abandonment request is recommended for approval by the Director of Public Works and Transportation.
- J. Expiration of Application. It is the responsibility of the applicant to ensure all stipulations and requirements, including relocation or removal of existing facilities are met in a timely manner prior to approval of the abandonment. If the stipulations and requirements are not met and the abandonment is not recorded with the Deed Records, Tarrant County, Texas, within 12 months from the date the application was submitted, the application shall expire and a new application will be required. If the applicant is making progress or valid attempts to comply with the stipulations, the applicant may submit a request to extend the time for approval and the Director of Public Works and Transportation may allow an extension up to six (6) months. For abandonment by plat, the plat submittal requirements regulate the expiration.
- K. Indemnification. As a condition of approval of any abandonment or consent to abandon (by application or by plat), the applicant agrees to indemnify, protect defend, and hold harmless the City against all suits, costs, expenses, losses, claims, and damages that may arise or occur in connection with the vacation and abandonment. (Amend Ord 14-025, 5/13/14)

**ARTICLE VIII**

**PETITIONED ANNEXATIONS**

**Section 8.01 Request for Annexation**

In addition to all powers of annexation granted to the City of Arlington, the City Council, upon request submitted to the Planning Department by an owner of property within the extraterritorial jurisdiction of the City of Arlington, may consider said property for annexation. (Amend Ord 83-130, 7-12-83)

**Section 8.02 Fees**

The following fees shall be submitted to the City of Arlington upon the passage of a resolution by the City Council, directing the preparation of a service plan for such area, said fee to pay for the administrative expenses of the City of Arlington in reviewing said request:

- A. Annexation request for 15 acres or less                   \$ 300.00
- B. Annexation request for over 15 acres                   \$1,000.00  
(Amend Ord 83-130, 7-12-83)

**ARTICLE IX**

**CITY OF ARLINGTON OFFICER AND EMPLOYEE LIABILITY PLAN**

**Section 9.01 Definitions**

The following terms, as used in this Article, shall have the following meanings unless the context otherwise requires:

"Actual damages" means compensatory damages only and interest, if any, which has accrued thereon but does not include punitive or exemplary damages, fines or penalties.

"City" means the City of Arlington, Texas.

"City Attorney" means the City Attorney of the City of Arlington, Texas or any of his/her assistants.

"City vehicle" means a vehicle or mobile equipment either leased or owned by the City or the personal vehicle of a Plan Member when used in the scope and course of the Plan Member's duties for the City.

"Plan" means the City of Arlington Officer and Employee Liability Plan as established by this article.

"Plan Member" means:

- (a) Any employee, volunteer, or elected or appointed officer of the City, any former employee, volunteer or officer of the City, or the estate of an employee, volunteer, or officer or former employee, volunteer or officer; and
- (b) Any member or former member of a City board, commission, or committee created by Charter, ordinance or resolution of the City, or the estate of said member; and
- (c) Any member of the board of directors of a nonprofit corporation created by the charter, ordinance or resolution of the City as an instrumentality of the City.

"Program Ordinance" means Ordinance No. 86-198 as amended from time to time.

"Risk Management Fund" means the Risk Management Fund created by the Program Ordinance.

"Scope of employment" has the same meaning as set out in the Texas Tort Claims Act, as it may be amended from time to time.

"Volunteer" means only a person who has been approved as a volunteer by the City and who is working under the direction and supervision of an employee or officer of the City.

**Section 9.02 Coverage**

A. The City shall pay the actual damages, as provided in section 9.04, arising from any claim, lawsuit or judgment against a Plan Member, whether or not the City is a party defendant, if said damages:

1. Result from an act or omission of the Plan Member while in the scope of his employment or office with the City or during his assigned volunteer work with the City; and
2. Arise from a cause of action for negligence.

B. This section shall apply only to acts or omissions occurring or alleged to have occurred after the effective date of this article and to acts or omissions occurring or alleged to have occurred prior to the effective date of this article which are not barred by any statute of limitations. This section shall not apply to any lawsuit pending on the effective date of this article rather the Plan in effect at the time of the institution of a pending lawsuit shall apply.

