

**EXHIBIT “A”**

A special election will be held on May 6, 2023, from 7:00 a.m. to 7:00 p.m. for the purpose of allowing voters to determine whether to amend the Irving City Charter. Persons interest in voting on these issues may contact the Irving City Secretary’s Office for information about polling places and other information pertaining to the election or may visit the City’s webpage at [www.cityofirving.org](http://www.cityofirving.org).

If the proposes propositions are adopted by the qualified voters of the City of Irving, the following Charter provisions will be amended by adding the underlined words and deleting those struck through. The bracketed italicized language indicates where another proposed Proposition will amend the Charter language within that section if passed. The proposed amendments will read in their entirety as follows:

**PROPOSED AMENDMENTS**

**Amendment Number 1 (Proposition A)**

**Art. III, Sec. 18. Conveyance of real property; Ffranchises.**

- (a) Conveyance of real ~~The right to control easement, use and ownership and title to the streets, highways, public thoroughfares and property of-owned by~~ the city shall be authorized by ordinance, its avenues, parks, bridges and all other public places and property, are hereby declared to be inalienable except by ordinance duly passed by a majority of all members of the city council, and no grant of any franchise or lease, or right to use the same, either on, through, along, across, under or over the same, by any private corporation, association or individual shall be granted by the city council for a longer period than thirty (30) years unless submitted to the vote of the legally qualified voters of the city provided, however, that when any application is made for any grant of franchise, lease, right or privilege by any person or corporation, if requested by the applicant, the council shall submit it, at an election called for that purpose, the expense of which shall be borne by the applicant, and if the majority of the votes cast at said election shall be in favor of making the grant as applied for, said grant shall be made for a term of years as specified in the ordinance calling said election.
- (b) Franchises. ~~The city council may, of its own notion, submit all of such applications to an election at which the people shall vote upon the propositions therein submitted, the expense of such election in all cases to be borne by the applicant.~~
  - (1) To the full extent allowed by law, the city shall require that any person, firm, corporation, association, or other entity making use of the public streets, alleys, highways, thoroughfares, easements, or other rights-of-way of the city, for the purpose of furnishing to the public any general public service or benefit, including but not limited to electric, gas, and solid waste services, or other purposes where a general service is furnished to the public for compensation or hire, must obtain the written consent of the city by ordinance.
  - (2) No franchise shall be granted for a longer term than thirty (30) years.

- ~~(e3) No franchise shall ever be granted until it has been approved by a majority of the city council, after having been read in full at three (3) regular meetings of the city council, nor shall any such franchise, grant or privilege ever be made unless it provides for adequate compensation or consideration therefor to be paid to the city in accordance with applicable law.~~
- ~~(4) A franchise may be revoked in accordance with the terms of the franchise or the procedures established by the city.~~
- ~~(d) Every such franchise or grant shall make adequate provision, by way of forfeiture of the grant or otherwise, to secure efficiency of public service at reasonable rates and to maintain the property devoted to the public service in good repair throughout the term of grant of said franchise.~~
- ~~(e5) No franchise grant shall ever be exclusive.~~
- ~~(6) All franchises currently in effect shall be deemed valid.~~
- ~~(f) The city council may prescribe the forms and methods of the keeping of accounts of any grantees under franchise, provided that the forms and methods of keeping such accounts have not already been prescribed by a state or federal agency.~~

**Art. IV, Sec. 18. ~~"Emergency measure" defined; e~~Enactment of rate ordinances as emergency measures.**

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

**Amendment Number 2 (Proposition B)**

**Art. IV, Sec. 3(b)**

- (b) A person wishing to become a candidate for mayor or ~~place on the city council~~ member shall be placed on the official ballot upon the ~~filing of answorn~~ application ~~for a place on the ballot of the candidate~~ and ~~a petition signed by qualified voters eligible to vote for the candidate with the minimum number of signatures required~~ the signatures of at least twenty-five (25) voters of the city or one-half of one percent of the total vote received in the territory from which the office is elected by all candidates for mayor in the most recent mayoral general election, whichever is greater, which the candidate shall swear as being true and correct signatures of those signing the application, addressed and delivered to the city secretary no later than the date authorized by the State Election Code, stating the office for which that person is a candidate and if for councilperson, the place for which that person

