

THE CHARTER
of the
CITY OF ARLINGTON
TEXAS

(Adopted January 17, 1920, and
amended up to and including May 19, 2015)

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

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

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

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
88-296	05/10/88	
90-437	08/14/90	Amending Article IV, Section 5, relative to filling vacancies on the City Council.
93-65	11/02/93	Passed final reading on 07/07/93, approved by voters at 11/02/93 election, amending Article IV and Article V to provide for a method of electing city council members; designating the places for holding such election; naming the officers thereof; prescribing the form of ballot and providing for notices.
96-38	05/07/96	Passed final reading on 03/19/96, approved by voters at 05/04/96 election, amending Article IV regarding the timing of runoff elections and to provide that candidates be registered voters; designating the places for holding such election; naming the officers thereof; prescribing the form of ballot and providing for notices.
05-017	05/17/05	Passed final reading on 02/22/05, approved by voters at 05/07/05 election, amending Article IX, Section 4, regarding allowing the City Council to use third party arbitration to make final determinations over certain types of employee disciplinary actions; and amending Article IV, Section 7, relative to adding a City Auditor as an officer appointed by the City Council.
15-006	05/19/15	Passed final reading on 02/24/15, approved by voters at 05/09/15 election, amending Article X, Section 12, relative to prohibiting photographic traffic signal enforcement.

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ARTICLE I

CORPORATION NAME

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

ARTICLE II

BOUNDARIES

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

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

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

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

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

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

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

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

ARTICLE III

MUNICIPAL POWERS

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

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

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

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

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

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

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

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

ARTICLE IV

MUNICIPAL GOVERNMENT

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. Qualifications of Appointive Officers: Officers appointed by the City Council shall possess such qualifications as may be prescribed by State Constitution or law, or as prescribed by ordinance not in direct conflict therewith. (Adopted by Charter Amendment, April 5, 1980)

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Section 9. Municipal Court: There shall be a municipal court comprised of as many divisions as there are judges with such authority as provided by law. One of such judges shall be known as the Presiding Judge of the Municipal Court. The remainder of such judges shall be known as Associate Municipal Court Judges. There shall be a clerk or clerks of said court and its divisions, with such deputies as may be created or provided by ordinance by the City Council. The clerk or clerks of said court and the deputies thereof shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and perform all other acts of a court clerk as may be provided by law. The clerk or clerks and deputies of said court shall be appointed and removed by the City Manager. (Adopted by Charter Amendment, May 10, 1988)

ARTICLE V
ELECTIONS

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

Section 2. Mayor and City Council Members, Date of Election, Filing Fees: All regular elections for Mayor and City Council members shall be held on such date as is prescribed by State law or City ordinance not in conflict therewith. The Mayor and Council members for Districts 3, 4, 5 and 8 shall be elected in odd numbered years, and the Council members for Districts 1, 2, 6 and 7 shall be elected in even numbered years. The City Council shall have the power to call such special elections as they shall deem proper. Candidates for such offices shall pay such filing fee as may be set by appropriate ordinance of the City Council. (Adopted by Charter Amendment, November 2, 1993)

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

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

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

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

ARTICLE VI

THE BOARD OF CITY COUNCILMEN

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

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

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

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

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

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

ARTICLE VII

POWERS OF THE CITY COUNCIL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VIII

DUTIES AND POWERS OF OFFICERS

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

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

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

ARTICLE IX
CITY MANAGER

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

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

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

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

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

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

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

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

ARTICLE X

MISCELLANEOUS PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XI

REVENUE AND TAXATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XII

PUBLIC UTILITIES

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

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

ARTICLE XIII

BONDING POWER, INDEBTEDNESS

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

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

ARTICLE XIV

CITY DEPOSITORY

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