

NO. 1-95-107

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DEPUTY

GEORGE G. PARKER, JOE M. GUNN,
STEPHEN W. TOTH, NATHAN L.
TRAMMELL AND TODD A. STRATMAN,
Individually and On Behalf
of ALL OTHERS SIMILARLY
SITUATED

IN THE DISTRICT COURT

vs.

382nd JUDICIAL DISTRICT

THE CITY OF DALLAS, TEXAS
Tom Leppert, in his official
Capacity as Mayor of the City of
Dallas, Delia Jasso, Pauline
Medrano, David A. Neumann, Dwaine R.
Caraway, Vonciel Jones Hill, Steve
Salazar, Carolyn R. Davis, Tennell
Atkins, Sheffie Kadane, Jerry R.
Allen, Linda Koop, Ron Natinsky,
Ann Margolin and Angela Hunt, each
in their official capacity as
members of the city council of the
City of Dallas, Annette Strauss,
Steve Bartlett, Laura Miller and
Ron Kirk, each in their official
Capacity as former Mayors of the
City of Dallas, Maxine Thornton
Reese, James L. Fantroy (deceased),
Donald W. Hill, Leo V. Chaney, Jr.,
Bill Blaydes, Gary Griffith,
John Loza, Lois Finkelman, Sandy
Greyson, Veletta Forsythe Lill,
Mark Housewright, Ed Oakley, Mary
Poss, Alan Walne, Laura Miller,
Barbara Mallory Caraway, Al
Lipscomb, Donna Blumer, Robert
Stimson, Larry Duncan, Charlotte
Mayes, Chris Luna, Donna Halstead,
Paul Fielding, Max Wells, Craig
McDaniel, Mattie Lee Nash (deceased)
and Diane Ragsdale, each in their
official capacity as members of the
city council of the City of Dallas,

Defendants.

ROCKWALL COUNTY, TEXAS

PLAINTIFFS' THIRD-AMENDED ORIGINAL CLASS ACTION PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

GEORGE G. PARKER, JOE M. GUNN, STEPHEN W. TOTH, NATHAN L.

TRAMMELL AND TODD A. STRATMAN, Individually and On Behalf of ALL OTHERS SIMILARLY SITUATED, Plaintiffs, petition the Court pursuant to the Uniform Declaratory Judgments Act, Chapter 37 of the Civil Practice and Remedies Code of Texas, for a construction of a City of Dallas ordinance as it relates to the pay scales of all members of the sworn ranks of the Dallas Police Department. In support of this Amended Class Action Petition, Plaintiffs show as follows:

I.

THE PLAINTIFF CLASS REPRESENTATIVES

Plaintiffs in this action are individuals all of whom are currently/formerly employed by the City of Dallas, Texas as members of the sworn ranks of the Dallas Police Department. At the time this lawsuit was filed, Plaintiff GEORGE G. PARKER was a Captain. Plaintiff, JOE M. GUNN was a Lieutenant. Plaintiff, STEPHEN W. TOTH was a Sergeant. Plaintiff, NATHAN L. TRAMMELL, was a Sr. Corporal. Plaintiff, TODD A. STRATMAN is a Police Officer.

All Plaintiffs bring this action under Rule 42 "Class Actions" of the Texas Rules of Civil Procedure, on behalf of themselves and all other present, former, and future members of the sworn ranks of the Dallas Police Department.

This Court has determined that this action should proceed as a Class Action.

II.

THE DEFENDANTS

Defendant in this action is the CITY OF DALLAS, TEXAS (the

"City"). The City is an incorporated municipality located in Dallas, Rockwall and Collin Counties, Texas. The Defendant City has been served and has answered herein.

Defendant Tom Leppert is the present Mayor of the City of Dallas, and is being sued in his official capacity only. Delia Jasso, Pauline Medrano, David A. Neumann, Dwaine R. Caraway, Vonciel Jones Hill, Steve Salazar, Carolyn R. Davis, Tennell Atkins, Sheffie Kadane, Jerry R. Allen, Linda Koop, Ron Natinsky, Ann Margolin and Angela Hunt are each the present members of the City Council of the City of Dallas, and are also being sued in their official capacity only. Said defendants are hereinafter referred to by name, or collectively as "Council Members"). The Council members may be served with process by serving Deborah Watkins, city secretary of the City of Dallas, at Dallas City Hall, 1500 Marilla, Room 5D South, Dallas, Dallas County, Texas 75201.

Defendants Annette Strauss, Steve Bartlett, Laura Miller Ron Kirk are former Mayors of the City of Dallas and are also being sued in their official capacity only. Defendants James L. Fantroy (deceased), Maxine Thornton Reese, Donald W. Hill, Leo V. Chaney, Jr., Bill Blaydes, Gary Griffith, John Loza, Lois Finkelman, Sandy Greyson, Veletta Forsythe Lill, Mark Housewright, Ed Oakley, Mary Poss, Alan Walne, Laura Miller, Barbara Mallory Caraway, Al Lipscomb, Donna Blumer, Robert Stimson, Larry Duncan, Charlotte Mayes, Chris Luna, Donna Halstead, Paul Fielding, Max Wells, Craig McDaniel, Mattie Lee Nash (deceased) and Diane Ragsdale are each

former members of the City Council of the City of Dallas, and are also being sued in their official capacity only. Said defendants are hereinafter referred to by name, or collectively as "Former Council Members"). The Former Council members may be served with process by serving Deborah Watkins, city secretary of the City of Dallas, at Dallas City Hall, 1500 Marilla, Room 5D South, Dallas, Dallas County, Texas 75201.

III.

JURISDICTION

The City of Dallas, Texas, is an incorporated home-rule municipality. Section 51.075 of the Texas Local Government Code provides that home-rule municipalities, such as the City of Dallas, "May plead and be impleaded in any Court".

Additionally, the Dallas City Charter provides that the City of Dallas has the power "to sue and be sued", and "to implead and be impleaded in all Courts", and "to contract and be contracted with", see Dallas City Charter, Chapter II, Sec. 1(2), (3) and (5) respectively (See Exhibit "A").

Plaintiffs' causes of action are not subject to a claim of governmental immunity by any defendant. Alternatively, the City of Dallas has given its consent to Plaintiffs' suit, expressly waiving the City's governmental immunity from suits, by actively litigating this action for several years. In the further alternative, governmental immunity has been waived under Section 271.152 of the Local Government Code. In the further alternative, governmental immunity has been waived by the City's having

previously asserted a counterclaim for affirmative relief.

IV.

CLASS ACTION ALLEGATIONS

The Court has previously certified this case as a class action.

The Class, as certified, consists of all persons who are currently employed as members of the sworn ranks of the Dallas Police Department, of all past members of the sworn ranks of the Dallas Police Department who have retired or otherwise have left the employment of the City of Dallas and who may be entitled in the past, in the present, or in the future to any pension and/or retirement benefits, and to all future employees who may become members of the sworn ranks of the Dallas Police Department and who may be adversely affected by the method of calculation of pay and benefits as is more particularly described herein.

V.

NUMEROSITY

Plaintiffs bring this lawsuit as a class action because: (1) the Class is so numerous that joinder of all members is impractical; (2) there are questions of law and fact common to the Class; (3) the claims of Plaintiffs are typical of the claims of the Class; and (4) Plaintiffs can and will fairly and adequately protect the interests of the Class. More specifically, as to numerosity, Plaintiffs believe that the Class consists of approximately 5,800 or more members, and joinder of all of those persons is certainly impractical.

VI.

COMMONALITY

As to commonality, the following are some of the many questions of fact common to the Class:

1. Ordinance No. 16084 enacted by The City of Dallas.
2. Whether or not following a special election held on January 20, 1979, each sworn police officer employed by The City of Dallas received a raise in salary in an amount equal to 15% of the base salary of a City of Dallas sworn police officer with three (3) years service computed on the pay level in effect for sworn police officers of The City of Dallas with three (3) years service in effect in the fiscal year beginning October, 1977.
3. Whether or not the City of Dallas is required to constantly maintain the percentage pay differentials between grades in the sworn ranks of the Dallas Police Force following the special election held on January 20, 1979.
4. Whether or not the percentage pay differential between grades in the sworn ranks of the Dallas Police Force for the previous four (4) years from the date this suit was filed maintained the same differentials in pay after the special election and enactment of Ordinance No. 16084.
5. Whether or not members of the sworn ranks of the Dallas Police Department who have retired or otherwise terminated their employment with the city within four (4) years from the date of filing of this class action lawsuit are entitled to back pay as well as adjustments in their retirement benefits.
6. Whether or not retirees of the sworn ranks of the Dallas Police Department who have retired or otherwise terminated their employment with the city who have left since January 20, 1979 and who are currently receiving and/or entitled to pension and/or retirement benefits are being paid at the correct rate.