**Section 9.03 Cooperation of Plan Member Required**

A. To be entitled to coverage, a Plan Member must:

1. Notify the City Attorney in writing as soon as practicable upon receipt of written notice of a claim or lawsuit, but no later than three (3) working days after receipt;

2. Cooperate with the City Attorney in the investigation, trial preparation, negotiation and settlement of any claim or suit, and in enforcing any right of contribution or indemnity against a person or organization who may be liable to the City because of the payment by the City under the Plan;
  3. Assist in the conduct of any hearing or trial, attend the hearing or trial, assist in securing and giving evidence and obtaining the attendance of witnesses;
  4. Not, except upon advice of the City Attorney or when questioned by a police officer at the scene of an accident, give any oral or written statement or enter into any stipulation or agreement concerning a claim or lawsuit; and
  5. Not, except at the Plan Member's own cost, voluntarily make payment, assume any obligation or incur any expense with respect to a claim or lawsuit without the consent of the City.
- B. Failure or refusal of the Plan Member to comply with any of the above requirements of this section, at the sole discretion of the City, may be grounds for denial of coverage or legal representation under this Article.

**Section 9.04 Limits of Coverage**

- A. All payments required by the Plan shall be made from the Risk Management Fund and shall be subject to the conditions, exclusions and monetary limitations of the Program Ordinance.
- B. The City will pay actual damages covered by this Plan that a Plan Member is legally obligated to pay, except, that in cases arising from incidents or occurrences where the City's liability exists by virtue of the Texas Tort Claims Act (Chapter 101, Texas Civil Practices and Remedies Code), whether or not the City is a party defendant, the City will pay those losses covered by this Plan that a Plan Member is legally obligated to pay up to, but not exceeding the limits of liability provided by the Act, as amended for a municipality.

- C. In addition to the coverage provided in A. and B., above, the City will pay:
1. All reasonable costs and expenses incurred in investigating and defending the claim or lawsuit;
  2. Court costs taxed against a Plan Member in a suit covered by this Plan and interest that accrues after the entry of judgment before the City has made payment to the appropriate party or court on that part of the judgment which does not exceed the limits of coverage;
  3. Reasonable expenses of the Plan Member incurred at the City's request; and
  4. Attorney's fees ordered by the court to be paid by the Plan Member.

**Section 9.05 Exclusions**

- A. Coverage under the Plan does not apply to claims or lawsuits:
1. brought by the City against a Plan Member;
  2. for damages arising out of the intentional or knowing violation of a penal statute or ordinance committed by or with the knowledge or consent of the Plan Member;
  3. for damages arising out of acts of fraud committed by or at the direction of the Plan Member with intent to deceive or defraud;
  4. for damages arising from a willful or wrongful act or omission or from an act or omission constituting gross negligence;
  5. for damages arising from official misconduct;
  6. for any act or omission committed while the Plan Member is operating a City vehicle with no authority to operate the vehicle, or while the Plan Member is operating a City vehicle in the course of personal or private business;

7. for liability assumed by the Plan Member under a contract, unless the contract is entered into with appropriate legal authority at the direction of the City;
  8. for any claim or cause of action if the Plan Member joins or attempts to join with the suit against the Plan Member a claim against the City for benefits under this Plan;
  9. for any claim or cause of action if the Plan Member fails to comply with Section 9.03 of this Plan;
  10. for punitive damages under circumstances where such damages are not recoverable by law against the City;
  11. for damages awarded against a Plan Member to the extent the damages are recoverable under an insurance contract or a self-insurance plan authorized by statute while in the course and scope of employment, up to the limits of said insurance or plan;
  12. for any obligation for which the City may be liable under the Texas Workers' Compensation Act, Unemployment Compensation laws, or any similar law; or
  13. for damages arising from violations of constitutional rights, civil rights or federal law.
- B. Nothing in this section shall prohibit the City, in its discretion, on a case by case basis, from providing legal representation and paying actual damages, court costs and attorney's fees required to be paid by a Plan Member in any claim or lawsuit, to the extent allowed by law.
- C. Any coverage under this Plan shall be excess over any other insurance prior or subsequent hereto, and by whomsoever affected, directly or indirectly, covering loss or damages. This Plan shall be liable only for excess of any loss or damages to the extent caused by the Plan member beyond the amount due from other insurance whether collectible or not.

**Section 9.06    Subrogation**

The City shall be subrogated the Plan Member's rights of recovery against any person, firm, corporation, or organization, and the Plan Member shall execute and deliver to the City Attorney whatever documents are necessary to secure those rights and shall do nothing to prejudice those rights.

**Section 9.07    Legal Representation**

- A. The City will provide legal representation for a Plan Member in a claim or suit in which the Plan Member is covered under this Plan.
- B. If the City Attorney determines that there exists a conflict of interest for the City Attorney to represent a Plan Member, and the Plan Member is otherwise entitled to coverage under this Plan, the City will pay the reasonable fee of a private attorney to represent the Plan Member. The private attorney will be selected by the City Attorney.
- C. The City will provide legal representation for any Police Officer in any criminal proceeding up to the time an Internal Affairs report is submitted to the Chief of Police. The City will provide legal representation in criminal proceedings for any Police Officer thereafter, if the City Manager certifies that the Police Officer was acting within the course and scope of his employment, provided, however, that legal representation for any appeal of a criminal conviction may be provided only at the discretion of the Claims Board pursuant to the Program Ordinance.