~~is running, and stating that the candidate has resided in the city for at least one year prior to the election,~~ and thereupon the names of such candidate shall be printed upon the official ballot. No person shall be placed on a ballot if they are term limited, pursuant to section 8 of this article, or otherwise ineligible, pursuant to this Charter or the State Election Code.

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

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

### **Amendment Number 3 (Proposition C)**

#### **Art. IV, Sec. 3(c) & (d)**

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

~~(c)~~ After the release of the federal decennial census ~~At least once each ten (10) years after the adoption of this amendment,~~ the city council shall review the council districts and, if appropriate, shall by ordinance rearrange ~~said single member council~~ districts so as to make all districts as nearly to be reasonably equal in population ~~as possible~~.

### **Amendment Number 4 (Proposition D)**

#### **Art. IV, Sec. 8. Term of office.**

(a) The term for each council member, which includes the mayor and the persons holding each of the eight (8) other places on the city council, elected at a regular municipal election shall be three (3) years. A term will be measured from the date of the regular municipal election set pursuant to section 6 of this article and will end on the date of the regular municipal election three (3) years later. The fact that the time between the election dates may be more or less than three (3) full years will not cause the terms to be considered other than as a full term.

~~[(b) A council member of the city council ceasing to reside in the city during the a term of office shall create a vacancy in immediately forfeit that office.]~~

(c) Seating of newly elected council members:

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

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

- (d) No ~~person member of the city council~~ shall be eligible to be elected for more than three (3) full consecutive terms ~~of three (3) years each~~ in the same position on the city council ~~as a council person~~.
- (e) A ~~person council member~~ who has been elected for ~~served~~ three (3) full consecutive terms ~~of three (3) years~~ in the same ~~position~~ place on the ~~city~~ council ~~shall~~ may not be eligible to become a candidate for election to run for another ~~place~~ position on the city council for three and one-half ~~one (3 1/2)~~ years after being elected to a third full consecutive term leaving office, except a council member that in the case of the person holding office other than the mayor, that person may run for mayor. ~~A mayor who has served three (3) full consecutive terms may not run for mayor or another place on council for one (1) year.~~

### **Amendment Number 5 (Proposition E)**

#### **Art. VIII, Sec. 3. Powers and duties.**

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

#### **Art. IV, Sec. 12. Duties of mayor generally.**

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

of the council take command of the police and govern the city by proclamation and maintain order and enforce all laws.

### **Amendment Number 6 (Proposition F)**

#### **Art. IV, Sec. 15-A. Code of ethics.**

~~Such~~ The city council shall adopt a code of ethics ~~shall~~ setting forth appropriate standards of conduct for elected and appointed officials of the city, appointees to city boards and committees, ~~and~~ persons employed by or under contract with the city, and lobbyists, not otherwise preempted by state law. The code of ethics may address conflicts of interest, improper financial relationships or activities or other desired subject matter, and may prescribe such policies and procedures as may be deemed appropriate by the city council. City council shall review the code of ethics at least once every five (5) years.

### **Amendment Number 7 (Proposition G)**

#### **Art. VII, Sec. 1. Authority to issue.**

In keeping with the Constitution of Texas, and not contrary thereto, the City of Irving shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, economic development bonds, time warrants and other evidence of indebtedness ~~as now authorized or as may hereafter be authorized~~ for any purpose, so long as not prohibited by the laws of the State of Texas.