Plaintiffs would show that all of the employees in the sworn ranks of the Dallas Police Department are classified by rank and

base pay rate. Annually on October 1st, or at other times of the year, a salary classification schedule is issued which sets forth the pay rates for that current fiscal year/period. Each of the members of the class are therefore periodically affected as far as their salary classification schedules and pay rates are concerned.

There is a commonality of facts as to all of the claimants in the class. Furthermore, as to commonality, the questions of law that are common to the class are:

1. Whether or not the above referenced Ordinance requires, and has required since January 1, 1979, the city to maintain the exact percentage pay differential between grades in the sworn ranks of the Dallas Police Department;
2. Whether or not the city has breached its obligation under the Ordinance;
3. Whether or not class members in various ranks have been damaged by virtue of the fact that they have not been paid at an appropriate rate of pay which is above the rate of pay that they did receive;
4. Whether or not retirees or other individuals who have left the employment of the City of Dallas are entitled to an adjustment in their pension and/or retirement benefits;
5. Whether or not future members of the sworn ranks of the Dallas Police Department who are employed before Judgment is rendered in this case are entitled to an adjustment in their pay schedules.

VII.

TYPICALITY

The claims of Plaintiffs are typical of the claims of the Class as whole, because, just like all the other members of the Class: The salary schedules are applied evenly and across the board to all members within each rank of the Dallas Police

Department, including the Chief of Police, Assistant Chief of Police, and Deputy Chiefs of Police. If the City of Dallas has incorrectly calculated and failed to maintain the percentage of pay differential between the members of the sworn ranks of the Dallas Police Department as Plaintiffs allege is required pursuant to the Ordinance enacted in 1979, then each member will have a typical claim for lost wages and other past and future benefits that would be mathematically calculable and determinable. The claims of all the Plaintiffs could be determined with certainty and would constitute a claim for liquidated damages.

VIII.

ADEQUACY

Plaintiffs can and will fairly and adequately protect the interests of the Class, because they have retained experienced counsel to represent the Class, counsel has agreed to advance all costs, they have no conflict of interest with the Class, and they bring this lawsuit specifically for the protection of individuals and businesses similarly injured by the Defendant.

IX.

CONSISTENCY

It is appropriate to maintain this lawsuit as a class action, because the prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members of the Class which would establish incompatible standards of conduct for Defendant. More specifically, one court might hold that Defendant

had breached its obligations under the Ordinance, while another court might hold that it had not breached the exact same Ordinance. This would establish incompatible standards of conduct for The City of Dallas in terms of deciding how to compensate its past, present, and/or future members of the sworn ranks of the Dallas Police Department.

X.

APPROPRIATE

As set forth in paragraphs IV through IX, it is appropriate to maintain this lawsuit as a class action, because The City of Dallas acted on grounds generally applicable to the Class, thereby making appropriate final injunctive or declaratory relief with respect to the Class as a whole.

XI.

COMMON FACTS AND LAW

It is also appropriate to maintain this lawsuit as a class action, because questions of law and of fact common to the members of the Class predominate over any questions affecting only individual, past, present, and/or future sworn members of the Dallas Police Department and a class action is a superior method of adjudicating this dispute. Answering certain legal questions will resolve this case as to all Class members. The only question of fact not common to Class members is the amount of damages to which each is entitled, as is the case in virtually every class action. However, it is anticipated that each member in each rank will generally have the same damage claims. Damages recoverable

by each Class member can be ascertained by review of the Defendant's computer and payroll records with minimal effort. Because separate lawsuits by, or joining in one lawsuit, all 3,800 or more members of the Class could never practically be accomplished, this class action lawsuit is the only and the superior method for resolving this dispute.

XII.

THE SPECIAL ELECTION AND ORDINANCE 16084

On January 20, 1979, the City conducted a special election, in response to a Petition for Initiative and Referendum, in which two propositions concerning the pay of certain employees of the City's Police and Fire Department were submitted to the qualified voters to the City. The majority of votes cast at this Special Election approved and adopted these propositions. In passing the proposed ordinance, the voters acted as the legislative branch of the City's government, and thereby enacted a permanent law for the City's officers and agents to follow. In response thereto, the City of Dallas, on January 22, 1979, through its duly elected City Council adopted as a valid and binding ordinance of the City of Dallas and approved and enacted Ordinance No. 16084 (the "Ordinance"), a copy of which is attached hereto as Exhibit "B". In pertinent part, the Ordinance provides as follows:

"Be it ordained that: (1) From and after October 1, 1978, each sworn police officer . . . employed by the City of Dallas, shall receive a raise in salary in an amount equal to not less than 15% of the base salary of a City of Dallas

sworn police officer . . . with three years service computed on the pay level in effect for sworn police officers . . . of the City of Dallas with three years service in effect in the fiscal year beginning October, 1977; (2) The current percentage pay differential between grades in the sworn ranks of the Dallas Police Force . . . shall be maintained; and (3) Employment benefits and assignment pay shall be maintained at levels of not less than those in effect for the fiscal year beginning October, 1977." (emphasis added).

XIII.

CONTRACT OF EMPLOYMENT

As a result of the City's enactment of the Ordinance, the Ordinance became a term of each Police Officer's Contract of Employment with the City, and each Police Officer owned a vested property interest in the compensation requirements imposed by the Ordinance.

XIV.

RESOLUTIONS 78-2735 & 79-0348

On January 22, 1979, the date the Ordinance was enacted, the monthly base salaries for the various grades in the sworn ranks of the Dallas Police Department had been established. These base salaries had been established by the City pursuant to the City's Position Classification and Salary Schedule for the Police Department, which had become effective on or about October 1, 1978. A true and correct copy of Resolution No. 79-0348 is attached hereto as Exhibit "C". Alternatively, the correct

Resolution for calculating Plaintiffs' damages may be Resolution No. 78-2735 which is attached hereto as Exhibit "D".

XV.

MAINTENANCE OF PERCENTAGE PAY DIFFERENTIAL

Under the terms of the Ordinance and Resolutions No. 79-0348 or 78-2735, (Exhibits "C" and "D") the City was required to constantly maintain the percentages of pay differential between the salaries of the above grades set forth in Exhibits "C", or "D". For example, each time the City increased the base rate of pay to the Chief, or any other officer, to a level that did not maintain the correct pay differential, then the other grades would be entitled to receive a pay raise in an amount which would be necessary in order to maintain the percentage of pay differential mandated by the Ordinance.

XVI.

FAILURE TO MAINTAIN PERCENTAGE PAY DIFFERENTIALS

Plaintiffs would show that the City adopted pay scales by subsequent ordinance or resolution on at least an annual basis from 1979 to the present (the "Pay Resolutions"), and that the Pay Resolutions adopted by the City each year for the base pay of the various sworn ranks of Police Officers (including the Chief of Police) have failed each year to maintain the percentage of pay differential between grades as required under the Ordinance, beginning with the 1989-90 fiscal year. Plaintiffs would further show that the City of Dallas has only one Police Chief, who is a member of the sworn ranks.

XVII.

FIRST CAUSE OF ACTION: INVERSE CONDEMNATION

The Police Officers performed valuable services for the City and have had at all relevant times a vested property interest in the percentage of pay differential between grades as required under the Ordinance. The City intentionally adopted and implemented the Pay Resolutions, which individually and collectively resulted in a taking of such vested property interest for public use, and proximately caused the Police Officers actual damages within the jurisdictional limits of this court. The City is liable for inverse condemnation under TEX. CONST. ART. I, §17

XVIII.