**Section 9.08    No Creation of Cause of Action**

Nothing contained in this Plan shall be construed as creating a right or cause of action against a Plan Member nor giving a right to a third party to institute or maintain a suit which would not otherwise exist under law as a legal claim against a Plan Member.

**Section 9.09 No Defenses Waived**

The Plan does not affect any defense, immunity or jurisdictional bar available to the City or a Plan Member.

**Section 9.10 Right to Amend**

The City Council reserves the right to amend or to repeal the provisions of the Plan at any time without the consent of the Plan Member or any third party.

**Section 9.11 Administration of Plan**

The Claims Board as established by the Program Ordinance is responsible for the administration of the Plan and the Program Ordinance subject to the superior authority of the City Council. In the course of carrying out this responsibility, the Claims Board shall interpret and apply the provisions of the Plan and the Program Ordinance.

**Section 9.12 No Right to Fund by Plan Member**

The Plan does not grant any right to any Plan Member in or to the Risk Management Fund.

(Amend Ord 07-091, 12/18/07)

## ARTICLE XI

### HEARINGS, INVESTIGATIONS, AND SUBPOENA POWER

#### Section 11.01 Authority

Pursuant to Article VI, Section 5, of the Charter of the City of Arlington, authority is hereby granted for subpoena powers to be exercised in accordance with this Article, in such manner as is not inconsistent with the Constitution and laws of the United States, and of this state. (Amend Ord 87-102, 5/19/87)

#### Section 11.02 Hearings and Investigation; Subpoena Power

In all hearings and investigations that may hereafter be conducted by the City Council, the City Manager, or any person or committee authorized by the City Council, the City Manager, or by state or local law to conduct hearings and investigations as to City affairs, excluding municipal court judges, the presiding officer of such hearing or investigation, or an authorized representative of the presiding officer, may subpoena witnesses and compel the production of books, papers and other evidence material to such hearing or investigation in the same manner as is now prescribed by the laws of this state for compelling the attendance of witnesses and production of evidence in the municipal court. (Amend Ord 87-102, 5/19/87)

All such subpoenas must be signed by the Mayor prior to issuance. (Amend Ord 87-102, 5/19/87)

#### Section 11.03 Violation and Penalty

Any person who refuses to appear to testify or who disobeys any lawful order pertaining to an authorized hearing or investigation of the City Council, the City Manager, or any person or committee authorized by either or both of them to conduct such hearing or investigation, or who fails or refuses to produce any book, paper, document or instrument touching any matter under examination, or who engages in any contemptuous conduct after being summoned to give testimony in relation to any matter under investigation, shall be deemed to have committed a misdemeanor, and it shall be the duty of the person responsible for conducting the hearing or investigation to make complaint against such person so refusing to comply with the subpoena or order in the same manner as other criminal cases. (Amend Ord 87-102, 5/19/87)

#### Section 11.04 General Rules

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- A. The subpoena or order issued pursuant to this Article must be issued in pursuit of an objective authorized by ordinance or statute; such authorization for the investigation may be express or implied. (Amend Ord 87-102, 5/19/87)
- B. Information sought must be germane to a lawful subject of inquiry. (Amend Ord 87-102, 5/19/87)
- C. Demands for information must be as specific as the requesting party's knowledge will permit, and must not be unreasonably burdensome. (Amend Ord 87-102, 5/19/87)
- D. The administrative command, order, or request shall not purport to require privileged information which is recognized by law as such. (Amend Ord 87-102, 5/19/87)
- E. All testimony obtained by authority of this Article shall be made under oath and accurately recorded by tape recorder, stenographer, video tape, or any other method by which an accurate record may be made. (Amend Ord 87-102, 5/19/87)
- F. In an action for violation of this Article, items A through D of this Section shall be affirmative defenses. (Amend Ord 87-102, 5/19/87)

**ARTICLE XII**  
**CODE OF ETHICS**

**Section 12.01 Declaration of Ethical Policy**

- A. It is the policy of the City that the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all City officials is adopted.
- B. This code of ethics has five (5) purposes:
1. To encourage the public service by Arlington citizens;
  2. To encourage high ethical standards in official conduct by City officials;
  3. To establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interests of the City;
  4. To require disclosure by such officials of private financial or other interests in matters affecting the City; and
  5. To serve as a basis for disciplining those who fail to abide by its terms.
- C. The provisions of this article shall not apply to contributions, loans, expenditures or reports, any of which are made for lawful political purposes.
- D. This Code of Ethics is not intended to be nor shall it be used as a political weapon to intimidate or embarrass persons affected.
- E. In those matters before the City Council where there is a conflict with this Declaration of Ethical Policy, the elected City official must refrain from the deliberations of the Council and abstain from voting.

