

**AUGUST 17, 2016 CITY COUNCIL BRIEFING AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated August 17, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez  
City Manager

8-12-16

Date



Jeanne Chipperfield  
Chief Financial Officer

8-12-2016

Date



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2016 AUG 12 PM 5:30

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL BRIEFING AGENDA

August 17, 2016

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)  
(La Información General Y Reglas De Cortesía Que Deben Observarse  
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

## General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act.

**The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

## Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

## Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

## Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben de abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

# SUPPLEMENTAL NOTICE

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

*"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

*"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."*



AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, AUGUST 17, 2016  
CITY HALL  
1500 MARILLA  
DALLAS, TEXAS 75201  
9:00 A.M.

9:00 am      Invocation and Pledge of Allegiance      6ES

                 Special Presentations

                 Open Microphone Speakers

VOTING AGENDA      6ES

1.      Approval of Minutes of the June 22, 2016 City Council Meeting
2.      Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

BRIEFINGS      6ES

- A.      Update on Proposed Revisions to Chapter 27: Minimum Property Standards
- B.      Cost Considerations for Funding Public Safety in FY 2016-17 and Beyond

Lunch

- C.      FY 2016-17 Property Tax Rate State Law Requirements

ITEMS FOR INDIVIDUAL CONSIDERATION

**Office of Financial Services**

3.      Authorize **(1)** public hearings to be held on Wednesday, September 7, 2016 and Wednesday, September 14, 2016 to receive comments on a proposed tax rate; and **(2)** a proposal to consider adoption of a \$0.7812/\$100 valuation tax rate, or a lower rate as may be proposed by the City Council on September 21, 2016 - Financing: This action has no cost consideration to the City

BRIEFINGS (Continued)

- D.      Proposed Dallas Area Rapid Transit FY 2017 Annual Budget and 20-Year Financial Plan

AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, AUGUST 17, 2016

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION

**City Manager's Office/Employees' Retirement Fund**

4. An ordinance amending Chapter 40A, "Retirement," of the Dallas City Code; **(1)** adding and revising various definitions; **(2)** adding that administrator also means the executive director of the fund; **(3)** providing for staggered terms for elected members of the retirement fund board; **(4)** providing that a sole nominee to an elected board position be declared elected without a membership vote; **(5)** extending the time in which an election must be held to fill a vacancy in an elected board position; **(6)** requiring the board to meet at least quarterly instead of monthly; **(7)** authorizing the board to adopt, upon the recommendation of the fund's actuary, actuarial equivalency factors, actuarial assumptions, interest rates, and mortality tables to be used in Chapter 40A; **(8)** revising the interest assumption used for commuted value of future retirement benefits; **(9)** classifying fund members, inactive members, and retirees as Tier A (if hired before January 1, 2017 or rehired on or after January 1, 2017 with uncanceled or reinstated credited service) and Tier B (if hired, or rehired with canceled and unreinstated credited service, on or after January 1, 2017); **(10)** providing a reduced tier of benefits for Tier B and their beneficiaries and designees (including extending normal retirement age from 60 to 65 with five years of credited service, extending service retirement from 30 to 40 years, increasing the sum of age and amount of credited service from 78 to 80 in calculating retirement eligibility with reduced benefits for under-65 retirees, reducing pension benefits for joint and one-half survivor options, decreasing the percentage multiplier used to calculate benefits from 2.75% to 2.5%, extending the period over which average monthly earnings are calculated, eliminating health benefit supplements, lowering the cap on cost-of-living adjustments, and modifying interest rates on buybacks of credited service after a break in service); **(11)** allowing certain prior service credit with other governmental entities to be used in determining eligibility of a Tier B member to vest or retire, but not in computing benefits; **(12)** providing for selection of a designee to receive a retiree's earned but unpaid final month's pension; increasing the minimum monthly service death or service disability benefit from \$500 to \$1,000; ~~**(13)** providing a Tier B member with a nonservice disability who has at least five years of credited service is eligible for a disability pension if not eligible for a normal, early, or service retirement;~~ **(143)** allowing a lump sum payment for establishing credited service after a reduction in force to be made in the following calendar year if within 90 days after termination of employment; clarifying that a cost-of-living adjustment cannot reduce pension benefits; **(154)** clarifying that a leased employee is not an employee under Chapter 40A; **(165)** deleting the requirement that the city of Dallas provide office space and utilities for the retirement fund; updating legal citations; deleting obsolete provisions; and **(176)** making certain semantic, grammatical, and structural changes - Financing: No cost consideration to the City

AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, AUGUST 17, 2016

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION (Continued)

**City Secretary's Office**

5. An ordinance ordering a special election to be held in the city of Dallas on November 8, 2016 on the question of amending Chapter 40A of the Dallas City Code, known as the employees' retirement fund of the city of Dallas - Financing: No cost consideration to the City

Closed Session 6ES

Personnel (Sec. 551.074 T.O.M.A.)

- Discussion regarding the search for and hiring of a candidate for the position of city attorney.
- Discussion regarding the search for and hiring of a candidate for the position of city manager.

Open Microphone Speakers 6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

## AGENDA ITEM # 3

**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** August 17, 2016  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** Office of Financial Services  
**CMO:** Jeanne Chipperfield, 670-7804  
**MAPSCO:** N/A

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### SUBJECT

Authorize **(1)** public hearings to be held on Wednesday, September 7, 2016 and Wednesday, September 14, 2016 to receive comments on a proposed tax rate; and **(2)** a proposal to consider adoption of a \$0.7812/\$100 valuation tax rate, or a lower rate as may be proposed by the City Council on September 21, 2016 - Financing: This action has no cost consideration to the City

### BACKGROUND

The City Manager's recommended FY 2016-17 budget includes a tax rate of \$0.7812/\$100. To set a property tax rate above the effective rate of \$0.7490/\$100, State law requires the following:

Specify a proposed desired rate; take record vote and schedule two special public hearings;

Publish "Notice of 2016 Tax Year Proposed Property Tax Rate" (quarter-page notice) at least seven days before public hearing (by September 1, 2016);

Minimum 72-hour notice for public hearing;

Hold two special public hearings, schedule and announce meeting to adopt tax rate 3-14 days from this date (Wednesday, September 7, 2016 and Wednesday, September 14, 2016);

Minimum 72-hour notice for meeting at which Council will adopt tax rate;

Meeting to adopt tax rate (September 21, 2016)

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

City Council was briefed on the City Manager's Proposed Budget on August 9, 2016.

Scheduled to be briefed to the City Council at the Budget Workshop on August 17, 2016.

**FISCAL INFORMATION**

This action has no cost consideration to the City.

August 17, 2016

**WHEREAS**, the City Manager's proposed FY 2016-17 Budget includes a \$0.7812/\$100 tax rate; and

**WHEREAS**, Chapter 26 of the Texas Property Tax Code requires the publication of one notice and holding two public hearings should a tax rate above the lower of the effective or rollback rate be considered; and

**WHEREAS**, the City's FY 2016-17 effective rate is calculated to be \$0.7490/\$100; and

**WHEREAS**, the City Council desires to reserve the option to set a tax rate that exceeds the calculated effective rate of \$0.7490/\$100; and

**WHEREAS**, the City Council is committed to providing the citizens with the opportunity to speak on the City's FY 2016-17 tax rate;

**NOW, THEREFORE,**

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

**Section 1.** That public hearings on the City's FY 2016-17 proposed tax rate be held on Wednesday, September 7, 2016 after 9:00 a.m. and Wednesday, September 14, 2016 after 1:00 p.m. at Dallas City Hall.

**Section 2.** That the City Council will consider adoption of a \$0.7812/\$100 valuation property tax rate, or a lower rate as may be proposed by the City Council on September 21, 2016.

**Section 3.** 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.



**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** August 17, 2016

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** City Manager's Office  
Employees' Retirement Fund

**CMO:** A. C. Gonzalez, 670-3297  
Cheryl Alston, 214-580-7710

**MAPSCO:** N/A

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**SUBJECT**

An ordinance amending Chapter 40A, "Retirement," of the Dallas City Code; **(1)** adding and revising various definitions; **(2)** adding that administrator also means the executive director of the fund; **(3)** providing for staggered terms for elected members of the retirement fund board; **(4)** providing that a sole nominee to an elected board position be declared elected without a membership vote; **(5)** extending the time in which an election must be held to fill a vacancy in an elected board position; **(6)** requiring the board to meet at least quarterly instead of monthly; **(7)** authorizing the board to adopt, upon the recommendation of the fund's actuary, actuarial equivalency factors, actuarial assumptions, interest rates, and mortality tables to be used in Chapter 40A; **(8)** revising the interest assumption used for commuted value of future retirement benefits; **(9)** classifying fund members, inactive members, and retirees as Tier A (if hired before January 1, 2017 or rehired on or after January 1, 2017 with uncanceled or reinstated credited service) and Tier B (if hired, or rehired with canceled and unreinstated credited service, on or after January 1, 2017); **(10)** providing a reduced tier of benefits for Tier B and their beneficiaries and designees (including extending normal retirement age from 60 to 65 with five years of credited service, extending service retirement from 30 to 40 years, increasing the sum of age and amount of credited service from 78 to 80 in calculating retirement eligibility with reduced benefits for under-65 retirees, reducing pension benefits for joint and one-half survivor options, decreasing the percentage multiplier used to calculate benefits from 2.75% to 2.5%, extending the period over which average monthly earnings are calculated, eliminating health benefit supplements, lowering the cap on cost-of-living adjustments, and modifying interest rates on buybacks of credited service after a break in service); **(11)** allowing certain prior service credit with other governmental entities to be used in determining eligibility of a Tier B member to vest or retire, but not in computing benefits; **(12)** providing for selection of a designee to receive a retiree's earned but unpaid final month's pension; increasing the minimum monthly service death or service disability benefit from \$500 to \$1,000;

## SUBJECT (Continued)

~~(13) providing a Tier B member with a nonservice disability who has at least five years of credited service is eligible for a disability pension if not eligible for a normal, early, or service retirement; (143) allowing a lump sum payment for establishing credited service after a reduction in force to be made in the following calendar year if within 90 days after termination of employment; clarifying that a cost-of-living adjustment cannot reduce pension benefits; (154) clarifying that a leased employee is not an employee under Chapter 40A; (165) deleting the requirement that the city of Dallas provide office space and utilities for the retirement fund; updating legal citations; deleting obsolete provisions; and (176) making certain semantic, grammatical, and structural changes - Financing: No cost consideration to the City~~

## BACKGROUND

This item is on the addendum to allow sufficient time to compile information as related to the November 8, 2016 special election. The City of Dallas Employees' Retirement Fund (ERF) was established by ordinance in November 1943 and became effective in January 1944 after ratification by the voters of the City of Dallas. Chapter 40A of the Dallas City Code establishes benefits and contribution requirements. ERF is a single-employer defined benefit pension plan sponsored by the City of Dallas (the "City"), and it provides retirement, disability and death benefits to its members.

All employees of the City are members except police officers, firefighters, elected officials, non-salaried appointee members of administrative boards or commissions, part-time employees working less than one-half time, temporary employees, individuals working under contract, and individuals whose salaries are paid in part by another government agency. Members are entitled to retirement benefits at the date of eligibility for retirement or to survivor benefits after two years of service.

ERF's actuarial firm, Gabriel, Roeder, Smith & Company, conducts an annual actuarial valuation. The results of the December 31, 2015 valuation showed an increase in the unfunded actuarial accrued liability. In order to reduce this liability over time, ERF is proposing the following changes to Chapter 40A for employees hired after January 1, 2017:

- Change retirement eligibility requirements;
- Reduce the benefit multiplier from 2.75% to 2.5%;
- Reduce the cost of living adjustment from a maximum of 5% to a maximum of 3%;
- Increase the average monthly earnings calculation from a 3-year average to a 5-year average;
- Change the survivor benefits;
- Eliminate the monthly health supplement; and
- Modifying interest rates on buybacks of credited service after a break in service

**BACKGROUND** (Continued)

Except as provided in Subsection 35(b) of Chapter 40A, Chapter 40A may not be amended except by a proposal initiated by either the board or the city council that results in an ordinance approved by the board, adopted by the city council, and approved by a majority of the voters.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 9, 2016, the ERF board will vote on the proposed changes to Chapter 40A.

On August 3, 2016, the City Council was briefed on proposed changes to Chapter 40A.

On June 20, 2016, the City Council's Transportation and Trinity River Committee was briefed on the proposed changes to Chapter 40A.

On December 2, 2015, the City Council was briefed on an overview of the Employees' Retirement Fund.

On August 10, 2016, this item was deferred by Councilmember Gates.

**FISCAL INFORMATION**

No cost consideration to the City

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 40A, “Retirement,” (composed of Sections 40A-1 through 40A-35) of the Dallas City Code, as amended; adding and revising various definitions; adding that administrator also means the executive director of the fund; providing for staggered terms for elected members of the retirement fund board; providing that a sole nominee to an elected board position be declared elected without a membership vote; extending the time in which an election must be held to fill a vacancy in an elected board position; requiring the board to meet at least quarterly instead of monthly; authorizing the board to adopt, upon the recommendation of the fund’s actuary, actuarial equivalency factors, actuarial assumptions, interest rates, and mortality tables to be used in Chapter 40A; revising the interest assumption used for commuted value of future retirement benefits; classifying fund members, inactive members, and retirees as Tier A (if hired before January 1, 2017 or rehired on or after January 1, 2017 with uncanceled or reinstated credited service) and Tier B (if hired, or rehired with canceled and unreinstated credited service, on or after January 1, 2017); providing a reduced tier of benefits for Tier B and their beneficiaries and designees (including extending normal retirement age from 60 to 65 with five years of credited service, extending service retirement from 30 to 40 years, increasing the sum of age and amount of credited service from 78 to 80 in calculating retirement eligibility with reduced benefits for under-65 retirees, reducing pension benefits for joint and one-half survivor options, decreasing the percentage multiplier used to calculate benefits from 2.75% to 2.5%, extending the period over which average monthly earnings are calculated, eliminating health benefit supplements, lowering the cap on cost-of-living adjustments, and modifying interest rates on buybacks of credited service after a break in service); allowing certain prior service credit with other governmental entities to be used in determining eligibility of a Tier B member to vest or retire, but not in computing

benefits; providing for selection of a designee to receive a retiree's earned but unpaid final month's pension; increasing the minimum monthly service death or service disability benefit from \$500 to \$1,000; allowing a lump sum payment for establishing credited service after a reduction in force to be made in the following calendar year if within 90 days after termination of employment; clarifying that a cost-of-living adjustment cannot reduce pension benefits; clarifying that a leased employee is not an employee under Chapter 40A; deleting the requirement that the city of Dallas provide office space and utilities for the retirement fund; updating legal citations; deleting obsolete provisions; making certain semantic, grammatical, and structural changes; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Chapter 40A, "Retirement," (composed of Sections 40A-1 through 40A-35) of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 40A-1. DEFINITIONS.**

In this chapter, unless the context clearly indicates otherwise:

(1) **ACTUARIAL EQUIVALENT** means the equivalent in value on the basis of the actuarial factors recommended by the fund's actuary and adopted by the board [~~contained in this chapter~~].

(2) **ACTUARIAL VALUATION REPORT** means the report issued by the fund's actuary and adopted by the board for any relevant period. The board shall provide a copy of each actuarial valuation report to the city promptly after adoption.

(3) **ACTUARIALLY REQUIRED CONTRIBUTION RATE** means, for any fiscal year, a rate of contribution to the fund, expressed as a percentage of members' projected wages for such fiscal year, that is the sum of the following as determined in the actuarial valuation report for the preceding plan year:

(A) the actuarial present value of the pension plan benefits and expenses that are allocated to a valuation period by the actuarial cost method; and

(B) the contribution that will amortize the difference between the actuarial accrued liability of the fund and the actuarial value of the assets of the fund over the period of years required by generally accepted accounting principles.

~~[ACTUARIAL VALUATION REPORT means the report issued by the fund's actuary and adopted by the board for any relevant period. The board shall provide a copy of each actuarial valuation report to the city promptly after adoption.]~~

(4) ACTUARY means a person with at least five years of experience as an actuary working with one or more public retirement systems; and is a fellow of the Society of Actuaries, a member of the American Academy of Actuaries, or an enrolled actuary under the Employees Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.).

(~~5~~[4]) AVERAGE MONTHLY EARNINGS means wages paid by the city, divided by the number of months of credited service of a member or inactive member, computed for whichever of the following periods is most beneficial to the member or inactive member:

(A) For Tier A members or inactive members, the:

(i) ~~[the]~~ three calendar years of credited service in which the member or inactive member was paid the highest wage;

(ii~~[B]~~) ~~[the]~~ last 6,240 hours ~~[three years]~~ of credited service; or

(iii~~[C]~~) ~~[the]~~ length of credited service ~~[time actually served]~~ if less than three years.

(B) For Tier B members or inactive members, the:

(i) five calendar years of credited service in which the member or inactive member was paid the highest wage;

(ii) last 10,400 hours of credited service; or

(iii) length of credited service if less than five years.

(~~6~~[5]) BASE PENSION means the amount of retirement pension or death benefits as computed under this chapter at the time of retirement or death of a member, inactive member, or retiree.

(~~7~~[6]) BENEFICIARY means a person who is entitled to payment of benefits under this chapter upon the death of a member, inactive member, or retiree.

(~~8~~[7]) BOARD means the board of trustees of the employees' retirement fund of the city of Dallas.

(9[8]) CHILD means an unmarried person whose parent is a member, inactive member, or retiree.

(10[9]) CITY means the city of Dallas, Texas.

(11[0]) CITY COUNCIL means the governing body of the city of Dallas, Texas.

(12[4]) COMMUTED VALUE means the present value of a series of payments to be made in the future, the present value to be calculated using the actuarial interest assumption prescribed in Section 40A-9 as the only discounting factor.

(13) CREDITED SERVICE means any period that a person is paid as an employee of the city and contributes to the fund.

(14[2]) CURRENT ADJUSTED TOTAL OBLIGATION RATE means, for any fiscal year, the rate recommended by the fund's actuary and adopted [~~determined~~] by the board as follows, using whichever formula is applicable:

(A) If the current total obligation rate minus the prior adjusted total obligation rate is greater than three, then the current adjusted total obligation rate for such fiscal year is equal to the lesser of:

(i) the prior adjusted total obligation rate plus one-half times the difference of the current total obligation rate minus the prior adjusted total obligation rate; or

(ii) 110 percent times the prior adjusted total obligation rate; or

(iii) 36 percent.

(B) If the difference between the current total obligation rate and the prior adjusted total obligation rate is less than three, then the current adjusted total obligation rate for such fiscal year is equal to the prior adjusted total obligation rate.

(C) If the prior adjusted total obligation rate minus the current total obligation rate is greater than three, then the current adjusted total obligation rate for such fiscal year is equal to the greater of:

(i) the prior adjusted total obligation rate minus one-half times the difference of the prior adjusted total obligation rate minus the current total obligation rate; or

(ii) 90 percent times the prior adjusted total obligation rate.

(15[3]) CURRENT TOTAL OBLIGATION RATE means, for any fiscal year, the rate adopted by the board that is equal to the sum of the pension obligation bond credit rate for such fiscal year plus the actuarially required contribution rate for such fiscal year.

(16[4]) DEPENDENT PARENT means a member, inactive member, or retiree's parent who is:

(A) totally and permanently disabled and who receives over half of the support for each calendar year from the member, inactive member, or retiree; or

(B) 65 years of age or older.

(17[5]) DESIGNEE means an estate, a person, or an entity selected by:

(A) a member or inactive member to receive a refund of contributions under Section 40A-21(b); [or]

(B) a member, inactive member, or retiree to receive a commuted value lump sum payment under Section 40A-16(e[d]) or 40A-21(c); or

(C) a member, inactive member, or retiree to receive the earned but unpaid portion of the final month's pension due under Section 40A-23(e).

(18[6]) EMPLOYEE:

(A) means[=

(i) ~~—~~] a person employed by the city on a permanent basis who receives regular compensation from the city; and

~~[(ii) a leased employee, to the extent required by Section 414(n) or 414(o) of the Internal Revenue Code; and]~~

(B) does not mean:

(i) an elective officer or nonsalaried appointive member of an administrative board or commission;

(ii) a person ~~[an individual, other than a leased employee,]~~ retained ~~[employed]~~ under contract for a definite period or for the performance of a particular service;

(iii) ~~[an individual employed on a part time basis of less than one half time;]~~

~~(iv)~~ a person ~~[an individual, other than a leased employee,]~~ given a temporary designation for the purpose of employment by the city; [or]

(iv) a leased employee; or

(v) a police officer, firefighter, or fire alarm operator as those categories are defined in the classifications of the personnel department of the city.

(19[7]) FISCAL YEAR means the city's fiscal year, which is the 12-month period commencing October 1 and ending the following September 30.

(20[18]) INACTIVE MEMBER means a person:

(A) who has terminated employment with the city but who has not retired; and

(B) whose contributions to the fund have not been forfeited or withdrawn.

(21[19]) INJURY means an accident resulting in damage or harm to the physical structure of the body.

(22[0]) INTERNAL REVENUE CODE means the Internal Revenue Code of 1986, or its successor, as amended.

(23[1]) LEASED EMPLOYEE means an individual who is not a common law employee of the city but who provides services to the city, if:

(A) such services are performed pursuant to an agreement between the city and another person;

(B) the individual has performed such services for the city or for the city and a related person or persons on a substantially full-time basis for at least one year; and

(C) such services are performed under the primary direction or control of the city.

(24[2]) LEAVE OF ABSENCE means:

(A) leave without pay granted by the city in accordance with a uniform and nondiscriminatory leave policy; or

(B) leave during which a member receives worker's compensation benefits or short-term disability benefits.

(25[3]) MEMBER means an employee who is currently contributing to the retirement fund or who is on an approved leave of absence, but does not include a person establishing credited service under Section 40A-14 after termination of employment because of reduction in force.

(26[4]) NONSERVICE DISABILITY means total and permanent disability caused by injury, sickness, or disease while not in the performance of official city duties.

(27[5]) PARENT has the meaning ascribed to that term in Section 51.02 [44.04] of the Texas Family Code, as amended.

(28) PART-TIME EMPLOYEE means an employee classified as part-time by the city under Section 34-8(c) of this code, as amended.

(29[6]) PENSION means an amount payable monthly to a person eligible to receive death or retirement benefits under the retirement fund.

(30[27]) PENSION OBLIGATION BOND CREDIT RATE means, for any fiscal year, the rate adopted by the board that is a percentage calculated by dividing the:

(A) ~~the~~ debt service due during such fiscal year on any pension obligation bonds, the proceeds of which have been deposited in the fund, by[=]

(B) ~~the~~ total members' projected wages for such fiscal year, as reported in the relevant actuarial valuation report.

(31[28]) PENSION OBLIGATION BONDS means bonds described in Chapter 107 of the Texas Local Government Code (or any successor law that supersedes such chapter) and issued by the city.

(32[29]) PERCENTAGE MULTIPLIER means the percentage by which the average monthly earnings of a member or inactive member is multiplied in order to compute benefits.

(33[0]) PERMANENT BASIS means employment of an individual for an unfixed continuing period.

(34[1]) PERSON means an individual.

(35[2]) PLAN YEAR means the calendar year or other plan year adopted by the board.

(36[3]) PRICE INDEX means the national Consumer Price Index of Urban Wage Earners and Clerical Workers (CPI-W) published by the Bureau of Labor Statistics of the U. S. Department of Labor, or its successor in function.

(37[4]) PRIOR ADJUSTED TOTAL OBLIGATION RATE means, [=]

(A) ~~for the fiscal year commencing October 1, 2006, the current total obligation rate that was effective for the prior fiscal year; and~~

~~(B)~~ for any ~~[each]~~ fiscal year ~~[commencing on or after October 1, 2007]~~, the current adjusted total obligation rate that was effective for the prior fiscal year.

(38~~[5]~~) QUALIFIED RECIPIENT means:

(A) the spouse of a deceased member or inactive member at the time of death of the member or inactive member;

(B) the spouse of a deceased retiree, if the spouse was married to the retiree at the time of retirement and at the time of the retiree's death;

(C) each child of a deceased member, inactive member, or retiree under the age of 18, if the child was alive or had been conceived at the time of death of the member, inactive member, or retiree;

(D) each totally and permanently disabled child of a deceased member, inactive member, or retiree if the child was totally and permanently disabled before the age of 18; and

(E) a parent of a deceased member, inactive member, or retiree who was a dependent parent at the time of death of the member, inactive member, or retiree.

(39) RESTRICTED PRIOR SERVICE CREDIT means service credit for work as a permanent, full-time, paid employee of a government entity, agency, authority, or political subdivision of the United States or its states or territories, performed before employment or re-employment by the city.

(40~~[36]~~) RETIREE means a person who was once a member but who has retired from city employment and is receiving a pension from the fund other than a death benefit.

(41~~[37]~~) RETIREMENT means terminating city employment for a reason other than death and fulfilling all requirements for a pension under this chapter.

(42~~[38]~~) RETIREMENT FUND or FUND means the employees' retirement fund of the city of Dallas and the program of benefits established under this chapter and any rule or regulation established by the board.

~~[(39) SERVICE means any period that a person is paid as an employee of the city and contributes to the retirement fund.]~~

(43~~[0]~~) SERVICE DEATH means the death of a member resulting from an injury sustained while in the performance of official city duties. A death resulting from an injury sustained while in the performance of official city duties does not include:

(A) a death caused by an act of God unless the member in the performance of official city duties was subjected to a greater hazard from an act of God than that to which the general public was subjected;

(B) a death caused by an act of a third person who causes the death of the member because of reasons personal to the third person and not for reasons of the member's employment;

(C) a death caused while the member was attempting to injure or kill another person;

(D) a suicide;

(E) a death while on leave of absence, unless the leave was granted solely because of an injury sustained in the performance of official city duties and the injury was the primary cause of death;

(F) a death while on leave for military active duty; or

(G) a death resulting from an injury in which a contributing factor was the member's ingestion of an alcoholic beverage or illegal ingestion, inhalation, or injection of a controlled substance.

(44[1]) SERVICE DISABILITY means total and permanent disability caused by injury while in the performance of official city duties. An injury while in the performance of official city duties does not include:

(A) an injury caused by an act of God unless the member in the performance of official city duties was subjected to a greater hazard from an act of God than that to which the general public was subjected;

(B) an injury caused by an act of a third person who injures the member because of reasons personal to the third person and not for reasons of the member's employment;

(C) an injury in which a contributing factor was the member's ingestion of an alcoholic beverage or illegal ingestion, inhalation, or injection of a controlled substance;

(D) an injury caused while the member was attempting to injure or kill another person; or

(E) an injury that was self-inflicted.

(45[2]) SPOUSE means the person to whom the member, inactive member, or retiree is married, as evidenced by the last marriage certificate or declaration of informal [common law] marriage on file with the retirement fund [Retirement Fund] and verified by the administrator [Fund] to be valid in the jurisdiction in which the marriage was celebrated.

(46) TIER A means:

(A) a person who was:

(i) employed by the city before January 1, 2017; or

(ii) re-employed or reinstated by the city on or after January 1, 2017, and whose credited service before January 1, 2017, has not been canceled by withdrawal or forfeiture; and

(B) a beneficiary or designee of that person.

(47) TIER B means:

(A) a person who was:

(i) employed by the city on or after January 1, 2017; or

(ii) re-employed or reinstated by the city on or after January 1, 2017, and whose prior credited service has been canceled by withdrawal or forfeiture; and

(B) a beneficiary or designee of that person.

(48[3]) TOTAL AND PERMANENT DISABILITY means the continuing inability of a person to obtain [~~procure~~] and retain any type of employment for compensation as a result of a mental or physical impairment caused by an injury or illness. A person is not under a total or permanent disability if, with reasonable effort and safety to the person, the impairment can be diminished to the extent that the person will not be prevented by the impairment from obtaining [~~procuring~~] and retaining any type of employment for compensation.

(49[4]) TRANSITION YEAR means each of the following:

(A) the first fiscal year in which debt service payments related to pension obligation bonds are due from the city; and

(B) the first fiscal year in which no debt service payments related to pension obligation bonds are due from the city[; ~~and~~

(~~C~~) ~~the fiscal year beginning October 1, 2005].~~

(50) VESTED means that a member or inactive member has accumulated sufficient credited service or age to have earned a nonforfeitable right to receive a pension benefit, payable in accordance with the terms of the plan.

(51[45]) WAGE:

(A) means:

(i) wages of an employee as defined in Section 3401(a) of the Internal Revenue Code for income tax withholding, including salary continuation payments made to an employee with a job-related injury or illness;

(ii) compensation that by special rule is excluded from Section 3401(a) of the Internal Revenue Code because of the nature or location of the services performed;

(iii) elective contributions to a plan of [~~or~~] deferred compensation [~~program~~], including a plan established under Section 125, 401(k), or 457 of the Internal Revenue Code, and elective reductions in compensation for qualified transportation fringe benefits that are excluded from an employee's gross income by reason of Section 132(f)(4) of the Internal Revenue Code; and

(iv) any lump sum payment made at termination of employment for accrued vacation leave or prorated service incentive pay; and

(B) does not mean:

(i) expense reimbursements, expense allowances, car allowances, or moving expenses;

(ii) cash or noncash fringe benefits;

(iii) welfare benefits, including, but not limited to, health benefits or life insurance benefits;

(iv) deferred compensation, unless made under a plan [~~or program~~] described in Paragraph (A)(iii) of this subsection;

(v) any lump sum payment made at retirement for accrued sick leave or attendance incentive leave;

(vi) workers compensation benefits, short-term disability benefits, or catastrophic leave benefits; or

(vii) any compensation in excess of the limits imposed by Section 401(a)(17)(A), as adjusted in accordance with Section 401(a)(17)(B), of the Internal Revenue Code.

**SEC. 40A-2. CREATION OF THE RETIREMENT FUND AND BOARD OF TRUSTEES; COMPOSITION AND OFFICERS OF THE BOARD.**

(a) Creation. There is hereby created the employees' retirement fund of the city of Dallas, which is a trust fund, and the board of trustees of the employees' retirement fund of the city of Dallas.

(b) Public entity. The fund is a public entity established for the exclusive purpose of providing benefits to members and their beneficiaries. Except as permitted under this chapter or by state law, t[he] the employees' retirement fund of the city of Dallas is the name in which all of its business must be transacted, all of its funds invested, and all of its cash, securities, and property held.

(c) Composition of the board.

(1) ~~The [Until March 1, 2005, the board shall be composed of five members consisting of:~~

~~(A) two persons appointed by the city council who may be city council members;~~

~~(B) two employees from different departments of the city who are elected by members of the retirement fund and who are members of the retirement fund; and~~

~~(C) the city auditor.~~

~~(2) On and after March 1, 2005, the] board shall be composed of seven members consisting of:~~

~~(A) three persons appointed by the city council who may be city council members;~~

~~(B) three employees from different departments of the city who are elected by members of the retirement fund and who are members of the retirement fund; and~~

~~(C) the city auditor.~~

(2) If only one eligible employee is nominated for an elected board position described in Subsection (c)(1)(B) of this section, that employee will be declared elected to that position by the board without requiring an election by the members of the retirement fund.

(d) Chair and vice chair.

(1) The board shall elect a chair and a vice-chair at the first regular ~~[monthly]~~ meeting each calendar year. The chair shall call a meeting as frequently as necessary to conduct the [at least once a month and at any time there is] business of the board, but not less than quarterly [to be acted upon]. In the absence of the chair, the vice-chair may call meetings or preside over meetings of the board.

(2[e]) If the office of chair or vice-chair becomes vacant, the board will elect a replacement at its next meeting.

**SEC. 40A-3. TERMS AND REMUNERATION OF THE BOARD.**

(a) Terms.

(1) Elected board members. [~~Until March 1, 2005, the elected and appointed members of the board shall serve without remuneration and for terms of two years.~~

(2) ~~On and after March 1, 2005:]~~

(A) On and after January 1, 2017, the three elected positions on the board will be designated Place 1, Place 2, and Place 3, respectively, as determined by the board.

(B) The [the] elected members, including incumbents, of the board shall serve without remuneration and for terms as follows: [of three years, except]

(i) A member elected to Place 1 will serve a three-year term, with the initial term running from January 1, 2017, through December 31, 2019.

(ii) A member elected to Place 2 will serve a three-year term, with the initial term running from January 1, 2019, through December 31, 2021.

(iii) A member elected to Place 3 will serve a three-year term, except that the initial term will be for two years and run from January 1, 2019, through December 31, 2020. [that the first term of the elected position created effective March 1, 2005 ends on December 31, 2006; and]

(2[B]) Appointed board members. The [the] appointed members of the board shall serve without remuneration and for terms of two years.

(b) Vacancy.

(1) A position on the board becomes vacant if the occupant:

(A[4]) was elected as an employee member and is no longer an employee;

(B[2]) was appointed while serving as a city council member and is no longer a city council member; or

(C[3]) gives the chair written notice of resignation from the board.

(2[e]) If a vacancy occurs on the board in a position held by:

(A[1]) [~~in a position held by~~] an elected employee member, the board shall hold an election within 90 [~~60~~] days after the vacancy occurs to fill the unexpired term of the member; or

(B[2]) [~~in a position held by~~] a city council appointee, the city council shall appoint a new member to fill the unexpired term of the member.

#### **SEC. 40A-4. POWERS, DUTIES, AND IMMUNITIES OF THE BOARD.**

(a) In addition to other powers and duties it may have under state or federal law, the board shall have the power and duty to:

(1) administer the retirement fund in accordance with this chapter for the exclusive purposes of providing benefits to members, inactive members, retirees, and their beneficiaries and defraying reasonable expenses of administering the fund;

(2) adopt rules and regulations not inconsistent with this chapter and the constitution and laws of this state;

(3) invest, reinvest, alter, and change the funds of the retirement fund with the care, skill, prudence, and diligence under the prevailing circumstances that a prudent person acting in like capacity and familiar with matters of the type would use in the conduct of an enterprise with a like character and like aims;

(4) diversify the investments of the fund to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;

(5) pay for professional services out of [~~income from~~] investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the services are necessary;

(6) appoint an administrator and authorize employees to carry out the business of the board;

(7) establish rates of compensation for employees of the retirement fund, subject to the approval of the city council and in accordance with civil service rules of the city;

(8) correct administrative errors and remedy any effects of those errors;

(9) make a final determination of the eligibility of a member, inactive member, retiree, or beneficiary for a normal, early, service, or disability pension or death benefits;

(10) issue subpoenas for the attendance of witnesses and the production of records, papers, or other objects, administer oaths to witnesses, and examine witnesses on any matter relating to the payment of benefits of the retirement fund;

- (11) determine the time, method, and manner of election to the board;
  - (12) prepare and adopt a budget;
  - (13) pay for fiduciary insurance out of [~~income from~~] investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the services are necessary;
  - (14) pay for the costs of administration out of [~~income from~~] investments of the retirement fund when it is actuarially determined that the payments will not have an adverse effect on payment of benefits and when in the judgment of the board the costs are necessary;
  - (15) sue and be sued in the name of the fund;
  - (16) appoint an actuary and adopt actuarial assumptions for the fund;
  - (17) appoint such other professionals as it deems appropriate and necessary;
  - (18) interpret this chapter as necessary to resolve any problems created by any ambiguities, inconsistencies, or omissions that might be found in this chapter;
  - (19) direct the fund's actuarial firm to perform an annual experience review of assumptions as part of its annual actuarial valuation;
  - (20) direct the fund's actuarial firm to perform a complete analysis of actuarial assumptions as frequently as the board deems necessary, but not less frequently than every five years; and
  - (21) engage a second actuarial firm to perform an actuarial peer review/audit as the board deems necessary.
- (b) The board may not cause [~~use~~] the fund to engage in a transaction if the board knows or should know that the transaction directly or indirectly constitutes a prohibited transaction under Section 503(b) of the Internal Revenue Code.
- (c) No expenditures may be made from the retirement fund without the approval of the board by resolution or by adoption of its budget.
- (d) The board shall adopt the actuarially required contribution rate, the current adjusted total obligation rate, the current total obligation rate, and the pension obligation bond credit rate for each fiscal year no later than [~~commencing on or after October 1, 2005 by~~] June 1 of the preceding fiscal year, and shall promptly notify the city manager of the adoption.
- (e) At least every five plan years, or in accordance with state law, whichever is sooner, [~~three plan years,~~] the board shall provide 60 days' notice to the city manager:

(1) that the board intends to engage a second actuarial firm to perform an actuarial peer review/audit; and

(2) the name of the actuarial firm the board intends to engage.

If, within the 60 days, the city manager objects to the actuarial firm selected, the board shall seek another actuarial firm to perform the peer review/audit and re-notify the city manager. This process shall repeat until the city manager no longer objects to the actuarial firm the board intends to engage. The board shall then engage such actuarial firm for such purpose. If the process described in Section 40A-7.1 is used, the requirements of this subsection shall be satisfied for the plan year in which the process concludes.

(f) ~~[Quorum and vote of the board.]~~ The

~~[(1) Until March 1, 2005, the board shall meet at any time to act on business, and three members of the board constitute a quorum. The approval of three members of the board is necessary for any motion of the board to carry.~~

~~(2) On and after March 1, 2005, the]~~ board shall meet at any time after posting timely notice as required by law. Four ~~[to act on business, and four]~~ members of the board constitute a quorum. The approval of four members of the board is necessary for any motion of the board to carry.

(g) The board is not liable for its acts and conduct or any losses incurred in the administration of the retirement fund, the management of the assets of the fund, or the investment of the fund if the board has met the standards set forth in Subsections (a) and (b) of this section and in Sections 40A-4.1 and 40A-4.2.

(h) If the board, in good faith, is in doubt as to the construction or interpretation of any provision of this chapter, or has any other question that may arise during the administration of the retirement fund, the board may resolve all such doubts and questions without obtaining a judicial construction. All constructions and interpretations made by the board are binding and conclusive.

(i) The board may consult with an actuary, attorney, physician, or accountant, who may also be employed by the city. The board is not liable for any act or conduct that was performed in good faith reliance on the opinion of an actuary, attorney, physician, or accountant with respect to an actuarial, legal, medical, or accounting matter, respectively.

#### **SEC. 40A-4.1. INVESTMENT MANAGERS; FIDUCIARY DUTIES.**

(a) The board may appoint investment managers for the fund by contracting for professional investment management services with one or more organizations, which may include a bank if it has a trust department, that are in the business of managing investments.

(b) To be eligible for appointment under this section, an investment manager must be:

(1) an organization registered under the Investment Advisors Act of 1940 (15 U.S.C. Section 80b-1 et seq.);

(2) a bank as defined by that Act; or

(3) an insurance company qualified to perform investment services under the laws of more than one state.

(c) In a contract made under this section, the board shall specify any policies, requirements, or restrictions, including criteria for determining the quality of investments and for the use of standard rating services, that the board may adopt for investment of the fund.

(d) In choosing and contracting for professional investment management services and in continuing the use of an investment manager, the board must act prudently and in the interest of the members, inactive members, retirees, and their beneficiaries.

(e) The board is not liable for the acts or omissions of an investment manager appointed under this section, nor is the board obligated to invest or otherwise manage any asset of the fund subject to management by the investment manager.

(f) An investment manager appointed under this section shall acknowledge in writing the manager's fiduciary responsibilities to the fund, which include the same duties assigned to the board in Section 40A-4(a)(1), (3), and (4).

(g) The investment standards provided by Section 40A-4(a) and (b) and the policies, requirements, and restrictions adopted under this section are the only standards, policies, requirements, and restrictions governing the investment of funds of the retirement fund by an investment manager or by the board during a 90-day interim between professional investment management services. Any other standard, policy, requirement, or restriction provided by law is suspended and not applicable during a time, and for 90 days after a time, in which an investment manager is responsible for investment of fund assets. If an investment manager has not begun managing investments before the 91st day after the date of termination of the services of a previous investment manager, the standards, policies, requirements, and restrictions otherwise provided by law are applicable until the date professional investment management services are resumed.

#### **SEC. 40A-4.2. INVESTMENT CUSTODY ACCOUNT.**

(a) If the board contracts for professional investment management services, it also shall enter into an investment custody account agreement designating one or more banks, ~~or~~ depository trust companies, or brokerage firms meeting the requirements under Section 802.205(d) of the Texas Government Code, as amended, to serve as custodian for the ~~all~~ assets allocated to or generated under the contract.

(b) Under an investment custody account agreement, the board shall require the designated custodian to perform the duties and assume the responsibilities for funds under the

contract for which the agreement is established that are performed and assumed, in the absence of a contract, by the custodian of system funds.

#### **SEC. 40A-5. ADMINISTRATOR OF THE RETIREMENT FUND.**

(a) The administrator of the retirement fund shall carry out the business of the board and keep a record of the proceedings of the board.

(b) ~~The administrator, i~~In accordance with civil service rules of the city, ~~the administrator~~ may appoint and hire deputies ~~[assistants]~~ and other employees.

(c) The administrator shall serve at the will of the board.

(d) The administrator is the “plan administrator,” as that term is defined in 26 U.S.C. 414(g).

(e) Whenever the term “executive director” is used in relation to the retirement fund in any plan documents, contracts, resolutions, or other documents generated by the board or the fund, or in any city ordinances, resolutions, or contracts related to the fund, that term will mean “administrator.”

#### **SEC. 40A-6. EMPLOYEE CONTRIBUTIONS.**

(a) Members. Every employee must be a member of the fund except:

(1) a retiree re-employed by the city, who may elect not to contribute to the fund under Section 40A-~~(20)~~ ~~[19]~~; or

(2) a leased employee who is not eligible to contribute to the fund.

(b) Contribution amount.

(1) ~~[For each pay period ending before October 1, 2005, each member shall contribute to the retirement fund an amount equal to 6-1/2 percent of the member’s wages for the pay period.~~

~~(2)~~ For each pay period ending during a transition year, each member shall contribute to the retirement fund an amount equal to 37 percent times the current total obligation rate for that fiscal year times the member’s wages for the pay period.

~~(2)~~(3) For each pay period ending during a a ~~[each]~~ fiscal year other than ~~[commencing on or after October 1, 2005, except for]~~ a transition year, each member shall contribute to the retirement fund an amount equal to 37 percent times the current adjusted total obligation rate for that fiscal year times the member’s wages for the pay period.

(c) Deductions. The contributions by each member receiving compensation from the city will normally be made by means of deduction on each payday.

(d) Discontinuing contributions.

(1) No member may discontinue contributions to the retirement fund unless the member is on:

(A[4]) [~~on~~] unpaid leave for military active duty; or

(B[2]) [~~on~~] a leave of absence.

(2[e]) A member who discontinues contributions to the retirement fund under Subsection (d)(1[2])(B) will have any retirement or death benefits computed based on credited service established at the date of discontinuance.

**SEC. 40A-7. CITY CONTRIBUTIONS.**

(a) Contribution amount.

(1) [~~For each pay period ending before October 1, 2005, the city shall contribute to the retirement fund an amount equal to 11 percent times the members' wages for the pay period.~~

(2) For each pay period ending during a transition year, the city shall contribute to the retirement fund an amount equal to:

(A) 63 percent times the current total obligation rate for that fiscal year times the members' wages for the pay period, minus

(B) the pension obligation bond credit rate for that fiscal year times the members' wages for the pay period.

(2[3]) For each pay period ending during a each fiscal year other than [~~commencing on or after October 1, 2005, except for~~] a transition year, the city shall contribute to the retirement fund an amount equal to:

(A) 63 percent times the current adjusted total obligation rate for that fiscal year times the members' wages for the pay period, minus

(B) the pension obligation bond credit rate for that fiscal year times the members' wages for the pay period.

(b) The city shall provide for costs of administration of the retirement fund, if the board determines that payment of the costs by the retirement fund will have an adverse effect on payment of benefits and that the costs are necessary. The city may modify any budget provision for administrative costs that it is being asked to fund under this subsection.

(c) The total contributions of the employees and the city must be forwarded by the city to the retirement fund not later than the end of each week for all contributions made as to the pay period ending in that week.

~~(d) [The city will provide to the retirement fund adequate office space and the associated utilities without charge.]~~

~~(e)]~~ The city may not contribute to the retirement fund for an employee on leave of absence or unpaid leave for military active duty.

~~(e[f])~~ The city may not withdraw its contribution previously made to the retirement fund. Nothing in this subsection prohibits the administrative adjustment of future contributions for erroneously made prior contributions, if the adjustment is made within 60 days after the error is made or discovered, whichever occurs later.

~~(f[g])~~ All payments and benefits provided for in this chapter must be made from the retirement fund. There is no obligation on the part of the city, the board, or the employees to provide for payment of benefits from any other source, nor is there any liability on the city or the employees to make any contribution other than those specified in this section and Section 40A-6.

#### **SEC. 40A-7.1. MODIFICATION OF CONTRIBUTION RATES.**

(a) Notwithstanding the provisions of Sections 40A-4(d), 40A-6, and 40A-7, for any fiscal year in which the prior adjusted total obligation rate does not equal the current adjusted total obligation rate, the city may, within 45 days after receiving notice of the rates adopted by the board under Section 40A-4(d), retain at its complete discretion its own actuary who shall calculate member and city contributions to the fund based on the methods, assumptions, projections, and calculations determined by the actuary employed by the city; provided, however, that the actuarial assumptions must be consistent with the terms of this chapter. If the city's actuary agrees with the board's actuary, the determinations of the board's actuary shall be used to determine member and city contributions to the fund for the fiscal year.

(b) If there is a dispute between the actuary employed by the board and the actuary employed by the city with respect to the required member and/or city contributions to the fund for a fiscal year, the two actuaries shall attempt to resolve their differences. If the two actuaries resolve their differences, they shall sign a document setting forth the underlying actuarial methods, assumptions, projections, and calculations, and the resulting actuarially required contribution rate, current adjusted total contribution rate, current total obligation rate, and pension obligation bond credit rate, all of which shall be adopted by the board and used to determine member and city contributions to the fund for the fiscal year if the dispute is resolved prior to the commencement of the fiscal year; unless the board determines, in its discretion, that the conclusions agreed to by the two actuaries are not actuarially sound, in which case the board shall adopt sound actuarial assumptions and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate.

(c) If the differences between the two actuaries cannot be resolved within 90 days after the appointment of the second actuary, the board shall retain a third actuary based upon the joint recommendation of the other two actuaries. The third actuary shall review and calculate member and city contributions to the fund based on the methods, assumptions, projections, and calculations determined by the third actuary; provided, however, that the actuarial assumptions must be consistent with the terms of this chapter. The board, the city, and their respective actuaries shall cooperate with the third actuary and promptly provide such information as the third actuary reasonably requests. The three actuaries shall confer regarding the actuarial dispute between the city's and the board's actuaries, and shall attempt to resolve their differences. If any two of the three actuaries agree regarding the underlying actuarial methods, assumptions, projections, and calculations, and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate, such joint determinations shall be communicated in writing to the board and adopted by the board and used in establishing the member and city contributions to the fund for the fiscal year if the dispute is resolved prior to the commencement of the fiscal year; unless the board determines, in its discretion, that the conclusions agreed upon are not actuarially sound, in which case the board shall adopt sound actuarial assumptions and the resulting actuarially required contribution rate, current adjusted total obligation rate, current total obligation rate, and pension obligation bond credit rate.

(d) If a dispute described in this Section 40A-7.1 is not resolved prior to the commencement of the fiscal year, the member and city contributions to the fund for such fiscal year (as a percentage of wages) shall be the same as the prior fiscal year.

(e) Notwithstanding Section 40A-1(~~37~~[~~34~~]), for any fiscal year in which the process described in this Section 40A-7.1 results in a change in the current adjusted total obligation rate, then the prior adjusted total obligation rate for the succeeding fiscal year shall be deemed to be the current adjusted total obligation rate determined by the board through the process described in this section.

#### **SEC. 40A-8. EFFECT OF MEMBERSHIP IN THE RETIREMENT FUND.**

A person, by becoming or remaining a member, inactive member, retiree, or beneficiary of the retirement fund, binds the person and the person's heirs, administrators, executors, legal representatives, beneficiaries, and survivors to all provisions of this chapter.

#### **SEC. 40A-9. ACTUARIAL ASSUMPTIONS.**

(a) Except when specifically provided otherwise in this chapter, the board, upon recommendation of the fund's actuary, shall adopt and establish reasonable [When an] actuarial assumptions [is required under this chapter], interest rates, and mortality tables to be used under this chapter. [the following will apply:]

(b[+]) When determining the commuted value of future benefits under the fund during a particular calendar year, the five-year average of the [a] 10-year treasury bond (calculated as of the last business day of each of the last five years averaged together) is the [percent] interest assumption that must be used.

~~[(2) When calculating service retirement pension benefits for a person who retires before age 50, a five percent interest assumption must be used.~~

~~(3) When calculating the cost of benefits under the fund, the following mortality tables must be used:~~

~~(A) 1965 Railroad Disabled Life Mortality Table, for disability retirement pension benefits; and~~

~~(B) 1984 Unisex Mortality Table, set back four years, for all benefits under the fund except disability retirement pension benefits.]~~

(c[4]) When calculating the limits under Section 415 of the Internal Revenue Code, the applicable mortality table and applicable interest rate determined by the United States secretary of the treasury and in effect at the time of the calculation must be used.

#### **SEC. 40A-10. CREDITED SERVICE; COMPUTATION OF BENEFITS.**

(a) A retiree or a beneficiary is entitled to benefits of the retirement fund on the basis of credited service established while a member.

(b) Credited service includes:

(1) the length of credited service performed by the member or inactive member before retirement for which contributions to the fund have not been withdrawn or forfeited;

(2) the length of credited service performed by the member or inactive member prior to withdrawal or forfeiture of contributions to the fund if the credited service has been reinstated under Section 40A-11;

(3) the length of credited service for military active duty under Section 40A-12;

(4) the amount of vacation leave for which the member or inactive member received lump sum payment at termination of employment;

(5) the amount of credited service that is established at the time of a reduction in force in accordance with Section 40A-14; and

(6) the amount of credited service established by a retiree who is re-employed by the city and elects to contribute to the fund in accordance with Section 40A-~~20~~[19].

(c) For purposes of determining eligibility to retire, but not for purposes of computing benefits, a part-time ~~ann~~ employee shall receive one year of credited service upon completion of

1,000 hours of service in any 12-consecutive-month period beginning on the employee's date of employment or employment anniversary date.