SECOND CAUSE OF ACTION: 42 U.S.C. SECTIONS 1983 & 1988

The Police Officers performed valuable services for the City and have had at all relevant times a vested property interest in the percentage of pay differential between grades as required under the Ordinance. The City intentionally adopted and implemented the Pay Resolutions, which individually and collectively resulted in a taking of such vested property interest for public use, and proximately caused the Police Officers actual damages within the jurisdictional limits of this court, in violation of 42 U.S.C. §§1983 and 1988. For such violations, the City is additionally obligated to pay the Plaintiffs interest and attorneys fees for the violation of their civil rights and their constitutional rights. Plaintiffs have been subjected, because of the above recited acts, to the deprivation by the City, under

color of law, and of the customs and usages of the State of Texas, of rights, privileges, and immunities secured to them by the Constitution and Laws of the United States. The City does not have sovereign immunity for these claims.

XIX.

THIRD CAUSE OF ACTION: VIOLATION OF ORDINANCE 16084

The Police Officers have a private cause of action for the direct enforcement of the Ordinance. The City's failure to comply with the Ordinance proximately caused the Police Officers actual damages within the jurisdictional limits of this court.

XX.

FOURTH CAUSE OF ACTION: BREACH OF CONTRACT

The percentage of pay differential between grades as required under the Ordinance is a term of the Police Officers' individual employment contracts with the City, and the adoption of the Pay Resolutions by the City breached that requirement, proximately causing the Police Officers actual damages within the jurisdictional limits of this court. The Plaintiffs and all those similarly situated have fully performed by providing services to their employer, the City of Dallas. The City of Dallas has accepted those services, benefited therefrom, but has failed to comply with the requirements of the Ordinance by failing to pay the Plaintiffs properly.

XXI.

FIFTH CAUSE OF ACTION: DECLARATORY JUDGMENT

The Council Members and Former Council Members acted contrary

to law and outside the scope of their authority under the City Charter in adopting each of the Pay Resolutions. Plaintiffs seek a declaration that each of the Pay Resolutions are invalid to the extent they fail to comply with the requirements of the Ordinance.

XXII.

DAMAGES

By virtue of the above, Plaintiffs and all other Police Officers similarly situated are entitled to judgment against the City in an amount equal to the total accumulated back pay owed by the City to Plaintiffs, together with such additional amounts as have accrued and will continue to accrue thereafter until the City brings the percentages in pay differential into compliance with the Ordinance.

Plaintiffs would show that the various amounts of damages alleged herein are within the minimum jurisdictional amounts of this Court.

Plaintiffs are further entitled to judgment against the City for the value of the retirement and pension benefits which each of the Plaintiffs have lost and/or will lose as a result of the underpayment of salary and/or failure of the City to correctly contribute to such benefit packages during the periods of time in question.

Finally, Plaintiffs are entitled to prejudgment interest on all unpaid amounts due from the City.

XXIII.

INJUNCTIVE RELIEF

In the alternative, in the event the Court should determine that the City is immune from Plaintiffs' claim for actual damages, then Plaintiffs seek injunctive relief prospectively requiring the Council Members and the City to immediately adopt pay scales that comply with the requirements of the Ordinance and to specify the requirements that the pay scales must meet in order to comply with the Ordinance.

XXIV.

CONDITIONS PRECEDENT AND ATTORNEY'S FEES

The Plaintiffs' individually and as class representatives have or will have presented this claim to the City for payment more than thirty (30) days prior to the final trial of this cause, but said claim has not or will not have been paid. All conditions precedent to the prosecution of the Plaintiffs' claims have been performed, have occurred, or have otherwise been waived by the Defendant.

The Plaintiffs, individually and as class representatives, have employed the undersigned attorneys to bring this action and have agreed to pay said attorneys a reasonable attorney's fee for doing so. Therefore, in accordance with §38.001 of the Texas Civil Practice and Remedies Code, the City should be liable to Plaintiffs for such reasonable attorney's fees, in an amount to be determined by the Court upon final hearing of this case.

Alternatively, pursuant to the Texas Declaratory Judgment Act, Plaintiffs allege that it would be equitable and just for the Court to award Plaintiffs their costs and reasonable and necessary

attorney's fees pursuant to §37.009, Texas Civil Practice and Remedies Code.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that, upon final hearing herein, Plaintiffs have judgment against the City for the amount of Plaintiffs' actual damages, for prejudgment and post judgment interest, for attorney's fees, and costs of court. Further, in the alternative, Plaintiffs pray the Court to enter such other orders necessary to declare the rights, status and legal relations of the parties, and to grant injunctive relief as requested herein. Further, Plaintiffs pray for such other and further relief, either at law or in equity, to which Plaintiffs may show themselves entitled.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded regular mail to all other counsel of record on this 25th day of August, 2010.



ROBERT C. LYON

EXHIBIT "A"

CHARTER
of
THE CITY OF DALLAS, TEXAS

Ch.	I.	Incorporation and Territory, §§ 1 - 3
Ch.	II.	Powers of the City, §§1 - 2
Ch.	III.	City Council, §§1 - 20
Ch.	IIIA.	City Secretary, §§1 - 3
Ch.	IV.	Elections and Referendums, §§1 - 11
Ch.	V.	Recall of Councilmen, §§1 - 2
Ch.	VI.	The City Manager, §§1 - 2
Ch.	VII.	Legal Department, §§1 - 3
Ch.	VIII.	Municipal Courts, §§1 - 9
Ch.	IX.	City Auditor, §§1 - 3
Ch.	IXA.	Reserved
Ch.	X.	Administrative Departments, §§1 - 4
Ch.	XI.	The Budget and Financial Procedure Relating Thereeto, §§1 - 14
Ch.	XII.	Police Department, §§1 - 8
Ch.	XIII.	Fire Department, §§1 - 9
Ch.	XIV.	Franchises, §§1 - 11
Ch.	XV.	Planning and Zoning, §§1 - 7
Ch.	XVI.	Civil Service and Personnel, §§1 - 17
Ch.	XVII.	Park and Recreation Department, §§1 - 10
Ch.	XVIII.	Ordinances and Resolutions, §§1 - 16
Ch.	XIX.	Assessment and Collection of Taxes, §§1 - 29
Ch.	XX.	Public Improvements and Assessments, §§1 - 12
Ch.	XXI.	Borrowing Money, §§1 - 12
Ch.	XXII.	Public Contracts, §§1 - 12
Ch.	XXIII.	Claims For Damages Or Injury, §§1 - 6
Ch.	XXIV.	Miscellaneous Provisions, §§1 - 21 [A]

CHAPTER I. INCORPORATION AND TERRITORY

SEC. 1. CORPORATION NAME.

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

SEC. 2. BOUNDARIES.

The bounds and limits of the City of Dallas shall be those as established and described in ordinances duly passed by the city council of the City of Dallas in accordance with state law. The city secretary shall at all times keep a correct and complete description with recent annexations or disannexations. (Amend. of 6-12-73, Prop. No. 1; Amend. of 4-2-83, Prop. No. 3)

SEC. 3. ADDITIONAL TERRITORY.

The city may from time to time alter its boundaries by annexing any territory adjoining its present or future boundaries in any size or shape desired in any manner provided by state law. In addition thereto, the city may annex additional territory lying adjacent to the city with or without the consent of the territory and the inhabitants of the territory annexed where the same is not inconsistent with the state law. Such annexations shall be accomplished by ordinance providing for the alteration and extension of the boundary limits, which ordinance shall describe the territory to be annexed and shall be published one time in the official newspaper. Amendments reducing the area may be incorporated into the proposed ordinance without the necessity of publishing said amendments and without the necessity of republication of said ordinance as amended. The proposed ordinance shall not thereafter be finally acted upon until at least 30 days have elapsed after the publication thereof; and upon the final passage of any such ordinance, the boundaries of the city shall thereafter be as fixed in such ordinance. The additional territory annexed shall be a part of the city and the property situated therein shall bear its pro rata part of the taxes levied by the city as provided by state law. The inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances and resolutions of the city.

CHAPTER II. POWERS OF CITY

SEC. 1. POWERS OF THE CITY.

