

ORDINANCE NO. ORD-2023-10747

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON MAY 6, 2023, IN THE CITY OF IRVING, TEXAS FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF IRVING FOR THE ADOPTION OR REJECTION OF PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER

WHEREAS, the City of Irving, Texas, held a Special Election on May 6, 2023 for the purpose of submitting to the qualified voters of the city of Irving, Texas, amendments to the Charter of the City of Irving, Texas; and

WHEREAS, public notice of the Special Election was duly given, and such election was duly and properly held and administered in accordance with the laws of the State of Texas, the Charter of the City of Irving, and the Federal Voting Rights Act of 1965; and

WHEREAS, a canvass of the Special Election returns was conducted on May 17, 2023; and

WHEREAS, it was found that the following amendments to the Irving City Charter were submitted to all residents and qualified electors of the City for the purpose of adopting or rejecting ten (10) separately proposed amendments to the existing city charter as hereinafter delineated and the following votes were cast for or against the proposed amendments:

City of Irving Proposition A

Shall Art. III, Sec. 18 and Art. IV, Sec. 18 of the Irving City Charter be amended to clarify and update the process for conveyances of real property owned by the city and franchises authorized by the city including allowing a franchise ordinance to be read and voted on at one (1) council meeting rather than at three (3) council meetings?

	FOR	AGAINST
EARLY VOTES	2875	1516
ELECTION DAY	2124	1275
TOTAL	4999	2791

City of Irving Proposition B

Shall Art. IV, Sec. 3 of the Irving City Charter be amended to require the placement of a candidate for city council on the official ballot upon the filing of an application and a petition signed by qualified voters eligible to vote for the candidate equal to the minimum number of signatures required by state law and to clarify that a candidate shall not be placed on the official ballot if the candidate is term limited or otherwise ineligible pursuant to the Charter or state law?

	FOR	AGAINST
EARLY VOTES	3685	689
ELECTION DAY	2771	619
TOTAL	6456	1308

City of Irving Proposition C

Shall Art. IV, Sec. 3 of the Irving City Charter be amended to require the city council, after the release of the federal decennial census, to review and, if appropriate, rearrange single member council districts to make all districts to be reasonably equal in population?

	FOR	AGAINST
EARLY VOTES	3349	1040
ELECTION DAY	2524	870
TOTAL	5873	1910

City of Irving Proposition D

Shall Art. IV, Sec. 8 of the Irving City Charter be amended to define a term of office and change term limits for members of the city council as being elected to three (3) full consecutive terms in the same position, and prohibiting a term-limited council member from being eligible to become a candidate for another position on the city council, except for mayor, for three and one-half (3 ½) years after being elected to a third full consecutive term?

	FOR	AGAINST
EARLY VOTES	3455	927
ELECTION DAY	2603	794
TOTAL	6058	1721

City of Irving Proposition E

Shall Art. IV, Sec. 12 and Art. VIII, Sec. 3 of the Irving City Charter be amended to authorize the city manager, as the city’s chief executive, to sign contracts and other legal instruments on behalf of the city instead of the mayor when authorized by the city council and approved as to form by the city attorney?

	FOR	AGAINST
EARLY VOTES	2943	1436
ELECTION DAY	2148	1242
TOTAL	5091	2678

City of Irving Proposition F

Shall Art. IV, Sec. 15-A of the Irving City Charter be amended to require the city council to set forth appropriate standards for lobbyists and review the code of ethics at least once every five (5) years after adoption of this amendment?

	FOR	AGAINST
EARLY VOTES	3852	545
ELECTION DAY	2954	458
TOTAL	6806	1003

City of Irving Proposition G

Shall Art. VII, Sec. 1 of the Irving City Charter be amended to provide authority to issue economic development bonds for any purpose so long as not prohibited by state law?

	FOR	AGAINST
EARLY VOTES	2558	1792
ELECTION DAY	1964	1436
TOTAL	4522	3228

City of Irving Proposition H

Shall Art. XI, Sec. 4 of the Irving City Charter be amended to increase the city secretary’s time for reviewing a voter-submitted petition relating to an initiative or referendum from ten (10) working days to twenty (20) working days?