(d) For the purpose of computing benefits, a member is deemed to be on leave of absence during any portion of a work period for which the member does not receive wages from the city, including, but not limited to, any time for which the member does not receive wages as a result of part-time employment or pro rata compensation. A member receiving sick leave or salary continuation payments in an amount coordinated with workers compensation payments is deemed to be receiving wages for that portion of time covered by sick leave and salary continuation payments and to be on leave of absence for that portion of time covered by workers compensation payments.

(e) Benefits may not exceed 100 percent of the average monthly earnings of the member or inactive member.

(f) For a Tier A member or inactive member, benefits [Benefits] are computed at the rate of 2-3/4 percent of the average monthly earnings of the member or inactive member for the total amount [each full year] of credited service by the member or inactive member. Benefits will be prorated for each partial year of credited service.

(g) For a Tier B member or inactive member, benefits are computed at the rate of 2-1/2 percent of the average monthly earnings of the member or inactive member for the total amount of credited service by the member or inactive member. Benefits will be prorated for each partial year of credited service.

(h) Benefits will be computed under this chapter without regard to gender.

#### **SEC. 40A-10.1. RESTRICTED PRIOR SERVICE CREDIT.**

(a) A Tier B member may be eligible for restricted prior service credit to be used in determining a member's eligibility to vest or retire, but not toward calculating benefits under this chapter.

(b) To be eligible, a Tier B member must apply for restricted prior service credit not later than three years after the date of employment or re-employment by the city. The application must be on a form approved by the administrator and must be submitted to the administrator. Upon verification of prior restricted service, the administrator shall grant the credit.

#### **SEC. 40A-11. CREDITED SERVICE FOR EMPLOYMENT BEFORE A BREAK IN SERVICE.**

(a) An eligible member whose credited service in the fund was canceled by withdrawal or forfeiture of contributions may reinstate the credited service.

(b) To be eligible to reinstate credited service under this section, a member must have:

(1) returned to employment with the city and resumed contributing to the fund within six years of the end of the period of service for which credit was canceled; and

(2) continuously contributed to the fund for 12 consecutive months after returning to city employment.

(c) A member may reinstate credited service only during the 24-month period beginning on the ~~[later of:~~

~~(1) January 1, 1992; or~~

~~(2)]~~ completion of 12 consecutive months of service following a cancellation of credited service.

(d) A member shall have only one period of time under this section in which to reinstate credited service canceled by any single withdrawal or forfeiture of contributions.

(e) An eligible member choosing to reinstate credited service must reinstate either all of the credited service canceled by a single withdrawal or forfeiture or the amount of credited service canceled by a single withdrawal or forfeiture that is needed to make the member eligible for pension benefits equal to 100 percent of the member's average monthly earnings on the date of reinstatement. Where reinstatement of a portion of credited service is authorized under this subsection, the member must reinstate credited service from the last earned to the first earned.

(f) An eligible member may reinstate credited service as follows:

(1) If credited service was canceled by withdrawal of contributions,

(A) a Tier A member must deposit [by depositing] in the fund a lump sum equal to the amount withdrawn, or portion of the amount withdrawn where full credited service is not to be reinstated, plus interest of 7-1/2 percent compounded annually from the date of withdrawal to the date of reinstatement[, if credited service was canceled by withdrawal of contributions]; and [or]

(B) a Tier B member must deposit in the fund a lump sum equal to the amount withdrawn, or portion of the amount withdrawn where full credited service is not to be reinstated, plus interest at a rate equal to the highest actuarial rate of return assumption used during the withdrawal period compounded annually from the date of withdrawal to the date of reinstatement.

(2) If credited service was canceled by forfeiture of contributions, the member must file [by filing] an application for reinstatement on a form approved by the administrator and submit the application to the administrator[, if credited service was canceled by forfeiture of contributions].

(g) If an eligible member has more than one break in service during which credited service was canceled, the credited service must be reinstated from the last canceled to the first canceled.

**SEC. 40A-12. CREDITED SERVICE FOR MILITARY ACTIVE DUTY.**

(a) A member with a break in service for military active duty is entitled to credited service for the period of military active duty not exceeding five years if the time is spent in the service of the armed forces of the United States, provided the member satisfactorily completes active service and returns to the service of the city after the member's discharge within the period described by law, if any.

(b) Benefits of a member allowed under Subsection (a) for the period of the break in service for military active duty is computed at the appropriate rate of the average monthly earnings of the member on the date the break in service for military active duty was granted for each year the member is on military active duty.

(c) Notwithstanding any other provision to the contrary, contributions, benefits, and service with respect to qualified military service will be provided in accordance with Section 414(u) of the Internal Revenue Code.

(d) If a member dies while performing qualified military service (as defined in Section 414(u) of the Internal Revenue Code), the beneficiaries of the member are entitled to any additional benefits (other than benefits relating to the period of qualified military service) that would have been provided if the member had returned to service and then died.

**SEC. 40A-13. CREDITED SERVICE FOR LEAVE OF ABSENCE.**

Except as provided in Section 40A-12, no credited service will be given for time spent on leave of absence.

**SEC. 40A-14. REDUCTION IN FORCE.**

(a) The administrator must be notified in writing by the city manager, or by any department head not under the city manager, each time an employee who is a member is terminated as the result of a reduction in force. The determination of the city manager, or a department head not under the city manager, as to the date and the cause of termination is final and binding.

(b) A [~~Effective November 7, 1991, a~~] person is eligible to establish credited service under this section if the person:

- (1) had five or more years of credited service at the time of termination;
- (2) would have been eligible to retire within two years had employment not been terminated; and
- (3) was designated by the city manager, or by a department head not under the city manager, as being terminated as a result of a reduction in force.

(c) A person eligible under Subsection (b) may establish any amount of credited service desired, up to a maximum of the amount of credited service needed to take the person to the earliest retirement date, by making a lump sum payment of the amount required by Subsection (d):

~~(1)~~ within 90 days after the person's termination date~~;~~ ~~and~~

~~(2)~~ ~~within the same calendar year in which employment was terminated~~].

(d) The amount of contributions required to be paid to establish credited service under Subsection (c) is equal to the employee contribution rate being paid under Section 40A-6 plus the city contribution rate being paid under Section 40A-7 multiplied by the average monthly wage earned by the person during the last 12 full months of service prior to termination multiplied by the number of months of credited service to be established.

(e) Credited [~~S~~]service established under this section will be credited to the person purchasing the credited service on a month-by-month basis as if the person had remained a city employee and a member.

(f) If a person who paid to establish credited service under this section is reinstated as a member before establishing all of the service purchased, then any unused portion of the lump sum payment will be returned to the person without interest, and any uncredited service for which payment was made will be canceled.

(g) If a person who paid to establish credited service under this section dies before establishing all of the credited service purchased, then any unused portion of the lump sum payment will be paid to the beneficiary, or, if there is no beneficiary, to the decedent's estate without interest, and any uncredited service for which payment was made will be canceled.

## **SEC. 40A-15. RETIREMENT.**

(a) A Tier A [~~A~~] inactive member with five or more years of credited service or a Tier A member is eligible for:

(1) a normal retirement pension at age 60;

(2) [~~an early retirement pension at age 55, if credited service began before May 9, 1972;~~

~~(3)~~ an unreduced [~~a~~] service retirement pension at age 50, if the member or inactive member has 30 years of credited service; or

~~(3)~~<sup>[4]</sup> a service retirement pension at any age below age 50, if the member or inactive member has 30 years of credited service, provided that benefits will be actuarially reduced from age 50 in accordance with Section 40A-16(c).

(b) ~~A Tier A member[, or a person establishing credited service under Section 40A-14 through the month in which the retirement occurs,] is eligible for an unreduced [a] service retirement pension at or after age 50 if the person's age and years and partial years of credited service, when added together, total at least 78. [A member may not retire under this subsection while on leave of absence.]~~

(c) A Tier B inactive member with five or more years of credited service or a Tier B member with five or more years of credited service is eligible for:

(1) a normal retirement pension at age 65; or

(2) an unreduced service retirement pension if the member or inactive member has 40 years of credited service.

(d) A Tier B member with five or more years of credited service is eligible for a retirement pension if the person's age and years and partial years of credited service, when added together, total at least 80.

(1) Benefits for a member retiring under Subsection 40A-15(d) before the age of 65 will be actuarially reduced in accordance with Section 40A-16(d).

(2) A member who is eligible to retire under this subsection before the age of 65 may terminate city employment and elect to defer retirement and the receipt of benefits until age 65, at which age the benefits received will not be actuarially reduced under Section 40A-16(d). At any time before the age of 65, the person may revoke this election and choose to retire and receive benefits, which benefits will be actuarially reduced under Section 40A-16 based on the person's age on the date the revocation application is approved by the administrator. The application for an election to defer a retirement as described in Section 40A-15(d) of this chapter or to revoke that election must be on a form approved by the administrator and must be submitted to the administrator. The administrator must approve the application in accordance with rules and procedures adopted by the board.

## **SEC. 40A-16. RETIREMENT PENSION.**

(a) A member or inactive member eligible for a retirement pension is entitled to a pension for life computed on the amount of credited service of the member or inactive member.

(b) Except as provided in Section 40A-18(a), a member or inactive member eligible for a retirement pension is entitled to a pension beginning from the date of eligibility, but not before the member or inactive member's last paid day of employment with the city.

(c) A Tier A member or inactive member eligible for a service retirement pension who retires before the age of 50 is entitled to the following percentage of a [normal pension] benefit calculated under Section 40A-10(f):

<u>Age</u>	<u>Percentage</u>
49	93.3
48	87.2
47	81.5
46	76.3
45	71.5
44	67.0

(d) A Tier B member eligible for an early retirement pension under Section 40A-15(d) of this chapter who retires before the age of 65 is entitled to a benefit calculated under Section 40A-10(g) and then reduced in accordance with actuarially equivalent factors adopted by the board and in effect at the time of the member's retirement. These actuarially equivalent factors may not be given effect for at least six months after their adoption by the board. Copies of the actuarially equivalent factors must be maintained in the fund office and published on the fund's website.

(e) The following retirement options are payable from the fund:

(1) Life with a 10 year certain option. Under this option, a retiree will receive an unreduced pension for life. If the retiree dies before 120 monthly payments have been made, then an unreduced pension will be paid to the designated beneficiary or beneficiaries for the remainder of 10 years from the effective date of the retiree's retirement. Only qualified recipients of the retiree are eligible to be beneficiaries. If the retiree dies and if all designated beneficiaries die or cease to be eligible before 120 monthly payments have been made, then a final payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

- (A) to one or more designees; or
- (B) if no designee exists, to the retiree's estate.

(2) Joint and one-half survivor option. Under this option, a Tier A retiree will receive an unreduced pension for life and, after the retiree's death, one-half of the unreduced pension will be paid for the life of one beneficiary designated by the retiree before retirement. A Tier B retiree will receive an actuarially reduced pension for life and, after the retiree's death, one-half of the reduced pension will be paid for the life of one beneficiary designated by the retiree before retirement. Only a qualified recipient of the retiree other than one described in Section 40A-1(38[35])(C) is eligible to be the beneficiary. If both the retiree and the designated beneficiary die before 120 monthly payments have been made, then a final payment equal to the commuted value

of the balance of the 120 monthly payments will be made to one or more designees or, if no designee exists, to the estate of the last person entitled to monthly benefits.

(3) Joint and full survivor option. Under this option, a retiree will receive an actuarially-reduced pension for life and, after the retiree's death, the same pension will be paid for the life of one beneficiary designated by the retiree before retirement. Only a qualified recipient of the retiree other than one designated in Section 40A-1(~~38~~~~35~~)(C) is eligible to be the beneficiary. If both the retiree and the designated beneficiary die before 120 monthly payments have been made, then a final payment equal to the commuted value of the balance of the 120 monthly payments will be made to one or more designees or, if no designee exists, to the estate of the last person entitled to monthly benefits.

(~~f~~~~e~~) Except as provided in Subsection (~~g~~~~f~~), at the time of a normal, early, service, or disability retirement, a member or inactive member may select either a:

- (1) [~~a~~] joint and one-half survivor option; or
- (2) [~~a~~] life with a 10 year certain option.

(~~g~~~~f~~) At the time of normal, early, service, or disability retirement, a member who is eligible by age and years of credited service for a normal, early, or service retirement pension or a member or inactive member who is retiring with 15 or more years of credited service may select:

- (1) a joint and one-half survivor option;
- (2) a life with a 10 year certain option; or
- (3) a joint and full survivor option.

(~~h~~~~g~~) Each retiring member or inactive member who is married shall designate the spouse as beneficiary under the joint and full survivor option, if eligible to select that option, or under the joint and one-half survivor option, if not eligible to select the joint and full survivor option. Any other designation of a beneficiary or selection of a retirement option will be effective only if agreed to by the spouse in writing on a form filed with the administrator.

(~~i~~~~h~~) Except as provided in Section 40A-~~20~~~~19~~, a retirement option may not be changed after the effective date of retirement.

#### **SEC. 40A-17.           DISABILITY RETIREMENT.**

(a) Any member or inactive member who is totally and permanently disabled with a service disability is eligible for a disability retirement pension.

(b) Any member who is totally and permanently disabled with a nonservice disability and who has five or more years of credited service is eligible for a disability retirement pension.

(c) Any inactive member who is totally and permanently disabled with a nonservice disability and who has 10 or more years of credited service is eligible for a disability retirement pension.

(d) The board shall determine the disability of a member or inactive member. The determination of the board is final.

**SEC. 40A-18. DISABILITY RETIREMENT PENSION.**

(a) A member or inactive member is not eligible for a disability retirement pension until 90 days after the member or inactive member's last working day before being disabled, or until application is made to the board, whichever occurs later.

(b) A member or inactive member eligible for a disability retirement pension is entitled to a disability retirement pension for life with benefits computed at the rates reflected in Section 40A-10, subject to the following minimums:

(1) The minimum disability retirement pension payable for a nonservice disability is equal to 10 times the percentage multiplier used in computing benefits of the member or inactive member on the date of retirement multiplied by the member or inactive member's average monthly earnings.

(2) The minimum disability retirement pension payable for a service disability is equal to the greater of:

(A) \$1,000 [500] a month, regardless of the date of retirement; or

(B) 10 times the percentage multiplier used in computing benefits of the member or inactive member on the date of retirement multiplied by the member or inactive member's average monthly earnings.

**SEC. 40A-19. TERMINATION OF A DISABILITY RETIREMENT PENSION  
[RE-EMPLOYMENT OF A RETIREE].**

(a) A retiree entitled to a disability retirement pension may not receive a disability retirement pension if the retiree:

(1) does not submit, when requested by the administrator, a truthful sworn affidavit stating any earnings from any gainful activity;

(2) is re-employed by the city or capable of performing the duties of the position previously held with the city;

(3) refuses, when requested by the administrator, to submit to a medical examination by a doctor approved by the board;

(4) is found to be earning or be capable of earning compensation in an amount greater than \$250 per month, whether or not such a position is available; or

(5) is found to be involved in any gainful activity not commensurate with health limits imposed by the attending physician.

(b) The board shall discontinue a disability retirement pension if it determines that one of the conditions of Subsection (a) exists. The determination by the board is final.

(c) A person whose disability retirement pension is discontinued under this section is entitled to other benefits payable under the fund for all credited service previously accrued and not canceled by forfeiture or refund of contributions. Any refund of the person's contributions based on credited service previously accrued will be made without interest, less any previous retirement pension payments.

~~[(a) If a retiree is re-employed by the city in a position normally covered by the fund, the retiree:~~

~~(1) irrevocably waives all rights to payment of pension benefits for the period of re-employment; and~~

~~(2) may elect to become a member and contribute to the retirement fund during the period of re-employment.~~

~~(b) Upon termination of re-employment of a retiree who elects to contribute to the fund under Subsection (a), pension benefits will be calculated as follows:~~

~~(1) If the period of re-employment was for less than 12 months, pension benefits for the credited service from which the person had previously retired will be reinstated in the form and amount previously paid, modified by any intervening cost of living adjustments. Pension benefits for credited service for the period of re-employment will be calculated in accordance with the formulas and options available under the fund on the date of termination of re-employment.~~

~~(2) If the period of re-employment was for at least 12 months, the person may choose to have pension benefits paid in accordance with Paragraph (1) of this subsection or calculated on all credited service for all periods of employment in accordance with the formulas and options available under the fund on the date of termination of re-employment. If the new election changes or adds a retirement option or designated beneficiary for a period of credited service from which the person had previously retired and the change would have a negative actuarial effect on the fund, the pension benefits will be reduced by an amount calculated by the fund's actuary as necessary to prevent the loss.~~

~~(c) A retiree re-employed by the city who does not contribute to the fund is, after termination of re-employment, entitled to those pension benefits payable on the date of re-employment, modified by any intervening cost of living adjustments.]~~

**SEC. 40A-20. RE-EMPLOYMENT OF A RETIREE ~~[TERMINATION OF A DISABILITY RETIREMENT PENSION]~~.**

(a) If a retiree is re-employed by the city in a position normally covered by the fund, the retiree:

(1) irrevocably waives all rights to payment of pension benefits for the period of re-employment; and

(2) may elect to become a member and contribute to the retirement fund during the period of re-employment.

(b) Upon termination of re-employment of a retiree who elects to contribute to the fund under Subsection (a), pension benefits will be calculated as follows:

(1) If the period of re-employment was for less than 12 months, pension benefits for the credited service from which the person had previously retired will be reinstated in the form and amount previously paid, modified by any intervening cost-of-living adjustments. Pension benefits for credited service for the period of re-employment will be calculated in accordance with the formulas and options available under the fund on the date of termination of re-employment.

(2) If the period of re-employment was for at least 12 months, the person may choose to have pension benefits paid in accordance with Paragraph (1) of this subsection or calculated on all credited service for all periods of employment in accordance with the formulas and options available under the fund on the date of termination of re-employment. If the new election changes or adds a retirement option or designated beneficiary for a period of credited service from which the person had previously retired and the change would have a negative actuarial effect on the fund, the pension benefits will be reduced by an amount calculated by the fund's actuary as necessary to prevent the loss.

(c) A retiree re-employed by the city who does not contribute to the fund is, after termination of re-employment, entitled to those pension benefits payable on the date of re-employment, modified by any intervening cost-of-living adjustments.

~~[(a) A retiree entitled to a disability retirement pension may not receive a disability retirement pension if the retiree:~~

~~(1) does not submit, when requested by the administrator, a truthful sworn affidavit stating any earnings from any gainful activity;~~

~~(2) is re-employed by the city or capable of performing the duties of the position previously held with the city;~~

~~(3) refuses, when requested by the administrator, to submit to a medical examination by a doctor approved by the board;~~

~~(4) is found to be earning or be capable of earning compensation in an amount greater than \$250 per month, whether or not such a position is available; or~~

~~(5) is found to be involved in any gainful activity not commensurate with health limits imposed by the attending physician.~~

~~(b) The board shall discontinue a disability retirement pension if it determines that one of the conditions of Subsection (a) exists. The determination by the board is final.~~

~~(c) A person whose disability retirement pension is discontinued under this section is entitled to other benefits payable under the fund for all credited service previously accrued and not canceled by forfeiture or refund of contributions. Any refund of the person's contributions based on credited service previously accrued will be made without interest, less any previous retirement pension payments.]~~

#### **SEC. 40A-20.1. SELECTION OF A DESIGNEE.**

(a) A member, inactive member, or retiree may at any time select a designee or designees or change a previous selection of a designee or designees.

(b) If a designee is a former spouse, the designation must have been signed by the member, inactive member, or retiree after the divorce, or the designation of the former spouse is void.

(c) A designee who is a person must be alive at the time payment is due, or the designation of that person is void. A designee that is an entity must be in existence at the time payment is due, or the designation of that entity is void.

(d) Any selection of a designee by a member or inactive member must be ratified at the time of retirement, or it becomes void.

#### **SEC. 40A-21. DEATH BENEFITS BEFORE RETIREMENT.**

(a) Before retirement, a member or inactive member is eligible for the death benefits described in this section.

(b) Refund of contributions.

(1) If a member who is not eligible to retire by both age and years of credited service dies with less than two years of credited service, a refund of the member's contributions will be paid to one or more designees or, if no designee exists, to the member's estate.

(2) If an inactive member who terminated city employment without having at least five years of credited service dies before receiving a refund of contributions, a refund of the contributions will be paid to one or more designees or, if no designee exists, to the inactive member's estate, except that if more than three years have passed between the date of termination of city employment and the date of death, then the contributions are forfeited under Section 40A-30 and are not refundable.

(c) Death benefit options.

(1) 10 year certain option. Under this option, the designated beneficiary or beneficiaries will receive an unreduced pension for 120 months. Only qualified recipients of the member or inactive member are eligible to be beneficiaries. If all beneficiaries die or cease to be eligible before 120 monthly payments have been made, then a lump sum payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

(A) to one or more designees; or

(B) if no designee exists, to the estate of the member or inactive member.

(2) One-half survivor option. Under this option, one designated beneficiary will receive one-half of an unreduced pension for life. Only a qualified recipient of the member or inactive member other than one described in Section 40A-1(~~38~~[~~35~~])(C) is eligible to be the beneficiary. If the designated beneficiary dies or ceases to be eligible before 120 monthly payments have been made, then a lump sum payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

(A) to one or more designees;

(B) if no designee exists and if an eligible beneficiary survived the member or inactive member, to the estate of the beneficiary; or

(C) if no designee exists and if no eligible beneficiary survived the member or inactive member, to the estate of the member or inactive member.

(3) Full survivor option. Under this option, one designated beneficiary will receive a reduced pension for life based upon the relative ages of the member or inactive member and the beneficiary on the day before the member or inactive member's death in an amount actuarially equivalent to an unreduced pension payable to the member or inactive member. Only a qualified recipient of the member or inactive member other than one described in Section 40A-1(~~38~~[~~35~~])(C) is eligible to be the beneficiary. If the designated beneficiary dies or ceases to be eligible before 120 monthly payments have been made, then a lump sum payment equal to the commuted value of the balance of the 120 monthly payments will be paid in the following order of priority:

(A) to one or more designees;

(B) if no designee exists and if an eligible beneficiary survived the member or inactive member, to the estate of the beneficiary; or

(C) if no designee exists and if no eligible beneficiary survived the member or inactive member, to the estate of the member or inactive member.

(d) If an inactive member dies with at least five years, but less than 15 years, of credited service, a death benefit is payable in accordance with this subsection. The pension will not be reduced because of the age of the inactive member. The pension will be based upon the inactive member's actual credited service or 10 years credited service, whichever is greater, and the benefit formulas in effect at the time of termination of city employment. The death benefit will be paid as either:

(1) a 10 year certain option; or

(2) a one-half survivor option.

(e) If a member who is not described in Subsection (f) dies with at least two years, but less than 15 years, of credited service, a death benefit is payable in accordance with this subsection. The pension will not be reduced because of the age of the member. The pension will be based upon the member's actual credited service or 10 years credited service, whichever is greater. The death benefit will be paid as either:

(1) a 10 year certain option; or

(2) a one-half survivor option.

(f) If a member who is eligible to retire by both age and years of credited service or a member or inactive member who has at least 15 years of credited service dies, a death benefit is payable in accordance with this subsection. The pension will not be reduced because of the age of the member or inactive member. The pension will be based upon the member or inactive member's actual credited service or 10 years credited service, whichever is greater. The death benefit will be paid as either:

(1) a 10 year certain option; or

(2) a full survivor option.

(g) Death benefits for any service death will be determined as follows:

(1) The benefits will be computed using the greater of:

(A) the decedent's actual credited service; or

(B) 10 times the percentage multiplier used in computing benefits of the decedent on the date of death multiplied by the decedent's average monthly earnings.

(2) The benefits may never be less than \$1,000 [~~500~~] per month, regardless of the date of death, or the amount computed under Paragraph (1) of this subsection, whichever is greater.

(h) If two or more beneficiaries are entitled to pension payments from the account of a deceased member or inactive member and one of the beneficiaries dies or becomes ineligible, then that beneficiary's share of the pension will be divided equally among any remaining beneficiaries.

#### **SEC. 40A-22. SELECTION OF DEATH BENEFITS PRIOR TO RETIREMENT.**

(a) A member or inactive member described in Section 40A-21(d), (e), (f), or (g) is eligible to select a death benefit option for the payment of a pension as provided by those provisions. The selected option will become effective only if the member or inactive member dies while eligible to select the option.

(b) Designation of beneficiaries.

(1) Each member or inactive member who is married at the time a death benefit option is selected shall designate the spouse as beneficiary under the full survivor option or, if not eligible for the full survivor option, under the one-half survivor option. Any other designation of a beneficiary or selection of a death benefit option will become effective only if agreed to by the spouse in writing on a form filed with the administrator.

(2) A death benefit option that designates a spouse as beneficiary becomes void if the member or inactive member and the spouse become divorced.

(3) Upon the marriage of a member or inactive member, a death benefit option that does not designate the new spouse as beneficiary under either the full survivor option or the one-half survivor option becomes void.

(c) If a member or inactive member selects a one-half survivor option, and the member or inactive member is eligible to select a full survivor option at the time of death, then benefits under a full survivor option will be paid.

(d) If an eligible member or inactive member dies without having selected a death benefit option or if the selection cannot be made effective, the surviving spouse may select an option as if the member or inactive member had made the selection. If there is no surviving spouse, the personal representative of the estate of the member or inactive member may make the selection for the benefit of the qualified recipients. If there are no qualified recipients, then a lump sum payment equal to the commuted value of a 10 year certain option will be paid to the estate of the member or inactive member.

**SEC. 40A-23. DEATH BENEFITS AFTER RETIREMENT.**

(a) A retiree who dies shall have death benefits determined and distributed in accordance with the provisions of the retirement option selected at retirement.

(b) If two or more beneficiaries are entitled to a pension upon a retiree's death and one of the beneficiaries subsequently dies or becomes ineligible, then that beneficiary's share of the pension will be divided equally among any remaining beneficiaries.

(c) If a retiree marries after retirement, the spouse of this marriage is not eligible for any retirement benefit from the fund other than as the retiree's heir, ~~or~~ devisee, or designee.

(d) If the retiree is divorced, the former spouse has no right to benefits except as provided in Section 40A-34(b).

(e) When a retiree or beneficiary dies, the earned but unpaid portion of the final month's benefit will be paid as follows:

(1) To the beneficiary or beneficiaries entitled to future monthly benefits from the fund, to be divided in the same proportional shares as the future monthly benefits are to be divided.

(2) If there are no future monthly benefits payable, then to the decedent's surviving spouse, if any.

(3) If there are no future monthly benefits payable and if there is no surviving spouse, then to the executor or administrator of the decedent's estate, if any.

(4) If there are no future monthly benefits payable, if there is no surviving spouse, and if no executor or administrator has been named within 120 days of the decedent's death, then to the decedent's heirs as established by an affidavit of heirship filed with the administrator of the retirement fund.

**SEC. 40A-24. DEATH BENEFITS TO MINORS.**

If a minor is entitled to benefits from the retirement fund, the board must pay the benefits to the minor's legal guardian or, until one is appointed, the minor's natural guardian, who shall be entitled to receive the benefits for the best interest of the child.

**SEC. 40A-25. BENEFITS TO INCOMPETENT RETIREES OR BENEFICIARIES.**

If a court has appointed a personal representative of a retiree or qualified recipient entitled to benefits from the retirement fund, the board shall pay those benefits to the court-appointed representative.

**SEC. 40A-26. DIRECT ROLLOVER.**

(a) [~~This section applies to distributions made on or after January 1, 1993.~~] Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) Definitions. In this section:

(1) ELIGIBLE ROLLOVER DISTRIBUTION means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

(A) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life or life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of 10 years or more;

(B) any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; or

(C) any distribution that is made upon hardship of the employee.

(2) ELIGIBLE RETIREMENT PLAN means an individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, an annuity plan described in Section 403(a) of the Internal Revenue Code, an eligible deferred compensation plan that is maintained by an eligible employer described in Section 457(e)(1) of the Internal Revenue Code, an annuity contract described in Section 403(b) of the Internal Revenue Code, or a qualified trust described in Section 401(a) of the Internal Revenue Code, that accepts the distributee's eligible rollover distribution. An eligible retirement plan means only an individual retirement account or individual retirement annuity in the case of an eligible rollover distribution for a designated beneficiary that is not:

(A) the surviving spouse; or

(B) an alternate payee under a qualified domestic relations order who is a spouse or former spouse.

(3) DISTRIBUTEES means:

(A) an employee or former employee;

(B) the employee or former employee's surviving spouse;

(C) an alternate payee under a qualified domestic relations order who is the employee or former employee's spouse or former spouse, but only with regard to the interest of the spouse or former spouse under the qualified domestic relations order; or

(D) the employee or former employee's designated beneficiary.

(4) DIRECT ROLLOVER means a payment by the plan to the eligible retirement plan specified by the distributee.

(5) DESIGNATED BENEFICIARY means an individual who is designated to receive an eligible rollover distribution.

#### **SEC. 40A-27. HEALTH BENEFIT SUPPLEMENTS.**

(a) ~~A Tier A retiree or beneficiary is eligible for a [Retirements and deaths after December 31, 1991. A] health benefit supplement [will be paid for each account on which payments become effective after December 31, 1991] in addition to the amount otherwise payable under the fund. The health benefit supplement is equal to \$25 a month for each full year of credited service or \$125 a month, whichever is less. Payment of the health benefit supplement will be prorated for each partial year of credited service.~~

(b) ~~[Retirements and deaths before January 1, 1992. Beginning January 1, 1992, the board shall pay a health benefit supplement of:~~

~~(1) \$125 a month for each account on which payments became effective on or before April 4, 1987, regardless of the amount of credited service;~~

~~(2) \$125 a month for each account on which payments are being made as a result of a service death or service disability, regardless of the date payments began; and~~

~~(3) \$25 a month for each full year of credited service or \$125 a month, whichever is less, for each account in pay status on December 31, 1991 that is not described in Paragraph (1) or (2) of this subsection.~~

~~(e)] If more than one beneficiary is receiving a pension from the account of a deceased member, inactive member, or retiree, the health benefit supplement will be divided among the beneficiaries in shares proportionate to their rights to the pension.~~

~~(c[d]) A health benefit supplement is not includable when calculating lump sum death benefit payments.~~

(d) Health benefit supplements attributable to retirements and deaths that occurred before January 1, 2017 shall not be reduced by reason of Subsection (a).

(e) A Tier B retiree or beneficiary is not eligible for any health benefit supplement.

**SEC. 40A-28. COST-OF-LIVING ADJUSTMENT TO BENEFITS.**

(a) On January 1 of each year, a cost-of-living adjustment will be made to the base pension payable to each retiree or beneficiary, if the person was entitled to a base pension on or before December 31 of the preceding year. If a base pension becomes payable during the 12 months preceding the cost-of-living adjustment, the adjustment will be prorated, with one-twelfth being paid for each whole or part month from the date the base pension became payable to the end of the year.

(1) A health benefit supplement under Section 40A-27 is not base pension and is not subject to any cost-of-living adjustment.

(2) The minimum amount payable as a disability retirement pension for a service disability under Section 40A-18(b)(2) or as death benefits for a service death under Section 40A-21(g)(2) will be considered the base pension for computing cost-of-living adjustments unless a greater base pension is payable under this chapter.

(b) The cost-of-living adjustment to the base pension will be made by using one of the following methods, whichever is the most beneficial to the retiree or beneficiary:

(1) the percentage of change in the price index for October of the current year over October of the previous year, up to:

(A) five percent for a Tier A retiree or beneficiary; or

(B) three percent for a Tier B retiree or beneficiary; or

(2) the percentage of the annual average change of the price index for the latest 12 months available, up to:

(A) five percent for a Tier A retiree or beneficiary; or

(B) three percent for a Tier B retiree or beneficiary.

(c) The cost-of-living adjustment may not reduce benefits of a retiree or beneficiary [~~below the base pension~~].

(d) In addition to the regular cost-of-living adjustment payable under Subsection (a) of this section, the board may from time to time grant an additional temporary or permanent adjustment if there exists investment income in excess of that needed to maintain the actuarial soundness of the fund. The adjustment is discretionary with the board in both its grant and application after the board has considered the funding of the increase and the relative needs of the retirees and beneficiaries. The adjustment may not increase or decrease the base pension of the retirees and beneficiaries. Any discretionary adjustment granted by the board under this subsection will not become effective unless approved by an ordinance or resolution of the city council.

**SEC. 40A-29.                   TERMINATION OF CITY EMPLOYMENT PRIOR TO RETIREMENT; BENEFITS.**

(a) A member with five or more years of credited service who terminates employment before becoming eligible for a normal, early, or service retirement pension is entitled to:

(1) a refund of contributions to the retirement fund, without interest, any time after termination, less any previous retirement pension payments; or

(2) payment of a retirement pension and benefits at the time the member becomes eligible.

(b) An inactive member with more than 10 years of credited service who terminated employment before becoming eligible for a normal, early, or service retirement pension is eligible to apply for a disability retirement pension as provided in Section 40A-17.

(c) A member with less than five years of credited service at the time of termination of employment who does not retire or withdraw contributions to the fund and who is later re-employed:

(1) before contributions are forfeited under Section 40A-30(b), shall have any pension benefits payable for all periods of credited service based on the provisions of the fund in effect on the date of termination of re-employment;

(2) after contributions are forfeited under Section 40A-30(b), but who reinstates credited service by filing the application required under Section 40A-11, shall have pension benefits payable for all periods of credited service based on provisions of the fund in effect on the date of termination of re-employment; or

(3) after contributions are forfeited under Section 40A-30(b), but who is not eligible to reinstate credited service under Section 40A-11, shall be treated as a new employee by the fund and have no right to pension benefits based on the period of canceled credited service.

(d) A member with five or more years of credited service at the time of termination of employment who does not retire or withdraw contributions to the fund and who is later re-employed for:

(1) [~~for~~] less than 12 full months of continuous service, shall have pension benefits payable on the period of credited service earned prior to the break in service based on provisions of the fund in effect at the time such service ended, while pension benefits for the period of credited service earned during re-employment will be based on provisions of the fund in effect on the date of termination of re-employment;

(2) [~~for~~] at least 12 full months of continuous service, shall have pension benefits payable on all periods of credited service based on provisions of the fund in effect on the date of termination of re-employment.

**SEC. 40A-30. REFUND OR FORFEITURE OF CONTRIBUTIONS.**

(a) A member who terminates employment without either retiring or having sufficient credited service to retire at a future date is entitled to the amount of the member's contributions to the retirement fund, without interest, less any previous retirement pension payments, except as provided by federal law.

(b) A member who terminates employment without either retiring or having sufficient credited service to retire at a future date must make written application with the retirement fund for the refund of the member's contributions within three years of the date of termination or all of the member's rights to a refund of contributions will be forfeited, and the contribution will remain in the retirement fund.

(c) Actuarial gains and forfeitures of employee or city contributions must be applied to reduce the cost of the fund and may not be used to increase benefits otherwise payable under the fund.

**SEC. 40A-31. LEAVE OF ABSENCE.**

(a) A member on leave of absence, who is eligible to retire because of disability or because of age and length of credited service, is entitled to:

(1) receive a pension for normal, early, or service retirement; or

(2) receive a pension for disability retirement or have death benefits paid to the beneficiaries if the leave of absence was granted for sickness or injury.

(b) The administrator of the retirement fund must be notified in writing by the city manager, or by any department head not under the city manager, of a member who has been granted a leave of absence and must be furnished with a copy of a written authorization for the leave of absence.

(c) A leave of absence will be regarded for retirement fund purposes as a break in service and not as a termination of employment.

**SEC. 40A-32. LEAVE FOR MILITARY ACTIVE DUTY.**

The administrator of the retirement fund must be notified in writing by the city manager, or by any department head not under the city manager, of a member who has been granted a leave for military active duty and must be furnished with a copy of a written authorization for the leave.

**SEC. 40A-33. COMPLIANCE WITH FEDERAL TAX LAWS.**

(a) A member or survivor of a member of the pension system may not accrue a retirement pension, or any other benefit under this chapter, in excess of the benefit limits applicable

to the fund under Section 415 of the Internal Revenue Code. The board shall reduce the amount of any benefit that exceeds those limits by the amount of the excess. If total benefits under this fund and the benefits and contributions to which any member is entitled under any other qualified plans maintained by the city would otherwise exceed the applicable limits under Section 415 of the Internal Revenue Code, the benefits the member would otherwise receive from the fund shall be reduced to the extent necessary to enable the benefits to comply with Section 415. The limits shall be adjusted annually in accordance with Section 415(d) of the Internal Revenue Code. The annual adjustment shall apply to the benefits of both active and inactive members and shall apply without regard to whether retirement benefits are being received.

(b) The total salary taken into account for any purpose for any member of the pension system may not exceed the limit imposed pursuant to Section 401(a)(17) of the Internal Revenue Code for any year (\$360,000 for an eligible participant and \$245,000 for an ineligible participant for 2009). These dollar limits shall be adjusted from time to time in accordance with guidelines provided by the United States secretary of the treasury. For purposes of this subsection, an eligible participant is a person who first became an active member before 1996, and an ineligible participant is a member who is not an eligible participant.

(c) Amounts representing forfeited nonvested benefits of terminated members may not be used to increase benefits payable from the fund.

(d) Distribution of benefits must begin not later than April 1 of the year following the calendar year during which the member entitled to the benefits becomes 70-1/2 years of age or terminates employment with the city, whichever is later, and must otherwise conform to Section 401(a)(9) of the Internal Revenue Code.

(e) ~~[Termination of the retirement fund and discontinuance of city contributions.]~~ If the retirement fund is fully terminated or partially terminated, as determined by the Internal Revenue Service, or if all city contributions to the retirement fund are discontinued, the rights of each member affected by the termination or discontinuance that have accrued at the date of termination or discontinuance will be fully vested to the extent funded.

(f) It is intended that the provisions of this chapter be construed and administered in such a manner that the fund's program of benefits will be considered a qualified plan under Section 401(a) of the Internal Revenue Code. In determining qualification status under Section 401(a), the fund's program of benefits will be considered the primary retirement plan for members of the fund.

(g) The right of each member to such member's interest accrued under this chapter shall become 100 percent vested, if not already vested, upon the member's attainment of normal retirement age, and the member shall have a right to terminate employment and commence to receive a pension at that time.

#### **SEC. 40A-34. NONALIENATION AND NONREDUCTION OF BENEFITS.**

(a) Title/ownership. Except with respect to fund assets subject to a securities lending agreement, the legal and equitable title and ownership of all assets at any time constituting a part

of the fund will be and remain with the board, and neither the city nor any member or other person who may be entitled to benefits under the fund shall ever have any legal or equitable estate in the fund, except to receive distributions lawfully made in accordance with this chapter.

(b) Qualified domestic relations orders. The administrator shall determine whether a domestic relations order is ~~[In the event of receipt of]~~ a valid qualified domestic relations order, and the determination by the administrator may be appealed only to the board. In the event of receipt of a valid qualified domestic relations order, the interest in the fund of the member, inactive member, or retiree will be divided between the member, inactive member, or retiree and the spouse, former spouse, or child in accordance with the terms of the order as follows:

(1) A spouse or former spouse who is named as an alternate payee is entitled to receive a court-ordered lump sum distribution of accumulated employee contributions or monthly pension benefit in the form of payments for life. If the actuarial value of the pension is less than \$10,000 ~~[3,500]~~, the board, at its option, may pay the actuarial present value to the alternate payee as a lump sum. A lump sum distribution of a portion of the member, or inactive member, or retiree's contributions, but not of annuity payments, may be made to an alternate payee who is a spouse or former spouse if such distribution is authorized by a qualified domestic relations order, even if the earliest retirement age has not been reached.

(2) A child who is named as an alternate payee is entitled to receive a part of the retiree's monthly pension benefit in an amount ordered by the court. Payments will terminate on the date designated by the court or upon the retiree's death, whichever occurs first. Payments may be made to a person legally authorized to receive them on behalf of the child.

(3) All rights and benefits provided to the member, inactive member, or retiree are subject to the rights afforded to any alternate payee under a valid qualified domestic relations order that meets the requirements of this section.

(4) For purposes of this section, alternate payee, domestic relations order, and qualified domestic relations order have the meanings given under Texas Government Code Chapter 804 ~~[Section 414(p) of the Internal Revenue Code]~~, as in effect on January 1, 2017.

(c) Exemptions. Contributions and benefits payable under the retirement fund are exempt from attachment, execution, garnishment, judgments, and all other suits or claims, with the exception of a "qualified domestic relations order," and are not assignable or transferable.

(d) Waiver of benefits.

(1) A person may, on a form prescribed by and filed with the administrator, waive all or a portion of any benefits from the retirement fund to which the person is entitled. A person may revoke a waiver of benefits in the same manner as the original waiver was made, unless the original waiver by its terms was made irrevocable.

(2) A waiver or a revocation of a waiver applies only to benefits that become payable on or after the date the document is filed.

(3) Unless otherwise expressly provided for in this chapter, the board may not take action to reduce an individual pension.

**SEC. 40A-35. AMENDMENT TO THIS CHAPTER.**

(a) Except as provided in Subsection (b) of this section, this chapter may not be amended except by a proposal initiated by either the board or the city council that results in an ordinance approved by the board, adopted by the city council, and approved by a majority of the voters voting at a general or special election.

(b) A provision of this chapter, other than this section, that is determined by the board to require amendment in order to comply with federal law may be amended by ordinance of the city council, without voter approval, upon recommendation of the board. The board shall recommend the exact amending language to be included in the ordinance, which language may not be limited or added to by the city council. An amendment may be made under this subsection only to the extent necessary to comply with federal law.”

SECTION 2. That Chapter 40A of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance will take effect on January 1, 2017, subject to its approval by the voters of the City of Dallas in a special election on November 8, 2016, and publication, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

## AGENDA ITEM # 5

**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** August 17, 2016  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** City Secretary  
**CMO:** Rosa A. Rios, 670-5654  
**MAPSCO:** N/A

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### SUBJECT

An ordinance ordering a special election to be held in the city of Dallas on November 8, 2016 on the question of amending Chapter 40A of the Dallas City Code, known as the employees' retirement fund of the city of Dallas - Financing: No cost consideration to the City

### BACKGROUND

This item is on the addendum to allow sufficient time to compile information as related to the November 8, 2016 special election.

The City of Dallas Employees' Retirement Fund (ERF) was established by ordinance in November 1943 and became effective in January 1944 after ratification by the voters of the City of Dallas. Chapter 40A of the Dallas City Code establishes benefits and contribution requirements, and the requirements for changing them. ERF is a single-employer defined benefit pension plan sponsored by the City of Dallas (the "City"), and it provides retirement, disability and death benefits to its members.

All employees of the City are members except police officers, fire fighters, elected officials, non-salaried appointee members of administrative boards or commissions, part-time employees working less than one-half time, temporary employees, individuals working under contract, and individuals whose salaries are paid in part by another government agency. Members are entitled to retirement benefits at the date of eligibility for retirement or to survivor benefits after two years of service.

The ERF's actuarial firm, Gabriel Roeder Smith & Company, conducts an annual actuarial valuation. The results of the December 31, 2015 valuation showed an increase in the unfunded actuarial accrued liability. In order to reduce this liability over time, the ERF is proposing certain benefit changes to City Code Chapter 40A for employees hired after January 1, 2017.

## **BACKGROUND** (Continued)

City Code Chapter 40A requires all interested parties to approve any changes – Dallas ERF Board, Dallas City Council and the voters of the City of Dallas. Except as provided in Subsection 35(b), the current ordinance may not be amended except by a proposal initiated by either the board or the city council that results in an ordinance approved by the board, adopted by the city council, and approved by a majority of the voters voting at a special election.

This action orders a special election on retirement fund amendments in accordance with the provisions of Section 3.005 of the Texas Election Code. Section 3.005 of the Texas Election Code requires that an election must be ordered not later than the 62nd day before election day. For the November 8 election date, the deadline for ordering the election is August 22, 2016.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 2, 2015, the City Council was briefed on the Employees' Retirement Fund Overview.

On June 20, 2016, the City Council Transportation and Trinity River Committee was briefed on the proposed changes to City Code Chapter 40A.

On August 3, 2016, the City Council was briefed on the proposed changes to City Code Chapter 40A.

On August 9, 2016, the ERF board is scheduled to vote on the proposed changes to City Code Chapter 40A for new civilian employees hired on or after January 1, 2017.

On August 10, 2016, this item was deferred by Councilmember Gates.

## **FISCAL INFORMATION**

No cost consideration to the City.

ORDINANCE NO. \_\_\_\_\_

An ordinance ordering a special election to be held in the city of Dallas on November 8, 2016, on the question of amending Chapter 40A of the Dallas City Code, known as the employees' retirement fund of the city of Dallas; prescribing the form of the ballot; designating polling places; providing for the use of an electronic voting system for early voting by personal appearance and a computerized voting system for voting on election day and early voting by mail; permitting only resident qualified voters to vote; providing for early voting; providing for an early voting ballot board to process early voting; providing for notice of the election; and providing an effective date.

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

SECTION 1. That a special election is ordered to be held in the city of Dallas on Tuesday, November 8, 2016, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the qualified voters of the city of Dallas one proposition on the question of amending Chapter 40A of the Dallas City Code, known as the employees' retirement fund of the city of Dallas.

SECTION 2. That an electronic and computerized voting system must be used for voting at and on the date of the special election in compliance with the provisions of the Texas Election Code, as amended, and the vote must be upon an official ballot prepared in such a manner as will permit the voters to vote "For" or "Against" the proposition submitted, with the proposition to be expressed on the official ballot in a form substantially as follows:

PROPOSITION NO. 1

Shall Chapter 40A of the Dallas City Code, known as the employees' retirement fund of the City of Dallas, be amended in accordance with Ordinance No. \_\_\_\_\_, to: add and revise various definitions; add that administrator also means the executive director of the fund; provide for staggered terms for elected members of the retirement fund board; provide that a sole nominee to an elected board position be declared elected without a membership vote; extend the time in which an election must be held to fill a vacancy in an elected board position; require the board to meet at least quarterly instead of monthly; authorize the board to adopt, upon the recommendation of the fund's actuary, actuarial equivalency factors, actuarial assumptions, interest rates, and mortality tables to be used in Chapter 40A; revise the interest assumption used for commuted value of future retirement benefits; classify fund members, inactive members, and retirees as Tier A (if hired before January 1, 2017 or rehired on or after January 1, 2017 with uncanceled or reinstated credited service) and Tier B (if hired, or rehired with canceled and unreinstated credited service,

on or after January 1, 2017); provide a reduced tier of benefits for Tier B and their beneficiaries and designees (including extending normal retirement age from 60 to 65 with five years of credited service, extending service retirement from 30 to 40 years, increasing the sum of age and amount of credited service from 78 to 80 in calculating retirement eligibility with reduced benefits for under-65 retirees, reducing pension benefits for joint and one-half survivor options, decreasing the percentage multiplier used to calculate benefits from 2.75% to 2.5%, extending the period over which average monthly earnings are calculated, eliminating health benefit supplements, lowering the cap on cost-of-living adjustments, and modifying interest rates on buybacks of credited service after a break in service); allow certain prior service credit with other governmental entities to be used in determining eligibility of a Tier B member to vest or retire, but not in computing benefits; provide for selection of a designee to receive a retiree's earned but unpaid final month's pension; increase the minimum monthly service death or service disability benefit from \$500 to \$1,000; allow a lump sum payment for establishing credited service after a reduction in force to be made in the following calendar year if within 90 days after termination of employment; clarify that a cost-of-living adjustment cannot reduce pension benefits; clarify that a leased employee is not an employee under Chapter 40A; delete the requirement that the city of Dallas provide office space and utilities for the retirement fund; update legal citations; delete obsolete provisions; and make certain semantic, grammatical, and structural changes.

#### PROPOSICIÓN NO. 1

Se deberá enmendar el Capítulo 40A del Código de la Ciudad de Dallas, conocido como el fondo de jubilación de empleados de la Ciudad de Dallas, en conformidad con la Ordenanza No. \_\_\_\_\_ para: añadir y revisar diversas definiciones; añadir que administrador también significa director ejecutivo del fondo; disponer mandatos intercalados para los miembros electos de la mesa directiva del fondo de jubilación; disponer que un nominado único a una posición electa de la mesa directiva sea declarado electo sin un voto de la membresía; extender el plazo en el que se debe llevar a cabo una elección para cubrir una vacante en una posición electa de la mesa directiva; exigir que la mesa directiva se reúna al menos trimestralmente en lugar de mensualmente; autorizar a la mesa directiva a adoptar, tras la recomendación del actuario del fondo, factores de equivalencia actuarial, suposiciones actuariales, tasas de interés y tablas de mortalidad para ser utilizados en el Capítulo 40A; revisar el supuesto interés utilizado para el valor conmutado de futuros beneficios de jubilación; clasificar miembros del fondo, miembros inactivos, y jubilados como Nivel A (si fueron contratados antes del 1 de enero de 2017 o recontratados a partir del 1 de enero de 2017 con servicio acreditado no cancelado o reintegrado) y Nivel B (si fueron contratados o recontratados con servicio acreditado cancelado y no reintegrado a partir del 1 de enero de 2017); disponer un nivel reducido de beneficios para el Nivel B y sus beneficiarios y representantes designados (incluyendo extender la edad de jubilación normal de 60 a 65 años de edad con cinco años de servicio acreditado, extender jubilación por servicio de 30 a 40 años, aumentar la suma de edad y cantidad de servicio acreditado de 78 a 80 al calcular la elegibilidad para jubilación con beneficios reducidos para los jubilados menores a 65, reducir los beneficios de pensión para sobrevivientes con opciones mancomunada y de 50%, reducir el multiplicador de porcentaje utilizado para calcular beneficios de 2.75% a 2.5%, extender el periodo por el cual se calculan las ganancias mensuales promedio, eliminar beneficios de salud suplementarios, bajar el tope de ajustes por costo de vida, y modificar las tasas de interés en readquisiciones de servicio acreditado después de una interrupción en el servicio); permitir que se utilicen determinados créditos por

servicios previos en otras entidades gubernamentales en la determinación de elegibilidad de un miembro de Nivel B para otorgar o jubilarse, pero no para el cálculo de beneficios; disponer la selección de un representante designado para recibir la pensión ganada, pero no pagada del último mes de un jubilado; aumentar el beneficio mensual mínimo de \$500 a \$1,000 por fallecimiento o incapacidad en servicio; permitir pago de una suma única por establecer servicio acreditado después de una reducción de personal que se realizará el siguiente año calendario si cae dentro de los 90 días posteriores a la finalización de empleo; aclarar que un ajuste al costo de vida no puede reducir los beneficios de pensión; aclarar que un empleado arrendado no es un empleado amparado por el Capítulo 40A; eliminar el requisito de que la ciudad de Dallas debe proveer espacio de oficinas y servicios públicos para el fondo de jubilación; actualizar las citas jurídicas; eliminar disposiciones obsoletas; y realizar determinados cambios semánticos, gramaticales y estructurales.