The City of Dallas, as such body politic and corporate, shall have perpetual succession and shall have the following powers:

- (1) to use a corporate seal;
- (2) to sue and be sued;
- (3) to implead and be impleaded in all courts;
- (4) to institute and prosecute suits without giving security therefor, and to appeal from judgments of the courts without giving supersedeas or cost bonds, other bonds or security whatever;
- (5) to contract and be contracted with;
- (6) to acquire property within or without its boundaries or within the boundaries of other municipalities for any public purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, rent, lease, hold, manage and control any property now owned by it or which it hereafter may acquire; construct, own, lease, operate and regulate public utilities;
- (7) to assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation;
- (8) to borrow money on the faith and credit of the city by the issue or sale of bonds, warrants or notes of the city;
- (9) to appropriate the money of the city for all lawful purposes;
- (10) to create, provide for, construct, regulate and maintain public works and public improvements of any nature;
- (11) to levy and collect assessments for local improvements;
- (12) to levy an occupation tax on any person, occupation, calling or business where permitted under the laws of this state;
- (13) to license and regulate vehicles operated for hire and fix and regulate the rates to be charged therefor;
- (14) to license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade;
- (15) to license and regulate all places of public amusement;
- (16) to define nuisances and prohibit the maintenance of any nuisance within the corporate limits of the city to within 5,000 feet of

the corporate lines, outside of the city limits, and abate such nuisances by summary proceedings and provide for the punishment of the authors thereof;

(17) to regulate the use of automobiles, motorcycles and other motor-driven vehicles, and the speed thereof and prescribe the proper lighting of the same when used at night;

(18) to provide for the inspection of buildings and all works of construction and prescribe and enforce proper regulations in regard thereto;

(19) to regulate and locate or prohibit the erection of all poles in the city and cause the same to be removed or changed at any time;

(20) to provide for the inspection of weights and measures and fix standards of weights and measures;

(21) to provide for the regulation of bakeries and prescribe the weight and quality of bread manufactured or sold in the city;

(22) to provide for the inspection and regulation of dairies located inside the city limits or at any other place from which milk or other products are sold within the city, and for the inspection of all cows and facilities from which milk is sold in the city, and prescribe fees to be charged in connection with such inspection, and establish and maintain a standard of quality of all dairy products sold in the city;

(23) to regulate, restrain or prohibit the running at large of all animals in the city, and to license same;

(24) to adopt any ordinance or regulation having for its purpose the prevention of fires or the removal of fire hazards;

(25) to regulate burial grounds, cemeteries and crematories and condemn and close same in the thickly settled portions of the city when public interest and public health may demand, and regulate the burial of the dead;

(26) to provide for a system of vital statistics;

(27) to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city;

(28) to regulate the construction and height of, and materials used in, all buildings and structures, and the maintenance and occupancy thereof;

(29) to regulate and control the use, for whatever purpose, of the streets and all other public places;

(30) to create, establish, abolish and organize offices and fix the salaries, working conditions, and compensation of all officers and employees, except those set out in the Charter;

(31) to make and enforce all police, health, sanitary and other regulations, and pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the city, for the performance of the functions thereof, for the order and security of its inhabitants and to protect the peace, lives, health and property of such inhabitants, and to provide suitable penalties for the violation of any ordinance enacted by the city;

(32) to open, extend, straighten, widen or alter any street, alley, avenue, boulevard, sidewalk, parkway or public way, and to close or vacate and abandon the same;

(33) to expend public funds for purposes of advertising and public information;

(34) to have the exclusive right to erect, own, maintain and operate a waterworks and sanitary sewer system, or any part thereof, for the use of said city and its inhabitants, and to regulate the same, but shall not have the power or right to sell said waterworks system; to prescribe rates for water and sanitary sewer services furnished to the inhabitants, and to make such rules and regulations as the council may deem expedient, including the power to extend water and sanitary sewer lines and assess a portion or all of the cost therefor and affix a lien against the property and the owner thereof; to do anything whatsoever necessary to operate and maintain said waterworks, and to compel the owners of all property and the agents of such owners to pay all charges for water and sanitary sewer services furnished upon such property; excess property in the waterworks system may be sold as other property;

(35) to make provision for care and sustenance of policemen, firemen and fire alarm operators who have been disabled while in the service of the city, or who, after long and continued service, shall become by reason of old age and infirmities incapacitated to discharge their duties, or because of longevity of service alone, and to make provision for the aid and relief of the widows, minor children and dependents of deceased policemen, firemen, and fire alarm operators and may provide for the creation of a fund or funds for such purposes, from the general revenue of the city or from such other sources as may be prescribed by the council under such rules and regulations as the council may adopt, and said city may exercise all of the powers as may be conferred upon the city council by acts of the legislature of the State of

Texas;

(36) to make provision for the care and sustenance of all of the officers and employees of the city who have been disabled while in the service of the city, or who after long and continued service, shall become by reason of old age and infirmities incapacitated to discharge their duties, or because of longevity of service alone, to provide for the aid and relief of the widows, minor children and dependents of deceased officers and employees; to provide for the creation of a fund or funds for such purposes, from the general revenue of the city or from such other sources as may be prescribed by the council under such rules and regulations as the council may adopt;

(37) by ordinance or resolution, to provide for and construct a general storm sewer and drainage system in the city which may be divided into public and private sewers and drains and be built, maintained and conducted in such manner, as the city council may provide. For the purpose of establishing a general storm sewer and drainage system, the city council shall have full power to change any river, creek, bayou or other drain, or any part thereof, so as to divert the drainage thereof in accordance with a general drainage plan or any special plan providing therefor;

(38) to adopt rules and regulations for the civil service system;

(39) to fix and regulate the rates of gas, water, electricity and other utilities, and to regulate and fix the fares, tolls and charges of local telephones and exchanges; of public carriers and motor vehicles, where they are transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls or charges and the kind of service of all public utilities of every kind, unless otherwise required by state law; (Amend. of 4-3-76, Prop. No. 10)

(40) to regulate the speed of engines, locomotives, electric railways, or other power-driven equipment operating upon tracks; rails, or defined routes, either at ground level, overhead or underground within the limits of the city, and to regulate the operation of the same so as to prohibit the blocking of intersections, streets, alleys, avenues or impeding the free flow of vehicular traffic or pedestrians;

(41) to contract with public service carriers, common carriers, or private carriers or with transportation authorities for the furnishing of transportation facilities within the city limits of Dallas and connecting the adjoining areas; including the joint use of publicly owned and privately owned or joint publicly owned facilities to provide an interregional transportation network, both within and without the city limits of Dallas;

(42) to require any and all railroad companies operating any track upon or across any public street of the city, to reduce any such track below the level of the streets intersected or occupied by any such track, or to elevate any such track above the level of the streets intersected or occupied by any such track, and to require the company or companies owning or operating any such track to provide necessary and proper crossing for the public travel at intersecting streets; all such work to be done in the manner required by the city;

(43) to require any holder of a franchise from the city to allow the use of its tracks, poles, underground conduits and wires by any other holder to which the city shall grant a franchise upon payment of a reasonable rental therefor to be fixed by the city council;

(44) to exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of Texas, any county of this state or any of the civil agencies thereof which have any of the municipal powers, or the United States or any agency thereof;

(45) to acquire, construct, or own, within or without the city, either wholly or in cooperation with any other city, county or political subdivision of the state, an airport or airports, either by purchase, donation, bequest, eminent domain or otherwise; to provide for the operation, maintenance, control and financing thereof, the same as though wholly owned by the city within its city limits;