**Section 12.02 Standards of Conduct Subject to Ethics Commission Review**

- A. No City official shall formally appear for compensation before the body of which the official is a member while acting as an advocate for any other person, group or entity.
- B. No elected City official shall interfere with the City Manager's administrative duties of appointment to and removal of persons from employment with the City. Nor shall private directives be made to City staff.
- C. No City official shall provide legal representation, directly or indirectly, to any other person, group or entity in any litigation, action or proceeding against the interests of the City, in which the City or any department, commission, board or committee thereof is a party.
- D. No City official shall provide legal representation, other than for himself/herself, directly or indirectly, to any person, group or entity in any action or proceeding in the municipal courts of the City.
- E.
  - 1. No City official shall solicit or accept other employment to be performed or compensation to be received while still a City official, if the employment or compensation could reasonably be expected to impair independence in judgment or performance of City duties.
  - 2. If a City official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise or make a recommendation, the official shall disclose that fact to the body on which he/she serves and shall take no further action on matters regarding the potential future employer.
- F. No City official shall accept remuneration, directly or indirectly, for campaign work relating to another individual's candidacy for and election to Mayor, City Council or other elected office of the City of Arlington, or any other item placed on the ballot by the City Council, when such work is to be performed within twelve (12) months of the respective election, if the City official served on the body which exercised

- authority in the development of the ballot item and participated in the discussion or voted on the item.
- G. A City official may not participate in a vote or decision on any zoning matter which may appear before the body of which the City official is a member if the City official has a substantial interest in any real property within two hundred feet (200') of the property which is the subject of the zoning request.
- H. A City official who serves as a corporate officer or member of the board of directors of a nonprofit entity may not participate in a vote or decision regarding funding by or through the City for the entity, if said official receives any fee, compensation or other monetary payment from the entity, unless the City Council appointed such City official to the board of directors or such corporate office.
- I. A City official shall not disclose any confidential government information gained by reason of the City official's position. This rule does not prohibit:
1. any disclosure that is no longer confidential government information;
  2. the confidential reporting of illegal or unethical conduct to authorities designated by law; or
  3. any disclosure, not otherwise prohibited by law, in furtherance of public safety after first conferring with the City Attorney about any potential liability exposure.
- J. A Planning and Zoning Commission member may not participate in a vote or decision on any matter which may appear before the Commission if the Commission member has a substantial interest in a business entity that provides funding or financing to the applicant of the case. (Amend Ord 10-077, 9/28/10)

### **Section 12.03 Additional Ethical Standards**

- A. A City official may not participate in a vote or decision on a matter affecting a person, entity or

property in which the official has a conflict of interest. See Chapter 171, Texas Local Government Code, Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments.

1. A City official shall review the agenda to determine if there are any matters in which he/she has a conflict of interest prior to each meeting of the body to which the City official is a member.
  2. A City official shall file a statement prior to the meeting indicating that he/she has reviewed the agenda and that there are no matters in which he/she has a conflict of interest.
  3. If, upon review of the agenda, it is determined that the City official has a conflict of interest, he/she shall file an affidavit as required by Texas Local Government Code, Chapter 171, and abstain from participation in the discussion and voting on the matter.
- B. No City official shall violate Chapter 37 (Perjury and Other Falsification) of the Texas Penal Code. Nor shall a City official solicit, encourage, direct, aid or attempt to aid another person to commit a violation of Chapter 37 of the Texas Penal Code.
- C. No City official shall use his/her official position to secure confidential information for any purpose other than official responsibilities. See Section 39.06, Texas Penal Code, Misuse of Official Information.
- D. No City official shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are customary, incidental or lawfully available to the public. See Section 39.02, Texas Penal Code, Abuse of Official Capacity.
- E. No City official shall accept or solicit any gift or favor that would tend to influence that individual in the discharge of official duties or that the official knows has been offered with the intent to influence or reward official conduct. See Section 36.02, Texas Penal Code, Bribery. (Amend Ord 01-074, 7/10/01)