SECTION 3. That the manner of conducting the special election must be in accordance with the ordinances and charter of the city of Dallas and the laws of the State of Texas applicable to the holding of special elections. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, must be printed in both the English and Spanish languages and must contain such provisions, markings, and language as may be required by law.

SECTION 4. That the boundaries of the election precincts in which the election is to be held are defined by Ordinance No. 20231 as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, 25696, 27484, 28147, 28937, and 29375. Locations of the polling places in the respective election precincts in Dallas, Denton, and Collin Counties are as designated in **Exhibit A**, attached to and made a part of this ordinance by reference.

SECTION 5. That each voter must vote in the precinct in which the voter resides, and only resident qualified voters are entitled to vote.

SECTION 6. That a person qualified to vote and residing in the city of Dallas, but not within any precinct described in Ordinance No. 20231 as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, 25696, 27484, 28147, 28937, and 29375 may vote in the precinct nearest the person's residence, and for that purpose the person's residence will be considered as part of that city election precinct. A person who has registered in a city election precinct, but whose residence is not in the city of Dallas, is not entitled to vote in the special election even though the person may own property subject to taxation in the city.

SECTION 7. That early voting by personal appearance will be by the use of an electronic voting system in accordance with the Texas Election Code, as amended. That early voting by mail will be by the use of a computerized voting system in accordance with the Texas Election Code, as amended. Early voting in Dallas, Denton, and Collin Counties will be conducted at the locations and during the dates and times designated in **Exhibit B**, attached to and made a part of this ordinance by reference.

SECTION 8. That applications for early voting ballots to be voted by mail must be mailed to the following:

- For Dallas County: Early Voting Clerk, Dallas County Elections Department, 2377 N. Stemmons Freeway, Suite 820, Dallas, TX 75207.
- For Denton County: Early Voting Clerk, Denton County Elections Administration Office, P.O. Box 1720, Denton, Texas 76202.
- For Collin County: Early Voting Collin County Elections Administration Office, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75609.

Applications for ballots by mail must be received no later than close of business on Friday, October 28, 2016.

SECTION 9. That the early voting ballots will be processed by an early voting ballot board to be created in accordance with the Texas Election Code, as amended.

SECTION 10. That the mayor, or in the mayor's absence or inability to act, the mayor pro tem, shall give the notice of the special election by causing the notice to be published in a newspaper with the city and posted on the city's public meeting bulletin board in accordance with applicable state law governing notice of special elections.

SECTION 11. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the charter of the city of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**EXHIBIT A**

**ELECTION DAY POLLING LOCATIONS**

**DALLAS, COLLIN AND DENTON COUNTIES**

# **ELECTION DAY POLLING LOCATIONS**

## **DALLAS COUNTY**

# DALLAS COUNTY

(Condado de Dallas)

## DISTRICT 1

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
3008	Dallas County Courthouse - Allen	600 Commerce	Dallas	75202
3032	James Bowie Elementary School-DISD	330 N. Marsalis	Dallas	75203
3084	James Bowie Elementary School-DISD	330 N. Marsalis	Dallas	75203
3094	James Bowie Elementary School-DISD	330 N. Marsalis	Dallas	75253
4035	Academy Of Dallas School	2324 S. Vernon	Dallas	75224
4036	The Union Church	3410 S. Polk St.	Dallas	75224
4038	Harrell Budd Elementary School	2121 S. Marsalis Ave.	Dallas	75216
4055	Leslie Stemmons Elementary School	2727 Knoxville St.	Dallas	75211
4056	Palabra De Vida	2550 W. Illinois Ave.	Dallas	75233
4061	Mountain View Church Of Christ	4111 W. Illinois Ave.	Dallas	75211
4062	Lelia P. Cowart Elementary School	1515 S. Ravinia	Dallas	75211
4063	Elmwood El Buen Samaritano United Methodist Church	1220 Newport Ave.	Dallas	75224
4066	Anson Jones Elementary School	3901 Meredith	Dallas	75211
4067	George Peabody Elementary School	3101 Raydell Pl.	Dallas	75211
4068	Lida Hooe Elementary School	2419 Gladstone	Dallas	75211
4069	Winnetka Elementary School	1151 S. Edgefield Ave.	Dallas	75208
4070	John F. Peeler Elementary School	810 S. Llewellyn	Dallas	75208
4071	Dallas County Sub-Courthouse	410 S. Beckley	Dallas	75203
4072	Dallas County Sub-Courthouse	410 S. Beckley	Dallas	75203
4073	Preparing The Way Ministries	2442 W. Jefferson Blvd.	Dallas	75211
4074	Sunset High School	2120 W. Jefferson Blvd.	Dallas	75208
4075	John H. Reagan School	201 N. Adams Ave.	Dallas	75208
4076	Stevens Park Elementary School	2615 W. Colorado Blvd.	Dallas	75211
4077	Rosemont Elementary School	719 N. Montclair Ave.	Dallas	75208
4078	Kidd Springs Recreation Center	711 Canty St.	Dallas	75208
4079	Kessler Park United Methodist Church	1215 Turner Ave.	Dallas	75208
4080	Kidd Springs Recreation Center	711 Canty St.	Dallas	75208
4107	Harrell Budd Elementary School	2121 S. Marsalis Ave.	Dallas	75216
4113	Mountain View Church Of Christ	4111 W. Illinois Ave.	Dallas	75211
4114	Lelia P. Cowart Elementary School	1515 S. Ravinia	Dallas	75211
4115	Kidd Springs Recreation Center	711 Canty St.	Dallas	75208
4300	Cockrell Hill City Hall	4125 W. Clarendon Dr.	Cockrell Hill	75211

# DALLAS COUNTY

*(Condado de Dallas)*

## DISTRICT 2

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
1014	Multiple Careers Magnet Center	4528 Rusk Ave.	Dallas	75204
1015	Multiple Careers Magnet Center	4528 Rusk Ave.	Dallas	75204
1018	Ben Milam Elementary School - Dallas ISD	4200 McKinney Ave.	Dallas	75205
1069	Grace United Methodist Church	4105 Junius St.	Dallas	75246
1070	Grace United Methodist Church	4105 Junius St.	Dallas	75246
1073	Junius Heights Baptist Church	5429 Reiger Ave.	Dallas	75214
1074	Samuell Grand Recreation Center	6200 E. Grand Ave.	Dallas	75223
1075	Samuell Grand Recreation Center	6200 E. Grand Ave.	Dallas	75223
1078	Bayles Elementary School	2444 Telegraph	Dallas	75228
1112	St. Luke Community United Methodist Church	5710 E. R. L. Thornton	Dallas	75223
1119	St. Luke Community United Methodist Church	5710 E. R. L. Thornton	Dallas	75223
1120	J.F.K. Learning Center	1802 Moser Ave.	Dallas	75206
1122	Grace United Methodist Church	4105 Junius St.	Dallas	75246
1130	Multiple Careers Magnet Center	4528 Rusk Ave.	Dallas	75204
1131	Grace United Methodist Church	4105 Junius St.	Dallas	75246
1132	Grace United Methodist Church	4105 Junius St.	Dallas	75246
2034	Henry W. Longfellow Middle School	5314 Boaz	Dallas	75209
3005	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
3006	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
3008	Dallas County Courthouse - Allen	600 Commerce	Dallas	75202
3010	Exall Park Recreation Center	1355 Adair St.	Dallas	75204
3011	St. Edwards Catholic Church	4033 Elm St.	Dallas	75226
3016	Bill J. Priest Institute	1402 Corinth St.	Dallas	75215
3019	James Madison High School	3000 MLK Blvd.	Dallas	75215
3020	Irma Rangel-Young Women's School	1718 Robert B. Cullum Blvd.	Dallas	75210
3089	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
3090	St. Edwards Catholic Church	4033 Elm St.	Dallas	75226
3094	James Bowie Elementary School-DISD	330 N. Marsalis	Dallas	75203
4009	David G. Burnet Elementary School	3201 Kinkaid Dr.	Dallas	75220
4010	Stephen Foster Elementary School	3700 Clover Ln.	Dallas	75220
4011	Stephen Foster Elementary School	3700 Clover Ln.	Dallas	75220
4014	Sudie Williams Elementary School	4518 Pomona	Dallas	75209
4015	North Park Community Development Corporation	4619 W. University Blvd.	Dallas	75209
4016	K. B. Polk Center	6911 Victoria	Dallas	75209
4017	Maple Lawn Elementary School	3120 Inwood Rd.	Dallas	75235
4018	Maple Lawn Elementary School	3120 Inwood Rd.	Dallas	75235
4019	Arlington Park Recreation Center	1505 Record Crossing	Dallas	75235
4020	Maple Lawn Elementary School	3120 Inwood Rd.	Dallas	75235
4021	Bethany Presbyterian Church	4523 Cedar Springs	Dallas	75219
4022	Esperanza Medrano Elementary School	2221 Lucas Dr.	Dallas	75219
4023	Arlington Park Recreation Center	1505 Record Crossing	Dallas	75235
4032	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
4033	Dallas Fire Station #1	1901 Irving Blvd.	Dallas	75207
4086	Grauwlyer Park Recreation Center	7780 Harry Hines Blvd.	Dallas	75235
4087	Bachman Therapeutic Recreation Center	2750 Bachman Dr.	Dallas	75220
4088	Bachman Therapeutic Recreation Center	2750 Bachman Dr.	Dallas	75220
4100	Esperanza Medrano Elementary School	2221 Lucas Dr.	Dallas	75219
4102	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
4103	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
4104	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
4105	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
4118	Grauwlyer Park Recreation Center	7780 Harry Hines Blvd.	Dallas	75235
4119	Bachman Therapeutic Recreation Center	2750 Bachman Dr.	Dallas	75220
4120	Bachman Therapeutic Recreation Center	2750 Bachman Dr.	Dallas	75220

# DALLAS COUNTY

*(Condado de Dallas)*

## DISTRICT 3

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
3001	T. W. Browne Middle School	3333 Sprague	Dallas	75233
3002	T. W. Browne Middle School	3333 Sprague	Dallas	75233
3003	T. W. Browne Middle School	3333 Sprague	Dallas	75233
3004	Daniel Webster Elementary School	3815 S. Franklin	Dallas	75233
3050	H.I. Holland Elementary School @ Lisbon	4203 S. Lancaster Rd.	Dallas	75216
3051	Fountain of Living Word Church	2543 E. Ledbetter Dr.	Dallas	75216
3053	Thurgood Marshall Recreation Center	5150 Mark Trail Way	Dallas	75232
3054	William Hawley Atwell Law Academy	1303 Reynoldston St.	Dallas	75232
3055	Adelle Turner Elementary School	5505 S. Polk St.	Dallas	75232
3056	Mark Twain Vanguard	724 Green Cove Ln.	Dallas	75232
3057	T. G. Terry Elementary School	6661 Greenspan Ave.	Dallas	75232
3058	T.L. Marsalis Elementary School	5640 S. Marsalis Ave.	Dallas	75241
3059	St. Luke Presbyterian Church	5915 Singing Hills Dr.	Dallas	75241
3060	R.L. Thornton Elementary School	6011 Old Ox Rd.	Dallas	75241
3061	New Tech High School @ A. Maceo Smith	3030 Stag Rd.	Dallas	75241
3063	Ronald E. McNair Elementary School	3150 Bainbridge Ave.	Dallas	75237
3077	Park in the Woods Recreation Center	6801 Mountain Creek Pkwy.	Dallas	75249
3078	Park in the Woods Recreation Center	6801 Mountain Creek Pkwy.	Dallas	75249
3088	Daniel Webster Elementary School	3815 S. Franklin	Dallas	75233
3092	Thurgood Marshall Recreation Center	5150 Mark Trail Way	Dallas	75232
3098	H.I. Holland Elementary School @ Lisbon	4203 S. Lancaster Rd.	Dallas	75216
4026	Eladio R. Martinez Learning Center	4500 Bernal	Dallas	75212
4027	Eladio R. Martinez Learning Center	4500 Bernal	Dallas	75212
4050	Mountain Creek Library	6102 Mountain Creek Pkwy.	Dallas	75249
4052	Bilhartz Elementary School - Gym	6700 Wandt Dr.	Dallas	75236
4053	YWLA at Arnold Middle School	1204 E. Marshall Dr.	Grand Prairie	75051
4054	Leslie Stemmons Elementary School	2727 Knoxville St.	Dallas	75211
4055	Leslie Stemmons Elementary School	2727 Knoxville St.	Dallas	75211
4056	Palabra De Vida	2550 W. Illinois Ave.	Dallas	75233
4059	Charley Taylor Recreation Center	601 E. Grand Prairie Rd.	Grand Prairie	75051
4060	Nancy Jane Cochran Elementary School	6000 Keeneland Pkwy.	Dallas	75211
4065	Arcadia Park Elementary School	1300 N. Justin Ave.	Dallas	75211
4066	Anson Jones Elementary School	3901 Meredith	Dallas	75211
4067	George Peabody Elementary School	3101 Raydell Pl.	Dallas	75211
4076	Stevens Park Elementary School	2615 W. Colorado Blvd.	Dallas	75211
4090	Leslie Stemmons Elementary School	2727 Knoxville St.	Dallas	75211
4093	Leslie Stemmons Elementary School	2727 Knoxville St.	Dallas	75211
4111	Leslie Stemmons Elementary School	2727 Knoxville St.	Dallas	75211
4112	Leslie Stemmons Elementary School	2727 Knoxville St.	Dallas	75211
4113	Mountain View Church of Christ	4111 W. Illinois Ave.	Dallas	75211
4300	Cockrell Hill City Hall	4125 W. Clarendon Dr.	Cockrell Hill	75211

# DALLAS COUNTY

(Condado de Dallas)

## DISTRICT 4

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
3016	Bill J. Priest Institute	1402 Corinth St.	Dallas	75215
3033	Greater Mt. Pleasant Baptist Church	1403 Morrell Ave.	Dallas	75216
3034	Greater Mt. Pleasant Baptist Church	1403 Morrell Ave.	Dallas	75216
3035	F. D. Roosevelt High School	525 Bonnie View Dr.	Dallas	75203
3036	F. D. Roosevelt High School	525 Bonnie View Dr.	Dallas	75203
3037	The Way, The Truth & The Light Christian Church	1702 Denley Dr.	Dallas	75216
3038	The Way, The Truth & The Light Christian Church	1702 Denley Dr.	Dallas	75216
3039	Oliver W. Holmes Middle School	2001 E. Kiest	Dallas	75216
3040	Good Street Baptist Church	3110 Bonnie View Rd.	Dallas	75216
3041	Christ for the Nations Institute Student Center	444 Fawn Ridge Dr.	Dallas	75224
3042	John Neely Bryan Elementary School	2001 Deer Path Dr.	Dallas	75216
3043	John Neely Bryan Elementary School	2001 Deer Path Dr.	Dallas	75216
3044	W. W. Bushman Elementary School	4200 Bonnie View Rd.	Dallas	75216
3046	John W. Carpenter Elementary School	2121 Tosca Ln.	Dallas	75224
3047	Christ for the Nations Institute Student Center	444 Fawn Ridge Dr.	Dallas	75224
3048	South Oak Cliff High School	3601 S. Marsalis Ave.	Dallas	75216
3049	Clara Oliver Elementary School	4010 Idaho Ave.	Dallas	75216
3050	H.I. Holand Elementary School @ Lisbon	4203 S. Lancaster Rd.	Dallas	75216
3051	Fountain of Living Word Church	2543 E. Ledbetter Dr.	Dallas	75216
3052	Elisha M. Pease Elementary School	2914 Cummings St.	Dallas	75216
3054	William Hawley Atwell Academy	1303 Reynoldston St.	Dallas	75232
3056	Mark Twain Vanguard	724 Green Cove Ln.	Dallas	75232
3057	T. G. Terry Elementary School	6661 Greenspan Ave.	Dallas	75232
3058	T. L. Marsalis Elementary School	5640 S. Marsalis Ave.	Dallas	75241
3059	St. Luke Presbyterian Church	5915 Singing Hills Dr.	Dallas	75241
3061	New Tech High School @ A. Maceo Smith	3030 Stag Rd.	Dallas	75241
3072	Tommie Allen Recreation Center	7071 Bonnie View Dr.	Dallas	75241
3097	Clara Oliver Elementary School	4010 Idaho Ave.	Dallas	75216
3098	H.I. Holand Elementary School @ Lisbon	4203 S. Lancaster Rd.	Dallas	75216
4036	The Union Church	3410 S. Polk St.	Dallas	75224
4037	The Union Church	3410 S. Polk St.	Dallas	75224
4038	Harrell Budd Elementary School	2121 S. Marsalis Ave.	Dallas	75216
4039	Bexar Street Baptist Church	2018 S. Marsalis Ave.	Dallas	75216
4040	Roger Q. Mills Elementary School	1515 Lynn Haven	Dallas	75216
4041	Bexar Street Baptist Church	2018 S. Marsalis Ave.	Dallas	75216
4043	The Union Church	3410 S. Polk St.	Dallas	75224
4044	Clinton P. Russell Elementary School	3031 S. Beckley	Dallas	75224
4046	Clinton P. Russell Elementary School	3031 S. Beckley	Dallas	75224
4047	Boude Storey Middle School	3000 Maryland Ave.	Dallas	75216
4048	Clinton P. Russell Elementary School	3031 S. Beckley	Dallas	75224
4057	Kiest Recreation Center	3080 Hampton Rd.	Dallas	75224
4058	Kiest Recreation Center	3080 Hampton Rd.	Dallas	75224
4072	Dallas County Sub-Courthouse	410 S. Beckley Ave.	Dallas	75203
4107	Harrell Budd Elementary School	2121 S. Marsalis Ave.	Dallas	75216
4108	Bexar Street Baptist Church	2018 S. Marsalis Ave.	Dallas	75216
4109	Boude Storey Middle School	3000 Maryland Ave.	Dallas	75216
4110	Boude Storey Middle School	3000 Maryland Ave.	Dallas	75216

# DALLAS COUNTY

(Condado de Dallas)

## DISTRICT 5

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
1083	Colonial Baptist Church	6459 Scyene Rd.	Dallas	75227
1085	Urban Park Elementary School	6901 Military Pkwy.	Dallas	75227
1088	Forester Field House	8233 Military Pkwy.	Dallas	75227
1090	San Jacinto Elementary School	7900 Hume Dr.	Dallas	75227
1091	Annie Webb Blanton School	8915 Greenmound Ave.	Dallas	75227
1092	Edward Titche Elementary School	9560 Highfield Dr.	Dallas	75227
1094	John Ireland Elementary School	1515 Jim Miller	Dallas	75217
1095	Nathaniel Hawthorne School	7800 Umphress Rd.	Dallas	75217
1096	Nathaniel Hawthorne School	7800 Umphress Rd.	Dallas	75217
1097	W. W. Samuell High School	8928 Palisade Dr.	Dallas	75217
1098	Fred F. Florence Middle School	1625 N. Masters	Dallas	75217
1099	Fred F. Florence Middle School	1625 N. Masters	Dallas	75217
1100	E. B. Comstock Middle School	7044 Hodde St.	Dallas	75217
1101	Pleasant Grove Branch Library	7310 Lake June Rd.	Dallas	75217
1102	B. H. Macon Elementary School	650 Holcomb Rd.	Dallas	75217
1103	B. H. Macon Elementary School	650 Holcomb Rd.	Dallas	75217
1104	William Anderson Elementary School	620 N. St. Augustine	Dallas	75217
1105	William Anderson Elementary School	620 N. St. Augustine	Dallas	75217
1106	Richard Lagow Elementary School	637 Edgeworth Dr.	Dallas	75217
1107	Richard Lagow Elementary School	637 Edgeworth Dr.	Dallas	75217
1108	H. Grady Spruce High School	9733 Old Seagoville	Dallas	75217
1109	Fireside Drive Baptist Church	8805 Fireside Dr.	Dallas	75217
1110	Richard Lagow Elementary School	637 Edgeworth Dr.	Dallas	75217
1111	Fireside Drive Baptist Church	8805 Fireside Dr.	Dallas	75217
1113	John Ireland Elementary School	1515 Jim Miller	Dallas	75217
1135	Fred F. Florence Middle School	1625 N. Masters	Dallas	75217
3082	W. A. Blair Elementary School	7720 Gayglen	Dallas	75217

# DALLAS COUNTY

(Condado de Dallas)

## DISTRICT 6

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
2000	Webb Chapel United Methodist Church	2536 Valley View	Farmers Branch	75234
2001	Thomas C. Marsh Middle School	3838 Crown Shore Dr.	Dallas	75244
2012	Walnut Hill Recreation Center	10011 Midway Rd.	Dallas	75229
2074	Valley Ranch Elementary School	9800 Rodeo Dr.	Irving	75063
2076	Webb Chapel United Methodist Church	2536 Valley View	Farmers Branch	75234
4000	Caillet Elementary School	3033 Merrell Rd.	Dallas	75229
4001	Caillet Elementary School	3033 Merrell Rd.	Dallas	75229
4003	Marcus Recreation Center	3003 Northaven Rd.	Dallas	75229
4004	Marcus Recreation Center	3003 Northaven Rd.	Dallas	75229
4005	Park Forest Branch Library	3421 Forest Ln.	Dallas	75234
4007	David G. Burnet Elementary School	3200 Kinkaid Dr.	Dallas	75220
4008	David G. Burnet Elementary School	3200 Kinkaid Dr.	Dallas	75220
4009	David G. Burnet Elementary School	3200 Kinkaid Dr.	Dallas	75220
4010	Stephen Foster Elementary School	3700 Clover Ln.	Dallas	75220
4011	Stephen Foster Elementary School	3700 Clover Ln.	Dallas	75220
4012	Stephen Foster Elementary School	3700 Clover Ln.	Dallas	75220
4013	Stephen Foster Elementary School	3700 Clover Ln.	Dallas	75220
4019	Arlington Park Recreation Center	1505 Record Crossing	Dallas	75235
4023	Arlington Park Recreation Center	1505 Record Crossing	Dallas	75235
4024	L. G. Pinkston High School	2200 Dennison	Dallas	75212
4025	Amelia Earhart Elementary School	3531 N. Westmoreland	Dallas	75212
4026	Eladio R. Martinez Learning Center	4500 Bernal	Dallas	75212
4027	Eladio R. Martinez Learning Center	4500 Bernal	Dallas	75212
4028	Amelia Earhart Elementary School	3531 N. Westmoreland	Dallas	75212
4029	L. G. Pinkston High School	2200 Dennison	Dallas	75212
4030	L. G. Pinkston High School	2200 Dennison	Dallas	75212
4031	C. F. Carr Elementary School	1952 Bayside	Dallas	75212
4033	Dallas Fire Station #1	1901 Irving Blvd.	Dallas	75207
4060	Nancy Jane Cochran Elementary	6000 Keeneland Pkwy.	Dallas	75211
4065	Arcadia Park Elementary School	1300 N. Justin Ave.	Dallas	75211
4076	Stevens Park Elementary School	2615 W. Colorado Blvd.	Dallas	75211
4081	Eladio R. Martinez Learning Center	4500 Bernal Dr.	Dallas	75212
4082	Sidney Lanier Elementary School	1400 Walmsley Ave.	Dallas	75208
4083	Sidney Lanier Elementary School	1400 Walmsley Ave.	Dallas	75208
4084	Anita Martinez Recreation Center	3212 N. Winnetka Ave.	Dallas	75212
4085	Anita Martinez Recreation Center	3212 N. Winnetka Ave.	Dallas	75212
4086	Grauwlyer Park Recreation Center	7780 Harry Hines Blvd.	Dallas	75235
4087	Bachman Therapeutic Recreation Center	2750 Bachman Dr.	Dallas	75220
4088	Bachman Therapeutic Recreation Center	2750 Bachman Dr.	Dallas	75220
4094	Park Forest Branch Library	3421 Forest Ln.	Dallas	75234
4097	David G. Burnet Elementary School	3200 Kinkaid Dr.	Dallas	75220
4098	Stephen Foster Elementary School	3700 Clover Ln.	Dallas	75220
4099	Sudie Williams Elementary School	4518 Pomona	Dallas	75209
4101	L.G. Pinkston High School	2200 Dennison	Dallas	75212
4116	Anita Martinez Recreation Center	3212 N. Winnetka Ave.	Dallas	75212
4117	Arlington Park Recreation Center	1505 Record Crossing	Dallas	75235
4120	Bachman Therapeutic Recreation Center	2750 Bachman Dr.	Dallas	75220

# DALLAS COUNTY

*(Condado de Dallas)*

## DISTRICT 7

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
1063	George W. Truett Elementary School	1811 Gross Rd.	Dallas	75228
1064	George W. Truett Elementary School	1811 Gross Rd.	Dallas	75228
1065	George W. Truett Elementary School	1811 Gross Rd.	Dallas	75228
1067	Zack Motley Elementary School	3719 Moon Dr.	Mesquite	75150
1078	Bayles Elementary School	2444 Telegraph	Dallas	75228
1079	S. S. Conner Elementary School	3037 Greenmeadow	Dallas	75228
1080	S. S. Conner Elementary School	3037 Greenmeadow	Dallas	75228
1081	Owenwood United Methodist Church	1451 John West Rd.	Dallas	75228
1082	Colonial Baptist Church	6459 Scyene Rd.	Dallas	75227
1083	Colonial Baptist Church	6459 Scyene Rd.	Dallas	75227
1084	Edna Rowe Elementary School	4918 Hovenkamp	Dallas	75227
1085	Urban Park Elementary School	6901 Military Pkwy.	Dallas	75227
1086	Owenwood United Methodist Church	1451 John West Rd.	Dallas	75228
1087	Skyline High School	7777 Forney Rd.	Dallas	75227
1088	Forester Field House	8233 Military Pkwy.	Dallas	75227
1089	Forester Field House	8233 Military Pkwy.	Dallas	75227
1091	Annie Webb Blanton School	8915 Greenmound Ave.	Dallas	75227
1092	Edward Titche Elementary School	9560 Highfield Dr.	Dallas	75227
1093	Nueva Vida Life Assembly	10747 Bruton Rd.	Dallas	75217
1100	E. B. Comstock Middle School	7044 Hodde St.	Dallas	75217
1112	St. Luke Community United Methodist Church	5710 E. R. L. Thornton	Dallas	75223
1113	John Ireland Elementary School	1515 Jim Miller	Dallas	75217
1114	Owenwood United Methodist Church	1451 John West Rd.	Dallas	75228
1119	St. Luke Community United Methodist Church	5710 E. R. L. Thornton	Dallas	75223
1134	Forester Field House	8233 Military Pkwy.	Dallas	75227
1303	George W. Truett Elementary School	1811 Gross Rd.	Dallas	75228
3012	Evangelist Temple Church	2627 Dorris St.	Dallas	75215
3016	Bill J. Priest Institute	1402 Corinth St.	Dallas	75215
3017	Martin Luther King Jr. Learning Center	1817 Warren Ave.	Dallas	75215
3018	Park South YMCA	2500 Romine	Dallas	75215
3019	James Madison High School	3000 MLK Blvd.	Dallas	75215
3020	Irma Rangel-Young Women's Leadership School	1718 Robert B. Cullum Blvd.	Dallas	75210
3021	Irma Rangel-Young Women's Leadership School	1718 Robert B. Cullum Blvd.	Dallas	75210
3022	Irma Rangel-Young Women's Leadership School	1718 Robert B. Cullum Blvd.	Dallas	75210
3023	James Madison High School	3000 MLK Blvd.	Dallas	75215
3024	Mt. Herob Baptist Church	3306 Carpenter Ave.	Dallas	75215
3025	Mt. Herob Baptist Church	3306 Carpenter Ave.	Dallas	75215
3026	St. Paul Baptist Church	1600 Pear St.	Dallas	75215
3027	Lincoln Instructional Center	5000 Malcolm X Blvd.	Dallas	75215
3028	Evangelist Temple Church	2627 Dorris St.	Dallas	75215
3029	Evangelist Temple Church	2627 Dorris St.	Dallas	75215
3036	F.D. Roosevelt High School	525 Bonnie View Rd.	Dallas	75203
3040	Good Street Baptist Church	3110 Bonnie View Rd.	Dallas	75216
3045	Gethsemane Baptist Church	4600 Solar Ln.	Dallas	75216
3072	Tommie Allen Recreation Center	7071 Bonnie View Rd.	Dallas	75241
3090	St. Edwards Catholic Church	4033 Elm St.	Dallas	75226

# DALLAS COUNTY

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## DISTRICT 8

Precinct <i>(Recinto)</i>	Voting Location <i>(Lugar)</i>	Address <i>(Dirección)</i>	City <i>(Ciudad)</i>	Zip <i>(Código postal)</i>
1100	E. B. Comstock Middle School	7044 Hodde St.	Dallas	75217
1101	Pleasant Grove Branch Library	7310 Lake June Rd.	Dallas	75217
1108	H. Grady Spruce High School	9733 Old Seagoville	Dallas	75217
1109	Fireside Drive Baptist Church	8805 Fireside Dr.	Dallas	75217
1111	Fireside Drive Baptist Church	8805 Fireside Dr.	Dallas	75217
1124	Fireside Drive Baptist Church	8805 Fireside Dr.	Dallas	75217
1136	Richard Lagow Elementary School	637 Edgeworth Dr.	Dallas	75217
3013	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
3014	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
3015	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
3030	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
3031	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
3053	Thurgood Marshall Recreation Center	5150 Mark Trail Way	Dallas	75232
3060	R. L. Thornton Elementary School	6011 Old Ox Rd.	Dallas	75241
3061	New Tech High School @ A. Maceo Smith	3030 Stag Rd.	Dallas	75241
3062	J. N. Ervin Elementary School	3722 Black Oak Dr.	Dallas	75241
3063	Ronald E. McNair Elementary School	3150 Bainbridge Ave.	Dallas	75237
3064	David W. Carter High School	1819 W. Wheatland Rd.	Dallas	75232
3065	Umphey Lee Elementary School	7808 Racine Dr.	Dallas	75232
3066	Martin Weiss Elementary School	8601 Willoughby Blvd.	Dallas	75232
3067	David W. Carter High School	1819 W. Wheatland Rd.	Dallas	75232
3068	Singing Hills Recreation Center	1909 Crouch Rd.	Dallas	75241
3069	Cornerstone Temple Baptist Church	2817 Cherry Valley	Dallas	75241
3070	Tommie Allen Recreation Center	7071 Bonnie View Rd.	Dallas	75241
3071	Highland Hills United Methodist Church	3800 Simpson Stuart Rd.	Dallas	75241
3072	Tommie Allen Recreation Center	7071 Bonnie View Rd.	Dallas	75241
3073	Tommie Allen Recreation Center	7071 Bonnie View Rd.	Dallas	75241
3074	David W. Carter High School	1819 W. Wheatland Rd.	Dallas	75232
3075	Cornerstone Temple Baptist Church	2817 Cherry Valley	Dallas	75241
3079	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
3080	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
3082	W. A. Blair Elementary School	7720 Gaylen	Dallas	75217
3083	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
3093	Kleberg-Rylie Recreation Center	1515 Edd Rd.	Dallas	75253
3099	Cornerstone Temple Baptist Church	2817 Cherry Valley	Dallas	75241

# DALLAS COUNTY

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## DISTRICT 9

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
1000	Dan D. Rogers Elementary School	5314 Abrams Rd.	Dallas	75214
1045	Highland Meadows Elementary School	8939 Whitewing Ln.	Dallas	75238
1047	Martha T. Reilly Elementary	11230 Lippitt Ave.	Dallas	75218
1048	Martha T. Reilly Elementary	11230 Lippitt Ave.	Dallas	75218
1051	Alex Sanger Elementary School	8410 San Leandro Dr.	Dallas	75218
1052	Lochwood Branch Library	11221 Lochwood Blvd.	Dallas	75228
1054	Casa View Elementary School	2100 N. Farola Dr.	Dallas	75228
1055	Casa View Elementary School	2100 N. Farola Dr.	Dallas	75228
1056	Charles A. Gill Elementary School	10910 Ferguson Rd.	Dallas	75228
1057	St. Pius X Church Parish	3030 Gus Thomasson	Dallas	75228
1058	Bryan Adams High School	2101 Millmar	Dallas	75228
1059	Reinhardt Elementary School	10122 Losa Dr.	Dallas	75228
1060	Alex Sanger Elementary School	8410 San Leandro Dr.	Dallas	75218
1061	W.H. Gaston Middle School	9565 Mercer Dr.	Dallas	75228
1062	Edwin J. Kiest Elementary School	2611 Healey Dr.	Dallas	75228
1063	George W. Truett Elementary School	1811 Gross Rd.	Dallas	75228
1068	Charles A. Gill Elementary School	10910 Ferguson Rd.	Dallas	75228
1075	Samuell Grand Recreation Center	6220 E. Grand Ave.	Dallas	75223
1078	Bayles Elementary School	2444 Telegraph	Dallas	75228
1079	S. S. Conner Elementary School	3037 Greenmeadow	Dallas	75228
1082	Colonial Baptist Church	6459 Scyene Rd.	Dallas	75227
1115	St. Pius X Church Parish	3030 Gus Thomasson	Dallas	75228
1116	Edwin J. Kiest Elementary School	2611 Healey Dr.	Dallas	75228
1121	Living Water Church of God	11110 Shiloh Rd.	Dallas	75228
1125	Living Water Church of God	11110 Shiloh Rd.	Dallas	75228
1133	Alex Sanger Elementary School	8410 San Leandro Dr.	Dallas	75218
1137	Edwin J. Kiest Elementary School	2611 Healey Dr.	Dallas	75228
1300	Ed Vanston Middle School	3230 Karla	Mesquite	75150
2036	Zion Lutheran Church	6121 E. Lovers Ln.	Dallas	75214
2040	St. Andrews Presbyterian Church	3204 Skillman St.	Dallas	75214
2061	Lake Highlands Elementary School	9501 Ferndale	Dallas	75238
2062	Lake Highlands Jr. High	10301 Walnut Hill Ln.	Dallas	75238
2064	Brookdale at Lake Highlands	9715 Plano Rd.	Dallas	75238
2065	Victor Hexter Elementary School	9720 Waterview St.	Dallas	75218
2066	White Rock Elementary School	9229 Chiswell Rd.	Dallas	75238
2067	L. L. Hotchkiss Elementary School	6929 Town North Dr.	Dallas	75231
2068	Dan D. Rogers Elementary School	5314 Abrams Rd.	Dallas	75214
2069	Ridgewood Recreation Center	6818 Fisher Rd.	Dallas	75214
2070	Northridge Presbyterian Church	6920 Bob-O-Link Dr.	Dallas	75214
2071	Lakewood Elementary School	3000 Hillbrook St.	Dallas	75214
2072	Northridge Presbyterian Church	6920 Bob-O-Link Dr.	Dallas	75214
2073	Bath House Cultural Center	521 E. Lawther Dr.	Dallas	75218

# DALLAS COUNTY

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## DISTRICT 10

Precinct <i>(Recinto)</i>	Voting Location <i>(Lugar)</i>	Address <i>(Dirección)</i>	City <i>(Ciudad)</i>	Zip <i>(Código postal)</i>
1003	Hamilton Park Pacesetter	8301 Towns St.	Dallas	75243
1004	Forest Meadow Junior High School	9373 Whitehurst	Dallas	75243
1005	New Mount Zion Baptist Church	9530 Shepherd Rd.	Dallas	75243
1006	Moss Haven Elementary School	9202 Moss Farms Ln.	Dallas	75243
1007	Moss Haven Elementary School	9202 Moss Farms Ln.	Dallas	75243
1026	Richland College	12800 Abrams Rd.	Dallas	75243
1027	Audelia Creek Elementary School	12600 Audelia Rd.	Dallas	75243
1028	Audelia Creek Elementary School	12600 Audelia Rd.	Dallas	75243
1029	Richland College	12800 Abrams Rd.	Dallas	75243
1030	A.M. Aikin Elementary School	12300 Pleasant Valley	Dallas	75243
1038	A.M. Aikin Elementary School	12300 Pleasant Valley	Dallas	75243
1039	Lake Highlands High School	9449 Church Rd.	Dallas	75238
1040	Dallas Fire Station #57	10801 Audelia Rd.	Dallas	75238
1041	Dallas Fire Station #57	10801 Audelia Rd.	Dallas	75238
1042	A. M. Aikin Elementary School	12300 Pleasant Valley	Dallas	75243
1043	Skyview Elementary School	9229 Meadowknoll	Dallas	75243
1044	Merriman Park Elementary School	7101 Winedale Dr.	Dallas	75231
1045	Highland Meadows Elementary School	8939 Whitewing Ln.	Dallas	75238
1046	Highland Meadows Elementary School	8939 Whitewing Ln.	Dallas	75238
1049	Merriman Park Elementary School	7101 Winedale Dr.	Dallas	75231
1128	Lake Highlands High School	9449 Church Rd.	Dallas	75238
1129	Highland Meadows Elementary School	8939 Whitewing Ln.	Dallas	75238
1707	A.R. Davis Elementary School	1621 McCallum Dr.	Garland	75042
2020	Arthur Kramer Elementary School	7131 Midbury	Dallas	75230
2059	Wallace Elementary School	9921 Kirkhaven	Dallas	75238
2060	Northlake Elementary School - Richardson ISD	10059 Ravensway	Dallas	75238
2061	Lake Highlands Elementary School	9501 Ferndale	Dallas	75238
2062	Lake Highlands Junior High School	10301 Walnut Hill Ln.	Dallas	75238
2063	Wallace Elementary School	9921 Kirkhaven	Dallas	75238
2064	Brookdale at Lake Highlands	9715 Plano Rd.	Dallas	75238
2066	White Rock Elementary School	9229 Chiswell Rd.	Dallas	75238

# DALLAS COUNTY

(Condado de Dallas)

## DISTRICT 11

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
1003	Hamilton Park Pacesetter	8301 Towns St.	Dallas	75243
1008	Lee McShan Jr. Elementary School	8307 Meadow Rd.	Dallas	75231
1010	Lee McShan Jr. Elementary School	8307 Meadow Rd.	Dallas	75231
1029	Richland College	12800 Abrams Rd.	Dallas	75243
1032	Northwood Hills Elementary School	14532 Meandering Way	Dallas	75254
1033	Spring Valley Elementary School	13535 Spring Grove Rd.	Dallas	75240
1035	RISD Academy	13630 Coit Rd.	Dallas	75240
1036	RISD Academy	13630 Coit Rd.	Dallas	75240
1037	RISD Academy	13630 Coit Rd.	Dallas	75240
1127	RISD Academy	13630 Coit Rd.	Dallas	75240
2004	Nathan Adams Elementary School	12600 Welch Rd.	Dallas	75244
2015	Ewell D. Walker Middle School	12532 Nuestra Dr.	Dallas	75230
2016	Unity Church of Dallas	6525 Forest Ln.	Dallas	75230
2017	Unity Church of Dallas	6525 Forest Ln.	Dallas	75230
2019	George B. Dealey Vanguard	6501 Royal Ln.	Dallas	75230
2020	Arthur Kramer Elementary School	7131 Midbury	Dallas	75230
2022	George B. Dealey Vanguard	6501 Royal Ln.	Dallas	75230
2023	Benjamin Franklin Middle School	6920 Meadow Rd.	Dallas	75230
2024	Benjamin Franklin Middle School	6920 Meadow Rd.	Dallas	75230
2041	Presbyterian Medical Office North	17110 Dallas Pkwy. - Ste. 120	Dallas	75248
2042	Parkhill Junior High School	16500 Shadybank Dr.	Dallas	75248
2048	Dallas Fire Station #7	6010 Davenport	Dallas	75248
2049	Prestonwood Elementary School	6525 La Cosa	Dallas	75248
2050	Prestonwood Elementary School	6525 La Cosa	Dallas	75248
2051	Spring Creek Elementary-Richardson ISD	7667 Round Rock	Dallas	75248
2052	Northwood Hills Elementary School	14532 Meandering Way	Dallas	75254
2053	Anne Frank Elementary School	5201 Celestial Rd.	Dallas	75254
2054	Anne Frank Elementary School	5201 Celestial Rd.	Dallas	75254
2055	Anne Frank Elementary School	5201 Celestial Rd.	Dallas	75254
2056	King of Glory Church	6411 LBJ Freeway	Dallas	75240
2057	Spring Valley Elementary School	13535 Spring Grove Rd.	Dallas	75240
2058	Park Central Baptist Church	7777 LBJ Freeway	Dallas	75240
2077	Ewell D. Walker Middle School	12532 Nuestra Dr.	Dallas	75230
2079	Anne Frank Elementary School	5201 Celestial Rd.	Dallas	75254

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## DISTRICT 12

Precinct <i>(Recinto)</i>	Voting Location <i>(Lugar)</i>	Address <i>(Dirección)</i>	City <i>(Ciudad)</i>	Zip <i>(Código postal)</i>
2041	Presbyterian Medical Office North	17110 Dallas Pkwy. - Ste. 120	Dallas	75248
2042	Parkhill Junior High School	16500 Shadybank Dr.	Dallas	75248
2043	Brentfield Intermediate School	6767 Brentfield	Dallas	75248
2044	Texas A&M Research and Extension Center	17360 Coit Rd.	Dallas	75252
2045	Parkhill Junior High School	16500 Shadybank Dr.	Dallas	75248
2046	James Bowie Elementary School - Richardson ISD	7643 La Manga Dr.	Dallas	75248
2047	James Bowie Elementary School - Richardson ISD	7643 La Manga Dr.	Dallas	75248
2048	Dallas Fire Station #7	6010 Davenport Rd.	Dallas	75248
2049	Prestonwood Elementary School	6525 La Cosa	Dallas	75248
2050	Prestonwood Elementary School	6525 La Cosa	Dallas	75248
2051	Spring Creek Elementary - Richardson ISD	7667 Round Rock	Dallas	75248
2406	Keller Springs Baptist Church	3227 Keller Springs Rd.	Carrollton	75006
2902	Addison Fire Department	4798 Airport Pkwy.	Addison	75001

**Note:** Additional election day polling locations for District 12 that fall in Collin and Denton Counties can be found on Pages 18 & 19 (Collin County) and Page 21 (Denton County) of this exhibit.

# DALLAS COUNTY

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## DISTRICT 13

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
1000	Dan D. Rogers Elementary School	5314 Abrams Rd.	Dallas	75214
1001	Vickery Baptist Church	5814 Ridgecrest Rd.	Dallas	75231
1002	Vickery Baptist Church	5814 Ridgecrest Rd.	Dallas	75231
1008	Lee McShan Jr. Elementary School	8307 Meadow Rd.	Dallas	75231
1009	Vickery Baptist Church	5814 Ridgecrest Rd.	Dallas	75231
1011	Vickery Baptist Church	5814 Ridgecrest Rd.	Dallas	75231
1012	Vickery Baptist Church	5814 Ridgecrest Rd.	Dallas	75231
1049	Merriman Park Elementary School	7101 Winedale Dr.	Dallas	75231
1126	Vickery Baptist Church	5814 Ridgecrest Rd.	Dallas	75231
2002	Thomas C. Marsh Middle School	3838 Crown Shore	Dallas	75244
2003	W.T. White High School	4505 Ridgeside	Dallas	75244
2004	Nathan Adams Elementary School	12600 Welch Rd.	Dallas	75244
2005	Degolyer Elementary School	3453 Flair Dr.	Dallas	75229
2006	Harry C. Withers Elementary School	3959 Northaven Rd.	Dallas	75229
2007	John Calvin Presbyterian Church	4151 Royal Ln.	Dallas	75229
2008	John J. Pershing Elementary School	5715 Meaders Ln.	Dallas	75229
2009	L. G. Cigarroa Elementary School	9990 Webb Chapel Rd.	Dallas	75220
2010	Edward Cary Middle School	3978 Killion Dr.	Dallas	75229
2011	Walnut Hill Recreation Center	10011 Midway Rd.	Dallas	75229
2013	Lovers Lane United Methodist Church	9200 Inwood Rd.	Dallas	75220
2014	Lovers Lane United Methodist Church	9200 Inwood Rd.	Dallas	75220
2015	Ewell D. Walker Middle School	12532 Nuestra Dr.	Dallas	75230
2018	Northaven United Methodist Church	11211 Preston Rd.	Dallas	75230
2021	Preston Hollow United Methodist Church	6315 Walnut Hill	Dallas	75230
2022	George B. Dealey Vanguard	6501 Royal Ln.	Dallas	75230
2023	Benjamin Franklin Middle School	6920 Meadow Rd.	Dallas	75230
2025	Hillcrest High School	9924 Hillcrest	Dallas	75230
2026	Hillcrest High School	9924 Hillcrest	Dallas	75230
2027	Our Redeemer Lutheran Church	7611 Park Ln.	Dallas	75225
2029	Westminster Presbyterian Church	8200 Devonshire Dr.	Dallas	75209
2030	Our Redeemer Lutheran Church	7611 Park Ln.	Dallas	75225
2031	Village Country Club	8308 Southwestern	Dallas	75206
2033	Village Country Club	8308 Southwestern	Dallas	75206
2034	Henry W. Longfellow Middle School	5314 Boaz	Dallas	75209
2077	Ewell D. Walker Middle School	12532 Nuestra Dr.	Dallas	75230
4001	Caillet Elementary School	3033 Merrell Rd.	Dallas	75229
4002	Caillet Elementary School	3033 Merrell Rd.	Dallas	75229
4003	Marcus Recreation Center	3003 Northaven Rd.	Dallas	75229
4004	Marcus Recreation Center	3003 Northaven Rd.	Dallas	75229
4006	Degolyer Elementary School	3453 Flair Dr.	Dallas	75229
4007	David G. Burnet Elementary School	3200 Kinkaid Dr.	Dallas	75220
4014	Sudie Williams Elementary School	4518 Pomona	Dallas	75209
4018	Maple Lawn Elementary School	3120 Inwood Rd.	Dallas	75235
4092	David G. Burnet Elementary School	3200 Kinkaid Dr.	Dallas	75220
4094	Park Forest Branch Library	3421 Forest Ln.	Dallas	75234
4095	Degolyer Elementary School	3453 Flair Dr.	Dallas	75229
4096	Degolyer Elementary School	3453 Flair Dr.	Dallas	75229
4099	Sudie Williams Elementary School	4518 Pomona	Dallas	75209

# DALLAS COUNTY

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## DISTRICT 14

Precinct (Recinto)	Voting Location (Lugar)	Address (Dirección)	City (Ciudad)	Zip (Código postal)
1013	North Dallas High School	3120 N. Haskell Ave.	Dallas	75204
1014	Multiple Careers Magnet Center	4528 Rusk Ave.	Dallas	75204
1015	Multiple Careers Magnet Center	4528 Rusk Ave.	Dallas	75204
1016	J.F.K. Learning Center	1802 Moser Ave.	Dallas	75206
1017	J.F.K. Learning Center	1802 Moser Ave.	Dallas	75206
1018	Ben Milam Elementary School - Dallas ISD	4200 McKinney Ave.	Dallas	75205
1019	Dallas Fire Station #17	6045 Belmont	Dallas	75206
1020	Ben Milam Elementary School - Dallas ISD	4200 McKinney Ave.	Dallas	75205
1021	Oaklawn Branch Library	4100 Cedar Springs Rd.	Dallas	75219
1022	Oaklawn Branch Library	4100 Cedar Springs Rd.	Dallas	75219
1023	The Father's Church	2707 Abrams Rd.	Dallas	75214
1050	Eduardo Mata Elementary School	7420 La Vista	Dallas	75214
1071	Lakewood Branch Library	6121 Worth St.	Dallas	75214
1073	Junius Heights Baptist Church	5429 Reiger Ave.	Dallas	75214
1075	Samuell Grand Recreation Center	6220 E. Grand Ave.	Dallas	75223
1076	Eduardo Mata Elementary School	7420 La Vista	Dallas	75214
1117	North Dallas High School	3120 N. Haskell Ave.	Dallas	75204
1118	J. W. Ray Elementary School	2211 Caddo St.	Dallas	75204
1120	J.F.K. Learning Center	1802 Moser Ave.	Dallas	75206
1131	Grace United Methodist Church	4105 Junius St.	Dallas	75246
2030	Our Redeemer Lutheran Church	7611 Park Ln.	Dallas	75225
2031	Village Country Club	8308 Southwestern	Dallas	75206
2032	Village Country Club	8308 Southwestern	Dallas	75206
2033	Village Country Club	8308 Southwestern	Dallas	75206
2035	Stonewall Jackson Elementary School	5828 Mockingbird Ln.	Dallas	75206
2036	Skillman Southwestern Branch Library	5707 Skillman St.	Dallas	75206
2037	John S. Armstrong Elementary School	3600 Cornell Ave.	Dallas	75205
2038	Stonewall Jackson Elementary School	5828 Mockingbird Ln.	Dallas	75206
2039	Robert E. Lee Elementary School - DISD	2911 Delmar Ave.	Dallas	75206
2040	St. Andrews Presbyterian Church	3204 Skillman St.	Dallas	75214
2068	Dan D. Rogers Elementary School	5314 Abrams Rd.	Dallas	75214
2069	Ridgewood Recreation Center	6818 Fisher Rd.	Dallas	75214
2070	Northridge Presbyterian Church	6920 Bob-O-Link Dr.	Dallas	75214
2071	Lakewood Elementary School	3000 Hillbrook St.	Dallas	75214
2201	John S. Bradfield Elementary School	4300 Southern Ave.	Dallas	75205
3000	William B. Travis Vanguard	3001 McKinney	Dallas	75204
3006	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
3007	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
3008	Dallas County Courthouse - Allen	600 Commerce	Dallas	75202
3009	Exall Park Recreation Center	1355 Adair St.	Dallas	75204
3010	Exall Park Recreation Center	1355 Adair St.	Dallas	75204
3011	St. Edwards Catholic Church	4033 Elm St.	Dallas	75226
3081	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
3086	William B. Travis Vanguard	3001 McKinney	Dallas	75204
3089	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
4021	Bethany Presbyterian Church	4523 Cedar Springs	Dallas	75219
4032	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
4102	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219
4106	Reverchon Recreation Center	3505 Maple Ave.	Dallas	75219

# **ELECTION DAY POLLING LOCATIONS**

**COLLIN COUNTY**

**VOTE CENTERS**

# COLLIN COUNTY

*(Condado de Collin)*

## DISTRICT 12

<b>Precinct (Recinto)</b>	<b>Voting Location (Lugar)</b>	<b>Address (Dirección)</b>	<b>City (Ciudad)</b>	<b>Zip (Código postal)</b>
All	Akin Elementary School	1100 Springwood	Wylie	75098
All	Aldridge Elementary School	720 Pleasant Valley	Richardson	75080
All	Allen Municipal Courts Facility	301 Century Pkwy.	Allen	75013
All	Armstrong Middle School	3805 Timberline	Plano	75074
All	Benton Staley Middle School	6927 Stadium Dr.	Frisco	75033
All	Blue Ridge ISD Administration Building	318 W. School St.	Blue Ridge	75424
All	Bowman Middle School	2501 Jupiter Rd.	Plano	75074
All	Brinker Elementary School	3800 Clark Pkwy.	Plano	75093
All	Carpenter Middle School	3905 Rainier Rd.	Plano	75023
All	Carpenter Park Recreation Center	6701 Coit Rd.	Plano	75024
All	Celina ISD Administration Building	205 S. Colorado	Celina	75009
All	Christ the Servant Lutheran Church	821 S. Greenville Ave.	Allen	75002
All	Christ United Methodist Church	3101 Coit Rd.	Plano	75075
All	Clark High School - Plano	523 Spring Creek	Plano	75023
All	Clark Middle School	4600 Colby Dr.	Frisco	75035
All	Collin College - Higher Education Center	3452 Spur 399	McKinney	75069
All	Collin College Central Park Campus	2200 University	McKinney	75071
All	Collin College Preston Ridge Campus	9700 Wade Blvd.	Frisco	75035
All	Collin College Spring Creek Campus	2800 Spring Creek Pkwy.	Plano	75074
All	Collin County Elections Office	2010 Redbud Blvd., Ste. 102	McKinney	75069
All	Community ISD Technology and Conference Center	615 FM 1138	Nevada	75173
All	Davis Library	7501 Independence Pkwy.	Plano	75025
All	Dr. Pepper Star Center at Craig Ranch	6993 Stars Ave.	McKinney	75070
All	Eldorado Country Club	2604 Country Club Dr.	McKinney	75070
All	First Baptist Church - Branch	7011 FM 546	Princeton	75407
All	First Baptist Church Farmersville, Youth Building	201 Farmersville Pkwy.	Farmersville	75442
All	Ford Middle School	630 Park Place Dr.	Allen	75002
All	Fowler Middle School	3801 McDermott Rd.	Plano	75025
All	Frisco Senior Center	6670 Moore St.	Frisco	75034
All	Haggar Elementary School	17820 Campbell Rd.	Dallas	75252
All	Harrington Library	1501 18th St.	Plano	75074
All	Heritage High School	14040 Eldorado Pkwy.	Frisco	75035
All	Hunt Middle School	4900 Legendary Dr.	Frisco	75034
All	John and Judy Gay Library	6861 W. Eldorado Pkwy.	McKinney	75070
All	John Q. Hammons Center - Courtyard Marriott	210 East Stacy Rd.	Allen	75002
All	Josephine City Hall	108 West Hubbard	Josephine	75173
All	Lavon City Hall	120 School Rd.	Lavon	75166
All	Liberty High School	15250 Rolater Rd.	Frisco	75035
All	Lovejoy High School	2350 Estates Pkwy.	Lucas	75002
All	Lowry Crossing City Hall	1405 S. Bridgefarmer Rd.	Lowry Crossing	75069
All	Lucas City Hall	665 Country Club Rd.	Lucas	75002
All	McKinney Fire Station #7	861 Independene Pkwy.	McKinney	75070
All	McKinney Senior Recreation Center	1400 S. College	McKinney	75069
All	Melissa City Hall	3411 Barker Ave.	Melissa	75454
All	Mitchell Elementary School	4223 Briargrove	Dallas	75287
All	Murphy City Hall	206 N. Murphy Rd.	Murphy	75094
All	Old Settlers Recreation Center	1201 E. Louisiana	McKinney	75069
All	Parker City Hall	5700 E. Parker Rd.	Parker	75002

<b>Precinct</b> <i>(Recinto)</i>	<b>Voting Location</b> <i>(Lugar)</i>	<b>Address</b> <i>(Dirección)</i>	<b>City</b> <i>(Ciudad)</i>	<b>Zip</b> <i>(Código postal)</i>
All	Parr Library	6200 Windhaven Pkwy.	Plano	75093
All	Plano ISD Administration Center	2700 W. 15th St.	Plano	75075
All	Plano Senior Center	401 W. 16th St.	Plano	75075
All	Princeton High School	1000 E. Princeton Dr.	Princeton	75407
All	Prosper ISD Administration	605 E. Seventh St.	Prosper	75078
All	Renner-Frankford Library	6400 Frankford Rd.	Dallas	75252
All	Royse City Lady Bulldog Gymnasium	1412 FM 1777	Royse City	75189
All	Ruth Dowell Middle School	301 Ridge Rd.	McKinney	75070
All	Seis Lagos Community Services Association	222 Seis Lagos Trail	Wylie	75098
All	Shepton High School	5505 Plano Pkwy.	Plano	75093
All	Shiloh Missionary Baptist Church	1310 Avenue "I"	Plano	75074
All	Smith Library	300 Country Club Rd.	Wylie	75098
All	Stonebridge United Methodist Church	1800 S. Stonebridge Dr.	McKinney	75070
All	Suncreek United Methodist Church	1517 W. McDermott Dr.	Allen	75013
All	Texas Star Bank	402 W. White St.	Anna	75409
All	Toyota Stadium	9200 World Cup Way	Frisco	75033
All	Weston Community Center	117 Main St.	Weston	75097
All	Whitt Elementary School	7520 Woodcreek Way	Sachse	75048
All	Woodcreek Church	3400 E. Renner Rd.	Richardson	75082

**Note:** Additional election day polling locations for District 12 that fall in Dallas and Denton Counties can be found on Page 14 (Dallas County) and Page 21 (Denton County) of this exhibit.