(46) to acquire, by purchase, gift or devise, or by the exercise of the right of eminent domain by and through condemnation proceedings, and own, in fee simple or otherwise, either public or private property located inside or outside of the corporate limits of the city or within any county in the state, for the extension, improvement and enlargement of its waterworks system, including riparian rights, water supply reservoirs, standpipes, waterstages, dams, the laying, building, maintenance and construction of water mains, rights-of-way in connection therewith, and the laying, erection, establishment or maintenance of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water; for sewerage plants and systems; rights-of-way for water and sewer lines; parks, playgrounds, line stations, police stations, airports and landing fields, burial grounds and cemeteries, incinerators or other garbage disposal plants, electric light and power plants and rights-of-way for lines in connection therewith, gas plants and rights-of-way for gas lines in connection with streets, boulevards and alleys or other public ways; city jails, prison farms, city halls and other municipal buildings, municipal garages,

and parking facilities, or any rights-of-way needed in connection with any property used for any purpose hereinabove named; for the straightening or improving of the channel of any stream, branch or drain and for any other municipal purpose. The procedure to be followed in any condemnation proceedings hereunder and authorized herein shall be in accordance with the provisions of the state law with reference to eminent domain. The provisions of Title 52 of the Revised Civil Statutes of Texas (1925), as amended, or as may hereafter be amended, shall apply to such proceedings, or such proceedings may be under any other state law now in existence or that hereafter may be passed governing and relating to the condemnation of land for public purposes by a city;

(47) to exercise all the powers conferred upon water improvement districts or water control and preservation districts under the state law as the same now exists or may hereafter be amended, providing for the exercise of the rights of eminent domain by and through condemnation proceedings. It shall also have all the powers authorized by Article 7880-126, Revised Civil Statutes of the State of Texas, as the same presently exists or may hereafter be amended, and all other powers conferred upon cities and towns in the State of Texas acting individually or jointly, in the furnishing of an adequate supply of wholesome water. It shall have authority to sell any surplus water not needed by the City of Dallas;

(48) to erect and establish work houses, houses of correction, or rehabilitation facilities within or without the city limits; to make all necessary rules and regulations therefor; to employ personnel necessary to manage and control the same; to assign persons confined to the city jail to any such facility so established;

(49) to provide a code of ethics by ordinance which shall be binding on all officers, employees, and elective and appointive officials as provided herein, setting out the acts, conduct and financial interest which shall be considered to be in conflict with the position they hold and providing the procedure for enforcing the same. This may be either in addition to, or incorporated into personnel rules and regulations as pertain to various employees.

SEC. 2. GENERAL POWERS ADOPTED.

The enumeration of particular powers in the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers which under the Constitution and laws of the State of Texas, it would be competent for

the Charter specifically to enumerate. The city shall have and exercise all the powers conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas and the Enabling Act relative thereto, passed by the Thirty-Third Legislature of the State of Texas, found in the published laws of said legislature, Regular Session, pages 807 to 817, and effective July 7, 1913, and all other laws passed by the legislature of the State of Texas, relating thereto, or which may hereafter be passed by said legislature in relation to such matters.

CHAPTER III. CITY COUNCIL

*SEC. 1. COMPOSITION OF CITY COUNCIL.

Except as otherwise provided by the Charter of the city, all powers conferred on the city shall be exercised by a city council to be composed of 15 members, nominated and elected in the manner hereinafter provided unless otherwise provided by law. One member of the city council, Place 15, shall be elected by the qualified voters of the entire city, 14 and members by the qualified voters residing in a particular district, as provided in Chapter IV of this Charter. Members of council, Places 1 through 14, shall each be elected for a term of two years and member of council, Place 15, shall be elected for a term of four years. The city council members so elected shall take office on the first Monday in the month next succeeding the election and they shall serve until their respective successors shall have been elected and shall have qualified. (Amend. of 4-3-76, Prop. No. 1; Amend. of 8-12-89, Prop. No. 1)

SEC. 2. MAYOR'S ELECTION AND DUTIES.

(a) The person elected as member of council, Place 15, shall be the presiding officer of the city council and the mayor of the City of Dallas. The mayor shall have a vote on all matters coming before the city council, other than confirmation of appointments by the mayor, unless otherwise disqualified, but no power to veto. The mayor shall be the official head of the city government.

*The wording and structure of this section may appear unusual or incomplete because of selective preclearance by the United States Justice Department of the August 12, 1989 charter amendments to this section.

EXHIBIT "B"

1/22/79

ORDINANCE NO. 16084

An Ordinance approving the canvassing report of the votes cast at the Special Election held January, 20, 1979, concerning the pay of certain employees of the Police and Fire Departments; declaring the results; declaring the adoption of the ordinance submitted to the voters upon a petition for initiative and referendum; and providing an effective date.

WHEREAS, the Canvassing Committee of the City Council has filed its Canvassing Report of the Special Election held pursuant to Ordinance Nos. 15957 and 16048, and the City Council has duly examined the Canvassing Report and finds that it is in all things correct; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. The City Council finds that the Special Election held on January 20, 1979, pursuant to Ordinance Nos. 15957 and 16048, was duly ordered and notice given in accordance with law; that the Special Election was held in the manner provided by law; that only duly qualified electors of the City of Dallas voted in the election; and that returns of the election have been made by the proper officials.

SECTION 2. That the canvass of the returns of the Special Election and the tabulation of the votes cast FOR and AGAINST in answer to the propositions submitted on the official ballot, as stated by the Report of the Canvassing Committee, are hereby approved and adopted.

SECTION 3. That Proposition No. 1 and Proposition No. 2 did receive a majority of the votes cast at the Special Election FOR adoption, and both propositions are therefore declared and ordered adopted.

SECTION 4. In accordance with Section 14 of Chapter XVIII of the City Charter, the following ordinance which was submitted to a vote of the people, is hereby declared to have been adopted as a valid and binding ordinance of the City:

"Be it ordained that: (1) From and after October 1, 1978, each sworn police officer and fire fighter and rescue officer employed by the City of Dallas, shall receive a raise in salary in an amount equal to not less than 15% of the base salary of a City of Dallas sworn police officer or fire fighter and rescue officer with three years service computed on the pay level in effect for sworn police officers and fire fighter and rescue officers of the City of Dallas with three years service in effect in the fiscal year beginning October, 1977; (2) The current percentage pay differential between grades in the sworn ranks of the Dallas Police Force and the Fire Fighter and Rescue Force shall be maintained; and: (3) Employment benefits and assignment pay shall be maintained at levels of not less than those in effect for the fiscal year beginning October, 1977."

SECTION 5. That this ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

APPROVED AS TO FORM:

LEE E. HOLT, City Attorney

By

Anastasia Muncy

Assistant City Attorney

Passed and correctly enrolled _____.

REPORT OF THE CANVASSING COMMITTEE AND
ORDINANCE APPROVING THE REPORT

January 22, 1979

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF DALLAS:

We the undersigned, your Committee of the City Council, appointed on January 17, 1979, to canvass the returns of the Special Election held on January 20, 1979, for the purpose of submitting to the qualified voters of the City certain questions concerning the pay of certain employees in the Police and Fire Departments hereby report that the following propositions were submitted to the qualified voters of the City of Dallas, to-wit:

Proposition No. 1

SHALL the City adopt the following ordinance?

"Be it ordained that: (1) From and after October 1, 1978, each sworn police officer and fire fighter and rescue officer employed by the City of Dallas, shall receive a raise in salary in an amount equal to not less than 15% of the base salary of a City of Dallas sworn police officer or fire fighter and rescue officer with three years service computed on the pay level in effect for sworn police officers and fire fighter and rescue officers of the City of Dallas with three years service in effect in the fiscal year beginning October, 1977; (2) The current percentage pay differential between grades in the sworn ranks of the Dallas Police Force and the Fire Fighter and Rescue Force shall be maintained; and (3) Employment benefits and assignment pay shall be maintained at levels of not less than those in effect for the fiscal year beginning October, 1977."

Proposition No. 2

SHALL the action of the Dallas City Council be approved which adopted an alternative revised pay plan including increases in base pay up to 9.6% and increasing gross pay in the Police and Fire Departments by 7.5%, and including the following features:

1. Establishing a step pay plan which incorporates two new merit steps for Senior Officers and higher ranks;

2. Adding a new rank of Senior Officer to both Police and Fire pay schedules;
3. Adding a new Paramedic rank to the Fire pay schedule;
4. Maintaining current education and longevity pay concepts; and
5. Increasing the base salary range from 0% to 9.6%, depending on rank/grade?

We have carefully canvassed the returns of the Special Election and find that the following number of votes were cast respectively FOR and AGAINST the two propositions.