**Section 12.04 Disclosure of Conflict of Interest**

- A. A City official shall disclose the existence of any conflict of interest he/she may have with respect to a person, entity or property which would be affected by a vote or decision of the body of which the City official is a member or that he/she serves as a corporate officer or member of the board of directors of a nonprofit entity for which a vote or decision regarding funding by or through the City is being considered.
- B. To comply with this section, a Council member or City official, prior to the vote or decision, either shall file an affidavit as required by Texas Local Government Code, Chapter 171 (Regulation of Conflicts of Interest of Officers of Municipalities), or if not so required by said statute, shall publicly disclose in the official records of the body the nature and extent of such interest.
- C. Where the interest of a City official in the subject matter of a vote or decision is remote or incidental, the City official may participate in the vote or decision and need not disclose the interest.
1. "Remote interest" means an interest of a person or entity, including a City official, who would be affected in the same way as the general public. The interest of a Council member in the property tax rate, general City fees, City utility charges or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the Council member would be affected in common with the general public.
  2. "Incidental interest" means an interest in a person, entity or property which is not a substantial interest and which has insignificant value, or which would be affected only in a de minimis fashion by a decision. This article does not establish dollar limits on the terms "insignificant value" and "de minimis," which shall have their usual meanings and be subject to interpretation on a case by case basis.
- D. Nothing in this article shall prohibit the City Council from participating in a vote or decision relating to salaries, terms of office or travel budgets of City Council members. (Amend Ord 01-074, 7/10/01)

**Section 12.05 Substantial Interest of Relative**

- A. A conflict of interest of an immediate family member of a City official shall be deemed to apply to that official for the purposes of Sections 12.02 and 12.03 concerning disclosure and recusal or reassignment.
- B. A City official subject to Texas Local Government Code, Chapter 171, may not participate in a vote or decision affecting a substantial interest of an immediate family member of the official. (Amend Ord 93-06, 1/26/93)

**Section 12.06 Disclosure of Interests Regarding Land Use Changes**

- A. Any person seeking City Council, Zoning Board of Adjustment, Planning and Zoning Commission, or Landmark Preservation Commission consideration or action concerning any application for rezoning, plat approval, certificates of appropriateness, certificates of demolition or relocation, special exception, variance or similar application requiring action by the Planning and Zoning Commission, Landmark Preservation Commission or Zoning Board of Adjustment, shall file a disclosure statement with the City.
  - 1. Said statement shall be filed at the time of filing of such application with the Planning Department, Community Services Department or Building Inspections. (Amend Ord 06-079, 8/22/06)
  - 2. The applicant shall specifically name any member of the above-referenced bodies or City employee believed by the applicant or owner to have a conflict of interest in the matter or the property which is the subject of consideration or action. The applicant shall further state all information upon which he bases the belief that a conflict of interest exists.
  - 3. The applicant is not required to report an interest in property located within two hundred feet (200') of the property that is the subject of consideration or action. (Amend Ord 00-104, 9/12/00)
- B. The applicant and the owner shall file statements in those cases where the applicant does not own the property which is the subject of consideration or action. (Amend Ord 93-06, 1/26/93)

**Section 12.07 Ethics Review Commission**

- A. There shall be created an Ethics Review Commission (Commission). It shall have the duty and power, unless otherwise provided, to rule upon the appropriate disposition of allegations of violations of Section 12.02 of this Article.
- B. Members.
1. The City Council shall appoint a chairperson and eight (8) other members to the Ethics Review Commission.
  2. The Mayor and each member of the City Council shall nominate a member to the Commission. These nominations shall be confirmed by majority vote of the City Council. The City Council should appoint as members of the Commission persons of high integrity commensurate with the spirit of this Code of Ethics.
  3. Commission members shall be appointed to staggered terms with the terms of four (4) members to expire June 1, 2002, and the terms of the chairperson and four (4) members to expire June 1, 2003. Thereafter, all Commission members shall be appointed to two (2) year terms.
  4. All members shall be residents of the City of Arlington. No member shall hold any City elected office, be a candidate for any such office or hold any other City appointed office.
  5. The chairperson of the Commission shall appoint three members of the Commission to serve on a Commission panel to preside over preliminary hearings. The chairperson shall appoint a chairperson for each panel and may rotate members of the Commission as necessary for the expeditious hearing of each complaint.
  6. Members of the Commission serve at the pleasure of the City Council and may be removed by a majority vote of said Council.