# **ELECTION DAY POLLING LOCATIONS**

## **DENTON COUNTY**

**DENTON COUNTY**  
*(Condado de Denton)*

**DISTRICT 12**

<b>Precinct</b> <i>(Recinto)</i>	<b>Voting Location</b> <i>(Lugar)</i>	<b>Address</b> <i>(Dirección)</i>	<b>City</b> <i>(Ciudad)</i>	<b>Zip</b> <i>(Código postal)</i>
2000	Frankford Town Homes	18110 Marsh Ln.	Dallas	75287
2001	Timberglen Recreation Center	3810 Timberglen Rd.	Dallas	75287
2002	Dan F. Long Junior High School	2525 Frankford Rd.	Dallas	75287

**Note:** Additional election day polling locations for District 12 that fall in Collin and Dallas Counties can be found on Page 14 (Dallas County) and Pages 18 & 19 (Collin County) of this exhibit.

# **EXHIBIT B**

**EARLY VOTING LOCATIONS, DATES AND TIMES**

**DALLAS, COLLIN AND DENTON COUNTIES**

# **EARLY VOTING LOCATIONS**

## **DALLAS COUNTY**

**NOVEMBER 8, 2016 SPECIAL ELECTION**  
**(08 de Noviembre de 2016 Eleccion Especial)**  
**LOCATIONS/DATES/TIMES OF EARLY VOTING**  
*(Lugares, Fechas y Horas de Votación Anticipada)*

<b>DALLAS COUNTY</b> <i>(Condado de Dallas)</i>			
<b>Voting Location</b> <i>(Lugar)</i>	<b>Address</b> <i>(Dirección)</i>	<b>City</b> <i>(Ciudad)</i>	<b>Zip</b> <i>(Código postal)</i>
BETHANY LUTHERAN CHURCH (Replaces Lake Highland North Rec. Center)	10101 WALNUT HILL LN.	DALLAS	75238
CROSSWINDS HIGH SCHOOL	1100 N. CARRIER PKWY.	GRAND PRAIRIE	75050
DISCIPLE CENTRAL COMMUNITY CHURCH (Replaces DeSoto Town Center)	901 N. POLK ST.	DESOTO	75115
DUNCANVILLE LIBRARY	201 JAMES COLLINS	DUNCANVILLE	75116
EASTFIELD COLLEGE-PLEASANT GROVE CAMPUS (Replaces Prairie Creek Library)	802 S. BUCKNER BLVD.	DALLAS	75217
EL CENTRO COLLEGE-WEST CAMPUS (Replaces Dallas West Library)	3330 N. HAMPTON RD.	DALLAS	75212
FRETZ PARK LIBRARY (Replaces Churchill Recreation Center)	6990 BELT LINE RD.	DALLAS	75254
GLENN HEIGHTS CITY HALL	1938 S. HAMPTON RD.	GLENN HEIGHTS	75154
GEORGE L. ALLEN SR. COURTS BUILDING (Replaces Records Building - Main Location)	600 COMMERCE ST.	DALLAS	75202
GRAUWYLER PARK RECREATION CENTER.	7780 HARRY HINES BLVD.	DALLAS	75235
IRVING CITY HALL	825 W. IRVING BLVD.	IRVING	75060
J. ERIK JONSSON LIBRARY	1515 YOUNG ST.	DALLAS	75201
JOSEY RANCH LIBRARY	1700 KELLER SPRINGS	CARROLLTON	75006
LAKESIDE ACTIVITY CENTER	101 HOLLEY PARK DR.	MESQUITE	75149
LANCASTER VET. MEMORIAL LIBRARY	1600 VETERANS MEMORIAL PKWY.	LANCASTER	75134
LOCHWOOD LIBRARY	11221 LOCHWOOD BLVD.	DALLAS	75218
MARSH LANE BAPTIST CHURCH	10716 MARSH LN.	DALLAS	75229
MARTIN LUTHER KING CORE BUILDING	2922 MARTIN LUTHER KING, JR. BLVD.	DALLAS	75215
MARTIN WEISS RECREATION CENTER	1111 MARTINDELL AVE.	DALLAS	75211
MOUNTAIN CREEK LIBRARY	6102 MOUNTAIN CREEK	DALLAS	75249
OAK CLIFF SUB COURTHOUSE	410 S. BECKLEY	DALLAS	75203
OUR REDEEMER LUTHERAN CHURCH	7611 PARK LN.	DALLAS	75225
PAUL L. DUNBAR LANCASTER-KIEST LIBRARY	2008 E. KIEST BLVD.	DALLAS	75216
RICHARDSON CIVIC CENTER	411 W. ARAPAHO RD.	RICHARDSON	75080
RICHLAND COLLEGE - GARLAND CAMPUS (Replaces Garland City Hall)	675 W. WALNUT ST.	GARLAND	75040
ROWLETT CITY HALL ANNEX	4004 MAIN ST.	ROWLETT	75088
SAMUELL GRAND RECREATION CENTER	6200 EAST GRAND AVE.	DALLAS	75223
VALLEY RANCH LIBRARY	401 CIMARRON TRAIL	IRVING	75063

**DATES AND TIMES OF EARLY VOTING**

<b>October 24 - October 28 (Monday through Friday)</b> <i>24 de Octubre - 28 de Octubre (Lunes a Viernes)</i>	<b>8 AM - 5 PM</b>
<b>October 29 (Saturday)</b> <i>29 de Octubre (Sábado)</i>	<b>7 AM - 7 PM</b>
<b>October 30 (Sunday)</b> <i>30 de Octubre (Domingo)</i>	<b>1 PM - 6 PM</b>
<b>October 31 - November 4 (Monday through Friday)</b> <i>31 de Octubre - 4 de Noviembre (Lunes a Viernes)</i>	<b>7 AM - 7 PM</b>

# **EARLY VOTING LOCATIONS**

## **COLLIN COUNTY**

**NOVEMBER 8, 2016 SPECIAL ELECTION**  
**(08 de Noviembre de 2016 Eleccion Especial)**  
**LOCATIONS/DATES/TIMES OF EARLY VOTING**  
**(Lugares, Fechas y Horas de Votación Anticipada)**

<b>COLLIN COUNTY</b> (Condado de Collin)			
<b>Voting Location</b> (Lugar)	<b>Address</b> (Dirección)	<b>City</b> (Ciudad)	<b>Zip</b> (Código postal)
ALLEN MUNICIPAL COURTS FACILITY	301 CENTURY PKWY.	ALLEN	75013
CARPENTER PARK RECREATION CENTER	6701 COIT RD.	PLANO	75024
CELINA ISD ADMINISTRATION BLDG.	205 S. COLORADO ST.	CELINA	75009
CHRIST UNITED METHODIST CHURCH	3101 COIT RD.	PLANO	75075
COLLIN COLLEGE - CENTRAL PARK CAMPUS	2200 W. UNIVERSITY DR.	MCKINNEY	75071
COLLIN COLLEGE - PRESTON RIDGE CAMPUS	9700 WADE BLVD.	FRISCO	75035
COLLIN COLLEGE - SPRING CREEK CAMPUS	2800 E. SPRING CREEK PKWY.	PLANO	75074
COLLIN COLLEGE - HIGHER EDUCATION CENTER	3452 SPUR 399	MCKINNEY	75069
COLLIN COUNTY ELECTIONS (Main Location)	2010 REDBUD ST., STE. 102	MCKINNEY	75069
FRISCO SENIOR CENTER	6670 MOORE ST.	FRISCO	75034
HAGGARD LIBRARY	2501 COIT RD.	PLANO	75075
HARRINGTON LIBRARY	1501 18TH ST.	PLANO	75074
JOHN AND JUDY GAY LIBRARY	6861 W. ELDORADO PKWY.	MCKINNEY	75070
LAVON CITY HALL	120 SCHOOL RD.	LAVON	75166
LOVEJOY ISD ADMINISTRATION BLDG.	259 COUNTRY CLUB	ALLEN	75002
MARIBELLE DAVIS LIBRARY	7501 INDEPENDENCE PKWY.	PLANO	75025
MCKINNEY FIRE STATION #7	861 S. INDEPENDENCE PKWY.	MCKINNEY	75070
MURPHY CITY HALL	206 N. MURPHY RD.	MURPHY	75094
OLD SETTLERS RECREATION CENTER	1201 E. LOUISIANA ST.	MCKINNEY	75069
PARKER CITY HALL	5700 E. PARKER RD.	PARKER	75002
PARR LIBRARY	6200 WINDHAVEN PKWY.	PLANO	75093
PLANO ISD ADMINISTRATION CENTER	2700 W. 15TH ST.	PLANO	75075
PRINCETON CITY HALL	123 W. PRINCETON DR.	PRINCETON	75407
PROSPER MUNICIPAL CHAMBERS	108 W. BROADWAY ST.	PROSPER	75078
RENNER-FRANKFORD LIBRARY	6400 FRANKFORD RD.	DALLAS	75252
WYLIE MUNICIPAL COMPLEX LIBRARY	300 COUNTRY CLUB RD.	WYLIE	75098

**DATES AND TIMES OF EARLY VOTING**  
**(FECHAS Y HORAS DE VOTACIÓN ANTICIPADA)**

<b>October 24 - October 28 (Monday through Friday)</b> <i>24 de Octubre - 28 de Octubre (Lunes a Viernes)</i>	<b>8 AM - 5 PM</b>
<b>October 29 (Saturday)</b> <i>29 de Octubre (Sábado)</i>	<b>7 AM - 7 PM</b>
<b>October 30 (Sunday)</b> <i>30 de Octubre (Domingo)</i>	<b>1 PM - 6 PM</b>
<b>October 31 - November 4 (Monday through Friday)</b> <i>31 de Octubre - 4 de Noviembre (Lunes a Viernes)</i>	<b>7 AM - 7 PM</b>

# **EARLY VOTING LOCATIONS**

## **DENTON COUNTY**

**NOVEMBER 8, 2016 SPECIAL ELECTION**  
**(08 de Noviembre de 2016 Eleccion Especial)**  
**LOCATIONS/DATES/TIMES OF EARLY VOTING**  
**(Lugares, Fechas y Horas de Votación Anticipada)**

<b>DENTON COUNTY</b> <i>(Condado de Denton)</i>			
<b>Voting Location</b> <i>(Lugar)</i>	<b>Address</b> <i>(Dirección)</i>	<b>City</b> <i>(Ciudad)</i>	<b>Zip</b> <i>(Código postal)</i>
ARGYLE TOWN HALL	308 DENTON ST.	ARGYLE	76226
CARROLLTON PUBLIC LIBRARY	4220 N. JOSEY LN.	CARROLLTON	75010
CORINTH CITY HALL	3300 CORINTH PKWY.	CORINTH	76208
DENTON COUNTY ELECTIONS ADMINISTRATION OFFICE (Main Location)	701 KIMBERLY DR.	DENTON	76208
DOUBLE OAK TOWN HALL	320 WAKETON RD.	DOUBLE OAK	75077
FLOWER MOUND POLICE AND MUNICIPAL COURT BUILDING	4150 KIRKPATRICK LN.	FLOWER MOUND	75028
FRISCO FIRE STATION #7	330 W. STONEBROOK PKWY.	FRISCO	75034
HIGHLAND VILLAGE MUNICIPAL COMPLEX	1000 HIGHLAND VILLAGE RD.	HIGHLAND VILLAGE	75077
JUSTIN MUNICIPAL COMPLEX	415 N. COLLEGE	JUSTIN	76247
KRUM ISD ADMINISTRATION BUILDING	1200 BOBCAT BLVD.	KRUM	76249
LAKE DALLAS CITY HALL	212 MAIN ST.	LAKE DALLAS	75065
LEWISVILLE MUNICIPAL ANNEX	1197 W. MAIN ST.	LEWISVILLE	75067
LITTLE ELM RECREATION CENTER	303 MAIN ST.	LITTLE ELM	75068
PILOT POINT SENIOR CENTER	310 S. WASHINGTON ST.	PILOT POINT	76258
STEVEN E. COPELAND GOVERNMENT CENTER	1400 FM 424	AUBREY	76227
THE COLONY GOVERNMENT CENTER	6301 MAIN ST.	THE COLONY	75056
TIMBERGLEN RECREATION CENTER	3810 TIMBERGLEN RD.	DALLAS	75287

**DATES AND TIMES OF EARLY VOTING**

<b>October 24 - October 28 (Monday through Friday)</b> <i>24 de Octubre - 28 de Octubre (Lunes a Viernes)</i>	<b>8 AM - 5 PM</b>
<b>October 29 (Saturday)</b> <i>29 de Octubre (Sábado)</i>	<b>7 AM - 7 PM</b>
<b>October 30 (Sunday)</b> <i>30 de Octubre (Domingo)</i>	<b>1 PM - 6 PM</b>
<b>October 31 - November 4 (Monday through Friday)</b> <i>31 de Octubre - 4 de Noviembre (Lunes a Viernes)</i>	<b>7 AM - 7 PM</b>



# Memorandum



DATE August 12, 2016

TO The Honorable Mayor and Members of the City Council

SUBJECT **Update on Proposed Revision to Chapter 27 Minimum Property Standards**

On Wednesday, August 17, 2016 you will receive a briefing with updates to the Proposed Revisions to Chapter 27 Minimum Property Standards.

A copy of the briefing is attached for your review.

Please contact me if you have any questions



Joey Zapata  
Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Christopher D. Bowers, Interim City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Eric D. Campbell, Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Update on Proposed Revisions to Chapter 27: Minimum Property Standards

Briefing to the Dallas City Council

August 17, 2016



# Chapter 27 - Minimum Urban Rehabilitation Standards

- ▶ Purpose: protect the health, safety, morals, and welfare of Dallas residents by establishing minimum standards applicable to residential and nonresidential structures
- ▶ Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation

# Scope of Chapter 27

- ▶ Minimum Urban Housing Standards
- ▶ Regulation of Urban Nuisances
- ▶ Administrative Adjudication Procedures
- ▶ Multi-Tenant Registration and Inspections
- ▶ Non-Owner Occupied Rental Program (NOORP)
- ▶ Mandatory Crime Reduction Program (MCRP)

# Importance of Chapter 27

- ▶ Chapter 27 is a cornerstone ordinance establishing standards for healthy, safe, and comfortable structures used for human habitation throughout the city
- ▶ Substandard structures
  - ▶ Contribute blight in neighborhoods
  - ▶ Curtail investment and tax revenue
  - ▶ Contribute to health issues such as asthma

# Current Status of Proposed Changes

- ▶ Proposed changes developed and reviewed by multiple stakeholders and City departments starting in 2013
- ▶ Five (5) briefings to the Housing Committee
- ▶ Nine (9) public stakeholder meetings held in neighborhood communities
- ▶ One public hearing completed
- ▶ Full Council briefing on May 18, 2016

# Current Status of Proposed Changes

- ▶ Councilman Adam McGough organized meetings with council members and staff to resolve amendments with outstanding questions or concerns
- ▶ Today, City Council can resolve remaining items with straw votes
- ▶ With Council approval in September, the effective date is January 1, 2017
- ▶ Proposed changes are budget neutral and included in the Proposed FY16-17 Budget

# Proposed Changes

- ▶ Developed with stakeholder and public input
- ▶ Detailed in draft ordinance (attached)
- ▶ Strengthen enforcement by:
  - ▶ Clarifying the required conditions that must be met in order to have a compliant structure, and removing vague language, e.g. “weather/watertight”
  - ▶ Introducing healthy housing provisions that address conditions that affect asthma or other respiratory conditions
  - ▶ Modifying and clarifying landlord and tenant responsibilities
  - ▶ Providing that all required repairs must be performed in a workmanlike manner
  - ▶ Restructuring the property standards layout to improve readability
  - ▶ Providing a maximum indoor temperature that applies throughout the year, not just April - October
  - ▶ Adjusting fine amounts based on severity of violations
  - ▶ Strengthening multi-tenant rental property regulations (p. 7)
  - ▶ Introducing single-family rental home inspections (p. 8)

# Enhanced Registration and Inspection of Rental Properties

## Multi-tenant Rental Properties

- ▶ Strengthen the registration and inspection program that includes approximately 2,600 properties
  - ▶ Provide a risk-based inspection program
    - ▶ Reward good properties with fewer inspections
    - ▶ Increase inspection frequency for low scoring properties
  - ▶ Eliminate supplemental graded inspections and only report the score recorded for the initial inspection
  - ▶ Focus on follow-up re-inspections for more compliance
  - ▶ Delete the defunct Mandatory Crime Reduction Program
  - ▶ Reduce the time and expense of registration paperwork

# Enhanced Registration and Inspection of Rental Properties

## Single Family Rental Properties

- ▶ Introduces an inspection program for the approximately 50,000 rental houses and condominium rentals:
  - ▶ One registration inspection, including the interior and exterior of the residence, every five years
  - ▶ Annual registration fee as determined by a cost study of approximately \$42 per year
  - ▶ Annual registration would require an affidavit from the landlord attesting to the property condition
  - ▶ Require landlord to visit the property within 60 days of registration
  - ▶ Inspections phased in over a 5-year time period

# Remaining Items to be Finalized

## 1. Air conditioning

- ▶ Existing ordinance: “...20 degrees lower than the outside temperature or 85 degrees F., whichever is warmer...”
- ▶ Current draft revision: “...at least 15 degrees cooler than the outside temperature, but in no event higher than 85° F.”

# Remaining Items to be Finalized

## 2. Temperature requirement for hot water

- ▶ Existing ordinance: “provide and maintain in operating condition a device to supply hot water of a minimum temperature of 120° F.”
- ▶ **Current draft revision: “...minimum temperature of 110° F., measured at the water outlet”**

# Remaining Items to be Finalized

## 3. Multilanguage Leases

- ▶ Existing ordinance: Not mandated in ordinance
- ▶ **Current draft revision: Not mandated in ordinance, but staff and Apartment Association of Greater Dallas will promote access to leases in other languages with Texas Apartment Association (TAA) and others**

# Remaining Items to be Finalized

4. Percentage of units inspected in multi-tenant Graded License Inspections
  - ▶ Existing practice: 10% of units are inspected
  - ▶ **Current draft practice: 10% of units inspected**
  - ▶ Alternative: Increase to higher percentage
    - ▶ Budget impact: If increased to 20%, approximately \$1 million

# Remaining Items to be Finalized

5. Notification of inspections to landlord and tenants
  - ▶ Existing ordinance: Not mandated in ordinance, and practice is 30 days' notice to landlords
  - ▶ **Current draft revision: Not mandated in ordinance and maintain current practice**
  - ▶ Alternative: Set maximum time to notify landlord/property manager, and/or set minimum time for landlord/property manager to notify tenants

# Remaining Items to be Finalized

6. Inclusion of names of executive officers / partners and their addresses on the rental registration application if the owner is an LLP or LLC
  - ▶ Existing ordinance: Not mandated in ordinance
  - ▶ **Current draft revision: Not mandated in ordinance**
  - ▶ Alternative: Require both, or only name(s)

# Remaining Items to be Finalized

## 7. Full-time managers at multi-tenant properties

- ▶ Existing ordinance: Not mandated by ordinance
- ▶ **Current draft revision: requirement to employ “a full-time manager to oversee the day-to-day operations of the property, if the property has 60 units or greater.”**

# Next Steps

- ▶ Finalize proposed ordinance
- ▶ Seek Council approval of ordinance in September, 2016
- ▶ Develop Housing Standards Manual
- ▶ Notify single family rental owners
- ▶ Develop and implement online registration system for single family rentals
- ▶ Assuming Council approval of recommended budget and fees, hire for 15 new positions
- ▶ Train inspectors
- ▶ Effective January 1, 2017

# APPENDIX

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,  
AND IS SUBJECT TO ADDITIONAL REVISION.**

8/9/16

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, by repealing [sections, articles]; amending the title of the Chapter; amending Sections [list sections]; providing (description of amendment); providing a penalty not to exceed \$4,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That the title of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“CHAPTER 27**

**MINIMUM PROPERTY [~~URBAN REHABILITATION~~] STANDARDS”**

SECTION 2. That Section 27-3, “Definitions,” of Article I, “General Provisions,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-3. DEFINITIONS.**

In this chapter:

(1) [~~BASEMENT means the portion of a structure that is partly underground and has more than one half its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining a structure.~~

(2)] BATHROOM means an enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes.

(2) BUILDING means a structure for the support or shelter of any use or occupancy.

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,  
AND IS SUBJECT TO ADDITIONAL REVISION.**

(3) ~~[CELLAR means the lowermost portion of a structure partly or totally underground having one-half or more of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.]~~

(4) ~~CERTIFICATE OF REGISTRATION means a certificate of registration issued by the director under Article VII of this chapter to the owner or operator of a multi-tenant property or under Article IX of this chapter to the owner of a non-owner occupied rental property, whichever is applicable.~~

(5) CITY ATTORNEY means the city attorney of the city of Dallas and includes the assistants and other authorized representatives of the city attorney.

(4) CONDOMINIUM has the meaning given that term in Chapter 82 of the Texas Property Code, as amended.

(5) CONDOMINIUM ASSOCIATION means a for-profit or non-profit corporation the membership of which consists of condominium unit owners of a condominium complex and charged with governing, operating, managing or overseeing a condominium complex or its common elements.

(6) CONSTRUCTION CODES means the *Dallas Building Code*, Chapter 53 of the Dallas City Code, as amended; *Dallas Plumbing Code*, Chapter 54 of the Dallas City Code, as amended; *Dallas Mechanical Code*, Chapter 55 of the Dallas City Code, as amended; *Dallas Electrical Code*, Chapter 56 of the Dallas City Code, as amended; *Dallas One- and Two-Family Dwelling Code*, Chapter 57 of the Dallas City Code, as amended; *Dallas Existing Building Code*, Chapter 58 of the Dallas City Code, as amended; *Dallas Fuel Gas Code*, Chapter 60 of the Dallas City Code, as amended; *Dallas Green Construction Code*, Chapter 61 of the Dallas City Code, as amended; *Dallas Fire Code*, Chapter 16 of the Dallas City Code, as amended; and the *Housing Standards Manual*, as amended.

(7) CRIME PREVENTION ADDENDUM means an addendum to a residential lease or rental agreement for the use of a rental ~~[multi-tenant]~~ property as required by Section 27-43 of this chapter.

(8) DALLAS ANIMAL WELFARE FUND means the Dallas Animal Welfare Fund as described in Section 7-8.4 of Chapter 7 of this code.

(9) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(10) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

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(11[9]) DWELLING means a structure or building used, intended, or designed to be used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes [~~occupied as a residence~~].

(12[40]) DWELLING UNIT has the definition given that term in Section 51A-2.102(34) of the Dallas Development Code, as amended [~~means one or more rooms in a multifamily property designed to accommodate one family and containing only one kitchen plus living, sanitary, and sleeping facilities~~].

[~~(11) FLOOR SPACE means the total area of all habitable space.~~

[~~(12) GRADE means the natural surface of the ground, or surface ground after completion of any change in contour.~~

(13) GRADED INSPECTION means an inspection of a rental [~~multi-tenant~~] property in which the property is given a score by the director based on the number of code violations found to exist on the premises.

[~~(14) GUEST ROOM means any room in a multi-tenant property, other than a multifamily property, that is intended as a sleeping area, whether or not the room includes a kitchen or kitchenette and whether or not the property is operated for profit or charges for the services it offers.~~

(15) HABITABLE ROOM [~~SPACE~~] means a [~~the~~] space in a building or structure for [~~occupied by one or more persons while~~] living, sleeping, eating, or [~~and~~] cooking. [~~excluding kitchenettes,~~] Bathrooms [~~bathrooms~~], toilet rooms, [~~laundries, pantries, dressing rooms~~], closets, halls, storage or utility spaces, and similar areas, are not considered habitable space [~~foyers, hallways, utility rooms, heater rooms, boiler rooms, and basement or cellar recreation rooms~~].

(15) INFESTATION means the presence, within or contiguous to a structure or premises, of insects, rodents, vectors, or other pests.

(16) KITCHEN means an area [~~a space, 60 square feet or more in floor area with a minimum width of five feet,~~] used, or designated to be used, for cooking or preparation of food.

[~~(17) KITCHENETTE means a space, less than 60 square feet in floor area, used for cooking or preparation of food.~~

(17) LANDLORD has the same meaning as in Chapter 92 of the Texas Property Code, as amended.

(18) MULTIFAMILY DWELLING [~~PROPERTY~~] means a multifamily use as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended.

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(19) MULTITENANT [~~MULTI-TENANT~~] PROPERTY means property containing any of the following uses:

(A) A multifamily dwelling [~~property~~] as defined in Subsection (39[48]) of this section.

(B) A lodging or boarding house as defined in Section 51A-4.205(2) of the Dallas Development Code, as amended.

(C) A group residential facility as defined in Section 51A-4.209(b)(3) of the Dallas Development Code, as amended.

(D) An extended stay hotel or motel as defined in Section 51A-4.205(1.1) of the Dallas Development Code, as amended.

(E) A residential hotel as defined in Section 51A-4.209(b)(5.1) of the Dallas Development Code, as amended.

(20) [~~NON-OWNER OCCUPIED RENTAL PROPERTY~~] means ~~a single-family, duplex, townhouse, or condominium dwelling that is leased or rented to one or more persons other than the owner of the property, regardless of whether:~~

(A) ~~the lease or rental agreement is oral or written; or~~

(B) ~~the compensation received by the owner for the lease or rental of the property is in the form of money, services, or any other thing of value.~~

(~~21~~) OCCUPANT means a person who has possessory rights to and is actually in possession of a premise.

(~~21~~[22]) OPEN AND VACANT STRUCTURE means a structure that is, regardless of its structural condition:

(A) unoccupied by its owners, lessees, or other invitees; and

(B) unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

(~~22~~[23]) OPERATING CONDITION means free of leaks, safe, sanitary, structurally sound, and in good working order.

(~~23~~[24]) OWNER means [~~a person in whom is vested the ownership or title of real property~~]:

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(A) a person in whom is vested the ownership or title of real property including, but not limited to:

- (i) the holder of fee simple title;
- (ii) the holder of a life estate;
- (iii) the holder of a leasehold estate for an initial term of five years or more;
- (iv) the buyer in a contract for deed;
- (v) a mortgagee, receiver, executor, or trustee in control of real property; and
- (vi) the named grantee in the last recorded deed; ~~and~~ or

(B) the owner's representative with control over the property ~~[not including the holder of a leasehold estate or tenancy for an initial term of less than five years].~~

(24[25]) PERSON means any natural person ~~[individual]~~, corporation, organization, estate, trust, partnership, association, or similar ~~[any other legal]~~ entity.

(25) PEST means an invertebrate animal that can cause disease or damage to humans or building materials.

(26) PLUMBING FIXTURES means gas pipes, water pipes, toilets, lavatories, urinals, sinks, laundry tubs, dishwashers, garbage disposal units, clothes-washing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage system, septic tanks, drains, vents, traps, and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.

(27) POTABLE WATER means water that is free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the public health authority having jurisdiction.

(28[27]) PREMISES or PROPERTY means a lot, plot, or parcel of land, including any structures on the land.

(29[28]) PROPERTY MANAGER means a person who, for compensation, has managing control of real property, including an on-site manager of a building or structure.

(30[29]) PUBLIC SEWER means a sewer operated by a public authority or public utility and available for public use.

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(31[30]) REGISTRANT means a person filing a rental property [issued a certificate of] registration or renewal application [for a multi-tenant property] under Article VII of this chapter [or for a non-owner occupied rental property under Article IX of this chapter, whichever is applicable].

(32) RENTAL PROPERTY means multitenant property and single dwelling unit rental property.

(33[34]) SANITARY means any condition of good order and cleanliness that precludes the probability of disease transmission.

(34) SECURITY DEVICE has the definition given that term in Chapter 92 of the Texas Property Code, as amended.

(35) SHORT-TERM RENTAL has the definition given that term in Section 156.001(b) of the Texas Tax Code, as amended.

(36) SINGLE DWELLING UNIT RENTAL PROPERTY means a single-family, duplex, townhouse, or condominium dwelling unit that is leased or rented to one or more persons other than the owner of the property, regardless of whether the lease or rental agreement is oral or written, or the compensation received by the lessor for the lease or rental of the property is in the form of money, services, or any other thing of value, provided, however, if three or more townhouses or condominiums in the same complex are under a common ownership and are leased or offered for lease, they will be considered a multitenant property for purposes of this chapter.

(37) SOLID WASTE means:

(A) industrial solid waste as defined in Section 18-2(22) of the Dallas City Code, as amended, and

(B) municipal solid waste as defined in Section 18-2(28) of the Dallas City Code, as amended.

(38[32]) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

~~[(33) UNIT means a dwelling unit or a guest room in a multi-tenant property.]~~

(39) TOILET ROOM means a room containing a toilet or urinal but not a bathtub or shower.

(40[34]) URBAN NUISANCE means a premises or structure that:

(A) is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;

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(B) regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

(C) boarded up, fenced, or otherwise secured in any manner if:

(i) the structure constitutes a danger to the public even though secured from entry; or

(ii) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure in the manner described by Paragraph (B) of this subsection.

(42) VECTOR means an insect or other animal that is capable of transmitting a disease-producing organism.

(43) WORKMANLIKE means executed in a skilled manner, for example, generally plumb, level, square, in line, undamaged, and without marring adjacent work.”

SECTION 3. That Section 27-3.1, “Code enforcement official,” of Article I, “General Provisions,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-3.1. CODE ENFORCEMENT OFFICIAL.**

(a) The director, or a designated representative, shall serve as the code enforcement official of the city.

(b) The code enforcement official shall have the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as are deemed necessary to clarify the application of this chapter. Such interpretations, rules, and regulations must be in conformity with the intent and purpose of the codes.

(c) The code enforcement official shall have the power to obtain:

(1) search warrants for the purpose of investigating ~~[allowing the inspection of any specified premises to determine the presence of a health hazard or unsafe building condition, including but not limited to any structural, property, or utility hazard, or]~~ a violation of a[ny] health and safety or nuisance abatement ~~[building]~~ regulation, statute, or ordinance; and

(2) seizure warrants for the purpose of securing, removing, or demolishing an offending property and removing the debris from the premises.”

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SECTION 4. That Section 27-4, “Violations; Penalty,” of Article II, “Administration,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-4. VIOLATIONS; PENALTY.**

(a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense. A person commits a separate offense each day ~~[or portion of a day]~~ during which a violation is committed, permitted, or continued.

(b) Criminal penalties.

(1) An offense under this chapter is punishable by a fine not to exceed \$2,000; except, that an offense under Section 27-5.2 and 27-25 of this chapter is punishable by a fine not to exceed \$500.

(2) An offense under this chapter is punishable by a fine of not less than:

(A) ~~\$150 [200] for a first conviction of a violation of Section 27-11(c)(1), (c)(2), or (c)(6); Section 27-11(d)(2)(A), (d)(3)(A), (d)(4), (d)(5), (d)(6), (d)(7), (d)(9)(A), (d)(9)(C), (d)(9)(D), (d)(10)(A), (d)(11), (d)(13), (d)(15)(A) or (d)(16)(C); Section 27-11(e)(1)(B), (e)(1)(C), or (e)(3); Section 27-11(f)(1)(A), (f)(1)(B), (f)(3)(C), (f)(3)(F), or (f)(4)(C); Section 27-11(g)(5); Section 27-11(h)(1)(B), (h)(3), (h)(4)(i), (h)(4)(ii), (h)(4)(iii), (h)(6)(A) or (h)(6)(B); Section 27-11(i)(1) or (i)(2); Section 27-12(1), (2), (3), or (5) [(a)(1), (3), or (4), 27-11(b)(1), (2), (3), (4), (6), (7), (8), (9), or (10), Section 27-60, or Article VIII of this chapter]; and~~

(B) \$500 for a first conviction of a violation of Section 27-11(d)(1), (d)(9)(B), (d)(12), (d)(14)(A), (d)(14)(B), (d)(15)(B), (d)(15)(C), (d)(16)(A), or (d)(16)(B); Section 27-11(e)(1)(A) or (e)(2)(A); Section 27-11(f)(2), (f)(3)(A), (f)(3)(B), (f)(3)(D), (f)(3)(E), (f)(3)(G), (f)(4)(A), (f)(4)(B), (f)(4)(D), (f)(4)(E) or (f)(4)(F); Section 27-11(g)(1) or (g)(2); Section 27-11(h)(1)(A), (h)(2), or (h)(5); or Section 27-15.1(c) ~~[(a)(2), (5), or (6), 27-11(b)(5), 27-11(e), or 27-11(d); and~~

(C) ~~\$2,000 for a first conviction of a violation of Section 27-30].~~

(3) The minimum fines established in Subsection (b)(2) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b)(1).

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

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(d) In addition to imposing the criminal penalty prescribed in Subsection (b) or exercising the other remedies provided by this chapter, the city may bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed \$1,000 for each day or portion of a day during which the violation is committed, continued, or permitted.

(e) The penalties provided for in Subsections (b), (d), and (h) are in addition to any other enforcement remedies that the city may have under city ordinances and state law.

(f) The director has the authority to enforce provisions of Chapter 7A and Article II, Chapter 18 of this code.

~~(g) [A person commits an offense if he fails to correct a violation of this chapter in compliance with any order issued under this chapter that has become final.]~~

~~(h)] A person is criminally responsible for a violation of this chapter if:~~

~~(1) the person commits the violation or assists in the commission of the violation; or~~

~~(2) the person is the owner of the property and, either personally or through an employee or agent, allows the violation to exist.~~

~~(h) For purposes of subsection (g), an employee of the owner of real property that is a single dwelling unit rental property, or has been issued a certificate of occupancy or a certificate of completion with respect to improvements on the property, is not personally liable for a violation of this chapter if, not later than the fifth calendar day after the date the citation is issued, the employee provides the property owner's name, current street address, and current telephone number to the enforcement official who issues the citation or to the director.~~

(i) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of this chapter, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b).”

SECTION 5. That Section 27-5, “Inspection,” of Article II, “Administration,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-5. INSPECTION.**

(a) For the purpose of ascertaining whether violations of this chapter or other city ordinances exist, the director is authorized at a reasonable time to inspect:

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(1) the exterior of a structure and premises that [which] contain no structure;  
and

(2) the interior of a structure, if the permission of the owner, occupant, or person in control is given.

(b) Nothing in this section limits the director's ability to seek and obtain an administrative search warrant authorizing the inspection of the interior or exterior of a structure or a premises that contains no structure."

SECTION 6. That Subsection (a) of Section 27-5.2, "Retaliation Against Tenants Prohibited," of Article II, "Administration," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"(a) A landlord commits an offense if he raises a tenant's rent, diminishes services to a tenant, or attempts eviction of a tenant within six months after:

(1) the tenant files a valid complaint with the director complaining of a violation of this chapter on property occupied by the tenant; a complaint is considered valid if it results in an action described in Paragraph (2), (3), or (4) of this subsection;

(2) the director issues to the landlord or the landlord's agent a written notice or citation listing any violation of this chapter that exists on property occupied by the tenant;

(3) the city attorney files an action under Article IV-a of this chapter or under Chapter 54, 211, or 214 of the Texas Local Government Code relating to any violation of this chapter that exists on property occupied by the tenant;

(4) the tenant, after filing a complaint with the director and the landlord or the landlord's agent, files a written complaint with the city attorney complaining of a violation of this chapter on property occupied by the tenant, unless the complaint is later withdrawn by the tenant or dismissed on the merits; or

(5) repairs are completed on property occupied by the tenant in compliance with either a written notice or citation issued by the director or a court order."

SECTION 7. That Section 27-11, "Minimum Standards; Responsibilities of Owner," of Article III, "Minimum Standards," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 27-11. MINIMUM PROPERTY STANDARDS; RESPONSIBILITIES OF OWNER.**

(a) In general.

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(1) The regulations in this article are minimum property standards for vacant and occupied buildings, properties, and structures within the city of Dallas. In addition to these minimum property standards, buildings, properties, and structures must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city of Dallas, including the *Housing Standards Manual*.

(2) These minimum property standards are intended to complement existing laws, ordinances, rules, and regulations. If the regulations in this chapter are less restrictive than other applicable laws, ordinances, rules, or regulation, the more restrictive law, ordinance, rule, or regulation applies.

(b) Repairs. All repairs required by this section must be performed in a workmanlike manner and in accordance with all ordinances, rules, and regulations of the City of Dallas, including the *Housing Standards Manual*, and in accordance with all applicable state and federal laws and regulations.

(c) Property standards. An owner shall:

(1) maintain their premises in operating condition without any [eliminate a] holes, excavations, or sharp protrusions, and without any other object or condition that exists on the land and is reasonably capable of causing injury to a person;

(2) securely cover or close any wells, cesspools, or cisterns;

(3) provide solid waste receptacles or containers when required by Chapter 18 of this code;

(4) provide drainage to prevent standing water and flooding on the land;

(5) remove dead trees and tree limbs that are reasonably capable of causing injury to a person;

(6) keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry; and

(7) protect, by periodic application of paint or other weather-coating materials, any exposed metal or wood surfaces from the elements and against decay or rust [by periodic application of weather-coating materials, such as paint or similar surface treatment].

(d[b]) Structural and material standards. [~~An owner shall:~~]

(1) General. An owner shall maintain structural members free from deterioration and shall maintain structural members so that they are capable of safely supporting imposed dead and live loads.

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(2) Construction materials. An owner shall:

(A) maintain building and structure materials, including wood, gypsum products, glass, fiberglass, paper, canvas, fabric, plastic, vinyl, masonry, ceramic, plaster, brick, rock, stucco, slate, concrete, asphalt, tin, copper, steel, iron, aluminum, and other metals, in operating condition.

(B) protect, by periodic application of paint or other coating, the exterior surfaces of a structure that are subject to decay or rust.

(3) Roofs. An owner shall:

(A) maintain roofs in operating condition, free from leaks, holes, charred or deteriorated roofing materials, rotted wood, and other unsafe conditions.

(B) maintain gutters and downspouts, if installed, in operating condition and securely fastened.

(4) Chimneys and towers. An owner shall maintain chimneys, cooling towers, smoke stacks, and similar appurtenances in operating condition.

(5) Foundations. An owner shall maintain foundations and foundation components in operating condition, and keep all foundation components securely fastened.

(6) Floors. An owner shall maintain all flooring in operating condition, free from holes, cracks, decay, and trip hazards.

(7) Shower enclosures. An owner shall maintain shower enclosure floors and walls in operating condition free of holes, cracks, breaches, decay, rust, and rot.

(8) Counter tops and backsplashes. An owner shall maintain kitchen and bathroom counter tops and backsplashes surrounding kitchen sinks and lavatory sinks in operating condition free of decay, rust, and rot.

(9) Interior walls, ceilings, and surfaces; doors. An owner shall:

(A) maintain all interior walls and ceilings in operating condition;

(B) keep all interior walls and ceilings securely fastened to eliminate collapse hazards;

(C) maintain all interior surfaces, including windows and doors, in operating condition;

(D) repair, remove, or cover all peeling, chipping, flaking, or abraded paint; and

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(E) repair all cracked or loose plaster, wood or other defective surface conditions.

(10) Exterior windows and skylights. An owner shall maintain:

(A) the glass surfaces of exterior windows and skylights so that they are weather tight, in operating condition; and

(B) each habitable room with natural light in accordance with the construction codes.

(11) Exterior doors. An owner shall maintain exterior doors so that they are weather tight, in operating condition.

(12) Security devices. An owner shall maintain any bars, grilles, grates, and security devices in operating condition and in accordance with the construction codes.

(13) Ventilation. An owner shall maintain all natural and mechanical ventilation in habitable rooms in operating condition and in accordance with the construction codes.

(14) Balconies, landings, porches, decks, and walkways. An owner shall maintain:

(A) all balconies, landings, porches, decks, and walkways in operating condition and securely fastened.

(B) support posts and columns for balconies, landings, porches, decks, and walkways or canopies in operating condition, securely fastened and anchored.

(15) Handrails and guardrails. An owner shall maintain all handrails and guardrails:

(A) in accordance with the construction codes;

(B) in operating condition, and securely fastened and anchored; and

(C) so that they are capable of safely supporting imposed dead and live loads.

(16) Steps and stairways. An owner shall:

(A) maintain steps and stairways in operating condition, securely fastened and anchored, and free from trip hazards;

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(B) maintain steps and stairways so that they are capable of safely supporting imposed dead and live loads; and

(C) seal any cracks or breaches in lightweight concrete steps, balconies, and walkways.

(17) Fencing, retaining walls, and barriers.

(A) An owner shall maintain all fences, retaining walls, decorative walls, and barriers in operating condition, and in accordance with the Dallas Development Code. This requirement applies to a masonry wall only if wall encloses:

(i) a multitenant property; or

(ii) a single-family or duplex property where the wall is not shared with another property.

(B) An owner shall repair or replace rotted, missing, fire-damaged, or broken wooden slots and support posts.

(C) An owner shall repair or replace broken, missing, or bent metal posts and torn, cut, bent, or ripped metal fencing materials.

(D) An owner shall replace loose or missing bricks, stones, rocks, mortar, and similar materials on any masonry wall that is not shared with another property, if the wall:

(i) encloses a multitenant property or a single-family property or duplex, or

(ii) serves as a retaining wall.

~~[protect the exterior surfaces of a structure that are subject to decay by application of paint or other coating;~~

~~(2) fill hollow, masonry supporting piers, if used, with concrete and anchor the piers to concrete footings with a 5/8 inch steel dowel;~~

~~(3) provide and maintain railings for stairs, steps, balconies, porches, and elsewhere as specified in the Dallas Building Code;~~

~~(4) repair holes, cracks, and other defects reasonably capable of causing injury to a person in stairs, porches, steps, and balconies;~~

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~~(5) maintain a structure intended for human occupancy and a structure used as an accessory to a structure intended for human occupancy in a weather-tight and water-tight condition;~~

~~(6) maintain floors, walls, ceilings, and all supporting structural members in a sound condition, capable of bearing imposed loads safely;~~

~~(7) provide cross-ventilation of not less than 1-1/2 square feet for each 25 lineal feet of wall in each basement, cellar, and crawl space;~~

~~(8) repair or replace chimney flue and vent attachments that do not function properly;~~

~~(9) repair holes, cracks, breaks, and loose surface materials that are health or safety hazards in or on floors, walls, and ceilings; and~~

~~(10) maintain any fence on the property in compliance with the following standards:~~

~~(A) maintain a fence so that it is not out of vertical alignment more than one foot from the vertical, measured at the top of the fence, for a fence over four feet high, or more than six inches from the vertical, measured at the top of the fence, for a fence not more than four feet high, except that this provision does not apply to a masonry wall unless the wall encloses:~~

~~(i) a multi-tenant property; or~~

~~(ii) a single-family or duplex property where the wall is not shared with another property;~~

~~(B) repair or replace rotted, fire-damaged, or broken wooden slats and support posts;~~

~~(C) repair or replace broken or bent metal posts and torn, cut, bent, or ripped metal fencing materials; and~~

~~(D) repair or replace loose bricks, stones, rocks, mortar, and similar materials on any masonry wall that encloses:~~

~~(i) a multi-tenant property; or~~

~~(ii) a single-family or duplex property where the wall is not shared with another property.]~~

~~(e[e]) Utility and appliance standards. [An owner shall:]~~

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(1) Air conditioning. ~~[If screens are not provided in accordance with Subsection (h)(2), a]~~An owner shall:

(A) provide and maintain in operating condition refrigerated air equipment capable of maintaining a room temperature of at least 15 degrees cooler than the outside temperature, but in no event higher than 85° F. in each room of a structure intended for human occupancy;

(B) maintain all fixed air conditioning systems, including air conditioning unit covers, panels, conduits, and disconnects, in operating condition, properly attached; and

(C) install window-mounted air conditioning units, if provided, in compliance with the construction codes.

(D) It is a defense to prosecution under this subsection that at least one habitable room is 85° F. if the outside temperature is over 110° F.

(2) Heating.

(A) An owner shall provide every dwelling unit with heating facilities that are installed and maintained in operating condition and in accordance with the construction codes. The heating facilities must be capable of maintaining a room temperature of 68 degrees Fahrenheit at a point three feet above the floor and two feet from exterior walls in any room intended for human occupancy.

(B) Where heating is provided in buildings or structures other than dwelling units, an owner shall maintain those facilities in operating condition and in accordance with the construction codes.

(3) Appliances. If appliances are provided in a rental dwelling unit, the owner shall maintain those appliances, including portable heating units, portable air conditioning units, cook stoves, refrigerators, dishwashers, garbage disposals, ventilation hoods, washing machines, and clothes dryers, and all appliance connections, in operating condition.