Proposition No. 1

FOR	33,896
AGAINST	25,876

Proposition No. 2

FOR	29,781
AGAINST	19,493

That the votes by Precincts are attached hereto as Exhibit "A" and made a part hereof for all purposes.

From this tabulation it appears that Proposition No. 1 and Proposition No. 2 were approved, adopted, and carried by the majority of the qualified voters of the City of Dallas participating in the Special Election.

Don Hicks
Don Hicks

Lucy Patterson
Lucy Patterson

John A. Walton
John A. Walton

Canvassing Committee of the City
Council of the City of Dallas

EXHIBIT "C"



CITY OF DALLAS

STATE OF TEXAS

COUNTY OF DALLAS

CITY OF DALLAS

I, ROBERT S. SLOAN, City Secretary of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of

RESOLUTION NO. 79-0348

passed by the city council on **January 24, 1979.**

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the
20th day of March, 1995.

ROBERT S. SLOAN
CITY SECRETARY
CITY OF DALLAS, TEXAS



January 24, 1979 790348

WHEREAS, the City Council approved position allocations and salary schedules for sworn members of the Police and Fire Departments, specifically in Resolution No. 78-2735 dated September 27, 1978, and Phase II in Resolution No. 78-3567 dated December 20, 1978; and,

WHEREAS, pursuant to Chapter XVIII, Section 13, Dallas City Charter, a special election was held on January 20, 1979, at which the voters approved an ordinance which authorized a raise in salary in an amount equal to not less than 15% of the base salary of a City of Dallas police officer or fire fighter and rescue officer with three years service computed on the pay level for police officers, fire fighters, and rescue officers with three years service in effect in the fiscal year beginning October 1, 1977, and further providing that the current percentage of pay differential between grades in the sworn ranks shall be maintained; and,

WHEREAS, the attached Salary Schedule III implements the ordinance approved at the special election; and,

WHEREAS, it is necessary to void and rescind the September 27, 1978, Salary Schedule III - Position Classification and Salary - Police and Fire Department and Resolution No. 78-3567 dated December 20, 1978, as a result of the approval of the above-described ordinance at the special election; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Salary Schedule III - Position Classification and Salary - Police and Fire Department as approved in Resolution No. 78-2735 dated September 27, 1978, and Resolution No. 78-3567 dated December 20, 1978, be and are hereby rescinded and voided.

SECTION 2. That the attached Salary Schedule III be and is hereby approved.

SECTION 3. That the City Manager is hereby authorized to implement the provisions of the ordinance approved at said special election.

SECTION 4. That the City Manager is hereby authorized to increase the appropriation in General Fund 100001, Org. 1996 - Salary and Benefit Reserve, Account 3981 by \$3,911,000.00, and decrease the balance in the General Fund 100001, Emergency Reserve, Account 0778 by a like amount.

SECTION 5. That all other provisions contained in Resolution No. 78-2735 dated September 27, 1978, not amended or rescinded, shall remain in effect.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

JAN 24 1979

APPROVED   
CITY SECRETARY
CITY MANAGER

5/4 105-0001

5/4 105-0001

000007

SCHEDULE III - Position Classification & Salary
Fire Department

790248

Effective October 1, 1978

<u>Fire Department</u>		<u>Base Rate</u>	<u>With Full Educational Incentive Pay</u>	<u>With Full EIP and Service Pay</u>
44010	Deputy Chief	\$2298.85	\$2398.85	\$2498.85
44009	Division Chief	2137.85	2237.85	2337.85
44018	Fire Prevention Division Chief	2137.85	2237.85	2337.85
44008	Battalion - Section Chief	1978.00	2078.00	2178.00
44017	Assistant Fire Prevention Chief	1978.00	2078.00	2178.00
44007	Captain	1813.55	1913.55	2013.55
44016	Fire Prevention Captain	1813.55	1913.55	2013.55
44005	Lieutenant	1652.55	1752.55	1852.55
44015	Fire Prevention Lieutenant	1652.55	1752.55	1852.55
44004	Driver-Engineer	1514.55	1614.55	1714.55
44005	Fire Prevention Officer 3 or more years service	1514.55	1614.55	1714.55
44005	Fire Prevention Officer, 2 yr. service	1414.60	1514.60	1622.60
44005	Fire Prevention Officer, 1 yr. service	1322.60	1422.60	1526.60
44003	Second Driver, 3 or more yr. service	1443.25	1543.25	1643.25
44003	Second Driver, 2 yr. service	1362.60	1462.60	1570.60
44003	Second Driver, 1 yr. service	1301.60	1401.60	1505.60
44002	Fire & Rescue Officer, 3 or more years service	1432.60	1530.60	1630.60
44002	Fire & Rescue Officer, 2 yr. service	1350.60	1450.60	1558.60
44002	Fire & Rescue Officer, start	1289.60	1389.60	1393.60
44013	Probationary Fire Prevention Officer	1265.60	1365.60	---
44012	Apprentice Fire Prevention Officer	1245.60	1345.60	---
44001	Probationary Fire & Rescue Officer	1265.60	1365.60	---
44000	Apprentice Fire & Rescue Officer	1245.60	1345.60	---

<u>Service Pay:</u>		<u>Effective 1-1-75</u>
Per Month		\$ 4.00
Maximum		\$100.00
*For each year of service, maximum 25 years		

<u>Assignment Pay:</u>		
Paramedic		\$ 25.00

<u>Educational Incentive Pay:</u>		
Per Month		\$ 4.00
Maximum		\$100.00
**For each 3 semester hours college credit earned after the first 45 hours up to 45 hours (90 hours total). Maximum applies for Baccalaureate degree.		

000008

**SCHEDULE III - Position Classification & Salary
Police Department**

Effective October 1, 1978

79034R

<u>Police Department</u>		<u>Base Rate</u>	<u>With Full Educational Incentive Pay</u>	<u>With Full EIP and Service Pay</u>
46017	Deputy Chief	\$2298.85	\$2398.85	\$2498.85
46016	Director	2137.85	2237.85	2337.85
46014	Captain	1978.00	2078.00	2178.00
46013	Lieutenant	1811.55	1911.55	2011.55
46011	Sergeant	1652.55	1752.55	1852.55
46010	Detective	1652.55	1752.55	1852.55
46004	Police Officer 3 yr. or more service	1430.60	1530.60	1630.60
46004	Police Officer 2 yr. service	1350.60	1450.60	1458.60
46004	Police Officer start	1289.60	1389.60	1393.60
46002	Probationary Police Officer	1265.60	1365.60	—
46000	Apprentice Police Officer	1245.60	1345.60	—

Service Pay:

Effective 1-1-78

*Per Month	\$ 4.00
Maximum	\$100.00

*For each year of service, maximum 25 years

Assignment Pay:

46023	Police Officer Helicopter Pilot	\$100
46024	Sergeant Helicopter Pilot/Observer	100
46022	Police Officer Dog Handler	25
46020	Police Investigator	25
46009	Jailer	25
46021	Police Officer Field Training	25
46006	Motorcycle Police Officer	25
46012	Motorcycle Sergeant	25

Educational Incentive Pay:

**Per Month	\$ 4.00
Maximum	\$100.00

**For each 3 semester hours college credit earned after the first 45 hours up to 45 hours (90 hours total). Maximum applies for Baccalaureate degree.

EXHIBIT "D"



CITY OF DALLAS

STATE OF TEXAS

COUNTY OF DALLAS

CITY OF DALLAS

I, BARRY J. DAVIS, Assistant City Secretary of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of

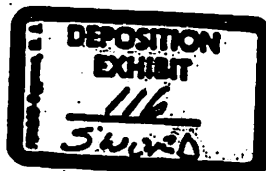
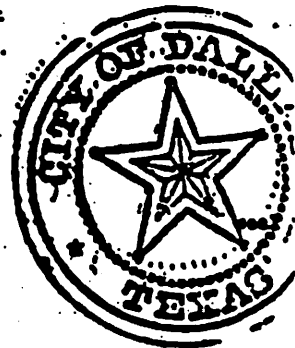
Resolution No. 78-2735

passed by the city council on September 27, 1978.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the 9th day of May, 1998.