### **Amendment Number 8 (Proposition H)**

#### **Art. XI, Sec. 4. Procedure after filing.**

- (a) Within ~~ten~~ twenty (~~10~~ 20) working days after the petition is filed with the city secretary, the city secretary shall complete a certificate as to the sufficiency of the petition. The city secretary shall determine the sufficiency of the petition in accordance with state law. If the petition is found to be insufficient, the city secretary shall specify in writing the particulars wherein it is defective and shall send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city secretary within two (2) working days after receiving the copy of the city secretary's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (a) and (b) of section 3 and within five (5) working days after it is filed the city secretary shall complete a certificate as to the sufficiency of the petition as amended and send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the city secretary shall present the city secretary's certificate to the council at the next regularly scheduled council meeting on which the item may appear on the agenda, and the certificate shall then be a final determination as to the sufficiency of the petition.

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

## **Amendment 9 (Proposition I)**

### **ARTICLE IV. OFFICERS AND ELECTIONS**

#### **Sec. 1. Governing body.**

*[The governing and ~~law-making~~lawmaking body of the City of Irving shall consist of a mayor and eight (8) council members and said governing body shall be known as the city council.]*

(Ord. No. 889; Ord. No. 1588; Ord. No. 2013-9464, Amd. 2, 5-22-13)

#### **Sec. 2. Elective officers.**

*[(a) The members of the city council of the City of Irving, which includes the mayor and eight (8) council members, shall be the only elective officers of the city, and they shall be elected and hold office and be compensated as herein provided. ~~The mayor and council members shall be elected by the qualified voters of the entire city, but e~~Each council member shall be elected to and occupy a place on the council such places being numbered 1, 2, 3, 4, 5, 6, 7 and 8 respectively. The mayor and council members in Places 2 and 8 shall be elected by the qualified voters of the entire city. Council members in Places 1, 3, 4, 5, 6, and 7 shall be elected by the qualified voters in their respective single-member districts. The places of the council members shall be designated on the official ballot as Council Member of Council, Single Member District 1, 3, 4, 5, 6, and 7 and Member of Council, At Large, Place 1, 2, 3, 4, 5, 6, 7 and 8.]*

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

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

All council members, including those from specific voting districts, should serve all residents, not just those from the council member's district. The mayor and the council members in Place 2 and Place 8 may reside in any portion of the city.

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

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



~~[(b) A person wishing to become a candidate for mayor or place on the city council member shall be placed on the official ballot upon the filing of an sworn application for a place on the ballot of the candidate and a petition signed by qualified voters eligible to vote for the candidate with the minimum number of signatures required~~the signatures of at least twenty-five (25) voters of the city or one-half of one percent of the total vote received in the territory from which the office is elected by all candidates for mayor in the most recent mayoral general election, whichever is greater, which the candidate shall swear as being true and correct signatures of those signing the application, addressed and delivered to the city secretary no later than the date authorized by the State Election Code, stating the office for which that person is a candidate and if for councilperson, the place for which that person is running, and stating that the candidate has resided in the city for at least one year prior to the election, and thereupon the names of such candidate shall be printed upon the official ballot. No person shall be placed on a ballot if they are term limited, pursuant to section 8 of this article, or otherwise ineligible, pursuant to this Charter or the State Election Code.]~~~~

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

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

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

~~[(cd) After the release of the federal decennial census~~At least once each ten (10) years after the adoption of this amendment, the city council shall review the council districts and, if appropriate, shall by ordinance rearrange said single member council districts so as to make all districts as nearly to be reasonably equal in population as possible.~~]~~

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

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

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

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

(b) Should any candidate running for mayor or council member fail to receive a majority vote of all votes cast in the regular municipal election for the office which the candidate seeks, then in that event it shall be the duty of the mayor-city council to order a runoff election for

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

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

The regular municipal election of the City of Irving shall be held in May on the designated uniform election date or at such time as prescribed by state law or pursuant to the Texas Election Code. All city elections shall be governed, except as otherwise provided by this Charter, by the laws of the state governing general or municipal elections.