~~[provide and maintain in operating condition connections to discharge sewage from a structure or land into a public sewer system where available;~~

~~(2) provide and maintain in operating condition a toilet connected to a water source and to a public sewer, where available, in each structure intended for human habitation;~~

~~(3) provide and maintain in operating condition connections and pipes to supply potable water at adequate pressure to a structure intended for human occupancy;~~

~~(4) provide and maintain in operating condition a device to supply hot water of a minimum temperature of 120°F. within each structure intended for human habitation;~~

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~~(5) provide and connect a kitchen sink, bathtub or shower, and lavatory to a cold and hot water source in each structure intended for human habitation;~~

~~(6) connect plumbing fixtures and heating equipment that the owner supplies in accordance with the Dallas Plumbing Code and Dallas Mechanical Code;~~

~~(7) provide and maintain heating equipment in operating condition so that it is capable of maintaining a minimum inside temperature of 68°F. from November 16 through March 15 in each room of a structure intended for human occupancy;~~

~~(8) if screens are not provided as required in Subsection (d)(2), provide and maintain in operating condition, from April 1 through November 1, refrigerated air equipment capable of maintaining a maximum inside temperature that is 20 degrees lower than the outside temperature or 85°F., whichever is warmer, in each room of a structure intended for human occupancy;~~

~~(9) provide and maintain in operating condition supply lines for electrical service to each structure intended for human occupancy if electrical service is available within 300 feet;~~

~~(10) connect each heating and cooking device that burns solid fuel to a chimney or flue; and~~

~~(11) provide and maintain in operating condition electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances and fixtures.]~~

(f) Plumbing standards.

(1) Plumbing systems. An owner shall maintain:

(A) all plumbing pipes, fittings, and valves necessary to supply and conduct natural fuel gases, sanitary drainage, storm drainage, or potable water in operating condition in accordance with the *Dallas Plumbing Code*, Chapter 54 of the Dallas City Code, as amended; and

(B) all plumbing fixtures free of cross-connections and conditions that permit backflow into the potable water supply.

(2) Fuel gas distribution systems. An owner shall maintain distribution systems that carry fuel gas or liquefied petroleum gas in a leak-free condition in accordance with the construction codes. If such a distribution system has been compromised, an owner shall have the system pressure-tested and repaired in accordance with the *Dallas Fuel Gas Code*, Chapter 60 of the Dallas City Code, as amended.

(3) Plumbing fixtures.

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- (A) An owner shall provide each dwelling unit with:
- (i) a kitchen equipped with a kitchen sink; and
  - (ii) a minimum of one toilet; a lavatory sink; and either a bathtub, a shower, or a combination of a bathtub and shower.
- (B) An owner shall keep all plumbing fixtures connected to an approved potable water supply system.
- (C) An owner shall connect and maintain all plumbing fixtures in operating condition, in accordance with the construction codes.
- (D) An owner shall equip toilets and urinals with cold potable water under pressure necessary for safe and sanitary operation.
- (E) An owner shall keep all plumbing fixtures connected to a public sewer system or to an approved private sewage disposal system.
- (F) An owner shall maintain all piping distribution systems in operating condition, and shall eliminate all unsafe, unsanitary, and inoperable conditions in such distribution systems.
- (G) Except when the sewer lines are being serviced, an owner shall cap each sewer clean-out opening with an approved plug in accordance with the construction codes.
- (4) Water heating equipment.
- (A) An owner shall maintain all water heating equipment in operating condition in compliance with the construction codes.
  - (B) For all water heating equipment, an owner shall maintain in accordance with the construction codes a temperature and pressure relief valve with an approved drain line.
  - (C) An owner shall provide and maintain in operating condition water heating equipment that supplies hot water at a minimum temperature of 110° F., measured at the water outlet, to every required plumbing fixture.
  - (D) An owner shall vent all fuel-fired water heating equipment as required by the construction codes.
  - (E) An owner shall maintain any existing fuel-fired water heaters that are located in a sleeping room or bathroom in compliance with the construction codes.

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(F) An owner shall maintain boilers and central heating plants in operating condition.

(g) Electrical standards.

(1) An owner shall maintain all provided electrical equipment and materials in operating condition and in accordance with the construction codes.

(2) An owner shall provide electrical circuits and outlets sufficient to carry safely a load imposed by normal use of appliances, equipment, and fixtures, and maintain them in operating condition.

(3) In each dwelling unit, an owner shall provide and maintain each habitable room, bathroom, hallway, and stairway with at least one electric lighting outlet. The electric lighting outlet must be controlled by a wall switch, unless a wall switch is not required by the construction codes.

(4) An owner shall maintain all electric light fixtures located adjacent to exterior doors of all buildings or structures in operating condition.

(5) An owner shall not use extension cords or flexible cords as a substitute for permanent wiring and an owner shall only use extension cords and flexible cords in accordance with the construction codes.

(h) Lighting standards.

(1) In multifamily properties with common areas, an owner shall not wire common area lights into individual dwelling units.

(2) Exterior lighting shall provide for appropriate and desirable nighttime illumination for all uses on and related to the site, including, but limited to, pedestrian pathways, plazas, courtyards, building entrances, parking and driveway areas, and other outdoors spaces commonly used at night. Lighting of exterior areas shall reduce conflicts between building design and landscape treatments, provide appropriate surveillance for crime prevention, and minimize glare or intrusive lighting onto adjoining properties and into the night sky.

(3) The maximum illumination level for on-site lighting is four (4) foot candles as measured at grade, based on light loss factor or sixty-eight percent (0.68) for metal halide lighting and seventy-two percent (0.72) for high pressure sodium lighting.

(4) Specific areas to be illuminated.

(A) Carport parking structures shall be illuminated from dusk to dawn, with three (3) foot-candles, including the adjacent landscape area at finish grade.

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(B) All stairwells, landings and under areas under the lower landing shall be continuously illuminated with five (5) foot-candles.

(C) Breezeway lighting shall be illuminated from dusk to dawn, with four (4) foot-candles. Transitional lighting will be required at all entry areas to the breezeway corridor.

(D) Cluster or gang mailboxes shall be illuminated from dusk to dawn with five (5) foot-candles of light for a fifteen (15) foot radius of the mailboxes.

(E) Secondary lighting may be required to supplement the primary security lighting due to design elements and landscape conflicts, in order to meet the minimum lighting criteria.

(5) It is a defense to prosecution under this subsection that the lighting is used for a single-family home or an accessory building.

(i[~~d~~]) Health standards. [An owner shall:]

(1) Infestations.

(A) Where evidence of infestation exists, the owner of a building, structure, or property, including a vacant or occupied one-or two-family dwelling, or multifamily dwelling, shall eliminate infestations using a licensed pest control operator and repair any conditions that contribute to infestation.

(B) If the building, structure, or property is a rental property, the owner shall provide notice to the tenants at least 48 hours before taking steps to eliminate the infestation.

(i) The notice must be in writing and must include the method being used to eliminate the infestation.

(ii) A tenant can waive the 48-hour notice period in writing. [eliminate rodents and vermin in or on the land;]

(C) It is a defense to prosecution under this paragraph that the building, structure, or property was treated to eliminate insects, vectors, rodents, or pests by a person licensed under the Texas Structural Pest Control Act once within the preceding 30 days.

(2) Common toilet and shower facilities. An owner shall maintain toilet and shower facilities for common areas of a multifamily dwelling in operating condition. [maintain the interior of a vacant structure or vacant portion of a structure free from rubbish and garbage; and]

(4) Swimming pools, spas, ponds, and fountains.

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(i) Water in swimming pools, spas, ponds, fountains, and other containers shall be maintained to prevent the breeding or harborage of insects.

(ii) Swimming pools, spas, ponds, and fountains shall be maintained in operating condition.

(iii) Fences or other barriers enclosing swimming pools, spas, ponds, and fountains shall be maintained in operating condition and in accordance with the construction codes; except that pool yard enclosures, as defined in Chapter 757 of the Texas Health and Safety Code, as amended, shall be maintained in operating condition and must comply with the standards in Chapter 757 of the Texas Health and Safety Code, as amended [keep the interior of a structure free from insects, rodents, and vermin, except as specified in Section 27-12(b)].

(5) Sewage overflow. An owner shall sanitize all areas contaminated by sewage overflow immediately after servicing is completed.

(6) Vacant dwelling units.

(A) An owner shall maintain the interiors of all vacant dwelling units free of solid waste.

(B) The owner of a vacant dwelling unit must store any swimming pool chemicals, cleaning chemicals, pesticides, herbicides, rodenticides, fertilizers, paints, solvents, gasoline, gasoline-powered equipment, or combustible materials of any kind in accordance with the construction codes and the Dallas Development Code.

(j[e]) Security standards. An owner or operator of a multifamily dwelling [property], other than one exempt from registration under Section 27-30 of this chapter, shall:

(1) provide and maintain security devices in each dwelling unit as required by Sections 92.153, 92.154, and 92.155 of the Texas Property Code, as amended; and

(2) if the multifamily dwelling [property] has three or more dwelling units, provide and maintain security lighting that adequately illuminates all parking areas, walkways, stairs and steps, doorways, and garbage storage areas so that persons moving in or around those areas can be easily seen.

(k[f]) It is a defense to prosecution under Subsection (a) of this section that the premises concerned is the site of new construction and reasonable and continuous progress is being made to complete the construction.

~~[(g) It is a defense to prosecution under Subsection (d)(4) of this section that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act once within the preceding six months.]~~

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(l[h]) An owner shall provide a tenant with alternative housing that meets the minimum standards required by this section when:

(1) after being issued a notice or citation for violation of Subsection (e)(2) [(e)(7)] of this section, the owner fails to repair heating equipment within 72 hours after receiving such notice or citation and the overnight low temperature, as measured by the National Weather Service at Dallas Love Field, is below 40 degrees Fahrenheit[-] for three consecutive days after receiving such notice or citation; or

(2) after being issued a notice or citation for violation of Subsection (e)(1) [(e)(8)] of this section, the owner fails to repair refrigerated air equipment within 72 hours after receiving such notice or citation and the daytime high temperature, as measured by the National Weather Service at Dallas Love Field, is 95 degrees Fahrenheit[-] or above for three consecutive days after receiving such notice or citation.

(m) It is a defense to prosecution under Subsections (e)(1) [(e)(7)] and (e)(2) [(e)(8)] of this section and to the alternative housing requirements of Subsection (j[h]) of this section that:

(1) failure to maintain heating and refrigerated air equipment in compliance with those subsections was the direct result of an act of nature or other cause beyond the reasonable control of the owner; or

(2) the owner is making diligent efforts to repair the heating and refrigerated air equipment in compliance with those subsections; if the owner demonstrates to the director that diligent efforts to repair are being made, the director will not issue a notice or citation for a violation of Subsection (e)(1) [(e)(7)] or (e)(2) [(e)(8)] of this section.

(m[j]) It is a defense to prosecution under Subsection (e)(2) [(e)(7)] of this section and to the alternative housing requirements of Subsection (j[h])(1) of this section that a written contract is in effect requiring the tenant to provide and maintain heating equipment and the owner has provided utility connections for heating equipment in compliance with the Dallas Mechanical Code, as amended, in each room of the structure intended for human occupancy.

(n[k]) It is a defense to prosecution under Subsection (e)(1) [(e)(8)] of this section and to the alternative housing requirement of Subsection (j[h])(2) of this section that the structure is not a rental property and

~~(2) — is provided with exterior windows and doors that are easily openable to provide air ventilation and covered with screens [in compliance with Subsection (d)(2) of this section].<sup>22</sup>~~

SECTION 8. That Section 27-12, “Responsibilities of Occupant,” of Article III, “Minimum Standards,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

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**“SEC. 27-12. RESPONSIBILITIES OF OCCUPANT.**

[(a)] An occupant shall:

(1) maintain the interior and exterior ~~[those]~~ portions of the person’s dwelling unit ~~[interior of a structure under his control]~~ free from accumulations of solid waste ~~[rubbish, garbage,]~~ and other conditions that would encourage infestation ~~[of insects, rodents, or vermin];~~

(2) remove an animal or animals from a structure if the presence of the animal or animals is a health hazard to an occupant;

(3) connect plumbing fixtures and heating equipment that the occupant supplies in accordance with the construction ~~[building]~~ codes.

(4) provide solid waste receptacles or containers when required by Chapter 18 of this code; and

(5) not alter a structure or its facilities so as to create a nonconformity with Section 27-11 or this section.

[(b) ~~The tenant occupant of a single family residential structure shall keep the interior of the structure free from insects, rodents, and vermin if the owner can show that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act:~~

~~(1) within two weeks before the date the tenant took occupancy; or~~

~~(2) once within the preceding six months if there has been more than one tenant during the preceding six months].”~~

SECTION 9. That Section 27-15, “Occupancy Load Limits,” of Article IV, “Vacation, Reduction of Occupancy Load, and Securing of Structures and Relocation of Occupants,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-15. OCCUPANCY LOAD LIMITS.**

A structure or dwelling unit is overcrowded if the occupancy limits set in Texas Property Code Section 92.010, as amended, are exceeded~~[following standards are not met:~~

~~(1) Floor space per person. Each structure or dwelling unit must contain at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet of additional habitable floor space for each additional occupant.~~

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~~(2) Sleeping space per person. In each structure or dwelling unit of two or more rooms, each room occupied for sleeping purposes by one occupant must contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person must contain at least 50 square feet of floor space for each occupant.~~

~~(3) Special provisions. Children under 12 months of age are not considered occupants, and children under 12 years of age are considered as 1/2 of one occupant for purposes of Subparagraphs (1) and (2).~~

~~(4) Ceiling height. For purposes of Subparagraphs (1) and (2), a room of a structure must have a ceiling height of at least seven feet to be considered habitable space.]”~~

SECTION 10. That Section 27-15.1, “Placarding of a Structure by the Director,” of Article IV, “Vacation, Reduction of Occupancy Load, and Securing of Structures and Relocation of Occupants,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-15.1. PLACARDING OF A STRUCTURE BY THE DIRECTOR.**

(a) After a court order requiring vacation of a structure or dwelling unit has become final, t[F]he director may place a red placard [warning of a dangerous condition] on or near the front door of the [any] structure or dwelling unit [that:

- ~~(1) is unsanitary or unsafe; and~~
- ~~(2) presents an immediate danger to the health, safety, or welfare of the public or of any occupant of the structure].~~

(b) The red placard shall state:

- (1) that the structure or dwelling unit was ordered to be vacated;
- (2) that a person commits an offense if he, without authority from the director:
  - (A) removes or destroys the red placard;
  - (B) occupies the structure or dwelling unit; or
  - (C) as owner of the structure, authorizes a person to occupy the structure or dwelling unit; and

~~(3) the maximum fine for violation of the ordinance [After placarding a structure under Subsection (a) of this section, the director shall immediately refer the structure to the city attorney for a hearing before the municipal court, to be held in accordance with Article IV-a of this chapter, on the dangerous condition of the structure and the need to vacate any~~

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occupants of the structure. Before the 11th day after the director placards the structure, the director shall give notice of the hearing to each owner, lienholder, or mortgagee of the affected property in accordance with the notice requirements of Section 27-16.5].

(c) A person commits an offense if he:

(1) without authority from the director, removes or destroys a red placard placed by the director;

(2) occupies a structure or dwelling unit on which the director has placed a red placard; or

(3) [~~as owner of a structure or dwelling unit,~~] authorizes a person to occupy a structure or dwelling unit on which the director has placed a red placard.

~~[(d) It is a defense to prosecution under Subsection (c)(2) that:~~

~~(1) the person had lawfully and continuously occupied the structure or dwelling unit before and after the structure was placarded; and~~

~~(2) the structure or dwelling unit had not been ordered vacated by the municipal court.~~

~~(e) It is a defense to prosecution under Subsection (c)(3) that:~~

~~(1) the person authorized by the owner to occupy the structure or dwelling unit had lawfully and continuously occupied the structure or dwelling unit before and after the structure was placarded; and~~

~~(2) the structure or dwelling unit had not been ordered vacated by the municipal court.]”~~

SECTION 11. That Section 27-16, “Securing of a Structure by the Director,” of Article IV, “Vacation, Reduction of Occupancy Load, and Securing of Structures and Relocation of Occupants,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-16. SECURING OF A STRUCTURE BY THE DIRECTOR.**

(a) The requirements of this section are in addition to any other requirements of this chapter governing securing of a structure. Any hearing before the municipal court pursuant to this section concerning the securing of a structure must comply with all notice and procedural requirements contained in Article IV-a of this chapter for hearings before the municipal court.

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(b) The director shall secure any structure that the director determines:

(1) violates a minimum standard established in Article III of this chapter; and

(2) is unoccupied or is occupied only by a person who does not have a right of possession to the structure.

~~(c) [Before securing a structure under Subsection (b), the director shall post a notice on or near the front door of the structure stating that if the owner does not secure the structure within 48 hours, the city will secure the structure at the owner's expense.]~~

~~(d)~~ Before the 11th day after the date the director secures the structure, the director shall give notice to the owner by:

(1) personally serving the owner with written notice;

(2) depositing the notice in the United States mail addressed to the owner at the owner's post office address;

(3) publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the structure is located, if personal service cannot be obtained and the owner's post office address is unknown; or

(4) posting the notice on or near the front door of the structure, if personal service cannot be obtained and the owner's post office address is unknown.

~~(d[e])~~ The notice issued under Subsection (d) must contain:

(1) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(2) a description of the violation of the minimum standards that is present at the structure;

(3) a statement that the director will secure or has secured, as the case may be, the structure; and

(4) an explanation of the owner's entitlement to request a hearing about any matter relating to the director's securing of the structure.

~~(e[f])~~ A public hearing shall be held before the municipal court if, within 30 days after the date the director secures the structure, the owner files with the municipal court a written request for the hearing. The hearing must be held within 20 days after the date the request is filed. Notice of the hearing must be given to each owner~~[-lienholder, or mortgagee]~~ of the affected property in accordance with the notice requirements of Section 27-16.5. At the hearing, the director shall

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present evidence of the need to secure the structure, and the owner may testify or present witnesses or written information about any matter relating to the director's securing of the structure.

(f[g]) The municipal court shall uphold the director's action in securing a structure if it finds the structure or a portion of the structure was an urban nuisance [~~open and potentially dangerous to the health, safety, or welfare of the public~~].

(g[h]) An unoccupied structure that is closed pursuant to an order of the director, the municipal court, or the fire marshal, or that is closed by the owner of the structure without an official order, must be secured in compliance with the Dallas Fire Code.

(h[i]) A structure intended for residential use or occupancy that, pursuant to an order of the director, the municipal court, or the fire marshal, is closed by the owner through sealing the doors or windows with boards, or equivalent materials, may be referred by the director to the city attorney for appropriate action under Article IV-a of this chapter, if the structure:

- (1) remains boarded up for 180 days or more without being occupied by the owner or a lawful tenant; and
- (2) has at least one visible violation of this chapter.

(i[j]) The city's cost of securing a structure under this section constitutes a lien against the real property on which the structure stands, as provided in Section 27-16.8(e)."

SECTION 12. That Subsection (b) of Section 27-16.3, "Municipal Court Jurisdiction, Powers, and Duties Relating to Urban Nuisances," of Article IV-a, "Municipal Court Jurisdiction Over Urban Nuisances," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

- "(b) The municipal court of record has the following powers and duties:
- (1) To require the reduction in occupancy load of an overcrowded structure or the vacation of a structure found to be an urban nuisance.
  - (2) To require the repair of a structure found to be an urban nuisance.
  - (3) To require the demolition of a structure found to be an urban nuisance.
  - (4) To require the removal of personalty from a structure ordered vacated or demolished. Removal may be accomplished by use of city forces or a private transfer company if the owner of the personalty is not known, or the whereabouts of the owner cannot be ascertained, or the owner fails to remove the personalty. Costs of any removal and storage are the responsibility of the owner of the personalty.

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(5) To require that an open and vacant structure or open and vacant portion of a structure be secured.

(6) To require or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by city forces or a private contractor. Costs of correction are the responsibility of the owner.

(7) To assess a civil penalty, not to exceed \$1,000 a day per violation or, if the property is the owner's lawful homestead, \$10 a day per violation, against a property or property owner for each day or part of a day that the owner fails to repair or demolish a structure in compliance with a court order issued under this article.

(8) To require vacation [~~relocation~~] of the occupants of a structure found to be an urban nuisance or found to be overcrowded[~~, and to determine, upon an order of vacation of the occupants of a structure, whether the occupants of the structure are eligible for relocation assistance under Chapter 39A of the Dallas City Code, as amended.~~].”

~~(e) For purposes of determining ineligibility for relocation assistance under Subsection (b)(8) of this section, the municipal court must consider the following:~~

~~(1) A person who is ordered to vacate a structure is not considered a displaced person under Chapter 39A of this code and is not eligible for relocation assistance (other than for moving expenses) if the person:~~

~~(A) is ordered to vacate a structure as a consequence of the person's own intentional or negligent conduct; or~~

~~(B) began occupying the structure after the city placed a red placard on the structure warning of its dangerous condition.~~

~~(2) Vacation is considered to be a consequence of a person's own intentional or negligent conduct if the person:~~

~~(A) owns or occupies the structure;~~

~~(B) is responsible for maintaining the structure to minimum standards; and~~

~~(C) is not prevented from maintaining the structure to minimum standards by personal hardship, such as physical disability or infirmity or financial inability to maintain standards.~~

SECTION 13. That Subsection (c) of Section 27-16.4, “Initiation of Proceeding; Petition Requirements,” of Article IV-a, “Municipal Court Jurisdiction Over Urban Nuisances,” of Chapter

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27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(c) ~~[The proceeding will be styled “City of Dallas, Plaintiff v. (Property Description), Defendant.”]~~The municipal court shall set the matter for a hearing not less than 30 days nor more than 60 days after the filing of the petition.”

SECTION 14. That Subsection (d), “Assessment of Civil Penalties,” of Section 27-16.8 “Noncompliance With Court Orders; Civil Penalties; Liens,” of Article IV-a, “Municipal Court Jurisdiction Over Urban Nuisances,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(d) Assessment of civil penalties.

(1) If the city attorney or the director determines that the owner, lienholder, or mortgagee of a structure has not timely complied with a municipal court order issued under Section 27-16.7, the city attorney may file an action in municipal court for the assessment of a civil penalty against the property and property owner. The city attorney or the director shall promptly give notice to each owner, lienholder, and mortgagee of the hearing to assess a civil penalty. The notice must include:

(A) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(B) an identification of the court order affecting the property;

(C) a description of each violation of minimum standards found by the court to be present on the property when the court order was issued;

(D) a description of any work ordered by the court to correct each violation on the property;

(E) a statement that the city attorney or the director has determined that an owner, lienholder, or mortgagee has not timely complied with the court order and a description of the provisions of the court order that still require compliance; and

(F) a statement that the court will conduct a hearing to consider assessment of a civil penalty against ~~[the]~~ the property and property owner and the date, time, and place of the hearing.

(2) The notice required under Subsection (d)(1) for a municipal court hearing to consider the assessment of a civil penalty against the ~~[the]~~ property and property owner subject

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to a court order must be given in compliance with the notice requirements set forth in Section 27-16.5 for other hearings under this article.

(3) A hearing to consider the assessment of a civil penalty on property subject to a court order must be conducted in compliance with the requirements and procedures set forth in this article for other hearings before the municipal court, except that, in addition to any other evidence presented, an owner, lienholder, or mortgagee may present evidence of any work performed or completed on the property to comply with the court order.

(4) The court, after hearing evidence from each interested person present, may assess a civil penalty against the owner in a specific amount in accordance with Section 27-16.3(b)(7) of this article.

(5) Notice of a court order issued under this subsection must comply with the requirements and procedures of Section 27-16.7(f) and (g) and Section 27-16.11 for notice of other board orders.

(6) A civil penalty assessed under this subsection may be enforced in accordance with Subsection (e) of this section.

(7) A civil penalty assessment hearing may be combined with any other hearing before the municipal court concerning the same property.”

SECTION 15. That Paragraph (4) of Subsection (e), “Liens,” of Section 27-16.8 “Noncompliance With Court Orders; Civil Penalties; Liens,” of Article IV-a, “Municipal Court Jurisdiction Over Urban Nuisances,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(4) The city may use lawful means to collect expenses and civil penalties assessed under this article from an owner or a property. Any civil penalty or other assessment imposed under this article accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full. The city may petition a court of competent jurisdiction in a civil suit for a final judgment in accordance with the assessed civil penalty. To enforce the civil penalty, the city must file with the district clerk of a county in which the city is located a certified copy of the municipal court order assessing the civil penalty, stating the amount and duration of the penalty. The assessment of a civil penalty under this article is final and binding and constitutes prima facie evidence of the penalty. No other proof is required for the district court to enter final judgment on the penalty.”

SECTION 16. That Subsection (a) of Section 27-16.13, “Administrative Citation,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

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“(a) An administrative citation issued under this article must:

- (1) notify the person charged with violating the ordinance that the person has the right to a hearing;
- (2) provide information as to the time and place to appear before [øf] the hearing officer;
- (3) include the nature, date, and location of the violation;
- (4) notify the person charged with violating the ordinance of the amount of the administrative penalty for which the person may be liable and provide instructions and the due date for paying the administrative penalty;
- (5) notify the person charged that any request to have the inspector who issued the citation present at the administrative hearing must be in writing and must be received by the hearing officer at least five calendar days before the scheduled hearing date and that the failure to timely request the presence of the inspector constitutes a waiver of the person’s right to require the inspector to be present at the hearing;
- (6) notify the person charged that failure to timely appear at the time and place of the hearing as set forth in the citation or, if the hearing is continued or postponed, at any subsequent hearing, is considered an admission of liability for the violation charged; and
- (7) contain a return of service signed by the inspector indicating how the administrative citation was served on the person charged.”

SECTION 17. That Section 27-16.14, “Service Of an Administrative Citation,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-16.14. SERVICE OF AN ADMINISTRATIVE CITATION.**

(a) An attempt must be made to personally serve an administrative citation by handing it to the person charged if the person is present at the time of service or by leaving the citation at the person’s usual place of residence with any person residing at such residence who is 16 years of age or older and informing that person of the citation’s contents.

(b) If an attempt to personally serve the citation fails, the administrative citation must then be served upon the person charged by posting the citation on either:

- (1) the front door or front gate of the premises or property; or

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(2) a placard staked to the yard of the premises or property in a location visible from a public street or alley.

(c) If service upon the person charged is by posting the citation on the premises or property, a copy of the citation must also be sent to the last known address of the person charged by regular United States mail. If the person charged is the owner of the premises or property, then the last known address of the person is that address kept by the appraisal district of the county in which is located the premises or property that is the subject of the citation. If the owner is a corporation or legal entity, then the last known address of the person is the address of the registered agent for the corporation kept by the Secretary of State. If the person charged is the person in control of the premises or property, then the last known address of the person is the address of the premises or property.

~~[(d) If service upon the person charged is by posting the citation on the premises or property, a photograph of the posting and a copy of the mail notice must be forwarded with a copy of the citation to the municipal court clerk. The photograph and the mail notice will become part of the citation.]”~~

SECTION 18. That Section 27-16.15, “Answering an Administrative Citation,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-16.15. ANSWERING AN ADMINISTRATIVE CITATION.**

(a) A person who has been charged with a violation of this chapter through [issued] an administrative citation shall answer to the charge [of the violation] by appearing in person or through counsel before the hearing officer no later than the 31st calendar day after the date the citation was issued [at the hearing on the date and location set forth in the citation]. If the 31st calendar day falls on a day when the court is closed, then the person must appear (in person or through counsel) by the next day that the court is open [The hearing must be held no sooner than 31 calendar days following the issuance of the administrative citation].

(b) An answer to the administrative citation may be made in either [any] of the following ways:

(1) By returning the citation, on or before the 31st calendar day from the date the citation was issued [date of the administrative hearing], with the applicable administrative penalties, fees, and court costs, which action constitutes an admission of liability.

(2) By personally appearing, with or without counsel, before the hearing officer on or before the 31st calendar day from the date the citation was issued [the date and location set forth in the citation] and on any subsequent hearing date. The person charged in the administrative citation must be present at the hearing and cannot be represented by anyone other than their legal

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counsel. If the person charged is a corporation or a business entity, the corporation or business entity must be represented by counsel.

~~[(3) By filing a written answer, either personally or through counsel, at least seven calendar days prior to the hearing date set forth in the citation, except that the filing of a written answer does not relieve the person charged from the duty to personally appear before the hearing officer on the date and location set forth in the citation and on any subsequent hearing date.]”~~

SECTION 19. That Section 27-16.16, “Failure To Appear At an Administrative Hearing,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-16.16. FAILURE TO APPEAR AT AN ADMINISTRATIVE HEARING.**

(a) A person [~~issued an administrative citation~~] who fails to answer an administrative citation as required by section 27-16.15 of this chapter [~~appear at a hearing authorized under this article~~] is considered to have admitted liability for the violation charged. Upon proof of service by the city, the hearing officer shall issue, in writing, an administrative order of liability and assess against the person charged with the violation an appropriate amount of administrative penalties, fees, and court costs.

(b) The hearing officer shall assess an additional \$36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas Animal Welfare Fund, as applicable. In no case may the total amount of administrative penalties assessed against a person for a violation exceed the maximum penalty established by city ordinance for the particular violation, and in no case may the total amount of administrative penalties, including the \$36 administrative penalty, assessed against a person for a violation be less than the minimum penalty established by city ordinance for the particular violation.

(c) Within seven calendar days after the hearing officer files [~~filing~~] the administrative order of liability with the municipal court clerk, the municipal court clerk [~~hearing officer~~] shall send a copy of the order to the person charged with the violation. The copy of the order must be sent by regular United States mail to the person’s last known address as defined in Section 27-16.14(c). The administrative order must include a statement:

- (1) of the amount of the administrative penalties, fees, and court costs;
- (2) of the right to appeal to municipal court before the 31st calendar day after the date the hearing officer’s order is filed with the municipal court clerk;

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(3) that, unless the hearing officer’s order is suspended through a properly filed appeal, the administrative penalties, fees, and court costs must be paid within 31 calendar days after the date the hearing officer’s order is filed;

(4) that, if the administrative penalties, fees, and court costs are not timely paid, the penalties, fees, and costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment; and

(5) that the city may enforce the hearing officer’s administrative order by:

(A) filing a civil suit for collection of the administrative penalties, fees, and court costs; ~~and/or~~

(B) obtaining an injunction to prohibit specific conduct that violates the order or to require specific conduct necessary for compliance with the order; or

(C) both (A) and (B).”

SECTION 20. That Subsection (a) of Section 27-16.17, “Hearing Officers; Qualifications, Powers, Duties, and Functions,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(a) Hearing officers shall be recommended ~~employed~~ by the administrative judge of the municipal court for appointment by the city council to administratively adjudicate violations of ordinances described by Section 54.032 of the Texas Local Government Code or adopted under Subchapter E, Chapter 683 of the Texas Transportation Code or under Section 214.001(a)(1) of the Texas Local Government Code. The city council ~~administrative judge of the municipal court~~ shall appoint one hearing officer and may appoint a maximum of five associate hearing officers, who shall meet the same qualifications and have the same powers, duties, and functions of the hearing officer.”

SECTION 21. That Section 27-16.18, “Hearing For Disposition Of an Administrative Citation; Citation As Rebuttable Proof Of Offense,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-16.18. HEARING FOR DISPOSITION OF AN ADMINISTRATIVE CITATION; CITATION AS REBUTTABLE PROOF OF OFFENSE.**

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(a) Every hearing for the adjudication of an administrative citation under this article must be held before a hearing officer. A hearing cannot be held without the presence of the person charged or the person's attorney.

(b) At a hearing under this article, the administrative citation is rebuttable proof of the facts that it states. Evidence of compliance with the ordinance after the administrative citation was issued can be taken into consideration by the hearing officer when assessing a reasonable administrative penalty, but such evidence is not considered rebuttal evidence nor does it refute or contradict the allegations made in the citation.

(c) The formal rules of evidence do not apply to the hearing, and any relevant evidence will be deemed admitted if the hearing officer finds it competent and reliable [~~regardless of the existence of any common law or statutory rule to the contrary~~]. The hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all rebuttable proof established by this article or other applicable law.

(d[e]) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, and to rebut evidence; except that, if the person charged fails to make a timely, written request to have the inspector who issued the citation present at the hearing, the person charged will be deemed to have waived the right to call and examine that inspector.

(e[d]) The hearing officer may examine any witness and may consider any evidence offered by a witness or person charged with a violation, giving due weight to all testimony and evidence offered.

(f[e]) If requested by the hearing officer or any party to the hearing prior to commencement of the hearing, the entire proceedings of the administrative hearing [~~limited to pre-hearing motions and testimony,~~] will be recorded electronically. Failure to timely request that the administrative hearing be electronically recorded constitutes a waiver of the right to have a record of the hearing. The person charged may, at his expense, have a court reporter present in the hearing room during the proceedings.

(g[f]) After hearing all the evidence, the hearing officer shall immediately issue an order in writing, either:

(1) finding the person charged liable for the violation, assessing the applicable administrative penalties, fees, and court costs, and notifying the person of the right of appeal to municipal court; or

(2) finding the person charged not liable for the violation [~~or~~]

(3) ~~finding the person charged liable for the violation, assessing the applicable administrative penalties, fees, and court costs, notifying the person of the right of appeal to municipal court, and suspending the enforcement of the administrative order for a specific period of time; provided that:~~

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(A) ~~a person whose administrative order is suspended must pay all fees and court costs;~~

(B) ~~if, at the end of the suspension, the property or premises complies with the administrative order, the hearing officer may reduce the applicable administrative penalties; and~~

(C) ~~if, at the end of the suspension, the property or premises is still in violation of the administrative order, the administrative penalties originally assessed will become due].~~

(~~h~~g) The hearing officer shall assess an additional \$36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas Animal Welfare Fund, as applicable. In no case may the total amount of administrative penalties, including the \$36 administrative penalty, assessed against a person for a violation be more than [exceed] the maximum penalty or less than the minimum penalty established by city ordinance for the particular violation.

(~~i~~h) A person who has been found liable for a violation may, after the hearing officer has issued an administrative order but prior to the conclusion of the hearing, assert financial inability to bring the property or premises into compliance with the order. At that time, the hearing officer shall [may] suspend enforcement of the administrative order for a specific time not to exceed 30 days and set the matter for an indigency hearing [make a determination of financial inability to pay] pursuant to Section 27-16.19(e) If, in the interests of justice, the attorney for the city believes that a further extension should be granted, the attorney for the city can make a motion to extend the suspension period for a specific time and present the motion to the hearing officer for a ruling.

(~~i~~) ~~During a period in which enforcement of an administrative order is suspended under Subsection (f)(3) or (h) of this section, the person found liable for a violation may request an extension of the suspension period. The hearing officer may, only one time for each administrative order, grant an extension of the suspension period. The sole basis for an extension is that the person found liable for the violation is making a good faith attempt to comply with the administrative order and, due to delay beyond that person's control, is unable to timely complete the rehabilitation and/or repair of the property or the premises or otherwise comply with the administrative order. The extension granted will be for a specific time period as determined by the hearing officer.]~~

(j) An administrative order of the hearing officer must be filed with the municipal court clerk.

(~~k~~) ~~Any recording of an administrative hearing must be kept and stored for not less than 45 calendar days beginning the day after the last day of the administrative hearing. Any administrative hearing that is appealed must be transcribed from the recording by a court reporter~~

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~~or other person authorized to transcribe court of record proceedings. The court reporter or other person transcribing the recorded administrative hearing is not required to have been present at the administrative hearing.~~

~~(l) The person found liable for the violation shall pay for any transcription of the recorded administrative hearing unless the hearing officer finds, pursuant to Section 27-16.19, that the person is unable to pay or give security for the transcription.~~

~~(m) Before the recorded proceedings are transcribed, the person found liable for the violation shall, unless found by the hearing officer to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated cost of the transcription. The cash deposit will be based on the length of the proceedings, as indicated by the amount of tape used to electronically record the proceedings, and the costs of the court reporter, typing, and other incidental services. The municipal court clerk shall post a current schedule of charges for transcription fees, including deposits. If the cash deposit exceeds the actual cost of the transcription, the municipal court clerk shall refund the difference to the person charged. If the cash deposit is insufficient to cover the actual cost of the transcription, the person charged must pay the additional amount before being given the transcription. If a case is reversed on appeal, the municipal court clerk shall refund to the person charged any amounts paid for a transcription.]”~~

SECTION 22. That Subsection (e) of Section 27-16.19, “Financial Inability To Comply With an Administrative Order, Pay For Transcription Of a Record, Or Post an Appeal Bond,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(e) After receiving a claim that a person found liable for a violation under this article is financially unable to comply with an administrative order, to pay for a transcription of the record, and/or to post an appeal bond, the hearing officer shall ~~may~~ set the matter for hearing and notify all parties of the hearing date by regular United States mail. The hearing officer shall ~~may~~ order the person found liable for a violation to bring to the hearing documentary evidence to support the person’s claim of financial inability. The hearing officer’s determination of whether the person found liable for a violation is financially unable to comply with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond must be based on all information provided to the hearing officer by the person found liable or by the city attorney in opposition to the claim of financial inability. If the hearing officer determines that the person found liable for a violation does not have the financial ability to bring the property or premises into compliance with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond, then the hearing officer shall enter that finding in writing.”

SECTION 23. That Subsection (f) of Section 27-16.19, “Financial Inability To Comply With an Administrative Order, Pay For Transcription Of a Record, Or Post an Appeal Bond,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of

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Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(f) If the hearing officer finds that a person is financially unable to bring the property or premises into compliance with the administrative order, the hearing officer shall not suspend the finding of liability, but shall suspend the enforcement of the administrative order for a specified period of time, not to exceed 120 days, to allow the person to apply with a Citizen Advocate Program to help bring their properties into compliance with the administrative order. [~~The suspension must be for a specific period of time.~~] At the end of the suspension period, if the property or premises is in compliance with the administrative order, the administrative penalty [citation] will be waived [dismissed]. If, at the end of the suspension period, the property or premises is still in violation of the administrative order, the administrative penalties, fees, and court costs originally assessed will become due. If, in the interests of justice, the attorney for the city believes that the suspension should be extended, the attorney for the city can make a motion to extend the suspension period for a specific time and present the motion to the hearing officer for a ruling.”

SECTION 24. That Section 27-16.20, “Appeal To Municipal Court,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-16.20. APPEAL TO MUNICIPAL COURT.**

(a) Either party to an action ruled upon by the hearing officer [~~A person determined by the hearing officer to be liable for a violation of an ordinance enforced~~] under this article may appeal that determination by filing a petition in municipal court within [~~before the~~] 31[~~st~~] calendar days after the date the hearing officer’s administrative order is filed with the municipal court clerk. An appeal does not stay the enforcement of the order of the hearing officer unless, before the appeal petition is filed, a bond is filed with the municipal court for twice the amount of the administrative penalties, fees, and court costs ordered by the hearing officer. The city is not required to file a bond in order to appeal. An appellant to municipal court may request a waiver of the bond amount on the basis of financial inability to pay, in which case the hearing officer may hold a hearing pursuant to Section 27-16.19 to determine whether the appellant is indigent and whether the bond amount may be waived. If the hearing officer’s administrative order is reversed on appeal, the appeal bond will be returned to the appellant.

(b) If a person found liable for a violation does not timely appeal the hearing officer’s administrative order, the order will become a final judgment. If the administrative penalties, fees, and court costs assessed in the final judgment are not paid within 31 calendar days after the date the hearing officer’s order is filed with the municipal court clerk, the administrative penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency,

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and added to the judgment. The city may enforce the hearing officer's administrative order by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the administrative order or to require specific conduct necessary for compliance with the administrative order.

(c) Any recording of an administrative hearing must be kept and stored for not less than 45 calendar days beginning the day after the last day of the administrative hearing. Any administrative hearing that is appealed must be transcribed from the recording by a court reporter or other person authorized to transcribe court of record proceedings. The court reporter or other person transcribing the recorded administrative hearing is not required to have been present at the administrative hearing.

(d) The person found liable for the violation shall pay for any transcription of the recorded administrative hearing unless the hearing officer finds, pursuant to Section 27-16.19, that the person is unable to pay or give security for the transcription.

(e) Before the recorded proceedings are transcribed, the person found liable for the violation shall, unless found by the hearing officer to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated cost of the transcription. The cash deposit will be based on the length of the proceedings, as indicated by the amount of tape used to electronically record the proceedings, and the costs of the court reporter, typing, and other incidental services. The municipal court clerk shall post a current schedule of charges for transcription fees, including deposits. If the cash deposit exceeds the actual cost of the transcription, the municipal court clerk shall refund the difference to the person charged. If the cash deposit is insufficient to cover the actual cost of the transcription, the person charged must pay the additional amount before being given the transcription. If a case is reversed on appeal, the municipal court clerk shall refund to the person charged any amounts paid for a transcription.

(f) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall cause a record of the case to be prepared from the transcript and the statement of facts, which must conform to the provisions relating to the preparation of a statement of facts in the Texas Rules of Appellate Procedure. The appellant shall pay for the statement of facts. If the person found liable for a violation failed to timely request that the administrative hearing be electronically recorded, then that person has waived the right to appeal the administrative order. If the person found liable for a violation timely requested that the administrative hearing be electronically recorded and, through no fault of the person, the recording of the hearing is either unavailable or cannot be transcribed, then the municipal judge shall reverse the hearing officer's order and remand the matter to the hearing officer for a new administrative hearing.

(g[~~d~~]) Upon receiving the record of the administrative hearing, the municipal judge shall review the record and may grant relief from the administrative order only if the record reflects that the appellant's substantial rights have been prejudiced because the administrative order is:

- (1) in violation of a constitutional or statutory provision;
- (2) in excess of the hearing officer's statutory authority;

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- (3) made through unlawful procedure;
- (4) affected by another error of law;
- (5) not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or
- (6) arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(h[e]) The municipal judge shall rule on the appeal within 21 calendar days after receiving the record of the administrative hearing. The municipal judge shall affirm the administrative order of the hearing officer unless the record reflects that the order violates one of the standards in Subsection (d) of this section. If the record reflects that the hearing officer's order violated one of the standards in Subsection (d), the municipal judge may either:

- (1) reverse the hearing officer's order and find the appellant not liable;
- (2) reverse the hearing officer's order and remand the matter to the hearing officer for a new hearing; or
- (3) affirm the order, but reduce the amount of the administrative penalties assessed to no lower than the minimum penalty established by ordinance for the particular violation, including the additional \$36 administrative penalty.

(i[f]) The municipal judge's ruling on the appeal must be issued in writing and filed with the municipal court clerk. A copy of the ruling must be sent to the appellant by regular United States mail at the last known address of the appellant as provided to the municipal court for the appeal.

(j[g]) The municipal judge's ruling is a final judgment. If an appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, will be deducted from the appeal bond. If no appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, must be paid within 30 calendar days after the municipal judge's ruling is filed with the municipal court clerk. If not timely paid, such penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the municipal judge's ruling by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the ruling or to require specific conduct necessary for compliance with the ruling."

SECTION 25. That Section 27-16.22, "Dallas Tomorrow Fund," of Article IV-b, "Administrative Adjudication Procedure For Premises and Property Violations," of Chapter 27,

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“Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-16.22. DALLAS TOMORROW FUND.**

- (a) The Dallas Tomorrow Fund is composed of:
- (1) all Dallas Tomorrow Fund penalties collected under Section 27-16.21(b) of this article;
  - (2) 30 percent of all civil penalties [~~fin~~es] collected by the city for civil lawsuits filed in the municipal court under Subchapter B, Chapter 54 of the Texas Local Government Code or under Chapter 214 of the Texas Local Government Code; and
  - (3) any funds donated by an individual or entity, any of which donations may be refused by a majority vote of the city council.
- (b) The Dallas Tomorrow Fund shall [~~must~~] be used for the sole purpose of rehabilitating and~~or~~ repairing properties and premises in the city for persons who[~~:~~]
- ~~(1)~~ are found by the Dallas Tomorrow Fund administrator to be financially unable to comply with a notice of violation issued by the director under this chapter [~~an administrative order of a hearing officer under Section 27-16.19; and~~
  - ~~(2)~~ do not qualify for other home repair or rehabilitation assistance available through the city].”

SECTION 26. That Section 27-16.23, “Administration of the Dallas Tomorrow Fund,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-16.23. ADMINISTRATION OF THE DALLAS TOMORROW FUND.**

- (a) The city manager shall appoint an administrator of the Dallas Tomorrow Fund. The administrator shall adopt policies and procedures consistent with this article for the administration of the fund.
- (b) To be eligible to receive funds from the Dallas Tomorrow Fund, a person must:
- (1) have received a notice of violation of this chapter from the director [~~been found liable for an administrative offense under this article (other than a violation of Chapter 7 or Section 49-21.1 of this code)];~~

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(2) have been found by the administrator of the Dallas Tomorrow Fund [~~a hearing officer under Section 27-16.19~~] to be financially unable to comply with the notice of violation [~~an administrative order issued under this article~~];

(3) [~~not qualify for other home repair or rehabilitation assistance available through the city~~];

(~~4~~) file a request with the Dallas Tomorrow Fund administrator for the purpose of rehabilitating and/or repairing the person's property or premises until it complies with the notice of violation [~~administrative order~~]; and

(~~4~~<sup>5</sup>) not have received funds from the Dallas Tomorrow Fund within the preceding 60 months.

(c) A person who makes a request to the Dallas Tomorrow Fund administrator is voluntarily requesting that the administrator use the fund to rehabilitate and/or repair the person's property or premises for the sole purpose of bringing the property or premises into compliance with the notice of violation [~~administrative order~~].

(d) The administrator is responsible for ensuring that the property or premises is inspected and that a detailed, written project plan is prepared that includes the work proposed, the amount of time the work will take, and the cost of the work. The project plan shall include only the work necessary to bring the property or premises into compliance with the notice of violation.

(e) A person who files a request with the Dallas Tomorrow Fund administrator does so voluntarily. Before the work on the property or premises begins, the person who filed the request must confirm in writing that he or she: [~~That person may~~]

(1) has inspected the project plan [~~prior to the beginning of work~~];

(2) approves the project plan; and

(3) understands that he or she has the right to withdraw the request at any time by providing written notice to the Dallas Tomorrow Fund administrator. [~~The administrator shall give the person written notice of this right to examine the project plan and withdraw the request. If the person does not withdraw the request, the person is considered to have given approval for the project.~~]

(f) If the person continues with the request, the person must indemnify the city against any liability resulting from the project, any damages that may occur related to the project, and any damages resulting from any early termination of the project.

(g~~f~~) The administrator shall comply with state law in procuring a contractor to rehabilitate and/or repair the property or premises in accordance with the project plan [~~and the administrative order~~].

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(h[g]) The ~~[person who filed the request with the Dallas Tomorrow Fund and the]~~ contractor selected by the Dallas Tomorrow Fund administrator ~~[that person shall each have]~~ has the right to terminate the project at any time pursuant to their contractual agreement and ~~[or]~~ pursuant to policies and procedures adopted by the administrator. Any termination notice must be in writing. The city has no obligation, and is not liable, for any subsequent rehabilitation and/or repair of the property or premises as a result of the termination.

(i[h]) If the project is terminated prior to completion for any reason, the administrator may disburse money from the Dallas Tomorrow Fund to pay the contractor for work completed by the contractor ~~[completion of work approved by the administrator]~~.

(j[i]) Once the administrator certifies that the project is completed, the administrator shall notify the code officer who wrote the notice of violation and the officer's district manager ~~[hearing officer]~~ in writing. The project must then be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation ~~[administrative order. If the property or premises complies with the administrative order, then the city inspector shall send a notification of compliance to the hearing officer, who shall then dismiss the administrative citation]~~. If the city inspector determines that the property or premises does not comply with the notice of violation ~~[administrative order]~~, then the city inspector shall send written notice to the administrator that the project is not completed and describe the work that is required before the project will be considered completed. At that point, the administrator shall ensure that the selected contractor will continue the project until once again certifying that the project is completed, at which time the project will again be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation ~~[administrative order]~~.

(k[j]) The administrator may only initiate project plans for projects costing \$20,000 ~~[10,000]~~ or less. No project plan may be initiated by the administrator unless the project cost is less than or equal to the amount in the Dallas Tomorrow Fund at any one time. The administrator shall produce a biannual report of available funds and appropriated funds in the Dallas Tomorrow Fund. If the fund is temporarily out of money, the administrator may not initiate a project plan until such time as there are additional funds equal to or exceeding the amount of the project's cost. If during work on the project, additional funds ~~[change orders]~~ are needed in order to ensure that the property or premises complies with the notice of violation ~~[administrative order]~~, the administrator may approve additional funds, not to exceed 25 percent of the maximum project amount allowed by this subsection, for work that was necessary to bring the property or premises into compliance with the notice of violation ~~[administrative order]~~, but that was not anticipated in the original project plan. Substantial changes to the project plan shall be approved in writing by the person who filed the request with the Dallas Tomorrow Fund administrator."

SECTION 27. That Section 27-24, "Definitions," of Article VI, "Master Metered Utilities," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

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**“SEC. 27-24. DEFINITIONS.**

In this article:

(1) MASTER METERED APARTMENT BUILDING means a building or group of buildings on a single premise containing three or more [~~than four~~] dwelling units that are leased to occupants who are provided one or more utility services for which they do not pay the utility company directly.

(2) PROPERTY MANAGER means the person, firm, or corporation that collects or receives rental payments, or has responsibility for paying utility bills for a master metered apartment building.

(3) UTILITY COMPANY means the entity providing gas, electric, or water and wastewater service to a master metered apartment building.

(4) UTILITY INTERRUPTION means the termination of utility service to a master metered apartment building by a utility company for nonpayment of billed service.”

SECTION 28. That Section 27-27, “Notice Of Utility Interruption,” of Article VI, “Master Metered Utilities,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-27. NOTICE OF UTILITY INTERRUPTION.**

(a) A utility company shall make a reasonable effort (including, but not limited to messenger delivery) to provide notice of a pending utility interruption to tenants of a master metered apartment building.

(b) A person commits an offense if he knowingly:

(1) interferes with an employee of a utility company posting notices of a utility interruption at dwelling units of a master metered apartment building; or

(2) removes a notice of utility interruption posted at a dwelling unit of a master metered apartment building.