Barry J. Davis

BARRY J. DAVIS
ASSISTANT CITY SECRETARY
CITY OF DALLAS, TEXAS



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 27, 1978

78-2735

Councilwoman Craft moved adoption of the resolution.

Motion unanimously carried.


ROBERT S. SLOAN
City Secretary

RSS/gt

See also 79-0434, 79-0435

782735

COUNCIL CHAMBER

September 27, 1978

WHEREAS, the City Council of the City of Dallas has adopted a budget for the year beginning October 1, 1978, and,

WHEREAS, the budget adopted is predicated upon approved summary position allocations, and,

WHEREAS, it is necessary to authorize the specific positions which constitute these position allocations; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the attached Salary Schedules I, IA, and ID, reflecting a pay adjustment of 3% increase for all positions listed, be approved effective October 1, 1978;

That the attached Schedule IC, reflecting a pay adjustment of 5% increase for all positions listed, be approved effective October 1, 1978;

That the attached Schedule IB, reflecting a pay adjustment of 5% increase for all positions listed except 6% for employees in Step 7, be approved effective October 1, 1978;

That the attached Schedule IE, establishing new rates for the Physicians, be approved effective October 1, 1978;

That the attached Schedules II and IIA reflecting alphabetical and numerical classification titles be approved as listed effective October 1, 1978;

That the attached Schedule III, reflecting a pay adjustment of 5% increase, plus certain other adjustments, be approved effective October 1, 1978, but that operation of the merit step 4 and 5 in this schedule be deferred pending results of the police and fire salary referendum;

That the attached Schedule IV, reflecting pay adjustments of up to 3% increase for selected positions listed, be approved effective October 1, 1978;

That the attached Schedule V, reflecting a pay adjustment of 3% up to 5% increase, plus certain other adjustments, be approved effective October 1, 1978;

That classifications not on the above schedules be paid at rates previously authorized by the City Council.

SECTION 2. That the departmental position allocations according to the attached schedules, be approved effective October 1, 1978, and continuing through September 30, 1979, unless otherwise specified in the attached Schedule.

SECTION 3. That rates of pay shall be as specified in the Salary Schedules approved by the City Council.

SECTION 4. That the City Manager is authorized to transfer positions between accounts within departments of the General Fund and between accounts within other funds.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

SEP 27 1978

APPROVED

HEAD OF DEPARTMENT

APPROVED

CITY AUDITOR

City Secretary

CITY MANAGER

See also 79-0432 79-0433

1000021

Council Communication

782735

NUMBER 297-8

DATE September 22, 1978

TO Honorable Mayor and Members of the City Council

SUBJECT 1978-79 Annual Budget Actions
Page 3

Resolution Authorizing Adjustment to Fees for Cassette Tapes
(Item 70, Page 8)

The fee for cassette tape recordings of official City meetings will be raised from \$2.50 to \$5.00 to more adequately reflect total cost recovery. Other fees concerning official records will be adjusted as necessary.


George R. Schrader
City Manager

ch

000022

pre reviewed
ORIGINAL 10/78

782735

SALARY SCHEDULE III
Fire (Sworn)
Effective October 1, 1978

Grade	Step 1	Step 2	Step 3	(Merit) Step 4	(Merit) Step 5
F1	11090				
F2	1101				
F3	1164	1228	1312		
F4			1376	1440	1509
E3	1178	1239	1323		
E4			1386	1451	1520
E5	1197	1292	1386		
E6			1448	1513	1582
FP	1343	1407	1474	1544	1618
F5	1378	1449	1509	1581	1656
F6	1500	1581	1656	1735	1818
F7	1656	1736	1818	1905	1996
F8	1818	1905	1996	2091	2191
F9	1996	2091	2191	2295	2405

Service Pay:

Per Month* \$ 4.00
Maximum 100.00

* For each year of service, maximum 25 years.

Qualification Pay:**

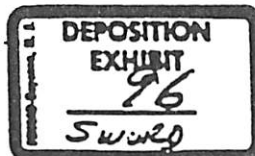
Paramedic \$ 25.00

** For officers maintaining their certification as Advanced Emergency Medical Technicians; limited to all Grades through FP.

Education Incentive Pay:

Per Month*** \$ 4.00
Maximum 100.00

*** For each 3 semester hours college credit earned after first 45 hours up to 45 hours (90 hours total). Maximum applies for Baccalaureate degree.



D 000336

U.

SALARY SCHEDULE III
Fire (Sworn)
Effective October 1, 1978

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>(Merit) Step 4</u>	<u>(Merit) Step 5</u>
F1	\$1089				
F2	1101				
F3	1164	1228	1312		
F4			1375	1440	1509
S3	1175	1239	1323		
S4			1386	1451	1520
B3	1197	1292	1385		
B4			1448	1513	1582
FP	1343	1407	1474	1544	1618
F5	1375	1440	1509	1581	1656
F6	1509	1581	1656	1735	1818
F7	1656	1735	1818	1905	1996
F8	1818	1905	1996	2091	2191
F9	1996	2091	2191	2295	2405

Service Pay:

Amount

Per Month*
 Maximum

\$ 4.00
 100.00

* For each year of service, maximum 25 years.

Qualification Pay:**

Amount

Paramedic

\$ 25.00

** For officers maintaining their certification as Advanced Emergency Medical Technicians; limited to all Grades through FP.

Education Incentive Pay:

Amount

Per Month ***
 Maximum

\$ 4.00
 100.00

*** For each 3 semester hours college credit earned after first 45 hours up to 45 hours (90 hours total). Maximum applies for Baccalaureate degree.

Titles:

<u>Class Code</u>	<u>Title</u>	<u>Career Code</u>	<u>Grade or Rate</u>
48005	School Crossing Guard	SI	\$627
44017	Assistant Fire Prevention Division Chief	CS	F7
44006	Fire Lieutenant	CS	F5
46014	Police Captain	CS	P7
46013	Police Lieutenant	CS	P6
44005	Fire Prevention Officer	CS	D3
44004	Driver Engineer	CS	D3
44023	Senior Driver Engineer	CS	D4
44024	Paramedic	XX	FP
44015	Fire Prevention Lieutenant	CS	F5
44016	Fire Prevention Captain	CS	F6
44007	Fire Captain	CS	F6
44008	Battalion-Section Chief	CS	F7
44018	Fire Prevention Division Chief	CS	F8
44009	Division Chief	CS	F8
44010	Deputy Chief	CS	F9
46023	Police Officer Helicopter Pilot	XX	\$1,264
46022	Police Officer Dog Handler	XX	\$1,189
46020	Police Investigator	XX	\$1,400
46009	Jailer	XX	\$1,189
46021	Police Officer Field Training	XX	\$1,189
46006	Motorcycle Police Officer	XX	\$1,189
46012	Motorcycle Sergeant	XX	\$1,400
46000	Apprentice Police Officer	CS	P1
44000	Apprentice Fire and Rescue Officer	CS	F1
44001	Probationary Fire and Rescue Officer	CS	F2
44012	Apprentice Fire Prevention Officer	CS	F1
44013	Probationary Fire Prevention Officer	CS	F2
44002	Fire and Rescue Officer	CS	F3
44025	Senior Fire and Rescue Officer	XX	F4
44003	Second Driver	CS	S3
44026	Senior Second Driver	CS	S4
46014	Police Captain	CS	P7
46013	Police Lieutenant	CS	P6
46011	Sergeant	CS	P5
46005	Senior Police Officer	XX	P4
46004	Police Officer	CS	P3
46002	Probationary Police Officer	CS	P2

APPROVED

HEAD OF DEPARTMENT

APPROVED

CITY MANAGER

APPROVED

CITY CLERK

000071

782735

COUNCIL CHAMBER

September 27, 1978

WHEREAS, the City Council of the City of Dallas has adopted a budget for the year beginning October 1, 1978, and,

WHEREAS, the budget adopted is predicated upon approved summary position allocations, and,

WHEREAS, it is necessary to authorize the specific positions which constitute these position allocations; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the attached Salary Schedules I, IA, and ID, reflecting a pay adjustment of 3% increase for all positions listed, be approved effective October 1, 1978;

That the attached Schedule IC, reflecting a pay adjustment of 5% increase for all positions listed, be approved effective October 1, 1978;

That the attached Schedule IB, reflecting a pay adjustment of 5% increase for all positions listed except 6% for employees in Step 7, be approved effective October 1, 1978;

That the attached Schedule IE, establishing new rates for the Physicians, be approved effective October 1, 1978;

That the attached Schedules II and IIA reflecting alphabetical and numerical classification titles be approved as listed effective October 1, 1978;

That the attached Schedule III, reflecting a pay adjustment of 5% increase, plus certain other adjustments, be approved effective October 1, 1978, but that operation of the merit steps 4 and 5 in this schedule be deferred pending results of the police and fire salary referendum;

That the attached Schedule IV, reflecting pay adjustments of up to 3% increase for selected positions listed, be approved effective October 1, 1978;

That the attached Schedule V, reflecting a pay adjustment of 3% up to 5% increase, plus certain other adjustments, be approved effective October 1, 1978;

That classifications not on the above schedules be paid at rates previously authorized by the City Council.