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

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

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

- (a) The term for each council member, which includes the mayor and the persons holding each of the eight (8) other places on the city council, elected at a regular municipal election shall be three (3) years. *[A term will be measured from the date of the regular municipal election set pursuant to section 6 of this article and will end on the date of the regular municipal election three (3) years later. The fact that the time between the election dates may be more or less than three (3) full years will not cause the terms to be considered other than as a full term.]*
- (b) A *[council member-of-the-city-council]* ceasing to reside in the city during *the a* term of office shall *create a vacancy in*~~immediately forfeit~~ that office.
- (c) Seating of newly elected council members:



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

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

*(e) A ~~person~~ ~~council member~~ who has been elected for ~~served~~ three (3) full consecutive terms ~~of three (3) years in the same position~~ ~~place~~ on the city council ~~shall~~ may not be eligible to become a candidate for election to ~~run for~~ another ~~place~~ ~~position~~ on the city council for ~~three and one-half (3 1/2) years~~ after being elected to a third full consecutive term ~~leaving office~~, except a council member ~~that in the case of the person holding office other than the mayor, that person may run for mayor. A mayor who has served three (3) full consecutive terms may not run for mayor or another place on council for one (1) year.~~]*

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

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

**~~Sec. 8-AB. Effect of board member or appointive officer, city employee, etc., seeking public office.~~**

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

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

~~(a) Vacancy created by any cause. In the event of a vacancy existing in the office of mayor or any council member from any cause, the vacancy shall be filled at a special election called for such purpose within one hundred and twenty (120) days after said vacancy or vacancies [are created] ~~exist~~. In the event any candidate for a vacancy fails to receive a majority of all votes cast for all the candidates for each such vacancy at such special election, [then] ~~the~~~~

~~m~~ayor-city council shall order a runoff election to be held pursuant to the Texas Election Code prescribing special elections to fill vacancies in municipal office. ~~Should a vacancy occur in the office of mayor, the mayor pro tem shall serve until the vacancy is filled by election.~~

- (b) A council member ~~of the city council~~ who is finally convicted of a felony shall immediately resign and forfeit the council member's office.
- ~~(c) The procedure for conducting a runoff election or special election, if necessary, to fill a vacant office shall be that set forth in subsection (b) of Section 5 above for regular municipal election runoffs and special elections.~~

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

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

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

- (a) The mayor shall receive a salary of twelve hundred dollars per month.
- (b) Each council member shall receive a salary of nine hundred dollars per month.
- (c) No member of the city council shall be entitled to receive reimbursement for expenses except for actual expenses incurred while in the performance of city council duties outside the municipal boundaries of the City of Irving.

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

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

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

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

with the consent of the council take command of the police and govern the city by proclamation and maintain order and enforce all laws.

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

- (a) The city council shall have all powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all powers necessary to carry out the terms of this Charter; it being intended that the city council and mayor shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by the Constitution or laws of the State of Texas.
- (b) The compensation of all appointive officers and employees shall be fixed by the city council, who may increase or diminish such compensation at will. The city council may dispense with the services of any employee at any time upon a majority vote of the members of the city council.

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

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

### **Sec. 15. Rules of procedure; attendance of [~~councilmen~~ members] at meetings.**

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

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

*[~~Such~~ The city council shall adopt a code of ethics shall setting forth appropriate standards of conduct for elected and appointed officials of the city, appointees to city boards and committees, ~~and~~ persons employed by or under contract with the city, and lobbyists, not otherwise preempted by state law. The code of ethics may address conflicts of interest, improper financial relationships or activities or other desired subject matter, and may prescribe such policies and procedures as may be deemed appropriate by the city council. City council shall review the code of ethics at least once every five (5) years.]*

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

A majority of the city council shall constitute a quorum to do business, and the affirmative vote of at least five (5) of those attending any meeting at which there is a quorum present shall be necessary to adopt any ordinance or resolution. All meetings of the city council shall be conducted pursuant to Chapter 551 Texas Government Code (Texas Open Meeting Act) as amended or as may be hereinafter amended. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" recorded by voice vote or by electronic vote recording equipment and the vote shall be entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for the purpose and shall be

authenticated by the signature of the presiding officer and the person performing the duties of city secretary.