(c) It is a defense to prosecution under Subsection (b)(2) that the person is the resident of the dwelling unit from which notice was removed.

(d) A utility company shall notify the city attorney of any utility interruption to a master metered apartment dwelling unit resulting from a violation of Section 27-28 of this article. Notice must be given, in writing, not more than three days after utility service is interrupted.

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(e) A person who is responsible for bills received for electric utility service or gas utility service provided to an apartment, a leased or owner-occupied condominium, or one of more buildings containing at least 10 dwellings that receive electric utility service or gas utility service that is master metered but not submetered, shall comply with the notice requirements in Subchapter G of Chapter 92 of the Texas Property Code, as amended.

SECTION 29. That the title of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“ARTICLE VII.  
REGISTRATION AND INSPECTION OF RENTAL ~~[MULTI-TENANT]~~ PROPERTIES  
AND CONDOMINIUMS.”**

**[NOTE: The following proposed changes to Article VII do not include the current language that is being amended. Except for the changes reflected in the section titles, the language below is the new language only. A reader can determine what is being changed by comparing the language below with the current Article VII found on the city’s website.]**

SECTION 30. That Section 27-30, “Registration Required; Defenses,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-30.        REGISTRATION        AND        POSTING        REQUIREMENTS  
[REQUIRED];        CRIME WATCH PROGRAM REQUIRED;  
DEFENSES.”**

(a) The owner of a rental property located in the city commits an offense if he operates the rental property or otherwise allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual reapplication that fully complies with Section 27-31 of this article.

(b) A condominium association commits an offense if it governs, operates, manages, or oversees a condominium complex or its common elements located in the city without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(c) A person commits an offense if he, as a landlord or property manager, operates a rental property or otherwise allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

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(d) A person commits an offense if he, as an owner, officer, landlord, or property manager of a multitenant property or condominium association, fails to post in a conspicuous place in a common area of the property or as otherwise approved by the director:

(1) the certificate of inspection; and

(2) the property's score from its most recent graded inspection as well as an information sheet explaining how the graded inspection is scored.

(e) A person commits an offense if he, as an owner, officer, landlord, or property manager of a multitenant property or condominium association, fails to provide each tenant or condominium owner, upon request, with a copy of the rules of the complex or property.

(f) A person commits an offense if he, as a landlord or property manager of a multitenant property, operates that property or otherwise allows a dwelling unit in that property to be occupied or leased without employing a full-time manager to oversee the day-to-day operations of the property, if the property has 60 units or greater.

(g) It is a defense to prosecution under this section that:

(1) at the time of notice of a violation, no dwelling units in the rental property are leased or offered for lease and the owner of the rental property has filed with the director an exemption affidavit on a form promulgated by the director;

(2) at the time of notice of a violation, the owner of the single dwelling unit rental property had rented the property to tenants for a total of not more than 30 days during the preceding 12-months;

(3) at the time of notice of a violation, the only tenants living in the single dwelling unit rental property are individuals related to the owner by consanguinity or affinity;

(4) within the two years preceding the notice of violation or at the time of the notice of violation, the owner of a single dwelling unit rental property had a homestead exemption for the property on file with the county appraisal district in which the rental property is located; or

(5) at the time of the notice of a violation:

(A) the property use was a short-term rental; and

(B) applicable hotel occupancy taxes levied on the property under Article V of Chapter 44 of the city code had been collected and remitted in full.

SECTION 31. That Section 27-31, "Registration Application," of Article VII, "Registration and Inspection of Rental Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

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**“SEC. 27-31.           REGISTRATION APPLICATION; FEES; RENEWAL.**

(a)     Rental properties and condominium associations must provide a complete registration to the director annually.

(b)     A registration application for a rental property or condominium association that was not previously required to register must be submitted before the owner leases the property or before any condominium units are occupied.

(c)     Rental registration expires one year after the registration date.

(d)     The annual registration fee for a multitenant rental property is an amount equal to \$6.00 times the total number of dwelling units, whether occupied or unoccupied, in the multitenant rental property.

(e)     The annual registration fee for a condominium association is \$XX per [unit? association?].

(f)     The annual registration fee for a single dwelling unit rental property is \$XX per rental property.

(g)     No refund or prorating of a registration fee will be made.

(h)     A registrant shall keep the information contained in its registration application current and accurate. In the event of any change in the application information, the registrant shall promptly notify the director in writing of said changed information.

(i)     A registration may be renewed by making application for a renewal in accordance with this article on a form promulgated by the director. In the application for renewal the registrant shall certify that all information in the then current registration application is still accurate as of the date of the renewal application or correct any information that is not accurate as of the date of the renewal application. The registrant shall also submit a new, current affidavit certifying the matters identified in subsection 27-32(b) of this article.”

SECTION 32. That Section 27-32, “Registration Fees,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-32.           REGISTRATION APPLICATION [FEES].**

(a)     An owner of a rental property and the owner, officer, landlord, or property manager of a condominium association must submit to the director a registration application on a form promulgated for that purpose by the director. The application must contain the following true and correct information:

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(1) the name, mailing address, and, telephone number for:

(A) the owner of the rental property being registered, or the name of the condominium association being registered;

(B) the person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the rental property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to avoid or minimize potential harm to the rental property, neighboring property, the occupants of the property, or the public.

(C) if the owner is not a natural person, then an agent, employee, or officer of the owner or condominium association authorized to receive legal notices and service of legal process on behalf of the owner or condominium association, and, in the case of an entity required to be registered with the State of Texas, the registered agent for service of process for said entity;

(D) the holder of any deed of trust or mortgage lien on the rental property being registered;

(E) any insurance carriers providing casualty insurance to the owner covering the rental property or condominium association being registered (and providing the applicable policy number(s));

(F) any agent, employee, officer, landlord, property manager, and other persons in control of, managing, or operating the rental property or condominium association on behalf of the owner or condominium association; and

(G) ~~[any persons designated to attend crime watch meetings as required by Section 27-44 of this article;~~

~~(H)]~~ if the property being registered is part of a multitenant complex or a condominium complex,

(i) the complex name, all legal addresses comprising the complex, and the main telephone number, if any, of the complex;

(ii) the number of dwelling units, buildings, and swimming pools located on the rental property and the total number of bedrooms located on the property (a dwelling unit with no separate bedroom will be counted as one bedroom); and

(iii) the name, mailing address, telephone number and e-mail address for any condominium association applicable to said complex;

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(I) if the owner of the rental property is not a natural person, the form of the entity (e.g., corporation, general partnership, limited partnership, trust, limited liability company, etc.) and the state or foreign jurisdiction of organization and registration, if other than the State of Texas;

(J) the location of business records pertaining to the rental property or condominium association required to be maintained by Section \_\_\_\_ of this article;

(K) the official recording information (e.g., volume, page, and county of recording) for the owner's deed and any other instruments evidencing ownership of the rental property or creation and governance of the condominium association being registered;

(L) a list of all businesses, whether for-profit or non-profit, operating out of the rental property and offering goods or services to persons residing at or visiting the property, ~~and~~

(M) a copy of the owner's driver's license or other approved photo ID of the owner, if the owner is a natural person; and

(N) such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the registration application will be deemed complete.

(b) In addition to the application containing the information enumerated above, the owner must also provide an affidavit certifying that the following statements are true:

(1) there are no outstanding and unpaid ad valorem taxes or city liens applicable to the rental property being registered;

(2) operation of the rental property as currently configured does not violate the city's zoning ordinance;

(3) if the rental property is a multitenant rental property or part of a condominium complex, that it has a valid and adequate certificate of occupancy;

(4) if the rental property owner is an entity required to be registered or incorporated in its jurisdiction of formation, said entity is duly formed, existing, and in good standing with said jurisdiction; and

(5) if the rental property is a single dwelling unit rental property, the owner or the owner's agent inspected the interior and exterior of the rental property within the 60 days prior to the submission of the application and the results have been recorded on a form provided by the director."

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SECTION 33. That Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to add a new Section 27-32.1 to read as follows:

**“SEC. 27-32.1. REVIEW AND ACCEPTANCE OF REGISTRATION APPLICATION.**

(a) Upon receiving a registration application, the director shall review the application for completeness.

(b) If the director finds that the registrant submitted a complete application and paid the correct annual registration fee, the director shall promptly notify the registrant that his application has been received and found to be complete.

(c) If the director finds that the registrant has failed to submit a complete application or pay the annual registration fee or that any of the information on the application is materially incorrect or misleading, the director shall promptly notify the registrant that the application has been found to be defective or incomplete and the director shall list the defects or missing items.”

**[REPEAL 27-33, 27-34, 27-35, 27-36, and 27-37.]**

SECTION 34. That Section 27-38, “Registrant’s Records,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-38. REGISTRANT’S RECORDS.**

(a) Each registrant shall maintain at a single location within the city identified in its registration application the business records of the rental property or condominium association being registered. If the registrant refuses to make those records available for inspection by the director or a peace officer, the director or peace officer may seek a court order to inspect the records.

(b) Business records that must be maintained by the registrant include:

- (1) the current certificate of occupancy issued for the rental property, if required;
- (2) deeds or other instruments evidencing ownership of the rental property;
- (3) a current rental registration application or renewal application;

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(4) the pool logs, pool permits, and manager of pool operation certificates for any swimming pool on the rental property, if required;

(5) leases or rental agreements applicable to the rental property;

(6) the crime prevention addendum form or Texas Apartment Association Lease Contract provided by the city for each lease or rental agreement as required under Section 27-43 of this article;

(7) records of attendance at four crime watch meetings as required by Section 27-44 of this article;

(8) a record of each tenant complaint, describing the complaint and how the complaint was resolved, and which record can only be viewed by the current tenant of the unit complained of and by the city, upon the city's request; and

(8) any other records deemed necessary by the director for the administration and enforcement of this article.”

SECTION 35. That Section 27-39, “Emergency Response Information,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-39. REQUIRED EMERGENCY RESPONSE [~~INFORMATION~~].**

The owner of a rental property or condominium association, or an authorized agent thereof, must arrive at the property within one hour after the contact person named in the registration application is notified by the city or emergency response personnel that an emergency condition has occurred on the property.”

SECTION 36. That Section 27-40, “Failure To Pay Ad Valorem Taxes,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-40. FAILURE TO PAY AD VALOREM TAXES.**

A registrant or an applicant for [~~a certificate of~~] registration for a [~~multi-tenant~~] property subject to registration under this article shall not allow the payment of ad valorem taxes owed in connection with the [~~multi-tenant~~] property to become delinquent.”

**[REPEAL 27-41.]**

SECTION 37. That Section 27-42, “Property Inspections; Inspection and Reinspection Fees,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27,

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“Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-42. PROPERTY INSPECTIONS; INSPECTION AND REINSPECTION FEES.**

(a) The director shall conduct a graded inspection of each multitenant property and each condominium property at least once every three years but not more frequently than once a year.

(1) After completing a graded inspection, the director shall timely issue the property owner or condominium association a certificate of inspection that includes the inspection score.

(2) Multitenant properties and condominiums that were constructed and issued a certificate of occupancy within the preceding five years are not subject to a graded inspection.

(b) The director shall conduct an inspection of each single dwelling unit rental property at least once every five years but not more frequently than once a year.

(c) The inspections conducted pursuant to this section are in addition to any inspections conducted under section 27-5 of this chapter.

(d) The director may use a property condition assessment tool to determine the frequency and the scope of graded inspections. If a property fails its graded inspection, or if the graded inspection reveals a condition that the director determines to be a nuisance, the owner will be assessed fees for all subsequent inspections of the property conducted for the purposes of determining whether the owner has abated the nuisance or cured the deficiencies noted in the graded inspection.

(e) Inspection fees will be assessed in accordance with the fee schedule set forth in XXXX.

(f) The director shall provide a list of the current graded inspection scores for all registered rental properties on the city’s website.”

SECTION 38. That Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended by adding a new Section 27-42.1 to read as follows:

**“SEC. 27-42.1. REVOCATION OF CERTIFICATE OF OCCUPANCY.**

Where a multitenant rental property is being used or maintained in a manner that is a substantial danger of injury or an adverse health impact to any person or property and is in violation of this ordinance, the Dallas Development Code, other city ordinances, rules or regulations, or any

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county, state or federal laws or regulations, the director may ask the building official to revoke the property's certificate of occupancy."

SECTION 39. That Section 27-43, "Crime Prevention Addendum Required," of Article VII, "Registration and Inspection of Rental Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 27-43. CRIME PREVENTION ADDENDUM REQUIRED.**

(a) The owner or operator of a multitenant property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after September 1, 2004 include a crime prevention addendum complying with this section.

(b) The owner of a single dwelling unit rental property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after [the effective date of this ordinance] include a crime prevention addendum complying with this section.

(c) The crime prevention addendum must include the following information:

(1) The name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant named in the lease or rental agreement and, if the applicant will not be occupying the rental property, the name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant or tenants who will be occupying the property. The signatures required on the crime prevention addendum must be separate and apart from the signatures used to execute other provisions of the lease or rental agreement.

(2) A statement advising the tenant or tenants that the owner of the rental property will initiate eviction proceedings if the tenant, or any guest or co-occupant of the tenant, engages in any abatable criminal activity on the premises of the rental property, as described in subsection (d) of this section.

(d) For purposes of this section, an abatable criminal activity includes robbery or aggravated robbery; aggravated assault; murder; prostitution; criminal gang activity; discharge of firearms; gambling; illegal manufacture, sale, possession, or use of drugs; and illegal manufacture or sale of alcoholic beverages.

(e) It is a defense to prosecution under subsection (a) of this section that the owner or operator of the multitenant property used a Texas Apartment Association Lease Contract for the lease or lease renewal."

SECTION 40. That Section 27-44, "Attendance At Crime Watch Safety Meetings and Mandatory Crime Prevention and Safety Meetings Sponsored By the City," of Article VII,

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“Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-44. ATTENDANCE AT CRIME WATCH SAFETY MEETINGS [~~AND MANDATORY CRIME PREVENTION AND SAFETY MEETINGS SPONSORED BY THE CITY~~].**

(a) The owner of a multitenant property shall attend at least four crime watch meetings each calendar year. The meetings attended must be held by crime watch organizations consisting of business owners, single-family residential property owners, or managers, employees, or tenants of multifamily dwellings, or any combination of those groups, gathered for the purpose of improving the quality of life in and around the properties, promoting crime prevention, reducing criminal opportunity, and encouraging cooperation with the Dallas Police Department. The meetings must be attended in the neighborhood in which the multitenant property is located or, if that neighborhood has no crime watch organization, then in the nearest neighborhood that does. A crime watch attendance certificate, signed by a crime watch chair, verifying that the crime watch meeting was attended by the owner of the multitenant property, or by the person designated to attend meetings for the property under Subsection (c), must be maintained with the property’s records and submitted to the director upon request.

(b) If unable to personally attend every crime watch meeting required by this section, the owner of a multitenant property may designate [~~in the property registration application~~] another person to attend the meetings. A person may not be designated to attend crime watch meetings for more than five separate multitenant properties.”

SECTION 41. That Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended by adding a new Section 27-44.1 to read as follows: **[NOTE: This section is still subject to revision.]**

**“SEC. 27-44.1. PRESUMPTIONS.**

(a) Unless otherwise provided in a section of the article, 30 business days is deemed prompt and sufficient notice by the city.

(b) Any notice to be provided by the city pursuant to this article shall be deemed effective when personally delivered to the intended addressee or mailed by first class U.S. mail, certified mail, return receipt requested, addressed to the intended addressee at the last applicable address provided in the registration of the rental property in question. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(c) Notices delivered to one tenant of a dwelling unit in a rental property shall be deemed effective as to all tenants and occupants of that dwelling unit.

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(d) Notice delivered to one owner of a rental property shall be deemed effective as to all owners of a rental property.

(e) Notice to an owner of a rental property shall be deemed effective if made to an agent, employee, officer, landlord, or property manager authorized to act on behalf of said owner or identified in the registration for said rental property. For purposes of this article, an owner may act by and through an agent, employee, officer, landlord, or property manager authorized to act on behalf of said owner or identified in the registration for a rental property for said purposes.

(f) Notice to a condominium association with respect to common areas or exteriors of a condominium complex shall be effective as to all owners with an interest in that common area or those exteriors. If there is not a condominium association existing and in good standing with authority over common areas or exteriors of a condominium complex, notice to an owner of a common interest in the common areas or exterior shall be effective as to all other owners with a common interest in the common area or exterior.

(g) In lieu of originals, true and correct copies of any instruments or documents required of an owner or registrant shall be sufficient. Notwithstanding the foregoing, affidavits submitted to the city must bear the original signatures of the affiant and the authority taking said oath.

(h) Any affidavits required in connection with this article must be made by a natural individual having actual personal knowledge of the matters certified and duly signed and sworn to under oath before an authority authorized to take oaths.”

SECTION 42. That Article VIII, “Mandatory Crime Reduction Program for Designated Apartment Complexes,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is repealed, and Article VIII shall be indicated as “Reserved” in the Dallas City Code as follows:

**“ARTICLE VIII.**

**RESERVED. [~~MANDATORY CRIME REDUCTION PROGRAM FOR DESIGNATED APARTMENT COMPLEXES.~~]**

**~~SEC. 27-45. PURPOSE.~~**

~~(a) A correlation exists between high crime rates at an apartment complex and an apartment complex’s failure to meet minimum property standards. High crime rates contribute to the deterioration, decay, disrepair, and substandard appearance and condition of the structures and premises of an apartment complex. The purpose of this article is to protect the health, safety, morals, and welfare of the occupants of apartment complexes and other citizens of the city of Dallas by obtaining greater compliance with minimum property standards through the~~

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~~establishment of a mandatory crime reduction program for apartment complexes. Reducing the crime rate at an apartment complex is essential to making the apartment complex safe, sanitary, and fit for human use and habitation.~~

~~(b) This article does not create a private cause of action (other than one brought by the city) or expand existing tort liability against an owner, operator, property manager, or other person in control of an apartment complex that is designated for participation in a mandatory crime reduction program.~~

**SEC. 27-46. DEFINITIONS.**

In this article:

(1) ~~APARTMENT COMPLEX~~ means a multifamily property that contains 10 or more dwelling units that are leased or offered for lease and are not independently owned.

(2) ~~CHAPTER 125 CRIMES~~ means murder; capital murder; sexual assault; aggravated sexual assault; aggravated assault; robbery; aggravated robbery; unlawfully carrying a weapon; prostitution; gambling; delivery, possession, manufacture, or use of a controlled substance; discharging a firearm in a public place; reckless discharge of a firearm; engaging in organized criminal activity; commercial distribution or manufacture of obscene material; and other crimes listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include nonapplicable crimes.

(3) ~~CHIEF OF POLICE~~ means the chief of the police department of the city or the chief's authorized representative.

(4) ~~COMMUNITY PER CAPITA CRIME INDEX~~ or ~~CRIME INDEX~~ means a statistically determined level of criminal activity in an individual apartment complex in the city during a 12-month period that is expressed on a per capita basis and calculated in accordance with Section 27-48 of this article.

(5) ~~CRIME RISK THRESHOLD~~ means a statistically determined level of criminal activity in apartment complexes in the city during a 12-month period, adjusted for the occupancy of the apartment complexes surveyed and expressed on a per capita basis, that is calculated in accordance with Section 27-49 of this article.

(6) ~~DESIGNATED APARTMENT COMPLEX~~ means an apartment complex that is required to participate in a mandatory crime reduction program under Section 27-50 of this article.

(7) ~~MULTI-TENANT PROPERTY REGISTRATION~~ means registration as a multi-tenant property under Article VII of this chapter.

(8) ~~NONAPPLICABLE CRIMES~~ means all offenses involving domestic violence, forgery, counterfeiting, fraud, embezzlement, stolen property (buying, receiving, or

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possessing), crimes against family and children, driving while intoxicated, violations of alcoholic beverage laws, and vagrancy.

(9) ~~PART 1 CRIMES~~ means murder (excluding suicide and murder resulting from domestic violence), rape, robbery, aggravated assault (excluding domestic violence), burglary, theft, and auto theft. The term does not include nonapplicable crimes.

(10) ~~PART 2 CRIMES~~ means assaults other than those listed as Part I crimes, narcotics offenses (restricted to those of delivery, possession, or manufacture), arson, vandalism, weapons offenses, prostitution, gambling, and disorderly conduct. The term does not include nonapplicable crimes.

(11) ~~REGISTERED APARTMENT COMPLEX~~ means an apartment complex holding a certificate of registration as a multi-tenant property under Article VII of this chapter.

**~~SEC. 27-47. AUTHORITY OF THE CHIEF OF POLICE.~~**

~~The chief of police shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the chief of police determines are necessary to discharge any duty under or to effect the policy of this article.~~

**~~SEC. 27-48. COMMUNITY PER CAPITA CRIME INDEX.~~**

(a) ~~The chief of police shall calculate on a monthly basis the community per capita crime index for each registered apartment complex in the city.~~

(b) ~~The community per capita crime index for an apartment complex is calculated as follows:~~

(1) ~~Determine the total number of bedrooms in the apartment complex as designated in the most recent multi-tenant property registration application filed with the director for the property;~~

(2) ~~Multiply the number of bedrooms by two (two occupants counted for each bedroom) to produce the ideal occupancy number for the property;~~

(3) ~~Multiply the ideal occupancy number by the percent of units in the apartment complex that are occupied (as designated in the most recent multi-tenant property registration application filed with the director for the property) to produce the actual occupancy number;~~

(4) ~~Divide the number of Part I crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part I crimes;~~

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(5) ~~Divide the number of Part II crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part II crimes.~~

(6) ~~Divide the number of Chapter 125 crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Chapter 125 crimes.~~

(e) ~~Example of calculation of community per capita crime index.~~

[Apartment size:]	[100 units]
[Apartment occupancy rate:]	[90% occupied]
[Apartment crime in 12-month period:]	[10 Part I crimes; [20 Part II crimes; [15 Chapter 125 crimes]
[Apartment unit mix:]	[70 one-bedrooms; [30 two-bedrooms]
[Total bedrooms]	[130 (with two occupants counted for each bedroom)]
[Ideal occupancy number = $130 \times 2 = 260$ [Actual occupancy number = $260 \times 90\% = 234$ ]	
[Crime index for Part I crimes = $(10 \div 234) \times 100 = 4.3$ [Crime index for Part II crimes = $(20 \div 234) \times 100 = 8.5$ [Crime index for Chapter 125 crimes = $(15 \div 234) \times 100 = 6.4$ ]	

**SEC. 27-49. CRIME RISK THRESHOLD.**

(a) ~~The chief of police shall collectively calculate on a monthly basis the crime risk threshold for all registered apartment complexes in the city.~~

(b) ~~The crime risk threshold for apartment complexes is calculated as follows:~~

(1) ~~Determine the total number of registered apartment complexes in the city.~~

(2) ~~Add together each apartment complex's crime index for Part I crimes and divide the sum by the total number of registered apartment complexes to produce the average crime index for Part I crimes.~~

(3) ~~Subtract each apartment complex's crime index for Part I crimes from the average crime index for Part I crimes to get the apartment complex's deviation from the average crime index for Part I crimes.~~

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(4) ~~Add the square of each apartment complex's deviation from the average crime index for Part I crimes together and divide the sum by the total number of registered apartment complexes to produce the average squared deviation for Part I crimes.~~

(5) ~~Take the square root of the average squared deviation for Part I crimes and add it to the average crime index for Part I crimes to produce the crime risk threshold for Part I crimes.~~

(6) ~~Repeat the process using each apartment complex's crime index for Part II crimes and Chapter 125 crimes to determine the crime risk threshold for Part II crimes and Chapter 125 crimes, respectively.~~

(e) ~~Example of calculation of crime risk threshold.~~

Apartment Complex No.	1	2	3	4	5	6	7	8	9	10	SUM
Crime Index for Part I Crimes	12	9	3	10	12	22	7	11	15	19	120
Deviation from Average Crime Index	0	-3	-9	-2	0	10	-5	-1	3	7	0
Deviation Squared	0	9	81	4	0	100	25	1	9	49	278

~~Average crime index for Part I crimes =  $120 \div 10 = 12$~~

~~Average squared deviation =  $278 \div 10 = 27.8$~~

~~Standard deviation =  $\sqrt{27.8} = 5.27$~~

~~Crime risk threshold for Part I crimes =  $12 + 5.27 = 17.27$~~

~~(Note: To calculate the crime risk threshold for Part II crimes and Chapter 125 crimes, repeat the formula using the crime indexes for Part II crimes and then for Chapter 125 crimes.)~~

**SEC. 27-50. MANDATORY CRIME REDUCTION PROGRAM; WHEN REQUIRED.**

(a) ~~An apartment complex must participate in a mandatory crime reduction program, whenever the apartment complex has:~~

(1) ~~a crime index for Part I crimes that is greater than the crime risk threshold for Part I crimes for all registered apartment complexes in the city and a crime index for Part II crimes that is greater than the crime risk threshold for Part II crimes for all registered apartment complexes in the city; or~~

(2) ~~a crime index for Chapter 125 crimes that is greater than the crime risk threshold for Chapter 125 for all registered apartment complexes in the city.~~

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~~(b) An apartment complex must remain in the mandatory crime reduction program for six months or until the apartment complex's crime index falls below the crime risk threshold for the applicable types of crime, whichever occurs later.~~

**SEC. 27-51. NOTICE OF DESIGNATION TO PARTICIPATE IN PROGRAM.**

~~(a) The chief of police shall provide written notice to the owner, operator, or property manager of each apartment complex designated to participate in the mandatory crime reduction program.~~

~~(b) The notice must include the following information:~~

~~(1) The name and address of the apartment complex.~~

~~(2) A statement that the apartment complex is required to participate in a mandatory crime reduction program, including a description of the fee and other requirements of the program.~~

~~(3) The community per capita crime index and crime risk threshold used to calculate the apartment complex's qualification for the mandatory crime reduction program.~~

~~(4) The actual occupancy number used to calculate the apartment complex's crime index.~~

~~(5) The number of Part I, Part II, and Chapter 125 crimes used to calculate the apartment complex's crime index, including the date, time, and location of each offense.~~

~~(6) A statement that a mandatory inspection of the apartment complex premises will be conducted by the chief of police at a scheduled date and time.~~

~~(7) The process for appealing the chief of police's decision requiring an apartment complex to participate in a mandatory crime reduction program.~~

~~(e) Designation of an apartment complex for participation in the mandatory crime reduction program and application of the requirements of this article are binding upon all subsequent owners or other transferees of an ownership interest in the apartment complex.~~

**SEC. 27-52. DELIVERY OF NOTICES.**

~~Any written notice that the chief of police is required to give to an apartment complex under this article is deemed to be delivered:~~

~~(1) on the date the notice is hand delivered to the owner, operator, or property manager of the apartment complex; or~~

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~~(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the owner, operator, or property manager of the apartment complex at the address provided for in the most recent multi-tenant property registration application.~~

**SEC. 27-53. APPEAL FROM DESIGNATION.**

~~(a) If the chief of police designates an apartment complex for participation in the mandatory crime reduction program pursuant to this article, this action is final unless the owner, operator, or property manager of the apartment complex files a written appeal to the permit and license appeal board with the city secretary not later than 10 days after receiving notice of being a designated apartment complex.~~

~~(b) If the appeal of the chief of police's decision is based on changes in an apartment complex's occupancy rate, then the owner, operator, or property manager of the apartment complex shall, at the time of filing the appeal, also file with the city secretary and the chief of police a copy of a current and valid lease for every occupied dwelling unit in the apartment complex.~~

~~(c) If a written request for an appeal hearing is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.~~

~~(d) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.~~

~~(e) In deciding the appeal, the permit and license appeal board is limited to the issue of whether the apartment complex's crime index is greater than the crime risk threshold calculated for all registered apartment complexes in the city for the particular types of crime that qualified the apartment complex for designation under Section 27-50(a). The board shall affirm the decision of the chief of police if the board finds that the apartment complex's crime index exceeds the applicable crime risk threshold and shall reverse the chief of police's decision if the board finds that the crime index does not exceed the applicable crime risk threshold.~~

~~(f) The board's decision must be by a majority vote. Failure to reach a majority vote will leave the decision of the chief of police unchanged. The decision of the permit and license appeal board is final, and no rehearing may be granted.~~

**SEC. 27-54. PROPERTY INSPECTIONS.**

~~(a) After an apartment complex has been designated to participate in the mandatory crime reduction program, the chief of police shall inspect the apartment complex to:~~

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~~(1) determine whether the apartment complex is in compliance with applicable city ordinances and state laws relating to public safety and security, including but not limited to requirements for locks, door viewers, signage, building numbering, and crime prevention addenda;~~

~~(2) evaluate what changes and improvements to the premises and operations of the apartment complex will assist in reducing the occurrence of crimes at the apartment complex; and~~

~~(3) determine whether the apartment complex is in compliance with this article.~~

~~(b) The chief of police is authorized at a reasonable time to inspect:~~

~~(1) the exterior of the apartment complex; and~~

~~(2) the interior of the apartment complex, if the permission of the owner, operator, property manager, or other person in control is given or a search warrant is obtained.~~

~~(c) The chief of police shall inspect a designated apartment complex at least twice during each period that the apartment complex is required to participate in the mandatory crime reduction program. The first inspection must be conducted for the purposes of Subsections (a)(1) and (a)(2), and the second inspection must be conducted for the purposes of Subsection (a)(3). Other inspections may be conducted as the chief of police deems necessary to the administration and enforcement of this article.~~

~~(d) The owner, operator, property manager, or person in control of an apartment complex commits an offense if, either personally or through an agent or employee, he refuses to permit a lawful inspection of the apartment complex as required by this section.~~

~~(e) Whenever an apartment complex is inspected by the chief of police and a violation of this article or any other city ordinance or state law applicable to the apartment complex is found, the apartment complex will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the chief of police to determine that the violation has been eliminated.~~

**SEC. 27-55. CONFERENCE WITH POLICE.**

~~(a) At least once during each period that an apartment complex is required to participate in the mandatory crime reduction program, the chief of police shall require a conference with the owner, operator, or property manager of a designated apartment complex to review:~~

~~(1) the requirements of the mandatory crime reduction program;~~

~~(2) the results of the chief of police's inspection of the apartment complex;~~

~~(3) any voluntary recommendations for reducing crimes on and near the apartment complex; and~~

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(4) ~~any other information the chief of police wishes to discuss at the conference.~~

(b) ~~An owner, operator, or property manager of a designated apartment complex commits an offense if he fails to attend a scheduled conference after receiving notice of the conference from the chief of police.~~

(e) ~~At least one individual with legal authority to act on behalf of the apartment complex must attend each conference required by this section.~~

**SEC. 27-56. PROGRAM FEE.**

(a) ~~A program fee of \$250 will be charged to each designated apartment complex to defray the costs incurred by the chief of police in conducting inspections of the apartment complex, attending conferences with the owner, operator, or property manager of the apartment complex, and administering and enforcing the mandatory crime reduction program. A separate program fee is required each time an apartment complex is designated to participate in the mandatory crime reduction program.~~

(b) ~~The owner, operator, or property manager of a designated apartment complex shall pay the program fee to the chief of police within 30 days after receiving notice of being a designated apartment complex.~~

(e) ~~No refund of a program fee will be made.~~

**SEC. 27-57. MANDATORY REQUIREMENTS.**

(a) ~~Within 30 days after receiving notice of being a designated apartment complex, the apartment complex must meet all of the requirements of this section, except Subsection (h) (fencing requirements). Subsection (h) (fencing requirements) must be met within 60 days after receiving notice of being a designated apartment complex. The chief of police may extend the deadlines of this subsection, in increments not exceeding 30 days each, upon a showing that the work cannot be performed within the required time period because of its scope and complexity.~~

(b) ~~Trespass affidavits.~~

(1) ~~An owner, operator, or property manager of the apartment complex shall execute a trespass affidavit, on a form provided by the chief of police for that purpose, that authorizes the police department to enforce, on behalf of the apartment complex, all applicable trespass laws on the premises of the apartment complex.~~

(2) ~~A true and correct copy of the trespass affidavit must be posted at the apartment complex in a manner and location so that it is clearly visible to the public at all times.~~

(e) ~~Background checks.~~

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~~(1) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all current and prospective employees of the apartment complex.~~

~~(2) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.~~

~~(3) A current credit report must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.~~

~~(4) All records maintained on an employee or tenant in compliance with this subsection must be retained at the apartment complex for at least 90 days following the date of any termination of the employee's employment or the tenant's occupancy at the apartment complex.~~

~~(5) The owner, operator, or property manager of the apartment complex shall make all records maintained under this subsection available for inspection by a police officer at reasonable times upon request.~~

~~(d) Lighting.~~

~~(1) Security lighting must be provided, maintained, and operated so that it adequately illuminates all parking areas, walkways, stairs, steps, doorways, and garbage storage areas of the apartment complex to such a degree that the facial features of a person at least five feet tall are distinguishable from a distance of 35 feet.~~

~~(2) Security lighting must be in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (d)(1) of this section and another city ordinance or state law, the other law will prevail.~~

~~(e) Landscaping.~~

~~(1) No bush or shrub on the premises of the apartment complex may be taller than three and one-half feet.~~

~~(2) No tree on the premises of the apartment complex may have a canopy lower than six feet above the ground.~~

~~(3) All trees, shrubs, bushes, and other landscaping must be maintained in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (e)(1) or (e)(2) of this section and another city ordinance or state law, the other law will prevail.~~

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~~(f) Locked common areas. All enclosed common areas of the apartment complex (including but not limited to laundry rooms, club rooms, and fitness rooms) must be kept locked and may only be accessed with a key, key card, key pad, or similar device.~~

~~(g) Key control plan. A description of the plan and procedures for storing and accessing keys, key cards, and key codes to dwelling units, enclosed common areas, and other facilities of the apartment complex must be filed with the chief of police.~~

~~(h) Fencing.~~

~~(1) The perimeter of the premises of a designated apartment complex must be enclosed with a fence that is at least six feet high, except that if a lower height is required by another city ordinance, the fence must be the maximum height allowed under the other city ordinance.~~

~~(2) Notwithstanding Subsection (h)(1) of this section, vehicular driveways and pedestrian walkways are not required to be fenced or gated, except that the combined width of openings in the fence for vehicular driveways and pedestrian walkways may not exceed 10 percent of the perimeter of the area of the property required to be fenced.~~

~~(3) All fencing must be maintained in compliance with applicable city ordinances and state law. If there is any conflict between Subsection (h)(1) or (h)(2) of this section and another city ordinance or state law, the other law will prevail.~~

~~(i) Pay phones. All pay phones on the premises of the apartment complex must be blocked to incoming calls or removed from the premises.~~

~~(j) Crime watch meetings.~~

~~(1) At least one crime watch meeting must be held each month on the premises of the apartment complex.~~

~~(2) The chief of police must be given at least 10 days advance notice of the meeting.~~

~~(k) Residential security survey.~~

~~(1) An owner, operator, or property manager of the apartment complex shall distribute a residential security survey, on a form provided by the chief of police, to each tenant of the apartment complex who is 18 years of age or older.~~

~~(2) The owner, operator, or property manager of the apartment complex shall file all returned surveys with the chief of police within 30 days after distribution.~~

**SEC. 27-58. MODIFICATION OF FENCING REQUIREMENTS.**

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,  
AND IS SUBJECT TO ADDITIONAL REVISION.**

~~(a) The owner, operator, or property manager of a designated apartment complex may request a modification of the fencing requirements set forth in Section 27-57(h) by filing a written request with the city secretary not later than 10 days after receiving notice of:~~

~~(1) being designated for participation in a mandatory crime reduction program under Section 27-57; or~~

~~(2) having a previously granted fencing modification revoked by the chief of police under Subsection (f) of this section.~~

~~(b) If a written request is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall consider the request. The city secretary shall set a date for the hearing within 45 days after the date the written request is filed.~~

~~(c) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.~~

~~(d) The permit and license appeal board shall grant the request for a fencing modification if it finds that:~~

~~(1) an existing fence or other barrier, or a proposed fence or other barrier, on the premises of the apartment complex will serve to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); and~~

~~(2) the existing fence or barrier, or the proposed fence or barrier, complies with all other applicable city ordinances and state law.~~

~~(e) The board shall grant or deny the request for a fencing modification by a majority vote. Failure to reach a majority vote will result in denial of the request. The decision of the permit and license appeal board is final, and no rehearing may be granted.~~

~~(f) If the board grants the request for a fencing modification, the modification remains valid and does not have to be renewed each time an apartment complex is designated for participation in the mandatory crime reduction program, unless the chief of police revokes the fencing modification upon a determination that the modified fence or other barrier:~~

~~(1) fails to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); or~~

~~(2) fails to comply with a city ordinance or state law applicable to fences.~~

~~(g) Upon revoking a fencing modification, the chief of police shall notify the owner, operator, or property manager of a designated apartment complex in writing of the revocation. The notice must include the reason for the revocation, the date the chief of police orders the revocation,~~

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~~and a statement informing the owner, operator, or property manager of the right to appeal the decision by filing a new request for a fencing modification in accordance with Subsection (a). The chief of police may not revoke a fencing modification under Subsection (f) sooner than six months after the modification is granted by the permit and license appeal board.~~

~~(h) The grant of a request for modification of the fencing requirements of Section 27-57(h) does not exempt a designated apartment complex from any other provision of this chapter or other applicable city ordinances or state law.]”~~

SECTION 43. That Article IX, “Registration and Inspection of Non-Owner Occupied Rental Property,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is repealed, and Article IX shall be indicated as “Reserved” in the Dallas City Code as follows:

**“ARTICLE IX.**

**RESERVED. [~~REGISTRATION AND INSPECTION OF NON-OWNER OCCUPIED RENTAL PROPERTY.~~**

**~~SEC. 27-59. AUTHORITY OF DIRECTOR.~~**

~~The director shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the policy of this article.~~

**~~SEC. 27-60. REGISTRATION REQUIRED; DEFENSES.~~**

~~(a) A person commits an offense if he owns a non-owner-occupied rental property in the city without a valid certificate of registration issued under this article.~~

~~(b) If a person owns more than one non-owner-occupied rental property in the city, a separate registration is required for each property. If both dwelling units of a duplex qualify as non-owner-occupied rental properties, then each dwelling unit must be registered separately, even if under a common ownership.~~

~~(c) If three or more townhouses or condominiums in the same complex are under a common ownership and are leased or offered for lease, they must be registered as a multi-tenant property under Article IV of this chapter instead of as non-owner-occupied rental properties under this article.~~

~~(d) It is a defense to prosecution under Subsection (a) that the non-owner-occupied rental property had been leased or rented for less than the 60-day period preceding the date of the violation.~~

**~~SEC. 27-61. REGISTRATION APPLICATION.~~**

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AND IS SUBJECT TO ADDITIONAL REVISION.**

~~To obtain a certificate of registration for a non-owner occupied rental property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the owner of the non-owner occupied rental property. If the owner is not an individual, an authorized officer or agent of the owner must file the form. The application must contain the following information:~~

~~(1) The name, street address, mailing address, and telephone number of the applicant (owner of the property).~~

~~(2) The name, street address, mailing address, telephone number, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant for the non-owner occupied rental property is not an individual.~~

~~(3) The form of business of the applicant; the name, street address, mailing address, and telephone number of a high managerial agent of the business; and, if the business is a corporation or association, a copy of the documents establishing the business.~~

~~(4) The street address of the non-owner occupied rental property.~~

~~(5) The name, street address, mailing address, and telephone number of a person or persons to contact in an emergency as required by Section 27-69 of this article.~~

~~(6) Documentary evidence of payment of ad valorem taxes owed in connection with the non-owner occupied rental property.~~

~~(7) The names, street addresses, mailing addresses, and telephone numbers of any owners of the non-owner occupied rental property other than the applicant.~~

~~(8) A statement that, by filing the registration, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the registration is true and correct and that the registration is complete and includes all information required to be disclosed under this article.~~

~~(9) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.~~

**SEC. 27-62. REGISTRATION FEES.**

~~(a) The annual fee for a certificate of registration for a non-owner occupied rental property is \$25.~~

~~(b) No refund of a registration fee will be made.~~

~~(c) The registration fee established in Subsection (a) will not be charged upon renewal of a certificate of registration for a non-owner occupied rental property if no violations of Section~~

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27-11(b), (c), or (d) of this chapter were found on the property by the director within the preceding registration year.

**SEC. 27-63.                    ~~ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.~~**

~~(a)    Upon payment of all required fees, the director shall issue a certificate of registration for a non-owner occupied rental property to the applicant if the director determines that:~~

~~(1)    the applicant has complied with all requirements for issuance of the certificate of registration;~~

~~(2)    the applicant has not made a false statement as to a material matter in an application for a certificate of registration; and~~

~~(3)    the applicant has no outstanding fees assessed under this article.~~

~~(b)    If the director determines that the requirements of Subsection (a) have not been met, the director shall deny a certificate of registration to the applicant.~~

~~(c)    If the director determines that an applicant should be denied a certificate of registration, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

~~(d)    A certificate of registration issued under this section must be displayed on the premises of the non-owner occupied rental property in a manner and location approved by the director. The certificate of registration must be presented upon request to the director or to a peace officer for examination.~~

**SEC. 27-64.                    ~~REVOCAION OF CERTIFICATE OF REGISTRATION.~~**

~~(a)    The director shall revoke any certificate of registration for a non-owner occupied rental property if the director determines that:~~

~~(1)    the registrant failed to comply with any provision of this chapter, any other city ordinance, or any state or federal law applicable to the operation of a non-owner occupied rental property;~~

~~(2)    the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration; or~~

~~(3)    the registrant failed to pay a fee required by this article at the time it was due.~~

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(b) ~~Before revoking a certificate of registration under Subsection (a), the director shall notify the registrant in writing that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has 10 days to comply with the notice.~~

(c) ~~If, after 10 days from receipt of the notice required in Subsection (b), the registrant has not complied with the notice, the director shall revoke the certificate of registration and notify the registrant in writing of the revocation. The notice must include the reason for the revocation, the date the director orders the revocation, and a statement informing the registrant of the right of appeal.~~

**~~SEC. 27-65. APPEALS.~~**

~~If the director denies issuance or renewal of a certificate of registration or revokes a certificate of registration issued pursuant to this article, this action is final unless the applicant or registrant files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.~~

**~~SEC. 27-66. EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION.~~**

(a) ~~A certificate of registration for a non-owner occupied rental property expires one year after the date of issuance.~~

(b) ~~A certificate of registration may be renewed by making application in accordance with Section 27-61. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration.~~

**~~SEC. 27-67. NONTRANSFERABILITY.~~**

~~A certificate of registration for a non-owner occupied rental property is not transferable.~~

**~~SEC. 27-68. REGISTRANT'S RECORDS.~~**

(a) ~~Each registrant shall maintain at a single location business records of the non-owner occupied rental property. A registrant shall make those records available for inspection by the director or a peace officer at reasonable times upon request.~~

(b) ~~Records that must be maintained by the registrant include, but are not limited to:~~

~~(1) records of ownership for the property; and~~

~~(2) any other records deemed necessary by the director for the administration and enforcement of this article.~~

**~~SEC. 27-69. EMERGENCY RESPONSE INFORMATION.~~**

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,  
AND IS SUBJECT TO ADDITIONAL REVISION.**

~~(a) The registrant of a non-owner occupied rental property shall provide the director with the name, street address, mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.~~

~~(b) The registrant of the non-owner occupied rental property shall notify the director within 10 days of any change in the emergency response information.~~

~~(c) The registrant of a non-owner occupied rental property, or an authorized agent, must arrive at the property within one hour after a contact person named under this section is notified by the city or emergency response personnel that an emergency condition has occurred on the property.~~

**~~SEC. 27-70. FAILURE TO PAY AD VALOREM TAXES.~~**

~~A registrant or an applicant for a certificate of registration for a non-owner occupied rental property shall not allow the payment of ad valorem taxes owed in connection with the non-owner occupied rental property to become delinquent.~~

**~~SEC. 27-71. NOTIFICATION OF CHANGE OF INFORMATION.~~**

~~A registrant shall notify the director within 10 days of any material change in the information contained in the application for a certificate of registration for a non-owner occupied rental property, including any changes in ownership of the property.~~

**~~SEC. 27-72. PROPERTY INSPECTIONS; REINSPECTION FEES.~~**

~~(a) The director may inspect any non-owner occupied rental property in the city for code violations in accordance with Section 27-5 of this chapter.~~

~~(b) Whenever a non-owner occupied rental property is inspected by the director and a violation of this code is found, the building or premises will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated.~~

~~(c) The owner, occupant, or other person responsible for the violation shall pay to the director \$50 for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated.]”~~

SECTION 44. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance governing the dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$4,000; a person violating a provision of this

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,  
AND IS SUBJECT TO ADDITIONAL REVISION.**

ordinance governing fire safety, zoning, or public health and sanitation, other than the dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$2,000; and a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 45. That Chapter 27 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 46. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 47. That this ordinance shall take effect on XXXXX, XX, 2016, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

# Memorandum



DATE: August 12, 2016

TO: Honorable Mayor and Members of the City Council

SUBJECT: **Cost Considerations for Funding Public Safety in FY 2016-17 and Beyond**

On Wednesday, August 17, 2016, you will be briefed on Cost Considerations for Funding Public Safety in FY 2016-17 and Beyond. The materials are attached for your review.

Please let me know if you have any questions or need additional information.



Eric D. Campbell  
Assistant City Manager

Attachment

cc: A.C. Gonzalez, City Manager  
Christopher D. Bowers, (I) City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager

Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council  
Chief David O. Brown, Dallas Police Department  
Molly Carroll, Director, Human Resources Department



# Cost Considerations for Funding Public Safety in FY 2016-17 and Beyond

Dallas City Council  
August 17, 2016



# Major Budget Items Summary

# Major Budget Items Summary

Enhancements*	Costs*
FY 16-17 double Step Increases for Sworn Officers	\$8.9M
Full year funding of FY 15-16 Merits	\$4.9M
City increase in pension contribution to 28.5%	\$2.9M
Patrol Duty Pay	\$1.8M
Hire 549 officers- 200 officers above current sworn strength goal of 3,511 to 3,711 officers	\$20.3M
Replace 68 marked squads and add 68 marked squad cars	\$4.9M
Add 50 civilian position	\$1.1M
<b>Total</b>	<b>\$44.8M</b>
<b>*Briefing on Compensation to be provided by Human Resources</b>	

# Budget Highlights: Recruit, Hire, and Train 549 Police Officers

- Why are 549 Officers needed?

# *Why are 549 Officers Needed?*

- Potential shortage of call answerers in patrol resulting in longer response times

Caused by:

- high attrition (officers leaving for better compensation and retirements)
- reduction in applicant pool

- Overtime (OT) is not sustainable long term strategy;

Prolonged OT use results in:

- officer fatigue
- funding limitations

- Officer safety issue

Potential outcomes:

- reduced ability to provide coverage to officers on calls that require additional manpower such as active shooter

# ***Why are 549 Officers Needed? (continued)***

- Allows for sufficient resources to strategically assign officers to most effectively address crime
- The increase would allow for approximately 78 additional officers at each station
- Allows redistribution of current task force and CRT officers

# ***Why are 549 Officers Needed? (continued)***

- Adding officers allows the following capabilities:
  - implement beat responsibility strategies
  - reduce emergency response times
  - increase community engagement
  - address spikes in overall crime
  - allow flexibility for on-going crime trends in specific areas
  - crime sprees/assaults in areas like Katy Trail, Oak Lawn
  - manage public demonstrations in high traffic locations such as the CBD
  - allows officers time away from field assignments for training
  - Reduce reliance of temporarily using detectives to supplement patrol
    - increase clearance rate
    - shorten time for a detective to contact a crime victim

# *Officer Ratio to Population*

Year	Population	Actual Strength on October 1	Officers Per 1,000 Population
2007	1,239,104	3,018	2.44
2008	1,276,214	3,186	2.50
2009	1,290,266	3,389	2.63
2010	1,197,816	3,597	3.00
2011	1,233,021	3,690	3.02
2012	1,241,549	3,511	2.83
2013	1,255,015	3,519	2.80
2014	1,272,396	3,496	2.75
2015	1,289,319	3,523	2.73
2016	1,306,467	3,382*	2.58
2017 - Proposed	1,323,843	3,711	2.80

\* 2016 Strength is an estimate

# DPD Performance Metrics

2001 - 2015



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Year	Total Murders	Total Offenses	Total Violent Offenses	Crime Reduction %	Priority 1 Response Time	Priority 2 Response Time	Priority 3 Response Time	Priority 4 Response Time	Total Dispatched 911 Calls	Dallas Population	Non-Sworn Strength	Sworn Strength (Budgeted)	Sworn Strength (Actual)	Attrition	Officers Per 1,000 Population	Call Answering Overtime Expenditures	Annual Budget
2001	240	111,006	17,776	5.67%	8.07	15.57	-	-	661,529	1,215,553	1,085	3,083	2,880	145	2.37	-	-
2002	196	112,040	17,018	0.93%	8.24	16.27	28.22	55.22	644,997	1,241,481	1,085	3,135	2,900	147	2.34	-	\$ 288,577,627
2003	226	114,765	16,865	2.43%	8.24	18.10	30.97	63.35	602,165	1,230,302	1,086	-	2,981	141	2.42	-	\$ 293,200,551
2004	248	110,231	16,165	-3.95%	8.40	19.11	32.48	67.97	595,161	1,228,613	933	3,142	2,964	169	2.41	\$ 524,235	\$ 290,322,251
2005	202	104,384	15,429	-5.30%	8.30	18.57	32.99	63.94	606,975	1,230,303	1,001	3,116	2,932	140	2.38	\$ 959,974	\$ 319,005,753
2006	187	100,650	15,058	-3.58%	8.32	18.53	30.74	52.82	620,192	1,248,223	1,050	3,166	2,972	175	2.38	\$ 2,611,764	\$ 330,967,511
2007	200	97,210	13,248	-3.42%	8.50	17.57	33.31	59.07	623,901	1,239,104	1,105	3,266	3,018	176	2.44	\$ 4,369,212	\$ 362,903,806
2008	170	87,179	11,420	-10.32%	7.25	13.91	27.90	43.46	609,515	1,276,214	1,105	3,386	3,186	173	2.50	\$ 2,121,340	\$ 401,072,468
2009	166	81,585	10,221	-6.42%	7.07	12.10	25.69	45.15	608,993	1,290,266	1,313	3,589	3,389	186	2.63	\$ 1,075,730	\$ 423,839,053
2010	148	73,286	9,161	-10.17%	6.32	10.54	21.75	34.62	589,718	1,197,816	1,095	3,788	3,597	191	3.00	\$ 11,315	\$ 412,703,675
2011	133	70,189	8,330	-4.23%	6.32	11.45	25.58	40.61	580,689	1,223,021	1,095	3,601	3,690	203	3.02	\$ 6,060	\$ 403,070,336
2012	154	62,680	8,380	-10.70%	6.80	12.44	31.32	48.35	591,727	1,241,549	1,090	3,524	3,511	188	2.83	\$ 17,775	\$ 399,406,436
2013	143	60,604	8,330	-3.31%	7.34	14.32	38.88	61.13	595,903	1,255,015	608*	3,524	3,519	215	2.80	\$ 469,993	\$ 401,236,945
2014	116	54,126	8,457	-10.69%	7.63	16.55	52.42	78.21	596,670	1,272,396	623*	3,546	3,496	204	2.75	\$ 145,544	\$ 426,401,375
2015	136	53,829	9,038	-0.55%	8.09	19.59	65.18	89.27	606,541	1,289,319	547*	3,511	3,523	240	2.73	\$ 1,543,738	\$ 440,537,844

**Source:**

Response Time and Dispatched Calls - DPD Response Time Report as of December 31st of each year

Sworn Strength Budgeted & Actual - DPD Hiring and Attrition Rept as of October 31st of each year

Total Offenses & Total Violent Offenses - FBI UCR Report

Population - FBI UCR Report (2015 - DPD Estimate based on 3 year average growth)

**Notes:**

2011 - Only reimburseable overtime per Meet and Confer/ Community Policing 2.0 implemented

2012 - Overtime that was not reimburseable could be earned beginning April 1, 2012

2012 - New Priority 1 Calls Added

2013 - New Records Management System Implemented

2013 - 2015 - Non-Sworn Strength does not include 390 School Crossing Guards

# How do we get it done!

- Recruiting Tool Box
- Applicant Processing
- Trainers and Classroom Space
- Academy Schedule and Timeline

# *Recruiting Toolbox*

## Methods to attract applicants:

- Emphasis the lateral hire program and review opportunities for enhancements.
- Promote the available retention bonuses
  - \$5,000 after 5 years
  - \$3,000 after 10 years
- Enhanced recruiting strategies
  - Increase the number of on-sites
  - Expand the impact of off-site recruiting
- Advertising
  - Social Media, Web applications
  - Traditional Media
    - Radio, television, newspaper ads
- Pre-hire applicants prior to the start of the Police Academy
  - Competitive market
  - Commitment to Dallas PD

# ***Applicant Processing***

## Review of candidacy:

- Civil Service Screening
- Preliminary Interviews
- Physical Fitness Exam
- Pre-polygraph and Polygraph
- Applicant Interview Board
- Background Investigation
- Psychological Evaluation
- Medical Screening

The department hires about 15 percent of the applicants who pass the initial Civil Service screening process.