SECTION 2. That the departmental position allocations according to the attached schedules, be approved effective October 1, 1978, and continuing through September 30, 1979, unless otherwise specified in the attached Schedule.

SECTION 3. That rates of pay shall be as specified in the Salary Schedules approved by the City Council.

SECTION 4. That the City Manager is authorized to transfer positions between accounts within departments of the General Fund and between accounts within other funds.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

SEP 27 1978

APPROVED

HEAD OF DEPARTMENT

APPROVED

CITY AUDITOR

City Secretary

APPROVED

CITY MANAGER

See also 79-0434, 79-0435

CITY OF DALLAS
SCHEDULE 1-D - EXECUTIVE SALARY RANGES
EFFECTIVE OCTOBER 1, 1978

GRADE		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
H	MTH	3042.62	3232.76	3422.94	3613.10	3803.25	3993.43	4183.60	4373.75	4563.93
	BWK	1404.28	1492.04	1579.82	1667.58	1755.34	1843.12	1930.89	2018.65	2106.43
	WK	702.14	746.02	789.91	833.79	877.67	921.56	965.45	1009.33	1053.21
	OLY	140.43	149.20	157.98	166.76	175.53	184.31	193.09	201.87	210.64
	HR	17.38	18.65	19.75	20.85	21.94	23.04	24.14	25.23	26.33
	ANL	36511.00	38793.00	41075.00	43357.00	45639.00	47921.00	50203.00	52485.00	54767.00
C	MTH	2662.27	2828.67	2995.07	3161.46	3327.85	3494.24	3660.64	3827.03	3993.43
	BWK	1228.74	1305.54	1382.34	1459.13	1535.93	1612.72	1689.52	1766.32	1843.12
	WK	614.37	652.77	691.17	729.57	767.96	806.36	844.76	883.16	921.56
	OLY	122.87	130.55	138.23	145.91	153.59	161.27	168.95	176.63	184.31
	HR	15.36	16.32	17.28	18.24	19.20	20.16	21.12	22.08	23.04
	ANL	31947.00	33944.00	35941.00	37938.00	39934.00	41931.00	43928.00	45924.00	47921.00
D	MTH	2377.03	2531.54	2686.05	2840.55	2995.07	3149.58	3304.08	3458.59	3613.10
	BWK	1097.09	1168.40	1239.71	1311.02	1382.34	1453.65	1524.96	1596.27	1667.58
	WK	548.54	584.20	619.86	655.51	691.17	726.83	762.48	798.14	833.79
	OLY	109.71	116.84	123.97	131.10	138.23	145.37	152.50	159.63	166.76
	HR	13.71	14.61	15.50	16.39	17.28	18.17	19.06	19.95	20.85
	ANL	28524.00	30378.00	32233.00	34087.00	35941.00	37795.00	39649.00	41503.00	43357.00
E	MTH		2338.00	2456.00	2579.00	2708.00	2843.00	2985.00	3134.00	3292.00
	BWK		1079.08	1133.54	1190.31	1249.84	1312.18	1377.69	1446.46	1519.30
	WK		539.54	566.77	595.15	624.92	656.08	688.85	723.23	759.69
	OLY		107.91	113.35	119.03	124.98	131.22	137.77	144.65	151.94
	HR		13.49	14.17	14.88	15.62	16.40	17.22	18.08	18.99
	ANL		28056.00	29472.00	30948.00	32496.00	34116.00	35820.00	37608.00	39504.00
F	MTH		2175.00	2288.00	2399.00	2518.00	2644.00	2777.00	2916.00	3061.00
	BWK		1003.85	1055.08	1107.23	1162.15	1220.31	1281.69	1345.24	1412.77
	WK		501.92	527.54	553.61	581.08	610.15	640.85	672.92	706.38
	OLY		100.39	105.51	110.72	116.22	122.03	128.17	134.58	141.28
	HR		12.55	13.19	13.84	14.53	15.25	16.02	16.82	17.66
	ANL		26100.00	27432.00	28788.00	30216.00	31728.00	33324.00	34992.00	36732.00

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CITY OF DALLAS
SCHEDULE I-D - EXECUTIVE SALARY RANGES
EFFECTIVE OCTOBER 1, 1978

GRADE		STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
G	MTH	2023.00	2126.00	2231.00	2342.00	2459.00	2583.00	2712.00	2847.00
	BWK	933.69	981.23	1029.69	1080.92	1134.92	1192.18	1251.69	1314.00
	WK	466.89	490.61	514.85	540.46	567.46	596.08	625.89	657.00
	OLY	93.37	98.12	102.97	107.09	113.49	119.22	125.17	131.40
	HR	11.67	12.27	12.87	13.51	14.19	14.90	15.65	16.43
	ANL	24276.00	25512.00	26772.00	28104.00	29508.00	30996.00	32544.00	34164.00
H	MTH	1882.00	1977.00	2074.00	2179.00	2289.00	2403.00	2524.00	2649.00
	BWK	868.61	912.46	957.23	1003.69	1056.46	1109.08	1164.92	1222.61
	WK	434.31	456.23	478.61	502.89	528.23	554.54	582.46	611.31
	OLY	86.86	91.25	95.72	100.57	105.65	110.91	116.49	122.26
	HR	10.86	11.41	11.97	12.57	13.21	13.86	14.56	15.28
	ANL	22584.00	23724.00	24888.00	26148.00	27468.00	28836.00	30268.00	31768.00
I	MTH	1751.00	1839.00	1930.00	2027.00	2129.00	2234.00	2347.00	2465.00
	BWK	808.15	848.77	890.77	933.54	982.61	1031.08	1083.23	1137.69
	WK	404.08	424.38	445.38	467.77	491.31	515.54	541.61	568.85
	OLY	80.82	84.88	89.08	93.55	98.26	103.11	108.32	113.77
	HR	10.10	10.61	11.14	11.69	12.28	12.89	13.54	14.22
	ANL	21012.00	22068.00	23160.00	24324.00	25548.00	26888.00	28164.00	29580.00
J	MTH	1628.00	1710.00	1796.00	1883.00	1980.00	2079.00	2183.00	2292.00
	BWK	751.38	789.23	828.92	873.00	913.85	959.54	1007.64	1057.85
	WK	375.69	394.61	414.46	433.00	456.92	479.77	503.77	528.92
	OLY	75.14	78.92	82.89	87.00	91.39	95.95	100.75	105.79
	HR	9.39	9.87	10.36	10.88	11.42	11.99	12.59	13.22
	ANL	19536.00	20520.00	21532.00	22620.00	23760.00	24948.00	26196.00	27504.00
K	MTH	1516.00	1591.00	1671.00	1754.00	1841.00	1933.00	2031.00	2133.00
	BWK	699.69	734.31	771.23	809.54	849.69	892.18	937.38	984.46
	WK	349.89	367.15	385.61	404.77	424.85	446.08	468.69	492.23
	OLY	69.97	73.43	77.12	80.95	84.97	89.22	93.74	98.45
	HR	8.75	9.18	9.64	10.12	10.62	11.15	11.72	12.31
	ANL	18192.00	19092.00	20032.00	21048.00	22092.00	23196.00	24372.00	25596.00