C. Quorum; Meetings; Rules.

1. When the Commission is meeting as a whole, seven or more members of the Commission shall constitute a quorum.
2. When a panel convenes to preside over a preliminary hearing, three members shall constitute a quorum.
3. Every meeting or hearing of the Commission or a panel of the Commission shall be held in accordance with Chapter 551 of the Texas Government Code.
4. The Commission may adopt, amend and rescind rules of procedure to carry out the provisions of this Article. Such rules shall be consistent with this Article and other applicable law.

D. Duties. The Commission shall have the following duties:

1. To meet as often as necessary to fulfill its responsibilities;
2. To review, index, maintain on file, and dispose of sworn complaints;
3. To make findings of fact as necessary for the disposition of a complaint;
4. To make notifications, extend deadlines, and conduct investigations; and
5. Such other duties as are specifically granted by this Article.

E. Staffing.

1. The Commission may request from the City Manager the appointment of such staff as is necessary to carry out the duties of the Commission.
2. The Commission may be assigned staff by the City Attorney to assist in its duties.
3. When complaints are filed against a City official other than a City Council member, independent legal counsel may be utilized at the discretion of

the City Attorney to advise the Commission and participate in hearings. When a complaint is filed against a City Council member, the City Attorney shall engage independent legal counsel to advise the Commission, unless the City Attorney determines there are no reasonable grounds to believe that a violation of Section 12.02 has occurred.

4. A City official may request the meaning or effect of any section, word or requirement of this Article as it affects such official, and the City Attorney's Office shall thereupon confer with the City official. (Amend Ord 01-074, 7/10/01)

**Section 12.08 Disposition of Alleged Violations; Hearings**

A. Complaint Procedure.

1. Any resident of the City who believes there has been a violation of Section 12.02 may file a sworn complaint, under the penalty of perjury, with the City Secretary.
2. The complaint shall:
  - a. Identify the person or persons who allegedly committed the violation;
  - b. Provide a sufficient statement of the facts which if true would constitute a prima facie violation of Section 12.02;
  - c. Specify the subsection of Section 12.02 which is alleged to have been violated;
  - d. Identify sources of evidence, if any, that the complainant recommends should be considered by the Commission; and
  - e. be filed on a form prescribed by the City Attorney's Office.
3. Not later than seven (7) working days after the City Secretary receives a sworn complaint, the City Secretary shall acknowledge the receipt of the complaint to the complainant and provide a copy of the complaint to the City Attorney, the Ethics Review Commission, the City Council and the person complained against.

B. Review of Complaints by City Attorney.

1. Upon receipt of a complaint, the City Attorney shall review the complaint to determine whether the complaint is sufficient as to form and whether the complaint alleges sufficient facts which if true would constitute a prima facie violation of Section 12.02.
2. If the City Attorney determines that the complaint is defective as to form or does not allege conduct which would violate Section 12.02, the City Attorney shall notify the Commission, the complainant, the City Council and the person complained against of such defect within seven (7) working days after receipt of the complaint from the City Secretary.
3. The complaint shall be dismissed upon a finding by the City Attorney that the complaint is insufficient and no further action shall be taken by the Commission.
4. Upon a finding by the City Attorney that a prima facie violation has been alleged, the complaint shall be deemed a formally lodged complaint and a preliminary hearing shall be scheduled to be held within twenty (20) working days.

C. Preliminary Hearing.

1. A panel consisting of three (3) Commission members shall preside over preliminary hearings.
2. The issue at a preliminary hearing shall be the existence of reasonable grounds to believe that a violation of Section 12.02 has occurred.
3. The person filing a complaint shall state the alleged violation and shall describe in narrative form the testimony and other evidence which would be presented to prove the alleged violation as stated in the written complaint.
4. Statements at a preliminary hearing shall be under oath, but there shall be no cross-examination or requests for persons or evidence issued for the hearing.

5. The official may describe in narrative form the testimony and other evidence which would be presented to disprove the alleged violation.
6. Members of the panel may question the complainant, complainant's designated representative, legal counsel for the Commission or the City official named in the complaint in order to make the determinations necessary for the preliminary hearing.
7. The City official named in the complaint shall have the opportunity to respond but is not required to attend or make any statement.
8. The complainant and the City official named in the complaint shall have the right of representation by counsel.
9. At the conclusion of the preliminary hearing, the panel shall decide whether a final hearing should be held.
  - a. If the panel determines that there are reasonable grounds to believe that a violation of Section 12.02 has occurred, a final hearing shall be scheduled.
  - b. If the panel does not determine that there are reasonable grounds to believe that a violation of Section 12.02 has occurred, the complaint shall be dismissed.
  - c. A decision to conduct a final hearing is not a finding that a violation has occurred.
10. The panel, at any time during the preliminary hearing, may also dismiss a complaint if the complaint does not allege conduct which would be a violation of Section 12.02.
11. The complainant, any member of the Commission, legal counsel for the Commission and the City official named in the complaint may ask the panel at a preliminary hearing to request certain persons and evidence for a final hearing, if one is scheduled.