To hire 549, the department will process approximately 3700 applicants.

# *Trainers and Classroom Space*

## Trainers:

- Additional trainers are being identified to help facilitate the proper student-teacher ratios
- Staffing to allow for classes to be divided into smaller platoons for skills based training

## Search for Facility:

- Space has been identified and is available at the existing in-service academy facility
- DPD will partner with Real Estate Division to finalize negotiation for lease expansion at existing in-service facility
- Site visit conducted last week

# ***Academy Schedule and Timeline***

<b>Class</b>	<b>Projected Academy Start Date</b>	<b>Full Trained</b>
<b>354</b>	11/16/2016	7/8/2018
<b>355</b>	2/8/2017	9/30/2018
<b>356</b>	4/5/2017	11/25/2018
<b>357</b>	5/31/2017	1/20/2019
<b>358</b>	7/26/2017	3/17/2019
<b>359</b>	9/20/2017	5/12/2019

# Budget Highlights:

## Add 50 PSO Civilian Positions

- Why hire 50 PSO Civilian Positions?
- Where will they be assigned?

# Why hire 50 PSO Civilian Positions?

- Civilianization of positions currently filled by uniform positions allows the department to use sworn resources more effectively and efficiently.
  - Manage prisoners allowing officers to complete reports and return to the field more quickly
  - Assist at crime scenes
  - Wait for wrecks at accidents
  - Distribute equipment
  - Conduct civilian background checks

# Where Will They be Assigned?

- The 50 positions will be used in several areas of the department. Below are areas they will be allocated:
  - 21 Patrol (3 per patrol station)
  - 13 Crime Scene
  - 12 Jail
  - 4 Personnel

QUESTIONS?

# Public Safety Compensation Update

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## Human Resources

City Council Briefing  
August 17, 2016



# Presentation Overview

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- Uniformed Pay – General Concepts
  - Base Pay
  - Special Pay
- Pay Comparisons
- Pension
- Attrition Data
- Meet & Confer Overview

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# **UNIFORMED PAY – GENERAL CONCEPTS**

# Elements of Uniform Pay

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- Two components of Uniform Pay
  1. Base Pay
    - Sometimes referred to as 'Step pay'
  2. Special Pay Items

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# **BASE PAY**

# What are “Steps”?

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- The base pay of Police and Fire Uniformed officers is on a “Step” pay system.
- Each Rank (Police Officer, Sr. Corporal, Fire Fighter, etc.) has pay Steps.
  - The number of Steps ranges from 11 to 13, depending on the Rank

# What does the Police "Pay Schedule" look like?

Attachment A  
(Meet and Confer)

CITY OF DALLAS  
UNIFORMED POLICE SALARY SCHEDULE  
Effective October 1, 2015

Rank

Grade/Step

Pay (monthly and annual) associated with the Grade/Step. Generally, each Step is 5% more than the prior Step.

**Minimum** number of years an officer has to be in the Step before they are eligible for the next Step

CLASS CODE	RANK	GRADE-STEP	MONTH	ANNUAL	CLASS CODE	RANK	GRADE-STEP	MONTH	ANNUAL
46101	Police Officer Trainee I	P2 - 1	\$3,722	\$44,658	46011	Police Sergeant, Start	P4 - 1	\$4,395	\$52,742
46102	Police Officer Trainee II	P2 - 1	\$3,722	\$44,658	46011	Police Sergeant, 1 Year	P4 - 2	\$4,716	\$56,598
46103	Police Officer Trainee III	P2 - 1	\$3,722	\$44,658	46011	Police Sergeant, 1 Year	P4 - 3	\$4,952	\$59,426
46004	Police Officer	P2 - 1	\$3,722	\$44,659	46011	Police Sergeant, 1 Year	P4 - 4	\$5,200	\$62,394
46004	Police Officer, 1 Year	P2 - 2	\$3,906	\$46,870	46011	Police Sergeant, 1 Year	P4 - 5	\$5,460	\$65,519
46004	Police Officer, 1 Year	P2 - 3	\$4,101	\$49,207	46011	Police Sergeant, 1 Year	P4 - 6	\$5,732	\$68,784
46004	Police Officer, 1 Year	P2 - 4	\$4,307	\$51,688	46011	Police Sergeant, 1 Year	P4 - 7	\$6,020	\$72,245
46004	Police Officer, 1 Year	P2 - 5	\$4,522	\$54,263	46011	Police Sergeant, 1 Year	P4 - 8	\$6,321	\$75,856
46004	Police Officer, 1 Year	P2 - 6	\$4,748	\$56,971	46011	Police Sergeant, 1 Year	P4 - 9	\$6,637	\$79,639
46004	Police Officer, 1 Year	P2 - 7	\$4,987	\$59,840	46011	Police Sergeant, 1 Year	P4 - 10	\$6,968	\$83,621
46004	Police Officer, 1 Year	P2 - 8	\$5,234	\$62,812	46011	Police Sergeant	P4 - 11	\$7,317	\$87,802
46004	Police Officer, 1 Year	P2 - 9	\$5,496	\$65,956	46013	Police Lieutenant, Start	P5 - 1	\$4,823	\$57,875
46004	Police Officer, 1 Year	P2 - 10	\$5,772	\$69,260	46013	Police Lieutenant, 1 Year	P5 - 2	\$5,167	\$62,001
46004	Police Officer	P2 - 11	\$6,060	\$72,718	46013	Police Lieutenant, 1 Year	P5 - 3	\$5,425	\$65,096
46005	Police Corporal, 1 Year	P2 - 4	\$4,307	\$51,688	46013	Police Lieutenant, 1 Year	P5 - 4	\$5,697	\$68,364
46005	Police Corporal, 1 Year	P2 - 5	\$4,522	\$54,263	46013	Police Lieutenant, 1 Year	P5 - 5	\$5,982	\$71,779
46005	Police Corporal, 1 Year	P2 - 6	\$4,748	\$56,971	46013	Police Lieutenant, 1 Year	P5 - 6	\$6,280	\$75,386
46005	Police Corporal, 1 Year	P2 - 7	\$4,987	\$59,840	46013	Police Lieutenant, 1 Year	P5 - 7	\$6,594	\$79,123
46005	Police Corporal, 1 Year	P2 - 8	\$5,234	\$62,812	46013	Police Lieutenant, 1 Year	P5 - 8	\$6,923	\$83,078
46005	Police Corporal, 1 Year	P2 - 9	\$5,496	\$65,956	46013	Police Lieutenant, 1 Year	P5 - 9	\$7,269	\$87,230
46005	Police Corporal, 1 Year	P2 - 10	\$5,772	\$69,260	46013	Police Lieutenant, 1 Year	P5 - 10	\$7,633	\$91,591
46005	Police Corporal	P2 - 11	\$6,060	\$72,718	46013	Police Lieutenant	P5 - 11	\$8,014	\$96,170
46016	Police Senior Corporal, Start	P3 - 1	\$3,826	\$45,916	46014	Police Captain, Start	P6 - 1	\$5,292	\$63,500
46016	Police Senior Corporal, 1 Year	P3 - 2	\$4,031	\$48,371	46014	Police Captain, 1 Year	P6 - 2	\$5,669	\$68,025
46016	Police Senior Corporal, 1 Year	P3 - 3	\$4,307	\$51,688	46014	Police Captain, 1 Year	P6 - 3	\$5,951	\$71,410
46016	Police Senior Corporal, 1 Year	P3 - 4	\$4,522	\$54,263	46014	Police Captain, 1 Year	P6 - 4	\$6,250	\$74,996
46016	Police Senior Corporal, 1 Year	P3 - 5	\$4,748	\$56,971	46014	Police Captain, 1 Year	P6 - 5	\$6,563	\$78,759
46016	Police Senior Corporal, 1 Year	P3 - 6	\$4,987	\$59,840	46014	Police Captain, 1 Year	P6 - 6	\$6,890	\$82,685
46016	Police Senior Corporal, 1 Year	P3 - 7	\$5,234	\$62,812	46014	Police Captain, 1 Year	P6 - 7	\$7,234	\$86,812
46016	Police Senior Corporal, 1 Year	P3 - 8	\$5,496	\$65,956	46014	Police Captain, 1 Year	P6 - 8	\$7,597	\$91,163
46016	Police Senior Corporal, 1 Year	P3 - 9	\$5,771	\$69,248	46014	Police Captain, 1 Year	P6 - 9	\$7,977	\$95,729
46016	Police Senior Corporal, 1 Year	P3 - 10	\$6,060	\$72,718	46014	Police Captain, 1 Year	P6 - 10	\$8,376	\$100,515
46016	Police Senior Corporal, 1 Year	P3 - 11	\$6,363	\$76,355	46014	Police Captain	P6 - 11	\$8,795	\$105,541
46016	Police Senior Corporal	P3 - 12	\$6,681	\$80,173					

The number of years indicated beside the Rank indicate the minimum number of years that an officer must be in the Step prior to being eligible for the next Step in the Rank. If officers are not given a step pay increase in any fiscal year for budgetary reasons, when step pay increases are resumed in a subsequent fiscal year, it is expected that officers' pay will only increase one step (if they meet the eligibility requirements). Officers should not expect a double-step in order to make up for step increases not previously given for budgetary reasons in any fiscal year.

# What does the Fire "Pay Schedule" look like?

Attachment B  
(Meet and Confer)

CITY OF DALLAS  
UNIFORM FIRE SALARY SCHEDULE  
Effective October 1, 2015

PREVENTION

CLASS CODE	RANK	GRADE-STEP	MONTH	ANNUAL	CLASS CODE	RANK	GRADE-STEP	MONTH	ANNUAL
44201	Fire Prevention Officer Trainee I	F2 - 1	\$3,722	\$44,658	44016	Fire Prevention Captain, Start	F5 - 1	\$4,637	\$57,875
44202	Fire Prevention Officer Trainee II	F2 - 1	\$3,722	\$44,658	44016	Fire Prevention Captain, 1 Yr.	F5 - 2	\$4,968	\$62,001
44203	Fire Prevention Officer Trainee III	F2 - 1	\$3,722	\$44,658	44016	Fire Prevention Captain, 1 Yr.	F5 - 3	\$5,216	\$65,096
					44016	Fire Prevention Captain, 1 Yr.	F5 - 4	\$5,478	\$68,364
					44016	Fire Prevention Captain, 1 Yr.	F5 - 5	\$5,752	\$71,779
44005	Fire Prevention Officer, Start	F2 - 3	\$3,826	\$45,916	44016	Fire Prevention Captain, 1 Yr.	F5 - 6	\$6,039	\$75,366
44005	Fire Prevention Officer, 1 Yr.	F2 - 6	\$4,031	\$48,371	44016	Fire Prevention Captain, 1 Yr.	F5 - 7	\$6,340	\$79,123
44005	Fire Prevention Officer, 1 Yr.	F2 - 8	\$4,307	\$51,688	44016	Fire Prevention Captain, 1 Yr.	F5 - 8	\$6,657	\$83,078
44005	Fire Prevention Officer, 1 Yr.	F2 - 9	\$4,522	\$54,263	44016	Fire Prevention Captain, 1 Yr.	F5 - 9	\$6,990	\$87,230
44005	Fire Prevention Officer, 1 Yr.	F2 - 10	\$4,748	\$56,971	44016	Fire Prevention Captain, 1 Yr.	F5 - 10	\$7,339	\$91,591
44005	Fire Prevention Officer, 1 Yr.	F2 - 11	\$4,987	\$59,840	44016	Fire Prevention Captain	F5 - 11	\$7,706	\$96,170
44005	Fire Prevention Officer, 1 Yr.	F2 - 12	\$5,234	\$62,812					
44005	Fire Prevention Officer, 1 Yr.	F2 - 13	\$5,496	\$65,956	44025	Fire Prevention Section Chief, Start	F6 - 1	\$5,088	\$63,500
44005	Fire Prevention Officer, 1 Yr.	F2 - 14	\$5,772	\$69,260	44025	Fire Prevention Section Chief, 1 Yr.	F6 - 2	\$5,451	\$68,025
44005	Fire Prevention Officer	F2 - 15	\$6,060	\$72,718	44025	Fire Prevention Section Chief, 1 Yr.	F6 - 3	\$5,722	\$71,410
					44025	Fire Prevention Section Chief, 1 Yr.	F6 - 4	\$6,009	\$74,996
44014	Fire Senior Prevention Officer, Start	F3 - 1	\$3,826	\$45,916	44025	Fire Prevention Section Chief, 1 Yr.	F6 - 5	\$6,311	\$78,759
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 2	\$4,031	\$48,371	44025	Fire Prevention Section Chief, 1 Yr.	F6 - 6	\$6,625	\$82,685
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 3	\$4,307	\$51,688	44025	Fire Prevention Section Chief, 1 Yr.	F6 - 7	\$6,956	\$86,812
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 4	\$4,522	\$54,263	44025	Fire Prevention Section Chief, 1 Yr.	F6 - 8	\$7,305	\$91,163
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 5	\$4,748	\$56,971	44025	Fire Prevention Section Chief, 1 Yr.	F6 - 9	\$7,671	\$95,729
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 6	\$4,987	\$59,840	44025	Fire Prevention Section Chief, 1 Yr.	F6 - 10	\$8,054	\$100,515
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 7	\$5,234	\$62,812	44025	Fire Prevention Section Chief	F6 - 11	\$8,456	\$105,541
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 8	\$5,496	\$65,956					
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 9	\$5,771	\$69,248					
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 10	\$6,060	\$72,718					
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 11	\$6,363	\$76,355					
44014	Fire Senior Prevention Officer	F3 - 12	\$6,681	\$80,173					
44015	Fire Prevention Lieutenant, Start	F4 - 1	\$4,395	\$52,742					
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 2	\$4,716	\$56,598					
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 3	\$4,952	\$59,426					
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 4	\$5,200	\$62,394					
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 5	\$5,460	\$65,519					
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 6	\$5,732	\$68,784					
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 7	\$6,020	\$72,245					
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 8	\$6,321	\$75,856					
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 9	\$6,637	\$79,639					
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 10	\$6,968	\$83,620					
44015	Fire Prevention Lieutenant	F4 - 11	\$7,317	\$87,801					

The number of years indicated beside the Rank indicate the minimum number of years that an officer must be in the Step prior to being eligible for the next Step in the Rank. If officers are not given a step pay increase in any fiscal year for budgetary reasons, when step pay increases are resumed in a subsequent fiscal year, it is expected that officers' pay will only increase one step (if they meet the eligibility requirements). Officers should not expect a double-step in order to make up for step increases not previously given for budgetary reasons in any fiscal year.

# How do Officers get “Steps”?

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- Officers receive Step increases in two ways:
  - **‘Within-Rank Step increases’**
    - Awarded as part of the budgetary process.
    - Within-Rank Step increases are either ‘yes’ or ‘no’ and the award of the Step does not vary based on performance. As long as officers meet the minimum standards for the position, they may receive a Within-Rank Step increase.
    - Generally, Steps are about a 5% more than the previous Step.
    - **Once officers “Top Out” (i.e. hit the top Step of their Rank), they are not eligible for any more Within-Rank Step increases.**
  - **‘Promotional Step increases’**
    - Awarded when officers promote to a new rank (Police Officer to Sr. Corporal, for example).
    - Officers’ pay is increased to the Step in the new rank that gives them at least a 4.5% pay increase.

# What does “Double Step” mean?

---

- Normally, Steps are awarded one at a time
  - An officer goes from Step 1 to Step 2 to Step 3, etc.
  - Generally, one Step increases base pay about 5%
  
- With a Double Step officers would get two steps
  - An officer would go from Step 1 to Step 3, Step 2 to Step 4, etc.
  - For most officers, a Double Step increases base pay about 10.25%

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# **SPECIAL PAY**

# What is “Special Pay”?

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- ❑ In addition to ‘Step’ Pay (often called ‘base pay’), officers are also eligible for a variety of “Special Pay” items
- ❑ Special Pay items include:
  - Up to \$3,600 per year - Education Incentive Pay
  - Up to \$6,000 per year - Certification Pay
  - Up to \$1,200 per year - Service Pay (also called Longevity Pay)
  - \$1,200 per year - Detective Assignment Pay
  - \$1,200 per year - Field Training Officer Pay
  - Up to \$1,800 per year - Patrol Duty Pay
  - 3.5% or 6.5% of pay - Police Shift Assignment Pay
  - Up to \$4,200 per year - Aircraft Rescue (ARFF) Pay
  - Up to \$4,800 per year - EMS Assignment Pay
  - \$2,100 per year - Arson Investigator Pay
  - Up to \$4,200 per year - HAZMAT Pay
  - Up to \$4,200 per year - Urban Search and Rescue Pay
- ❑ Special Pay items are a large component of officers’ pay
  - **Fire special pay averages \$7,656 per year**
  - **Police special pay averages \$8,966 per year**

*Complete list of Dallas’ Special Pay Items see appendix.*

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# **PAY COMPARISONS**



# Police Officer Pay (with Special Pays)

Uniformed Police Pay as of July 2016				
Position	Step	Average Base Pay	Average Special Pay	Average Total Pay
Police Officer	1	\$ 44,658	\$ 3,784	\$ 48,443
	2	\$ 46,869	\$ 5,216	\$ 52,085
	3	\$ 49,206	\$ 6,318	\$ 55,524
	4	\$ 51,688	\$ 7,101	\$ 58,789
	5	\$ 54,263	\$ 8,036	\$ 62,300
	6	\$ 56,971	\$ 9,309	\$ 66,280
	7	\$ 59,840	\$ 10,885	\$ 70,724
	8	\$ 62,812	\$ 10,662	\$ 73,474
	9	\$ 65,956	\$ 11,053	\$ 77,009
	10	\$ 69,259	\$ 11,378	\$ 80,637
	11	\$ 72,718	\$ 11,438	\$ 84,155
Police Sr. Corporal	2	\$ 48,371	\$ 3,733	\$ 52,105
	3	\$ 51,688	\$ 7,352	\$ 59,040
	4	\$ 54,263	\$ 7,884	\$ 62,147
	5	\$ 56,971	\$ 8,072	\$ 65,043
	6	\$ 59,840	\$ 8,916	\$ 68,756
	7	\$ 62,812	\$ 10,389	\$ 73,200
	8	\$ 65,956	\$ 10,468	\$ 76,424
	9	\$ 69,248	\$ 10,760	\$ 80,007
	10	\$ 72,718	\$ 11,111	\$ 83,829
	11	\$ 76,355	\$ 11,369	\$ 87,724
	12	\$ 80,172	\$ 11,087	\$ 91,259

Uniformed Police Pay as of July 2016				
Police Sergeant	3	\$ 59,426	\$ 8,598	\$ 68,023
	4	\$ 62,394	\$ 9,574	\$ 71,968
	5	\$ 65,519	\$ 9,251	\$ 74,770
	6	\$ 68,783	\$ 10,679	\$ 79,462
	7	\$ 72,245	\$ 10,927	\$ 83,171
	8	\$ 75,856	\$ 11,921	\$ 87,777
	9	\$ 79,639	\$ 12,561	\$ 92,200
	10	\$ 83,621	\$ 12,002	\$ 95,623
	11	\$ 87,802	\$ 11,160	\$ 98,962
	Police Lieutenant	5	\$ 71,779	\$ 13,255
6		\$ 75,365	\$ 10,818	\$ 86,183
7		\$ 79,123	\$ 13,750	\$ 92,873
8		\$ 83,078	\$ 13,220	\$ 96,298
9		\$ 87,230	\$ 12,490	\$ 99,720
10		\$ 91,591	\$ 11,617	\$ 103,208
11	\$ 96,170	\$ 11,804	\$ 107,974	

- This is average pay by Rank and Step in the Police Department
- It includes special pay but does not include overtime.
- The highlighted rows are the top Steps in each Rank.

# Fire Officer Pay (with Special Pays)

Uniformed Fire Pay as of July 2016					
Position	Step	Average Base Pay	Average Special Pay	Average Total Pay	
Fire Rescue/Prevention Officer	1	\$ 44,658	\$ 2,536	\$ 47,194	
	3	\$ 45,916	\$ 3,535	\$ 49,451	
	4	\$ 46,869	\$ 3,161	\$ 50,031	
	7	\$ 49,206	\$ 5,350	\$ 54,556	
	8	\$ 51,688	\$ 6,582	\$ 58,270	
	9	\$ 54,263	\$ 7,119	\$ 61,382	
	10	\$ 56,971	\$ 8,051	\$ 65,022	
	11	\$ 59,840	\$ 7,935	\$ 67,774	
	12	\$ 62,812	\$ 8,516	\$ 71,327	
	13	\$ 65,956	\$ 9,935	\$ 75,891	
	14	\$ 69,260	\$ 11,310	\$ 80,570	
	15	\$ 72,718	\$ 9,171	\$ 81,889	
Fire Driver Engineer	3	\$ 51,688	\$ 7,578	\$ 59,266	
	4	\$ 54,263	\$ 7,987	\$ 62,250	
	5	\$ 56,971	\$ 7,828	\$ 64,799	
	6	\$ 59,840	\$ 7,833	\$ 67,672	
	7	\$ 62,812	\$ 7,607	\$ 70,419	
	8	\$ 65,956	\$ 7,786	\$ 73,742	
	9	\$ 69,248	\$ 9,144	\$ 78,392	
	10	\$ 72,718	\$ 10,088	\$ 82,806	
	11	\$ 76,355	\$ 9,820	\$ 86,174	
		12	\$ 80,172	\$ 9,212	\$ 89,384

Uniformed Fire Pay as of July 2016				
Fire Lieutenant	4	\$ 62,394	\$ 7,855	\$ 70,250
	5	\$ 65,519	\$ 7,530	\$ 73,049
	6	\$ 68,783	\$ 7,165	\$ 75,948
	7	\$ 72,245	\$ 9,484	\$ 81,729
	8	\$ 75,856	\$ 10,218	\$ 86,074
	9	\$ 79,639	\$ 10,229	\$ 89,868
	10	\$ 83,620	\$ 9,608	\$ 93,228
	11	\$ 87,801	\$ 9,756	\$ 97,557
Fire Captain	6	\$ 75,365	\$ 8,189	\$ 83,555
	7	\$ 79,123	\$ 9,742	\$ 88,865
	8	\$ 83,078	\$ 11,195	\$ 94,272
	9	\$ 87,230	\$ 11,098	\$ 98,328
	10	\$ 91,591	\$ 10,140	\$ 101,731
	11	\$ 96,170	\$ 10,433	\$ 106,603
Fire Batt. Chief	7	\$ 86,812	\$ 14,568	\$ 101,380
	8	\$ 91,163	\$ 12,802	\$ 103,966
	9	\$ 95,729	\$ 9,024	\$ 104,753
	10	\$ 100,515	\$ 12,528	\$ 113,043
		11	\$ 105,541	\$ 11,383

- This is average pay by Rank and Step in the Fire Department
- It includes special pay but does not include overtime.
- The highlighted rows are the top Steps in each Rank.

# 2015 Actual Gross Pay by Rank & Step (Average)

2015 Actual Average Gross Pay by Rank & Step																
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>Fire</b>	Fire Rescue Officer	\$49,947			\$53,668			\$ 57,835	\$ 61,291	\$ 66,900	\$ 69,110	\$ 74,105	\$ 77,817	\$ 81,906	\$ 87,425	\$91,151
	Fire Driver/Engineer			\$64,427	\$68,363	\$70,790	\$ 75,317	\$ 78,237	\$ 80,735	\$ 85,842	\$ 92,311	\$ 95,614	\$ 98,327			
	Fire Lieutenant			\$74,369	\$76,672	\$78,834	\$ 84,528	\$ 88,322	\$ 92,487	\$ 97,373	\$105,522	\$107,901				
	Fire Captain					\$82,614	\$ 93,531	\$ 98,027	\$102,170	\$111,879	\$117,253	\$117,261				
	Fire Battalion Chief							\$111,079	\$119,371	\$131,121	\$129,300	\$134,081				
<b>Police</b>	Police Officer	\$52,312	\$55,815	\$59,154	\$61,511	\$66,026	\$ 70,472	\$ 73,566	\$ 80,510	\$ 82,720	\$ 83,133	\$ 93,311				
	Police Sr. Corporal			\$63,218	\$65,687	\$72,313	\$ 75,667	\$ 78,118	\$ 82,129	\$ 85,743	\$ 92,111	\$ 97,221	\$103,989			
	Police Sergeant		\$69,103	\$73,091	\$75,474	\$82,552	\$ 84,545	\$ 90,255	\$ 95,481	\$102,059	\$100,633	\$107,764				
	Police Lieutenant					\$88,868	\$ 90,269	\$ 96,194	\$100,934	\$101,650	\$112,113	\$117,142				
	Police Major/Captain						\$ 96,265		\$115,214	\$106,373	\$118,035	\$119,621				

- Above shows average 2015 W-2 gross wages for Police and Fire uniformed officers by Rank and Step

# 2015 Gross Wages, by Category for Topped-Out Officers

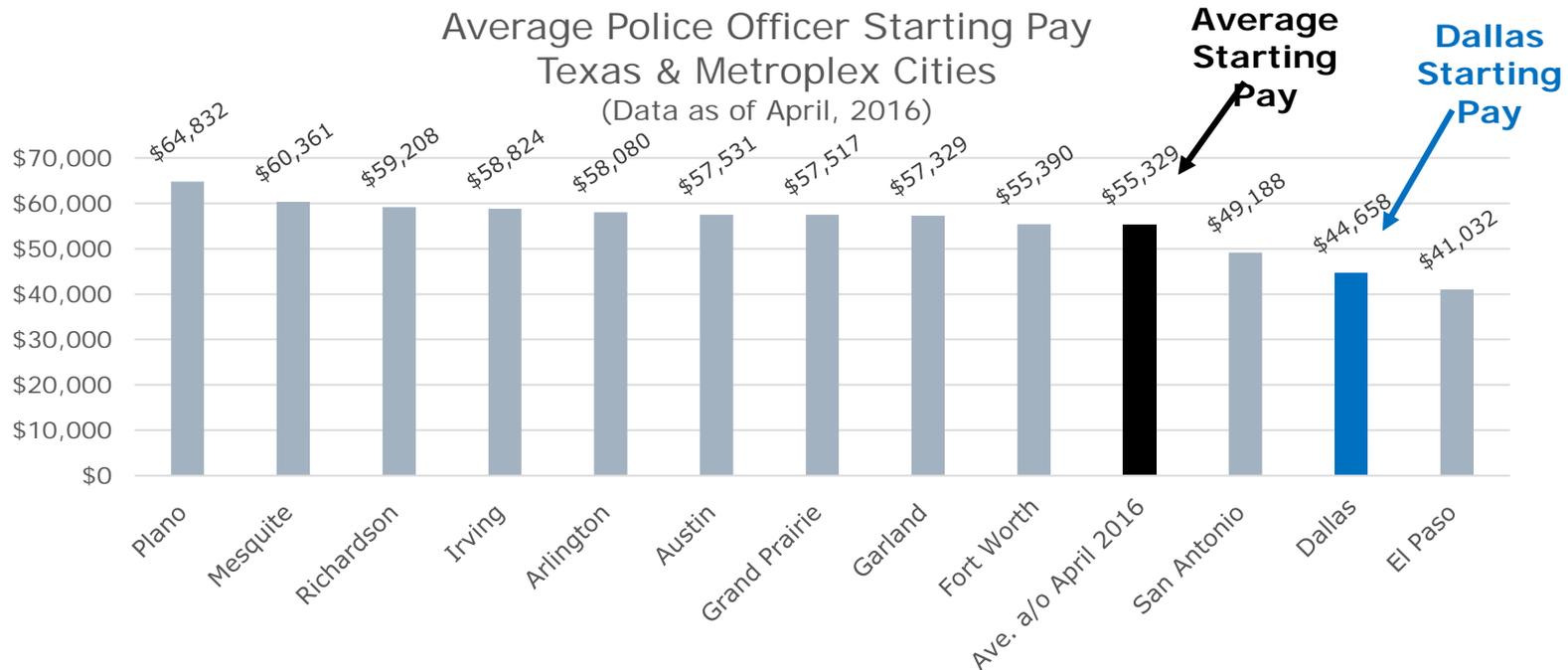
2015 W2 Wages - Topped Out Police & Fire Ranks													
Position	Less than \$80,000		\$80,000 to \$90,000		\$90,000 to \$100,000		\$100,000 to \$110,000		\$110,000 to \$125,000		More than \$125,000		Total
	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	
Fire Rescue/Prevention Officer	2	1.05%	92	48.17%	76	39.79%	17	8.90%	3	1.57%	1	0.52%	191
Fire Driver/Engineer	0	0.00%	13	8.61%	86	56.95%	36	23.84%	16	10.60%	0	0.00%	151
Fire Lieutenant	0	0.00%	2	2.63%	4	5.26%	39	51.32%	27	35.53%	4	5.26%	76
Fire Captain	0	0.00%	0	0.00%	0	0.00%	11	13.92%	52	65.82%	16	20.25%	79
Fire Battalion Chief	0	0.00%	0	0.00%	0	0.00%	0	0.00%	8	32.00%	17	68.00%	25
Police Officer	0	0.00%	121	59.90%	49	24.26%	13	6.44%	10	4.95%	9	4.46%	202
Police Sr. Corporal	0	0.00%	2	0.49%	201	48.91%	110	26.76%	63	15.33%	35	8.52%	411
Police Sergeant	1	0.48%	0	0.00%	22	10.48%	117	55.71%	62	29.52%	8	3.81%	210
Police Lieutenant	0	0.00%	0	0.00%	0	0.00%	3	6.25%	40	83.33%	5	10.42%	48
<b>All Ranks</b>	<b>3</b>	<b>0.22%</b>	<b>230</b>	<b>16.51%</b>	<b>438</b>	<b>31.44%</b>	<b>346</b>	<b>24.84%</b>	<b>281</b>	<b>20.17%</b>	<b>95</b>	<b>6.82%</b>	<b>1393</b>

- 52% of topped out uniformed Police and Fire officers made more than \$100,000 in 2015

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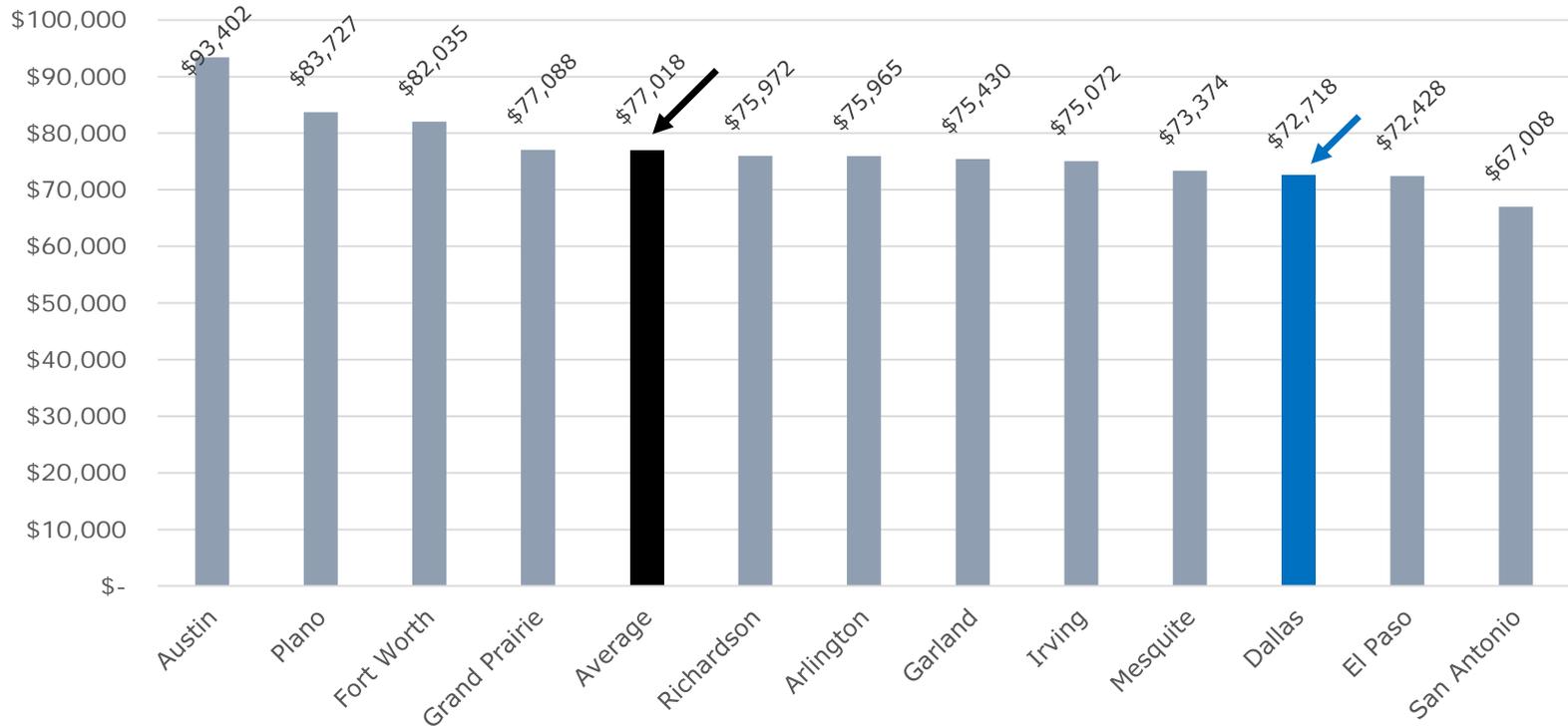
# **HOW DOES DALLAS' POLICE BASE PAY COMPARED TO OTHER CITIES?**

# Starting Pay – Police Officers



- Dallas' starting pay for Police Officers is significantly below the market average.
- Average special pay for bottom step officers is about \$3,800 which does little to improve the City's market position.

# Dallas Top Step Pay – Police Officer Rank



- Dallas' top base pay for Police Officers is \$4,300 (5.9%) below the market average.

# Dallas Special Pay

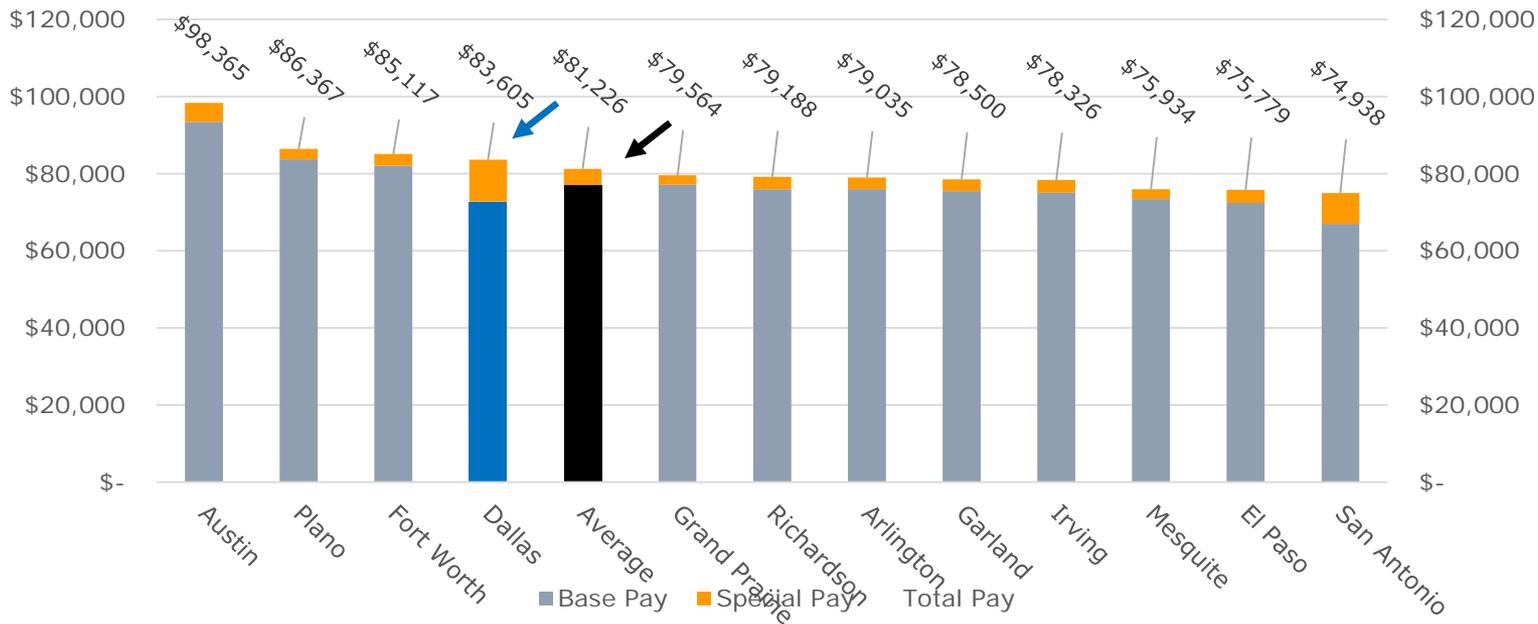
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- Dallas offers a number of special pay items including:
  - Education Incentive Pay
  - Certification Pay
  - Service Pay (also called Longevity Pay)
  - Detective Assignment Pay
  - Field Training Officer Pay
  - Patrol Duty Pay
  - Police Shift Assignment Pay
  - Aircraft Rescue (ARFF) Pay
  - EMS Assignment Pay
  - Arson Investigator Pay
  - HAZMAT Pay
  - Urban Search and Rescue Pay
- Dallas relies more heavily on special pay than most other cities (see appendix)
- When one compares Dallas' top pay Step including special pay, pay top pay is competitive

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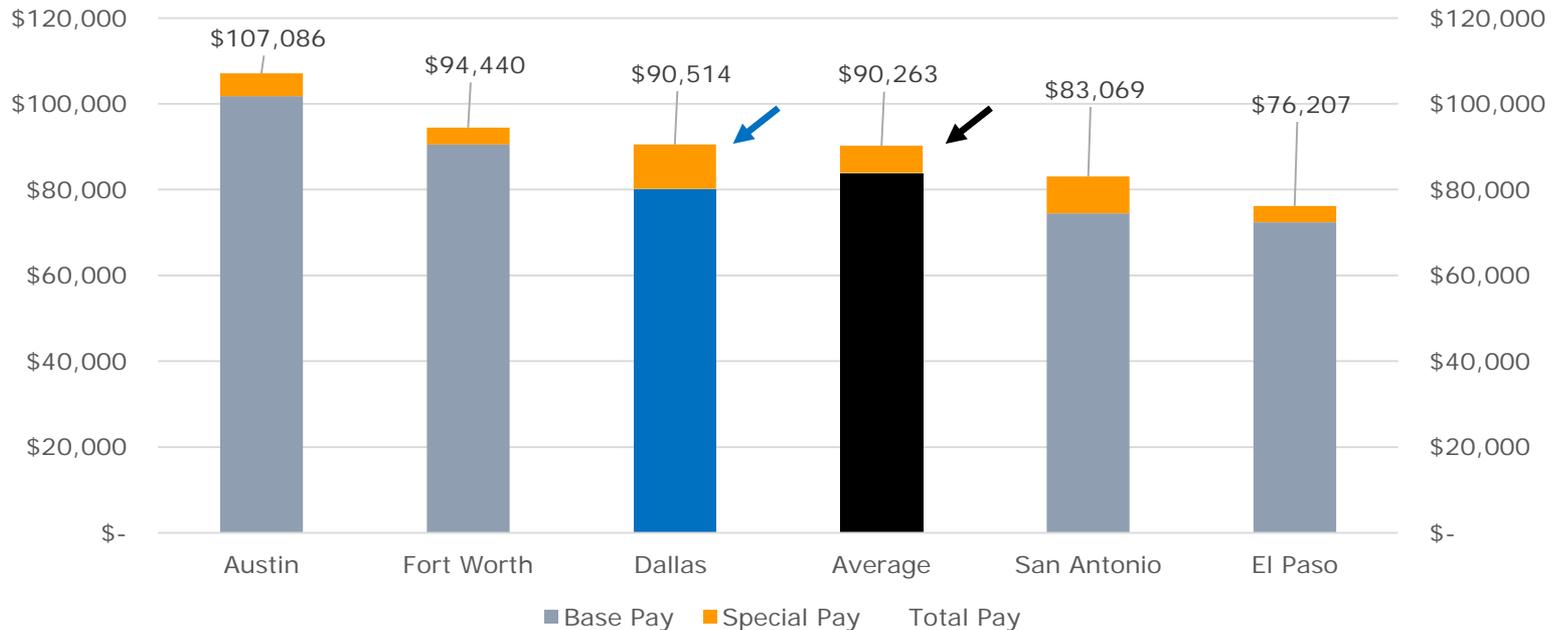
**DOES DALLAS' PAY LOOK  
BETTER WHEN COMBINING BASE  
PAY AND SPECIAL PAY**

# Top Pay – Police Officer Rank



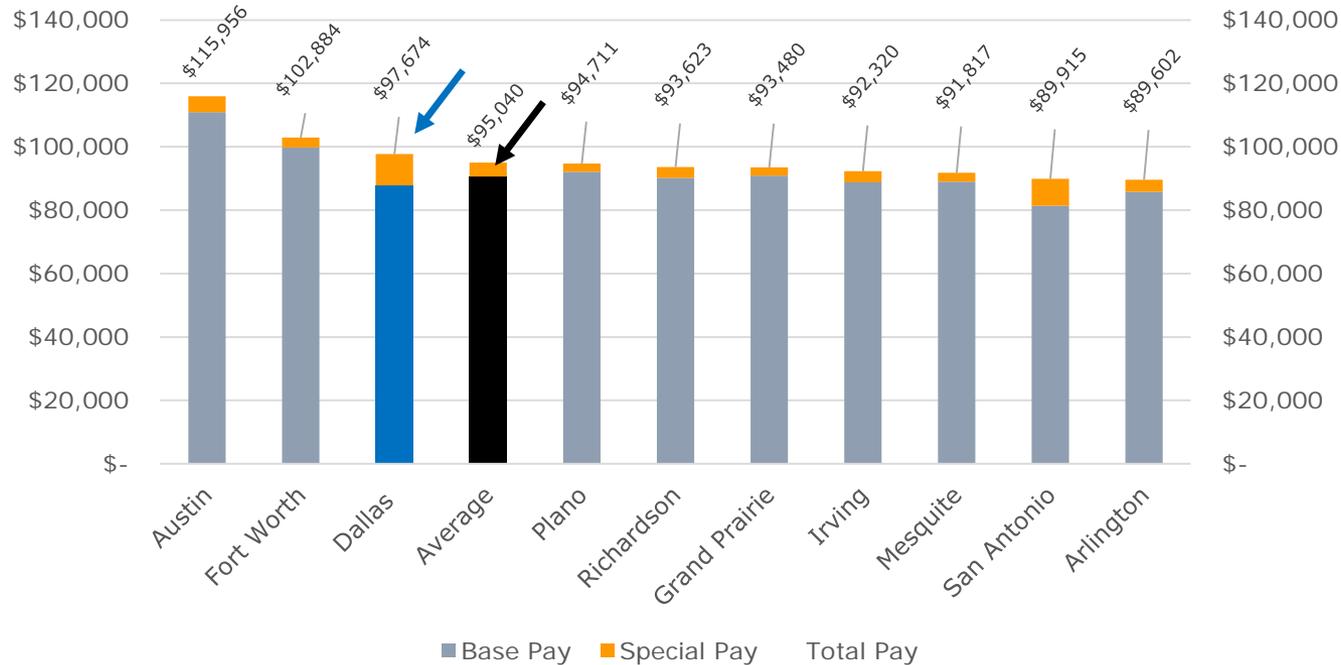
- 16% - Percent of Police Officers who are currently topped out
- 21% - Percent of Police Officers who will be topped out after a double step
- 28% - Percent of Police Officer who will be topped out with 2-1-2

# Top Pay – Senior Corporal Rank



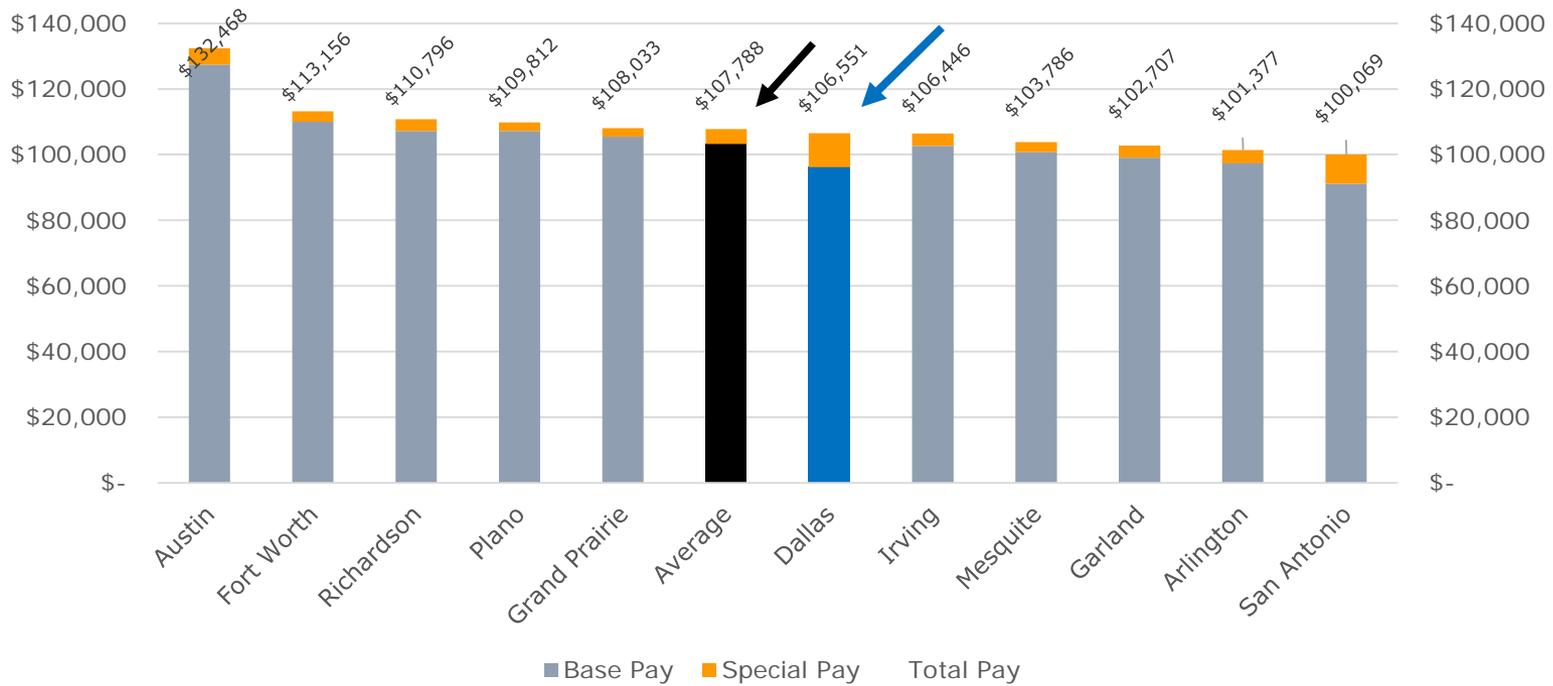
- 31% - Percent of Senior Corporals who are currently topped out
- 40% - Percent of Police Officers who will be topped out after a double step
- 61% - Percent of Police Officer who will top out with 2-1-2

# Top Pay – Police Sergeant Rank



- 47% - Percent of Sergeants who are currently topped out
- 62% - Percent of Sergeants who will be topped out after a double step
- 87% - Percent of Sergeants who will top out with 2-1-2

# Top Pay – Lieutenant Rank



- 58% - Percent of Sergeants who are currently topped out
- 72% - Percent of Sergeants who will be topped out after a double step
- 97% - Percent of Sergeants who will top out with 2-1-2

# Promotional Opportunities

- Dallas has more Senior Corporals (1432) than it does Police Officers (1376)
- Dallas has a greater percentage of Senior Corporals than other cities that submitted information
  - While not a comprehensive study, it indicates that there may be more promotional opportunities in Dallas
  - When comparing Senior Corporal pay in Dallas to Officer pay in other cities, Dallas' pay becomes even more attractive.