	FOR	AGAINST
EARLY VOTES	3002	1375
ELECTION DAY	2278	1106
TOTAL	5280	2481

City of Irving Proposition I

Shall the following provisions of Art. IV of the Irving City Charter be amended to delete and update election-related provisions preempted by state law and to remove unconstitutional and unlawful provisions:

Art. IV, Sec. 3(a) removes “shall not be in arrears in the payment of taxes or other liabilities due the city” which has been deemed to be unconstitutional.

Art. IV, Sec. 5 deletes language that is preempted by state law and updates when the city council can call a meeting to canvass an election to be consistent with state law.

Art. IV, Sec. 8(b) removes “immediate forfeit” and replaces with “create a vacancy” for consistency with state law.

Art. IV, Sec. 8-A relating to a council member becoming a candidate for another office is deleted in its entirety because it is preempted by state law.

Art. IV, Sec. 8-B deletes “employee, etc.” in heading and “a city employee” and “employment” in section because it is preempted by state law and deemed unlawful.

Art. IV, Sec. 9(a) removes “mayor” and replaces with “city council” to be consistent with state law.

Art. IV, Sec. 9(c) relating to the procedure for conducting an election to fill a vacant office is deleted in its entirety because it is preempted by state law.

Art. IV, Sec. 11-A removes “automatically resign from the [office]” and replaces with “create a vacancy in that [office]” to be consistent with state law; and deletes other language preempted by state law.

	FOR	AGAINST
EARLY VOTES	3260	987
ELECTION DAY	2445	877
TOTAL	5705	1864

City of Irving Proposition J

Shall the following provisions of Art. IV of the Irving City Charter be amended to correct non-substantive errors, such as misspellings and grammatical errors; to update language to be gender-neutral and for consistency with other Charter provisions; and to remove obsolete provisions:

Art. IV, Sec. 1 removes “law making” and replaces with “lawmaking” to correct a typographical error.

Art. IV, Sec. 2(a) clarifies that mayor and at-large members of council are elected by the qualified voters of the entire city while council members in single-member districts are elected by the qualified voters in their respective districts, consistent with other provisions of the Charter.

Art. IV, Sec. 3(c) referencing a superseded redistricting ordinance is deleted in its entirety because it is obsolete.

Art. IV, Sec. 8(b) removes “[member] of the city council” and replaces with “council [member]” for consistency with other provisions of the Charter.

Art. IV, Sec. 9(a) removes “exit” and replaces with “are created” to correct a typographical error; and adds “then” to clarify the grammar of the sentence.

Art. IV, Sec. 9(b) removes “[members] of the city council” and replaces with “council [member]” for consistency with other provision of the Charter.

Art. IV, Sec. 11-A removes “but” and replaces with “and” to clarify the grammar of the sentence.

Art. IV, Sec. 15 is a gender-neutral change that removes “councilmen” from heading and replaces with “council members.”

Art. IV, Sec. 17 removes “and” and replaces with a period and “Proposed ordinances or resolutions” to clarify the grammar of the sentence.

Art. IV, Sec. 18 deletes language relating to emergency measures because it is obsolete.

	FOR	AGAINST
EARLY VOTES	3191	1090
ELECTION DAY	2374	985
TOTAL	5565	2075

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Special Election held on May 6, 2023 was duly and legally called, notice thereof given, and conducted in accordance with the Constitution and laws of the State of Texas, the Charter of the City of Irving, the Federal Voting Rights Act of 1965, and the ordinance calling said election; the election returns have been properly made to the officials of the City of Irving entitled to receive the same; and said election properly represents the desires of the voters of the City of Irving.

SECTION 2. That the majority of the qualified voters of said City, voting at the Special Election, voted “for” the following propositions and those said amendments were duly adopted and shall become part of the Charter of the City of Irving, Texas, and that the Charter of the City of Irving, adopted by the qualified voters of the City of Irving at an election on October 25, 1952, is hereby declared to be amended to conform to Propositions A, B, C, D, E, F, G, H, I, and J adopted by the qualified voters of the City of Irving, Texas, at said election held on the May 6, 2023.