D. Final hearing.

1. The Commission sitting as a whole will preside over all final hearings.
2. The issue at a final hearing shall be whether a violation of Section 12.02 has occurred.
3. A determination that a violation of Section 12.02 has occurred must be supported by clear and convincing evidence. "Clear and convincing evidence" means that measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established.
4. All witnesses shall make their statements under oath.
5. If a complaint proceeds to a final hearing, the Commission may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers, records or other evidence needed for the performance of the Commission's duties or exercise of its powers, including its duties and powers of investigation.
6. If the Commission determines that a violation has occurred, it shall state its findings in writing, shall identify the particular subsection(s) of Section 12.02 which have been violated, and within five (5) working days shall deliver a copy of the findings to the complainant, if any, the person named in the complaint, the City Secretary and the City Attorney.
7. The final hearing shall be held as expeditiously as possible following the determination by the panel that there are reasonable grounds to believe that a violation of Section 12.02 has occurred, but in no event, except if postponed as described below, shall it be held more than thirty (30) days after said determination.
8. The Commission may grant two (2) postponements, not to exceed fifteen (15) days each, upon the request of the City official named in the complaint.

E. Appeal to City Council.

1. Within fourteen (14) calendar days after the Commission has rendered a decision at the final hearing, the person subject to the complaint may file with the City Secretary an appeal to the City Council setting forth the basis for such appeal.
2. A hearing shall be scheduled before the City Council within 30 calendar days.
3. City Council review of a decision by the Ethics Commission shall not be by a de novo hearing where facts are established; rather, the review shall be on the record that was before the Ethics Commission.
4. A transcript of the proceedings as well as all documentation before the Ethics Commission shall be forwarded to the City Council for its review.
5. If at the hearing, the City Council determines that testimony is necessary for the proper disposition of the matter, it may take such evidence.

F. Vote Required.

1. Commission Panel. A determination by a panel of the Commission that there are reasonable grounds to believe that a violation of Section 12.02 has occurred shall require the affirmative vote of at least two members of the panel.
2. Ethics Commission. A determination that a violation of Section 12.02 has occurred shall require the affirmative vote of at least seven members of the Commission.
3. City Council. A determination on an appeal before the City Council shall require the affirmative vote of  $\frac{3}{4}$  of the City Council, excluding a Council member who may be the subject of the complaint.

G. Prohibition of Ex Parte Communications. After a complaint has been filed and during the pendency of a complaint before the Commission, a panel of the Commission, or the City Council, a member of the above respective bodies may not communicate directly or indirectly with the complainant, the affected City

- official or any representative thereof about any issue of fact or law regarding the complaint, except at a meeting of the respective body or through written statement or brief, if requested by the Commission or City Council. A copy of any such written statement or brief shall be promptly filed with the City Secretary and the City Attorney.
- H. Legal Representation Relative to Section 12.02 Complaints.
1. A City official may employ a private attorney to provide representation before the Ethics Commission and the City Council.
  2. If a City official is found innocent of the alleged charges, the City shall reimburse the reasonable legal fees and expenses incurred in defending a Section 12.02 complaint upon a finding by the City Council that the public interest will be served. The City Attorney shall make a determination as to what constitutes reasonable fees and expenses for the representation of the complaint.
- I. Admission of Violation or Plea of No Contest.
1. On or before three (3) business days prior to the scheduled preliminary hearing, a City official subject to an ethics complaint may file a waiver of the hearing process and a written admission or written plea of "no contest" with the City Secretary.
  2. The preliminary hearing shall be cancelled and a hearing before the entire Commission shall be scheduled as expeditiously as possible, but in no event shall it be held more than thirty (30) days after the filing of the admission and waiver.
  3. At the hearing the City official may explain to the Commission any extenuating circumstances relative to the ethics violation. If at the hearing, the Commission determines that additional testimony is necessary for the proper disposition of the matter, the Commission may take evidence as it deems appropriate.
  4. While the Commission shall consider the City official's explanation for the violation, the

Commission shall in its sole discretion render the sanction, if any, that it deems appropriate.