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

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

### **~~[Sec. 18. "Emergency measure" defined; e~~Enactment of rate ordinances ~~as emergency measures.~~**

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

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## **Amendment 10 (Proposition J)**

### **ARTICLE IV. OFFICERS AND ELECTIONS**

#### **Sec. 1. Governing body.**

The governing and ~~law making~~lawmaking body of the City of Irving shall consist of a mayor and eight (8) council members and said governing body shall be known as the city council.

(Ord. No. 889; Ord. No. 1588; Ord. No. 2013-9464, Amd. 2, 5-22-13)

#### **Sec. 2. Elective officers.**

- (a) The members of the city council of the City of Irving, which includes the mayor and eight (8) council members, shall be the only elective officers of the city, and they shall be elected and hold office and be compensated as herein provided. ~~The mayor and council members shall be elected by the qualified voters of the entire city, but e~~Each council member shall be elected to and occupy a place on the council such places being numbered 1, 2, 3, 4, 5, 6, 7 and 8 respectively. The mayor and council members in Places 2 and 8 shall be elected by

the qualified voters of the entire city. Council members in Places 1, 3, 4, 5, 6, and 7 shall be elected by the qualified voters in their respective single-member districts. The places of the council members shall be designated on the official ballot as ~~Council~~-Member of Council, Single Member District 1, 3, 4, 5, 6, and 7 and Member of Council, At Large, Place 1, 2, 3, 4, 5, 6, 7 and 8.

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

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

All council members, including those from specific voting districts, should serve all residents, not just those from the council member's district. The mayor and the council members in Place 2 and Place 8 may reside in any portion of the city.

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

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

~~[(b) A person wishing to become a candidate for mayor or place on the city council member shall be placed on the official ballot upon the filing of answorn application for a place on the ballot of the candidate and a petition signed by qualified voters eligible to vote for the candidate with the minimum number of signatures required~~the signatures of at least twenty-five (25) voters of the city or one-half of one percent of the total vote received in the territory from which the office is elected by all candidates for mayor in the most recent mayoral general election, whichever is greater, which the candidate shall swear as being true and correct signatures of those signing the application, addressed and delivered to the city secretary no later than the date authorized by the State Election Code, stating the office for which that person is a candidate and if for councilperson, the place for which that person is running, and stating that the candidate has resided in the city for at least one year prior to the election, and thereupon the names of such candidate shall be printed upon the official ballot. No person shall be placed on a ballot if they are term limited, pursuant to section 8 of this article, or otherwise ineligible, pursuant to this Charter or the State Election Code.]~~~~

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

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

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

~~[(c) After the release of the federal decennial census, at least once each ten (10) years after the adoption of this amendment, the city council shall review the council districts and, if appropriate, shall by ordinance rearrange said single member council districts so as to make all districts as nearly to be reasonably equal in population as possible.]~~

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

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

#### **[Sec. 5. Judge Canvass of election; runoff election.]**

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



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

The regular municipal election of the City of Irving shall be held in May on the designated uniform election date or at such time as prescribed by state law or pursuant to the Texas Election Code. All city elections shall be governed, except as otherwise provided by this Charter, by the laws of the state governing general or municipal elections.