- Proposition A
- Proposition B
- Proposition C
- Proposition D
- Proposition E
- Proposition F
- Proposition G
- Proposition H
- Proposition I
- Proposition J

SECTION 3. The City Secretary shall send to the Texas Secretary of State a certified copy of the Charter under the seal of the City showing the approval of the Charter amendments approved by the qualified voters of the City of Irving, Texas, duly adopted at the May 6, 2023 Special Election. The City Secretary shall record this ordinance in the City’s official election registrar.

SECTION 4. It is hereby declared that the City of Irving approves and accepts the results of the Special Election, as set forth in the Election Returns Sheet attached herein as “Exhibit A.”

SECTION 5. Should any court of competent jurisdiction declare any section, subsection, clause, or phrase of this ordinance unconstitutional or invalid, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause and phrase, without the inclusion of any unconstitutional or invalid provisions.

SECTION 6. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting was given.

SECTION 7. This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on May 17, 2023.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney

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.

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; franchises.

- (a) Conveyance of real property owned by the city shall be authorized by ordinance.
- (b) Franchises.
 - (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.
 - (3) No franchise shall be granted unless it provides for compensation or consideration 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.
 - (5) No franchise grant shall ever be exclusive.
 - (6) All franchises currently in effect shall be deemed valid.

Art. IV, Sec. 18. Enactment of rate ordinances.

No ordinance regulating the rate or rates to be charged for services furnished the public generally by public utilities shall be finally passed on the date it is introduced, but must be passed and voted upon at two 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 council member shall be placed on the official ballot upon the filing of an application for a place on the ballot and a petition signed by qualified voters eligible to vote for the candidate with the minimum number of signatures required by the State Election Code, and thereupon the name 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) After the release of the federal decennial census, the city council shall review the council districts and, if appropriate, shall by ordinance rearrange single member council districts so as to make all districts to be reasonably equal in population.

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 ceasing to reside in the city during a term of office shall create a vacancy in 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 shall be eligible to be elected for more than three (3) full consecutive terms in the same position on the city council.
- (e) A person who has been elected for three (3) full consecutive terms in the same position on the city council shall not be eligible to become a candidate for election to another position on the city council for three and one-half (3 ½) years after being elected to a third full consecutive term, except a council member may run for mayor.

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 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.

The city council shall adopt a code of ethics setting forth appropriate standards of conduct for elected and appointed officials of the city, appointees to city boards and committees, 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 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 twenty (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 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. 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 Member of Council, Single Member District 1, 3, 4, 5, 6, and 7 and Member of Council, At Large, Place 2 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, and shall be a bona fide resident of the city.

[(b) A person wishing to become a candidate for mayor or council member shall be placed on the official ballot upon the filing of an application for a place on the ballot and a petition signed by qualified voters eligible to vote for the candidate with the minimum number of signatures required by the State Election Code, and thereupon the name 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) After the release of the federal decennial census, the city council shall review the council districts and, if appropriate, shall by ordinance rearrange single member council districts so as to make all districts to be reasonably equal in population.]

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. Canvass of election; runoff election.

- (a) The city council shall, as soon as practicable after an election, either at a 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 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.

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 ceasing to reside in the city during a term of office shall create a vacancy in 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 shall be eligible to be elected for more than three (3) full consecutive terms in the same position on the city council.*
- (e) A person who has been elected for three (3) full consecutive terms in the same position on the city council shall not be eligible to become a candidate for election to another position on the city council for three and one-half (3 ½) years after being elected to a third full consecutive term, except a council member may run for mayor.]*

Sec. 8-A. Effect of board member or appointive officer seeking public office.

If a member of any board appointed by the city council or appointive officer shall become a candidate for nomination or election to any public office, that person shall immediately forfeit the board position 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. 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 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.
- (b) A council member who is finally convicted of a felony shall immediately resign and forfeit the council member's office.

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 create a vacancy in that office, 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

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 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 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.

[The city council shall adopt a code of ethics setting forth appropriate standards of conduct for elected and appointed officials of the city, appointees to city boards and committees, 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. 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. Enactment of rate ordinances.

No ordinance regulating the rate or rates to be charged for services furnished the public generally by public utilities shall be finally passed on the date it is introduced, but must be passed and voted upon at two public meetings of the city council.

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