- J. Disposition. If the Commission determines that a violation of Section 12.02 has occurred, it shall deliver a copy of the findings to the complainant, the person named in the complaint, and the City Council.
- K. Sanctions. If the Commission determines that a violation has occurred, it may announce its' intention to impose or recommend the following sanctions. An appeal to the City Council will stay any decision by the Ethics Commission. The Commission may not impose sanctions until the time period for an appeal to the City Council has expired.
  - 1. Letter of Notification. A letter of notification shall be the appropriate sanction when the violation is clearly unintentional, or when the City official's conduct complained of was made in reasonable reliance on an opinion of the City Attorney.
    - a. A letter of notification shall advise the City official to whom it is directed of any steps to be taken to avoid future violations.
    - b. The Commission may direct a letter of notification to any City official covered by this Article.
  - 2. Letter of Admonition. A letter of admonition shall be the appropriate sanction in those cases in which the Commission finds that the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification. The Commission may admonish any City official covered by this Article.
  - 3. Reprimand. A reprimand shall be the appropriate sanction when the Commission finds that a violation has been committed intentionally or through reckless disregard of this Article.
    - a. The Commission may reprimand any City official covered by this Article.
    - b. A reprimand directed to a City official shall also be sent to the City Council.

4. Removal or Suspension From Office. To the extent allowed by the City Charter, a recommendation of removal from office or, except in the case of an elected City official, a recommendation of suspension from office, as well as a recommendation for length of suspension, shall be the appropriate sanction when the Commission finds that a serious or repeated violation of this Article has been committed intentionally or through reckless disregard of this Article by a non-elected City official.
  - a. A recommendation of removal from office or a recommendation of suspension from office for a City official shall be transmitted to the City Council.
  - b. The final authority to carry out such recommendations to remove from office or suspend from office and the length of the suspension shall be with the City Council.
5. Letter of Censure. A letter of censure shall be the appropriate sanction when the Commission finds that a serious or repeated violation of this Article has been committed intentionally or through reckless disregard of this Article by an elected City official.
  - a. A letter of censure directed to an elected City official shall be transmitted to the City Secretary and sent to the City Council.
  - b. The City Council may impose a letter of censure removing the City official from any or all Council committee appointments upon an affirmative vote of the entire Council, excluding the affected City official. (Amend Ord 01-074, 7/10/01)

**Section 12.09 Definitions**

For the purposes of this article:

**"Affected"** means reasonably likely to be subject to a direct economic effect or consequence, either positive or negative, as a result of the vote or decision in question in the case of a person, entity or property.

**"City employee or employee"** means City Manager, Deputy City Manager, City Attorney and all department heads.

**"City official or official"** means the following:

The Mayor  
Members of the City Council  
Members of:  
Arlington Sports Facilities Development Authority, Inc.  
Building Code Board of Appeals  
Electrical Code Board of Appeals  
Ethics Review Commission  
Emergency Physicians Advisory Board  
Health Authority  
Hospital Authority  
Industrial Development Corporation  
Landmark Preservation Commission  
License and Amortization Appeals Board  
Mechanical and Plumbing Board of Appeals  
North Texas Higher Education Authority  
Park and Recreation Board  
Planning and Zoning Commission  
Zoning Board of Adjustment (Amend Ord 04-039, 5/11/04)

**"Conflict of interest"** means action upon any matter which would constitute a violation of this Code of Ethics, Texas Penal Code or Texas Local Government Code, Chapter 171.

**"Decision"** means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the City Council or other City board or commission, as listed in Section 12.09, the definition of "City official or official," as well as the discussions or deliberations of the council, board or commission which can or may lead to a vote or formal action by that body.

**"Discretionary authority"** means the power to exercise any judgment in a decision or action.

**"Entity"** means a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, joint venture, receivership, trust or any other entity recognized by law through which business may be conducted.

**"Immediate family member"** means the spouse, parent, parent-in-law, brother, brother-in-law, sister, sister-in-law,

child, son-in-law or daughter-in-law or other person living in the same residential dwelling unit of the City official.

**"Ministerial act"** means an act performed in a prescribed manner and not requiring the exercise of any judgment or discretion.

**"Person"** means an individual, proprietorship, partnership, corporation, association or other legal entity.

**"Substantial interest"** means:

- A. A person has a substantial interest in a business entity if:
  - 1. The person owns ten percent (10%) or more of the voting stock or shares of the business entity or owns either ten percent (10%) or more or Fifteen Thousand and No/100 Dollars (\$15,000.00) or more of the fair market value of the business entity; or
  - 2. Funds received by the person from the business entity exceed ten percent (10%) of the person's gross income for the twelve month period before the date when the governmental body takes up the matter involving the business entity; or
  - 3. the person is an employee of the business entity.
- B. A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) or more. (Amend Ord 10-077, 9/28/10)