## Sec. 7. Qualifying of officers.

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

## Sec. 8. Term of office.

- (a) The term for each council member, which includes the mayor and the persons holding each of the eight (8) other places on the city council, elected at a regular municipal election shall be three (3) years. *[A term will be measured from the date of the regular municipal election set pursuant to section 6 of this article and will end on the date of the regular municipal election three (3) years later. The fact that the time between the election dates may be more or less than three (3) full years will not cause the terms to be considered other than as a full term.]*
- (b) A council member ~~of the city council~~ ceasing to reside in the city during ~~[the a~~ term of office shall create a vacancy in ~~immediately forfeit~~ that office.
- (c) Seating of newly elected council members:
  - (1) Members of the city council elected at the regular election shall take office at the next city council meeting following the date the city council canvasses the returns and declares the results of the regular municipal election.
  - (2) Should a runoff election be necessary, members of the city council elected at the runoff election shall take office at the next city council meeting following the date that the city council canvasses the returns and declares the results of the runoff election.
- [(d) No ~~person~~ member of the city council shall be eligible to be elected for more than three (3) full consecutive terms ~~of three (3) years each~~ in the same position on the city council ~~as a councilperson~~.*
- (e) A ~~person~~ council member who has been elected for ~~served~~ three (3) full consecutive terms ~~of three (3) years in the same position~~ place on the city council ~~shall~~ may not be eligible to become a candidate for election to ~~run for~~ another ~~place~~ position on the city council for three and one-half ~~one (3 1/2)~~ years after being elected to a third full consecutive term ~~leaving office~~, except a council member ~~that in the case of the person holding office other than the mayor, that person may run for mayor. A mayor who has served three (3) full consecutive terms may not run for mayor or another place on council for one (1) year.~~]

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

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

**[Sec. 8-~~AB~~. Effect of board member or appointive officer, ~~city employee, etc.~~, seeking public office.**

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

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

- (a) Vacancy created by any cause. In the event of a vacancy existing in the office of mayor or any council member from any cause, the vacancy shall be filled at a special election called for such purpose within one hundred and twenty (120) days after said vacancy or vacancies are created~~exit~~. In the event any candidate for a vacancy fails to receive a majority of all votes cast for all the candidates for each such vacancy at such special election, then the mayor-city council shall order a runoff election to be held pursuant to the Texas Election Code prescribing special elections to fill vacancies in municipal office. *[~~Should a vacancy occur in the office of mayor, the mayor pro tem shall serve until the vacancy is filled by election.~~]*
- (b) A council member ~~of the city council~~ who is finally convicted of a felony shall immediately resign and forfeit the council member's office.

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

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

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

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

- (a) The mayor shall receive a salary of twelve hundred dollars per month.
- (b) Each council member shall receive a salary of nine hundred dollars per month.
- (c) No member of the city council shall be entitled to receive reimbursement for expenses except for actual expenses incurred while in the performance of city council duties outside the municipal boundaries of the City of Irving.

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

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

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

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

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

- (a) The city council shall have all powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all powers necessary to carry out the terms of this Charter; it being intended that the city council and mayor shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by the Constitution or laws of the State of Texas.
- (b) The compensation of all appointive officers and employees shall be fixed by the city council, who may increase or diminish such compensation at will. The city council may dispense with the services of any employee at any time upon a majority vote of the members of the city council.

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

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

**Sec. 15. Rules of procedure; attendance of council ~~men~~ members at meetings.**

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

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

*[~~Such~~ The city council shall adopt a code of ethics ~~shall~~ setting forth appropriate standards of conduct for elected and appointed officials of the city, appointees to city boards and committees, ~~and~~ persons employed by or under contract with the city, and lobbyists, not otherwise preempted by state law. The code of ethics may address conflicts of interest, improper financial relationships or activities or other desired subject matter, and may prescribe such policies and procedures as may be deemed appropriate by the city council. City council shall review the code of ethics at least once every five (5) years.]*

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

A majority of the city council shall constitute a quorum to do business, and the affirmative vote of at least five (5) of those attending any meeting at which there is a quorum present shall be necessary to adopt any ordinance or resolution. All meetings of the city council shall be conducted pursuant to Chapter 551 Texas Government Code (Texas Open Meeting Act) as amended or as may be hereinafter amended. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" recorded by voice vote or by electronic vote recording equipment and the vote shall be entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for the purpose and shall be authenticated by the signature of the presiding officer and the person performing the duties of city secretary.

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

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

**Sec. 18. ~~"Emergency measure" defined; e~~Enactment of rate ordinances ~~as emergency measures.~~**

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

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