City	Rank	Count off Rank	% of Total	Average
Dallas	Police Officer	1376	40.82%	75.20%
San Antonio	Police Officer	1513	64.33%	
Fort Worth	Police Officer	1170	73.35%	
Arlington	Police Officer	512	81.40%	
Mesquite	Police Officer	188	83.93%	
Plano	Police Officer	303	84.40%	
Grand Prairie	Police Officer	231	86.52%	
Garland	Police Officer	291	86.87%	
Fort Worth	Senior Corporal	216	13.54%	26.50%
San Antonio	Senior Corporal	552	23.47%	
Dallas	Senior Corporal	1432	42.48%	
San Antonio	Sergeant	238	10.12%	11.58%
Fort Worth	Sergeants	162	10.16%	
Grand Prairie	Sergeants	28	10.49%	
Plano	Sergeants	38	10.58%	
Garland	Sergeants	36	10.75%	
Mesquite	Sergeants	27	12.05%	
Dallas	Sergeants	477	14.15%	
Arlington	Sergeants	90	14.31%	
San Antonio	Lieutenants	49	2.08%	3.26%
Dallas	Lieutenants	86	2.55%	
Fort Worth	Lieutenants	47	2.95%	
Grand Prairie	Lieutenants	8	3.00%	
Plano	Lieutenants	14	3.90%	
Mesquite	Lieutenants	9	4.02%	
Arlington	Lieutenants	27	4.29%	

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# **PENSION CONTRIBUTIONS**

# City and Employee Contributions

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- ❑ The City contributes 27.5% of **all** uniformed pay to the Police and Fire Pension Fund
  - ❑ Employees contribute 8.5% of “computation pay”
    - “Computation pay” is what the pension system uses to COMPUTE the employees’ pension. It is comprised of three pay elements:
      - ❑ Base Pay
      - ❑ Education Incentive Pay (Special Pay)
      - ❑ Service Pay (Special Pay)
    - Because the pay does not count towards their pension, employees do not make pension contributions for any other pay such as overtime, certification pay, paramedic pay, etc.
  - ❑ Dallas’ contribution to Police and Fire Pension is more than other cities (see appendix)
-

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# DROP

# What is DROP

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- Deferred Retirement Option Plan
- DROP allows an employee to 'retire' but continue to work
  - The employee stops accruing pension benefits and their base pension is established at the time he or she enters into DROP
  - Rather than the employee receiving the retirement payments directly, they are contributed to an account on the employee's behalf

# What is DROP

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- ❑ Joe enters DROP at 50 years old
- ❑ He has 25 years of service and has an average computation pay of \$75,525 over the past three years
  - His base pension will be 75% (25 years of service x 3% per year) of \$75,525, or \$56,644.
- ❑ Rather than receiving the \$56,644, it is deferred to an account in his name at the pension system.
- ❑ It is his money; however, he cannot make withdrawals until he actually leaves City employment.
- ❑ Joe continues working at the City.
- ❑ 76% of topped-out uniformed officers are in DROP

# DROP Example

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- ❑ Joe retired on 10/1/2009
- ❑ His base pension was established at \$56,644.
- ❑ He has received an increase of 4% of the base pension (\$2,266 each year) on his base pension
- ❑ He has received guaranteed rates of return on his DROP account
- ❑ He started earning a benefits supplement at 55 with is deposited in his DROP account
- ❑ In the 7 years since he entered DROP, he has receive over \$600,000 in deposits to his DROP account

# DROP Example

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Start	End	Base	COLA	Benefit Supplement	Total Deposit	Interest Posted	Interest Rate	Total DROP Payment, Interest and Benefit Sup.
10/1/2009	9/30/2010	\$56,644.20	\$2,265.72	\$0.00	\$58,909.92	\$2,523.56	9.50%	\$61,433.48
10/1/2010	9/30/2011	\$56,644.20	\$4,531.44	\$0.00	\$61,175.64	\$8,235.33	9.25%	\$69,410.97
10/1/2011	9/30/2012	\$56,644.20	\$6,797.16	\$0.00	\$63,441.36	\$12,768.02	8.00%	\$76,209.38
10/1/2012	9/30/2013	\$56,644.20	\$9,062.88	\$0.00	\$65,707.08	\$18,928.46	8.00%	\$84,635.54
10/1/2013	9/30/2014	\$56,644.20	\$11,328.60	\$0.00	\$67,972.80	\$28,304.69	8.78%	\$96,277.49
10/1/2014	9/30/2015	\$56,644.20	\$13,594.32	\$2,107.16	\$72,345.68	\$33,653.76	8.00%	\$105,999.44
10/1/2015	9/30/2016	\$56,644.20	\$15,860.04	\$2,107.16	\$74,611.40	\$36,965.90	7.00%	\$111,577.30
								<b>\$605,543.60</b>

- During this DROP time, Joe continued working at the City.

# Summary about Top Pay for Police Officer Ranks

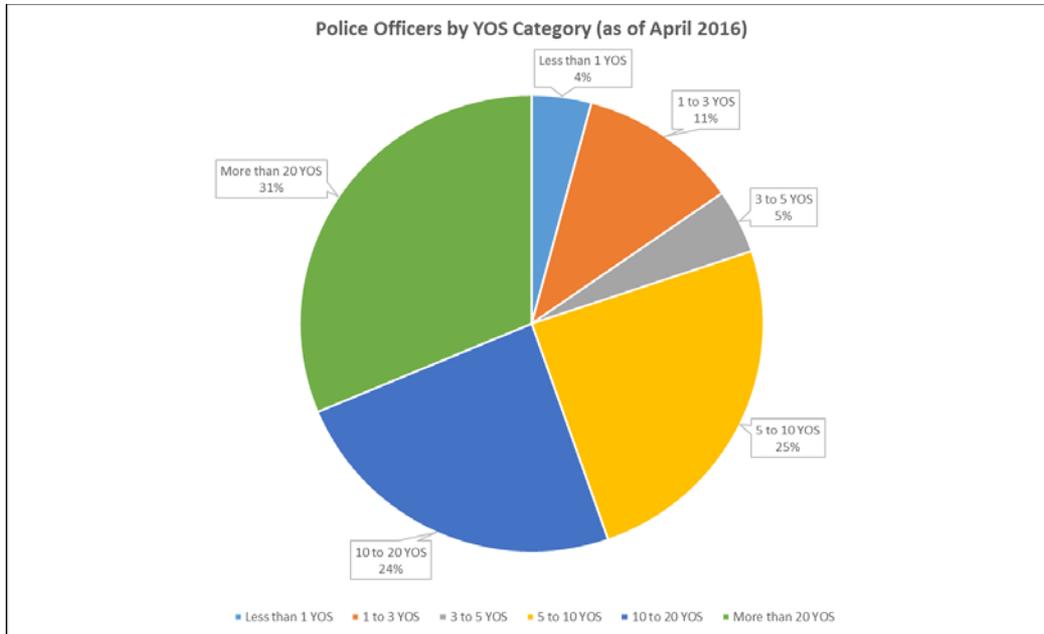
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- While Dallas' top pay is not at the top of the market, it is very competitive
  - The Lieutenant rank is the only rank below the market average and, even it is only about 1.1% below market average.
- Dallas' pension contributions are already significantly higher than other cities and requests to increase the contributions to even higher levels are expected
- Dallas appears to have more promotional opportunities than most other departments

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# **ATTRITION INFORMATION**

# Police Officers by Years of Service Category

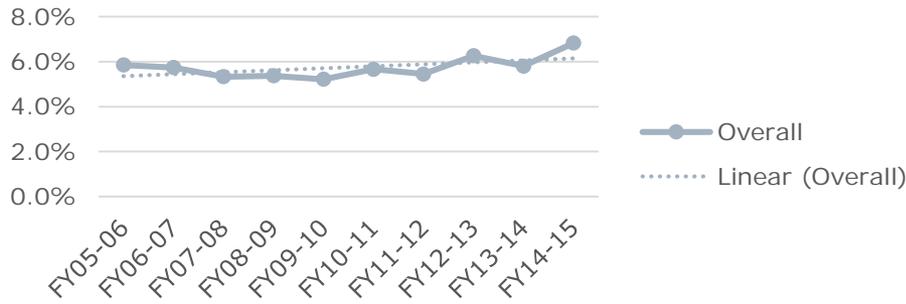


- 55% of Uniformed Police have more than 10 years of service
- 25% have between 5 and 10 years of service
  - 860 officers are in the 5 to 10 years of service category
- 20% have less than 5 years of service

YOS Category	Count	% of Force
Less than 1 YOS	144	4.2%
1 to 3 YOS	388	11.2%
3 to 5 YOS	157	4.5%
5 to 10 YOS	860	24.8%
10 to 20 YOS	834	24.0%
More than 20 YOS	1086	31.3%
<b>Total</b>	<b>3469</b>	<b>100.0%</b>

# Attrition

% of Police Force Leaving Each Year  
FY05-06 through FY14-15



- While there was an increase in the 5 to 10 YOS category leaving in FY14-15, they represented 7.6% of that population.

Fiscal Year	%
FY05-06	5.9%
FY06-07	5.7%
FY07-08	5.3%
FY08-09	5.4%
FY09-10	5.2%
FY10-11	5.7%
FY11-12	5.5%
FY12-13	6.3%
FY13-14	5.8%
FY14-15	6.8%
<b>Overall Average</b>	<b>5.8%</b>

Fiscal Year	Overall						Total
	Less than 1 YOS	1 to 3 YOS	3 to 5 YOS	5 to 10 YOS	10 to 20 YOS	20 + YOS	
FY05-06	42	17	12	16	11	76	174
FY06-07	59	14	3	14	15	71	176
FY07-08	75	17	4	9	7	61	173
FY08-09	64	17	9	10	12	74	186
FY09-10	59	26	17	10	8	71	191
FY10-11	34	27	13	14	9	106	203
FY11-12	13	15	31	26	11	92	188
FY12-13	32	11	26	29	10	107	215
FY13-14	48	10	18	26	14	88	204
FY14-15	40	21	7	65	11	97	241
FY15-16YTD *	27	24	10	40	8	69	178
<b>Grand Total</b>	<b>493</b>	<b>199</b>	<b>150</b>	<b>259</b>	<b>116</b>	<b>912</b>	<b>2129</b>

\* Thru June, 2016 (75% of FY)

# Why Officers Left (last fiscal year)

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1. Retirement - Of the 241 officers who left, 43.6% retired
2. Personal Reasons - Of the 241 officers who left, 27.4% made a career change or transferred out of the area
3. Other public safety or U.S. Government position – Of the 241 officers who left, 19.1% took another public safety or US Government position
  - This is an uptick – in prior years, it was more in the 8% to 10% range
  - 31 officers (about 3.6%) in the 5 to 10 years of service range left for another public safety position

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# **MEET & CONFER**

# Proposals

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- ❑ City staff has met with Police and Fire Meet & Confer representatives over the last several months
  - Strategies, priorities and proposals were discussed by both sides
- ❑ The City's last offer during Meet & Confer discussions was a three year agreement:

Year 1	Year 2	Year 3
<ul style="list-style-type: none"><li>• Double Steps</li><li>• Increase Patrol Pay by \$2M</li><li>• Increase City's Pension contribution by \$4.5M</li></ul>	Single Step	Double Step

- ❑ Meet & Confer representatives expressed concerns that the City's proposal did not provide pay increases for all topped-out officers.

# Proposals

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- Discussions were on-going when Association Presidents (not the Meet & Confer negotiation team) publicly advocated for a “5-5-5” agreement, which means:
  - 5% across-the-board pay increase each year
  - Pay Step increase each year

# Proposals

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- There is strong agreement that starting pay needs to be more competitive
- There is also agreement that pay for early career officers also needs to be addressed
  - Concerns have been raised about Dallas losing officers to other law enforcement agencies
    - Near record low police applicant pools nationwide for policing jobs has other agencies actively recruiting younger officers
    - Dallas' low starting pay and slower pay progression makes us vulnerable to losing these younger officers
    - Data indicates that there has been a uptick in the number of officers with 5 to 10 years of service leaving for other law enforcement opportunities

# Proposals

- Under the **Step** component of the City's proposal:
  - 52.6% of officers would get at least a 27.6% increase in pay over the three years of the agreement
  - 5.4% would get a 21.6% increase in pay
  - 4.3% would get a 10.3% increase in pay
  - 4.6% would receive a 5% increase in pay
  - 28% would receive no increase in pay

Rank	% Increase over 3 Year Agreement (Steps Only)																Total Count
	0.0%		5.0%		10.3%		15.8%		21.60%		27.60%		29.9%		30.3%		
	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	
Fire Rescue Officer	195	18.6%	33	3.2%	35	3.3%	41	3.9%	20	1.9%	705	67.3%		0.0%	18	1.7%	1047
Fire Driver	161	35.2%	27	5.9%	22	4.8%	37	8.1%	29	6.3%	182	39.7%		0.0%		0.0%	458
Fire Lieutenant	81	40.7%	12	6.0%	24	12.1%	24	12.1%	25	12.6%	33	16.6%		0.0%		0.0%	199
Fire Captain	81	57.0%	8	5.6%	13	9.2%	15	10.6%	16	11.3%	9	6.3%		0.0%		0.0%	142
Fire Battalion Chief	27	71.1%	3	7.9%	1	2.6%	6	15.8%	1	2.6%	0	0.0%		0.0%		0.0%	38
Police Officer	213	15.5%	29	2.1%	42	3.1%	27	2.0%	28	2.0%	1037	75.4%		0.0%		0.0%	1376
Police Senior Corporal	439	30.7%	79	5.5%	51	3.6%	83	5.8%	118	8.2%	661	46.2%	1	0.1%		0.0%	1432
Police Sergeant	224	47.0%	44	9.2%	30	6.3%	29	6.1%	44	9.2%	106	22.2%		0.0%		0.0%	477
Police Lieutenant	50	58.1%	5	5.8%	7	8.1%	5	5.8%	5	5.8%	14	16.3%		0.0%		0.0%	86
<b>Grand Total</b>	<b>1471</b>	<b>28.0%</b>	<b>240</b>	<b>4.6%</b>	<b>225</b>	<b>4.3%</b>	<b>267</b>	<b>5.1%</b>	<b>286</b>	<b>5.4%</b>	<b>2747</b>	<b>52.3%</b>	<b>1</b>	<b>0.0%</b>	<b>18</b>	<b>0.3%</b>	<b>5255</b>

28% of Uniformed Police & Fire would not get any pay increase from Steps.

# Proposals

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- With a \$200/month increase to Patrol Duty pay, :
  - Only the Police Officer rank gets Patrol Duty Pay
  - 191 of topped-out Police Officers (Police Officer Rank only), who get no increase with steps, would receive a 3.3% pay increase on October 1, 2016.
  - Pay for some younger officers would increase another 3.3% to as much as another 5%, depending on their current starting pay
  - Even with the Patrol Duty pay, 24% of topped-out Police Officers and Fire Fighters would receive no additional pay during the term of this agreement.
- The rationale for this proposal was to address these priorities
  1. Improve starting and early career pay
  2. Increase sworn police strength
  3. Incent officers to stay in patrol
  4. Begin to address pension challenges
  5. Prepare for other Police and Fire compensation challenges such as the pay referendum lawsuit
  6. Address top pay

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**COSTS FOR VARIOUS  
PROPOSALS OUTLINED ON  
THE FOLLOWING SLIDES**

# Proposal Costs

Original Coalition Proposal					July 25th Coalition Proposal				
	Year 1	Year 2	Year 3			Year 1	Year 2	Year 3	
	Double Step	Single Step	Double Step			Double Step	Double Step	Double Step	
	Add 5% Top Step		Add 5% Top Step			Add 5% Top Step	Add Vac Time		
Cost	FY16-17	FY17-18	FY18-19		Cost	FY16-17	FY17-18	FY18-19	
Total Full Year Cost	\$ 36,698,504	\$ 13,064,019	\$ 33,548,721	\$ 83,311,244	Total Full Year Costs	\$ 36,698,504	\$ 29,614,970	\$ 29,894,990	\$ 96,208,464
Total First Year Cost	\$ 18,349,252	\$ 6,532,010	\$ 16,774,360		Total First Year Costs	\$ 18,349,252	\$ 14,807,485	\$ 14,947,495	
Prior Year Costs	N/A	\$ 18,349,252	\$ 6,532,010		Prior Year Costs	N/A	\$ 18,349,252	\$ 14,807,485	
<b>Total Costs for Fiscal Year</b>	<b>\$ 18,349,252</b>	<b>\$ 24,881,262</b>	<b>\$ 23,306,370</b>		<b>Total Costs for Fiscal Year</b>	<b>\$ 18,349,252</b>	<b>\$ 33,156,737</b>	<b>\$ 29,754,980</b>	
	July 22nd Coalition Proposal					Public Coalition Proposal			
	Year 1	Year 2	Year 3			Year 1	Year 2	Year 3	
	Double Step	Double Step	Double Step			Single Step	Single Step	Single Step	
	Add 5% Top Step	Add 5% Top Step	Add 5% Top Step			5% ATB	5% ATB	5% ATB	
Cost	FY16-17	FY17-18	FY18-19		Cost	FY16-17	FY17-18	FY18-19	
Total Full Year Costs	\$ 36,698,504	\$ 39,351,250	\$ 41,318,582	\$ 117,368,336	Total Full Year Cost	\$ 38,174,393	\$ 40,153,692	\$ 42,335,452	\$ 120,663,537
Total First Year Costs	\$ 18,349,252	\$ 19,675,625	\$ 20,659,291		Total First Year Costs	\$ 30,183,554	\$ 32,102,622	\$ 34,170,739	
Prior Year Costs	N/A	\$ 18,349,252	\$ 19,675,625		Prior Year Costs		\$ 7,990,839	\$ 8,051,070	
<b>Total Costs for Fiscal Year</b>	<b>\$ 18,349,252</b>	<b>\$ 38,024,877</b>	<b>\$ 40,334,916</b>		<b>Total Costs for Fiscal Year</b>	<b>\$ 30,183,554</b>	<b>\$ 40,093,461</b>	<b>\$ 42,221,809</b>	
	City Manager's Proposal								
	Year 1	Year 2	Year 3			Year 1	Year 2	Year 3	
	Double Steps	Single Step	Double Step						
	Increase Patrol Pay								
	Increase Pension								
Cost	FY16-17	FY17-18	FY18-19						
Total Full Year Cost	\$ 35,067,317	\$ 13,064,019	\$ 24,804,587	\$ 72,935,923					
Total First Year Cost	\$ 20,683,659	\$ 6,532,009	\$ 12,402,294						
Prior Year Costs	N/A	\$ 14,383,659	\$ 6,532,009						
<b>Total Costs for Fiscal Year</b>	<b>\$ 20,683,659</b>	<b>\$ 20,915,668</b>	<b>\$ 18,934,303</b>						

\* Does not include cost of additional vacation leave.

# Next Steps

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- Conversations will continue to try and reach agreement

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# APPENDIX

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# **CITY OF DALLAS SPECIAL PAY SCHEDULES**

# Dallas Police Department Special Pays

**Certification Pay (applicable to all ranks)**

Rate: TCLEOSE Intermediate Certification: \$200 per month  
TCLEOSE Master Certification: \$500 per month

Note: Certification requirements and TCLEOSE verification must be completed by 9/30/13 in order to receive payment

**Detective Assignment Pay (applicable to Police Senior Corporal)**

Rate: \$100 per month for assignment to investigative duties as a Detective

**Educational Incentive Pay (applicable to all ranks)**

	Pay Rate					
	0 - 45 hours	45 - 90 hours	90 - 105 hours	105 hours or more	Max w/o Bachelors	Bachelors Degree
Effective April 1, 2013	0	Every additional 3 hours credit - \$12 per month	Every additional 3 hours credit - \$12 per month	0	\$240 per month	\$300 per month

**Field Training Officer Pay (applicable to Police Senior Corporal)**

Rate: \$100 per month for assignment as Field Training Officer

**Narcotics Hazardous Material Interdiction Team**

Applicable to selected positions in Narcotics Division (Clandestine Lab Squad) as determined by the Police Chief and approved by the Director of Human Resources.

Rate: Ranks of Sergeant and below: \$100/month

**Patrol Duty Pay (applicable to ranks of Police Officer and Police Corporal)**

Paid for assignment to a Patrol, Traffic, Special Operations Divisions and Gang Unit according to the following schedule:

- 6 Years Service \$100 per month
- 8 Years Service \$125 per month
- 10 Years Service \$150 per month

**Retention Incentive (applicable to all ranks)**

Rate: \$5,000 lump sum.  
Must have completed 5 continuous years of service as a uniformed employee after 9/30/06 based on adjusted date of appointment as uniformed employee, excluding any breaks in service due to disciplinary action, reappointment, or reinstatement.

**Retention Incentive (applicable to all ranks)**

Rate: \$3,000 lump sum.  
Must have completed 10 continuous years of service as a uniformed employee after 9/30/07 based on adjusted date of appointment as uniformed employee, excluding any breaks in service due to disciplinary action, reappointment, or reinstatement.

**Service Pay (applicable to all ranks)** - Article 1269q, V.T.C.S.

Rate: \$4 per month for each year of service completed  
Maximum: \$100 per month for 25 years of service

**Shift Assignment Pay**

Rate: 3.5% for uniformed Police  
**First Watch Assignment Pay (applicable to all ranks)**  
Rate: 6.5% for First Watch from 12:00 midnight to 8:00am

# Dallas Fire Rescue Special Pays

**Service Pay (applicable to all ranks)** - Article 1269q, V.T.C.S.

Rate: \$4 per month for each year completed

Maximum \$100 per month for 25 years of service

**Educational Incentive Pay (applicable to all ranks)**

	Pay Rate					
	0 - 45 hours	45 - 90 hours	90 - 105 hours	105 hours or more	Max w/o Bachelors	Bachelors Degree
Effective April 1, 2013	0	Every additional 3 hours credit - \$12 per month	Every additional 3 hours credit - \$12 per month	0	\$240 per month	\$300 per month

**Certification & Assignment Pay:** Employees may only receive two (2) certification or assignment pays at one time. Employee may select the two certification/assignment pays to be received.

**Aircraft Rescue (ARFF)** - applicable only when assigned to stations designated by Fire Chief  
Lieutenant and below: \$150 per month                      Captain and above: \$350 per month

**Arson Investigator** - applicable only when assigned as Arson Investigator by Fire Chief; \$175 per month

**EMS Assignment Pay**

Applicable to non-supervisory, EMS Lieutenant and Captain rank; and Battalion Chief assigned to EMS.  
Paid for ambulance assignment as follows:

Initial Certification - 4 Years	\$200 per month	8 Years & 1 Day - 11 Years	\$300 per month
4 Years & 1 Day - 6 Years	\$250 per month	11 Years & 1 Day - 14 Years	\$350 per month
6 Years & 1 Day - 8 Years	\$275 per month	14 Years & 1 Day +	\$400 per month

**Firefighter/Fire Inspector Certification** - applicable to employees of all ranks who meet certification requirements

(Eligible employees may receive certification pay for either Firefighter or Fire Inspector, but not both)

Intermediate: \$175 per Month                      Advanced: \$250 per Month                      Master: \$500 per Month

**Fire Instructor** - applicable only when assigned as Fire Instructor by Fire Chief; \$175 per month

**Hazardous Material Response Team (HAZMAT)**: applicable only when assigned to stations designated by Fire Chief

Lieutenant and below: \$150 per month                      Captain and above: \$350 per month

**Paramedic Certification** - applicable to selected positions in the Fire Rescue Department as determined by the Fire Chief and approved by the Director of Human Resources.

(Certification pay is included in assignment pay for regular paramedic assignments.)

Rate: \$75 per month

**Swift Water Rescue (SWR)** - applicable only when assigned to stations designated by Fire Chief

Lieutenant and below: \$150 per month                      Captain and above: \$350 per month

**Urban Search and Rescue (USAR)** - applicable only when assigned to stations designated by Fire Chief

Lieutenant and below: \$150 per month                      Captain and above: \$350 per month

# Education & Certification Pay

Education & Certification Pay (annual dollars)											
City	Intermediate Certification	Advanced Certification	Master Certification	Associate's Degree	Bachelor's Degree	Master's Degree	30 Hours Credit	60 Hours Credit	90 Hours Credit	Comb. Allowed	Max Annual Pay
Arlington	Does not pay for the 3 TCOLE certifications			\$ 600	\$ 1,320	\$ 1,320	\$ 300	\$ 600	\$ 900	N	\$ 1,320
Austin	\$ 600	\$ 1,200	\$ 1,800	\$ 1,200	\$ 2,640	\$ 3,600	\$ -	\$ -	\$ -	N	\$ 3,600
<b>Dallas</b>	<b>\$ 2,400</b>	<b>\$ 2,400</b>	<b>\$ 6,000</b>	<b>\$ 720</b>	<b>\$ 3,600</b>	<b>\$ 3,600</b>	<b>\$ -</b>	<b>\$ 720</b>	<b>\$ 2,160</b>	<b>Y</b>	<b>\$ 9,600</b>
El Paso	\$ 660	\$ 1,260	\$ 1,260	\$ 540	\$ 1,800	\$ 2,100	\$ -	\$ -	\$ -	Y	\$ 3,360
Fort Worth	\$ 360	\$ 720	\$ 1,440	\$ 720	\$ 1,440	\$ 1,440	\$ -	\$ 720	\$ -	N	\$ 1,440
Garland	\$ -	\$ 900	\$ 1,140	\$ -	\$ 1,500	\$ 1,800	\$ -	\$ -	\$ -	Y	\$ 2,940
Grand Prairie	\$ 480	\$ 960	\$ -	\$ 600	\$ 1,200	\$ -	\$ -	\$ -	\$ -	N	\$ 1,200
Irving	\$ 360	\$ 720	\$ 1,080	\$ 600	\$ 1,500	\$ 1,800	\$ -	\$ 720	\$ 720	Y	\$ 2,880
Mesquite	\$ 432	\$ 864	\$ 360	\$ 864	\$ 1,440	\$ 1,440	\$ -	\$ 288	\$ 864	Y	\$ 1,800
Plano	\$ 720	\$ 960	\$ 1,440	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	N	\$ 1,440
Richardson	\$ 600	\$ 900	\$ 1,200	\$ 600	\$ 1,200	\$ 1,500	\$ -	\$ -	\$ -	Y	\$ 2,700
San Antonio	\$ 1,920	\$ 2,400	\$ 2,880	\$ 2,580	\$ 3,780	\$ 4,020	\$ -	\$ 720	\$ 1,080	Y	\$ 6,900
<b>#Cities Offerings</b>	<b>10</b>	<b>11</b>	<b>10</b>	<b>11</b>	<b>11</b>	<b>10</b>	<b>1</b>	<b>6</b>	<b>5</b>		

- Dallas' TCOLE certification pay is the highest of all cities.
- Dallas' Education pay (for a Bachelors' degree) is second highest
- Dallas' total allowed Certification & Education Pay is the highest

# Other Special Pay Items

City	Field Training Officer	Investigator	Bomb Squad	Patrol Duty	Motorcycle Assignment	Hazardous Duty	Bilingual Pay	Canine	Helicopter	Dive/Swat Team	Hostage Negotiation	Uniformed Clothing Allowance* (annual)	Plain Clothes Allowance* (annual)
Arlington	\$3,612	\$600	\$ -	\$ -	\$2,916	\$ -	\$600	\$ -	\$ -	\$ -	\$ -	\$ -	\$300
Austin	\$2,100	\$ -	\$ -	\$ -	\$ -	\$ -	\$2,100	\$ -	\$ -	\$ -	\$ -	\$ -	\$500
<b>Dallas</b>	<b>\$1,200</b>	<b>\$1,200</b>	<b>\$ -</b>	<b>\$1,800</b>	<b>\$ -</b>	<b>\$1,200</b>	<b>\$1,800</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
El Paso	\$2,520	\$ -	\$ -	\$ -	\$2,604	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$475
Fort Worth	\$7,248	\$ -	\$1,200	\$ -	\$ -	\$ -	\$1,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$325
Garland	\$1,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$1,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$400
Grand Prairie	\$1,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$1,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$660
Irving	\$2,256	\$ -	\$ -	\$ -	\$ -	\$ -	\$1,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$1,200
Mesquite	\$4,164	\$ -	\$ -	\$ -	\$ -	\$ -	\$1,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$480
Plano	\$3,948	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$500
Richardson	\$7,068	\$ -	\$ -	\$ -	\$ -	\$ -	\$1,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$550
San Antonio	\$2,640	\$ -	\$1,884	\$ -	\$ -	\$ -	\$600	\$1,884	\$1,884	\$1,884	\$1,884	\$1,440	\$1,440
<b>#Cities Offerings</b>	<b>12</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>11</b>
<b>*Notes:</b>													
<b>Fort Worth:</b>	Field Training Officer based on 10 years; Bilingual Pay - \$100/mo speaking only; \$125/month speaking/reading/writing. Other assignment pays: Weapons Range Officer - \$120/mo, Community Relations Officer - \$120/mo, Cpt-Field Ops Command - 10% of base salary.												
<b>Dallas:</b>	Patrol Duty: 6 years \$100/mo, 8 years \$125/mo, 10 years \$150/mo. Retention incentive of \$5000 at 5 years and \$3000 at 10 years.												
<b>Plano:</b>	Clothing Allowance ranges from \$250 to \$500, depending in assignment												
<b>Clothing Allowance:</b>	Fort Worth and San Antonio provide a clothing allowance to all officers; all other cities except Dallas only provide it to plain clothes employees.												

- Dallas' FTO Pay is the lowest. In Dallas, Senior Corporals do the field training
- Dallas and Arlington are the only two cities with Patrol Duty and Detective (or Investigator) Pay

# Notes for City Pay Comparison Analysis

- ❑ This analysis is ONLY for topped-out officers.
- ❑ To calculate top pay across cities for each rank, the following was done:
  1. Officers were assigned each City's top base pay
  2. Officers who receive special pay in Dallas were assigned the corresponding special pay for each City.
  3. Shift pay was not included in the analysis (eliminated from Dallas officer's pay)
- ❑ Example

City	Position	Annual Base Pay	Education Pay	TCOLE	Education & Cert Limit	Detective	FTO	Language	Patrol	Service	Hazardous Duty	Other (Clothing, etc.)	Current Annual Pay with Special Pay (No Shift Pay)
Dallas	Police Officer	\$ 72,718	\$ 3,600	\$6,000	\$ -				\$1,800	\$1,200			\$ 84,983
Fort Worth		\$ 82,035	\$ 1,440	\$1,440	\$ 1,440					\$1,200		\$ 325	\$ 85,000
Arlington		\$ 75,965	\$ 1,320		\$ 1,320					\$2,246			\$ 79,531
Austin		\$ 93,402	\$ 2,640	\$1,800	\$ 3,600					\$1,200			\$ 98,202
El Paso		\$ 72,428	\$ 1,800	\$1,260	\$ -					\$1,200			\$ 76,688
Garland		\$ 75,430	\$ 1,500	\$1,140	\$ 2,640					\$1,200			\$ 79,270
Grand Prairie		\$ 77,088	\$ 1,200	\$ 960	\$ 1,200					\$1,200			\$ 79,488

# Police & Fire Pension Contributions

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- The City is estimated to contribution \$118M to the Dallas Police and Fire Pension Fund this fiscal year
  - It is estimated to increase to \$125M next fiscal year
- Proposed Departmental budgets for FY16-17:

Department	Total Proposed Budget
Mobility & Street Services (including street lighting)	\$101M
Aviation	\$99.2M
Sanitation	\$95.9M
Park & Rec	\$94.7M
Convention Center	\$92.6M
Code Enforcement	\$41.2M
Libraries	\$30M

# Police & Fire Pension Contributions

Police & Fire Pension Contributions*							
City	City Pension Contribution	Police Officer Contributions	Fire Fighter Contributions	What Dallas would contribute if at reference City's contribution		How much the City would have if contributing at the reference City's rate	
				Overall***	Per Employee	Overall	Per Employee
Arlington	14.00%	7.00%	7.00%	\$ 60,151,341	\$ 11,139.14	\$ 58,003,078	\$ 10,741
Austin****	21.63%	13.00%		\$ 94,523,535	\$ 17,504.36	\$ 23,630,884	\$ 4,376
	22.05%		17.70%				
Dallas	27.50%	8.50%	8.50%	\$ 118,154,419	\$ 21,880.45	\$ -	\$ -
El Paso	18.50%	13.89%	15.28%	\$ 79,485,700	\$ 14,719.57	\$ 38,668,719	\$ 7,161
Fort Worth	19.98%	8.41%	8.41%	\$ 85,844,556	\$ 15,897.14	\$ 32,309,863	\$ 5,983
Garland	17.00%	7.00%	7.00%	\$ 73,040,914	\$ 13,526.10	\$ 45,113,505	\$ 8,354
Grand Prairie	14.00%	7.00%	7.00%	\$ 60,151,341	\$ 11,139.14	\$ 58,003,078	\$ 10,741
Irving	14.00%	7.00%	7.00%	\$ 60,151,341	\$ 11,139.14	\$ 58,003,078	\$ 10,741
Mesquite	20.45%	13.20%	13.20%	\$ 87,863,922	\$ 16,271.10	\$ 30,290,497	\$ 5,609
Plano	14.00%	7.00%	7.00%	\$ 60,151,341	\$ 11,139.14	\$ 58,003,078	\$ 10,741
Richardson	20.45%	13.20%	13.20%	\$ 87,863,922	\$ 16,271.10	\$ 30,290,497	\$ 5,609
San Antonio	24.64%	12.32%	12.32%	\$ 105,866,359	\$ 19,604.88	\$ 12,288,060	\$ 2,276

\*Includes employer and employee contributions to Social Security for Mesquite & Richardson

\*\*\* Estimated City contribution for FY15-16

\*\*\*\*Used 22% for Austin comparisons

# Memorandum



CITY OF DALLAS

DATE August 12, 2016

TO Honorable Mayor and Members of the City Council

SUBJECT FY 2016-17 Property Tax Rate State Law Requirements

Your Wednesday, August 17<sup>th</sup> briefing agenda includes a presentation on the proposed property tax rate for FY 2016-17 as well as the calculated effective tax rate and rollback rate. The materials are attached for your review.

Please let me know if you need additional information.

A handwritten signature in blue ink that reads "Jeanne Chipperfield".

Jeanne Chipperfield  
Chief Financial Officer

## Attachment

C: A.C. Gonzalez, City Manager  
Christopher D. Bowers, (I) City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Eric D. Campbell, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Alan E. Sims, Chief of Neighborhood Plus  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager-Mayor & Council



Photo Credit: Stephen Masker

# FY 2016-17 Property Tax Rate State Law Requirements

## Wednesday, August 17, 2016





# Overview

- Property tax is single largest source of revenue for City of Dallas and totals \$841.2 million as proposed for FY 2016-17
  - FY 2016-17 General Fund tax revenue - \$601.7 million
  - FY 2016-17 Debt Service tax revenue - \$239.5 million
- Property tax is comprised of two factors:
  - Tax base value is certified by four Appraisal Districts
  - Tax rate is set by Dallas City Council



# Property Tax Base Value

- Collin, Dallas, Denton, and Rockwall Appraisal Districts are required to certify values within City by July 25<sup>th</sup> of each year
- Certified **tax base values** for tax year 2016 (FY 2016-17) are \$110.4 billion, which is 10.04% more than values certified for FY 2015-16
- Values are detailed by following types:

Values by Type of Property (\$ in Billion)	FY 2015-16		FY 2016-17		% Growth
Residential	\$44.4	44.2%	\$49.1	44.5%	10.61%
Commercial	\$42.7	42.6%	\$47.7	43.2%	11.69%
Business Personal Property	\$13.2	13.2%	\$13.6	12.3%	2.77%
Total	\$100.3	100.0%	\$110.4	100.0%	10.04%



# Property Tax Rate

- Each September, City Council sets a property tax rate necessary to support City's annual budget
- Proposed **tax rate** for FY 2016-17 is \$0.7812 per \$100 of valuation, which is \$0.0158 less than property tax rate in current year (FY 2015-16)
- Tax rate is split between:
  - General Fund, which supports day to day operations
  - Debt Service Fund, which is used to pay City's general obligation long term debt

	FY 2015-16 Adopted Rate		FY 2016-17 Proposed Rate	
General Fund	\$0.5646	70.8%	\$0.5588	71.5%
Debt Service	\$0.2324	29.2%	\$0.2224	28.5%
Total	\$0.7970	100.0%	\$0.7812	100.0%



# State Requirements

- State law governs property taxes in Texas and ensures that property owners are given notice and have certain rights
  - Requires publication of Effective Tax Rate and Rollback Tax Rate and two public hearings before adopting a tax rate that exceeds lower of Rollback or Effective Tax Rate
    - Dallas County Tax Office calculates Effective and Rollback Tax rates for City
    - Public notice of proposed tax rate calculations will be published in Dallas Morning News and posted on City's website on Friday, August 19
  - Allows taxpayers to roll back or limit tax increase in certain cases



## State Requirements (continued)

- State law mandates specific requirements and language for the public notice
  - Language included in notice must match language as it appears in Local Government Code
  - Must be at least a quarter-page in newspaper with a headline in 24 point type or larger
  - May not be in legal or classified section of newspaper
  - Must be published no later than September 1<sup>st</sup> or the 30<sup>th</sup> day after receiving the certified tax roll, whichever is later
  - Must be posted on website until city adopts a tax rate

## NOTICE OF 2016 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF DALLAS

A tax rate of \$0.781200 per \$100 valuation has been proposed for adoption by the governing body of City of Dallas. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of City of Dallas proposes to use revenue attributable to the tax rate increase for the purpose of public safety, quality of life enhancements, and general operation and maintenance.

PROPOSED TAX RATE	\$0.781200 per \$100
PRECEDING YEAR'S TAX RATE	\$0.797000 per \$100
EFFECTIVE TAX RATE	\$0.749077 per \$100
ROLLBACK TAX RATE	\$0.784260 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Dallas from the same properties in both the 2015 tax year and the 2016 tax year.

The rollback tax rate is the highest tax rate that City of Dallas may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

John R. Ames, PCC, CTA  
Dallas County Tax Assessor/Collector  
1201 Elm Street, Suite 2600, Dallas TX  
214.653.7811  
TNTHELP@dallascounty.org  
www.dallascounty.org

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: September 7, 2016 at 9:00 am at City Hall, 1500 Marilla, Room 6ES, Dallas TX.

Second Hearing: September 14, 2016 at 1:00 pm at City Hall, 1500 Marilla, Council Chambers, Dallas TX.



# Effective Tax Rate

- Effective Tax Rate is rate that generates same amount of **revenue** in new fiscal year on property that was taxed in previous fiscal year
  - 2016 tax year new construction value not included in calculation
- FY 2016-17 Effective Tax Rate = \$0.7490
  - \$0.0322 decrease from proposed rate
- If tax rate were set at Effective Tax Rate, FY 201617 proposed revenues would decrease by \$34.6 million and expenses would need to be reduced by an equivalent amount



# Rollback Tax Rate

- Rollback Tax Rate is rate that if exceeded provides voters an opportunity to limit tax rate increase through a petition process to call a citywide Rollback Election
- Rollback Tax Rate is effective general fund rate plus 8%, plus tax rate required to pay debt service
- Rollback Tax Rate divides overall property taxes into two categories (General Fund and Debt Service)
- Rollback Rate includes an 8% increase on general fund taxes



## Rollback Tax Rate (continued)

- FY 2015-16 calculated Rollback Tax Rate = \$0.7842
  - \$0.0030 increase above proposed rate
- If tax rate were set at Rollback Tax Rate, FY 2016-17 proposed revenues would increase by \$3.3 million
- If debt service rate changes (as a result of Council amendments to budget), Rollback Tax Rate changes
- If adopted tax rate exceeds Rollback Tax Rate, voters have option to petition for a Rollback Election and limit tax rate increase



# Tax Rate Adoption

- In order for a taxing unit to adopt a rate above the lower of the Effective Tax Rate (\$0.7490) or the Rollback Tax Rate (\$0.7842) following requirements must be met:
  - Take a record vote for or against consideration of a specific tax rate higher than Effective Rate (\$0.7490)
  - Publish notice of date and time for 2 public hearings
  - Hold 2 public hearings on tax rate
  - Vote on tax rate
  - Ratify increase in taxes in a separate vote



# Tax Rate Recap

- Recap of tax rates
  - Current = \$0.7970
    - Rate adopted for FY 2015-16
  - Proposed = \$0.7812
    - Rate included in City Manager's proposed budget for FY 2016-17
  - Effective = \$0.7490 (\$0.0322 or \$34.6m revenue decrease)
    - Generates same amount of revenue in new year as generated in previous year
  - Rollback = \$0.7842 (\$0.0030 or \$3.3m revenue increase)
    - Effective general fund rate plus 8%, plus rate necessary to pay debt service
    - Rate that if exceeded provides voters opportunity to limit tax rate increase through citywide Rollback Election



## Schedule – August 17th

- Take record vote to consider a specific tax rate that exceeds the Effective Tax Rate (\$0.7490)
- If Council wishes to consider a different rate than posted rate, resolution could be amended (from floor) to consider an alternative tax rate
- Call public hearings on tax rate for Wednesday, September 7<sup>th</sup> and Wednesday, September 14<sup>th</sup>
- If no vote is taken, maximum tax rate for FY 2016-17 will be \$0.7490, which will decrease revenues by \$34.6 million



## Schedule – August 17th

- Tax rate considered in today's resolution becomes maximum tax rate Council could set on Wednesday, September 21<sup>st</sup>
- If no action to consider a tax rate is taken, maximum rate allowed for FY 2016-17 would be \$0.7490
  - Revenues proposed for FY 2016-17 would decrease by \$34.6 million and expenses would need to be reduced by an equivalent amount
  - Notice and 2 tax rate public hearings are not required to adopt a tax rate below this rate



## Schedule – continued

**Friday, August 19**

*Publish Notice of 2016 Tax Year Proposed Property Tax Rate*

**Wednesday, September 7**  
(9 a.m.)

Hold 1st public hearing – if called  
(City Hall, Room 6ES)

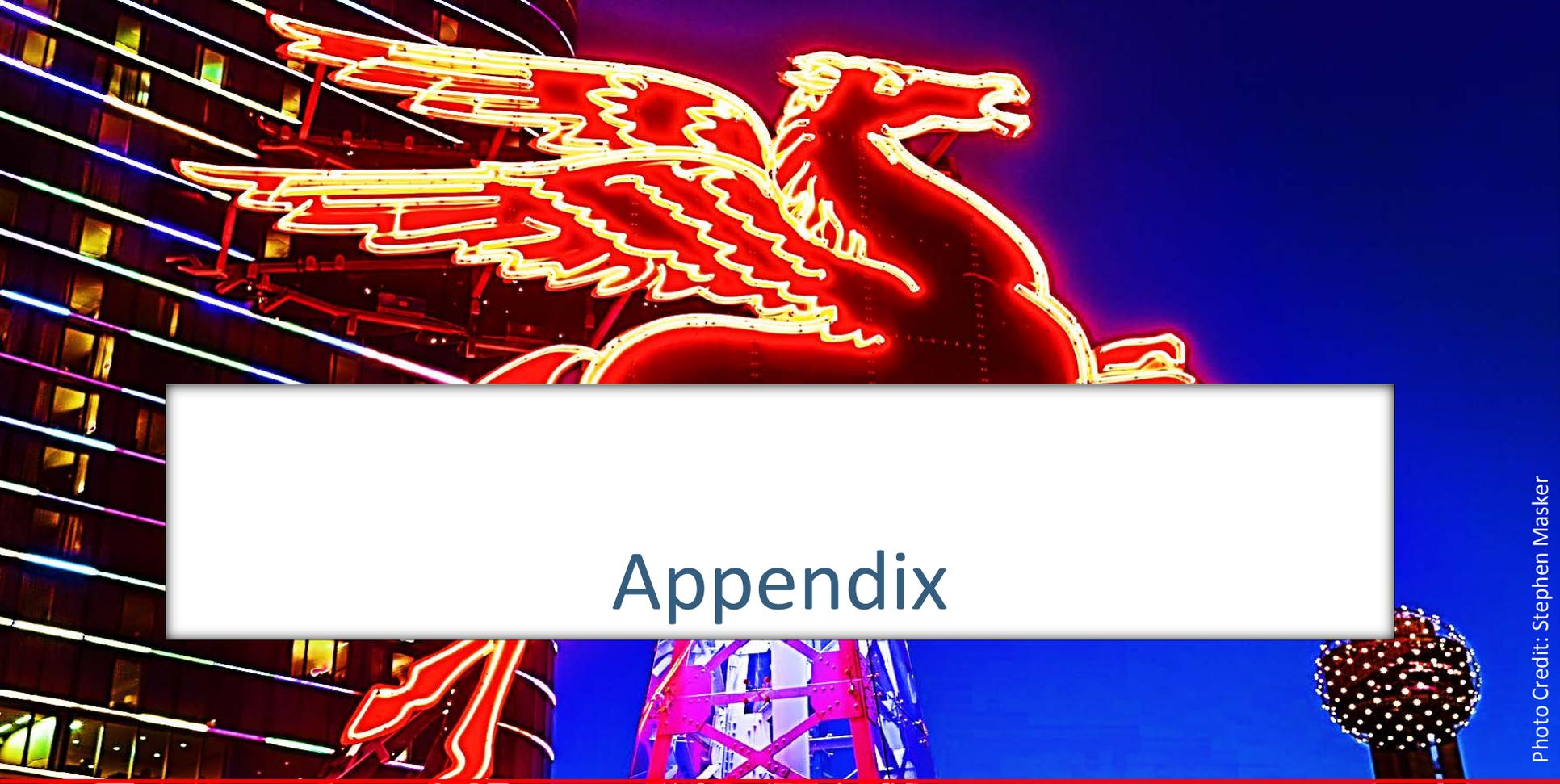
**Wednesday, September 14**  
(1 p.m.)

Hold 2nd public hearing – if called  
(City Hall, Council Chambers)

**Wednesday, September 21**

Vote on Tax Rate

Ratify increase in taxes in a separate vote,  
if necessary

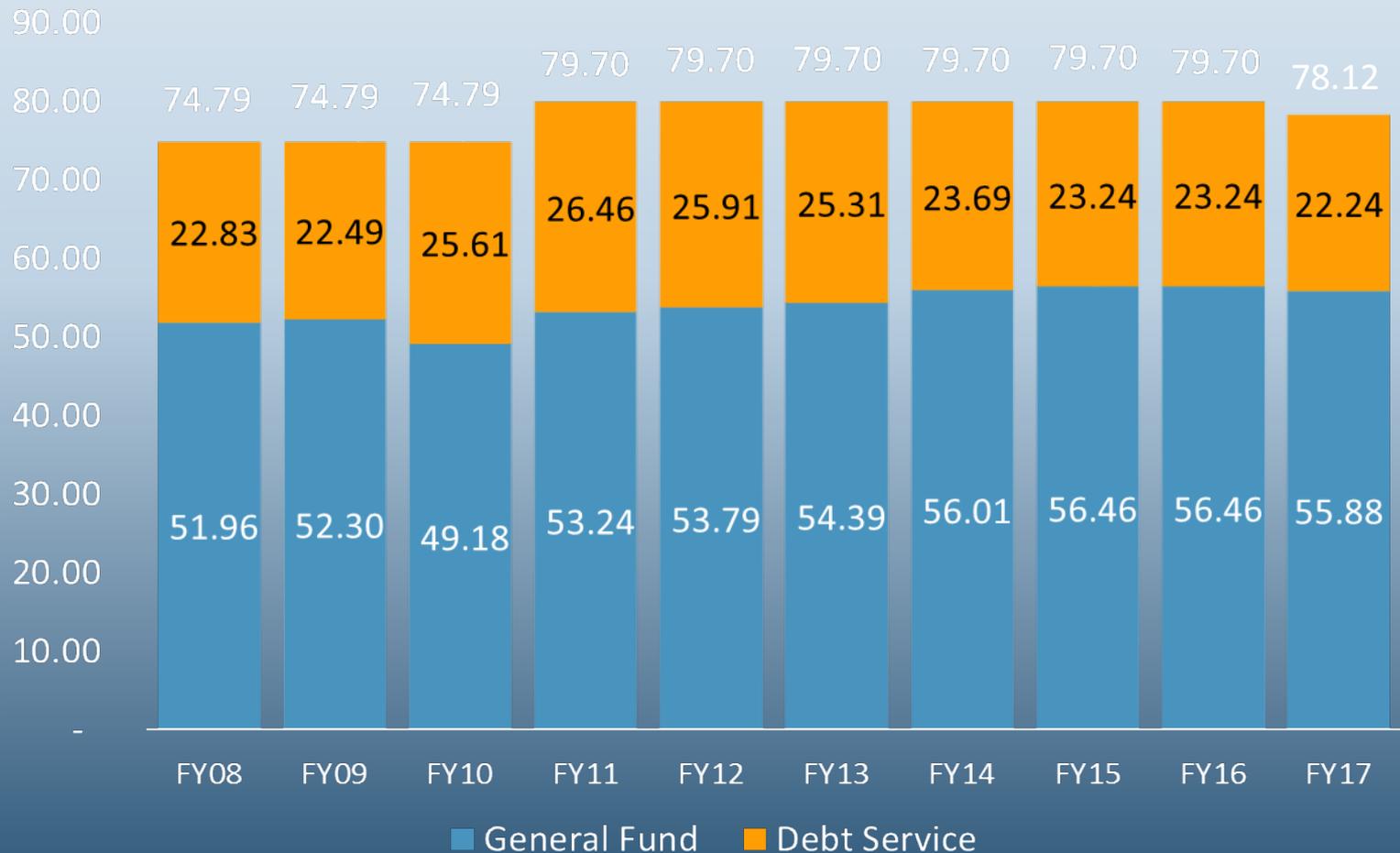


# Appendix

FY 2016-17 Property Tax Rate State Law Requirements  
Wednesday, August 17, 2016



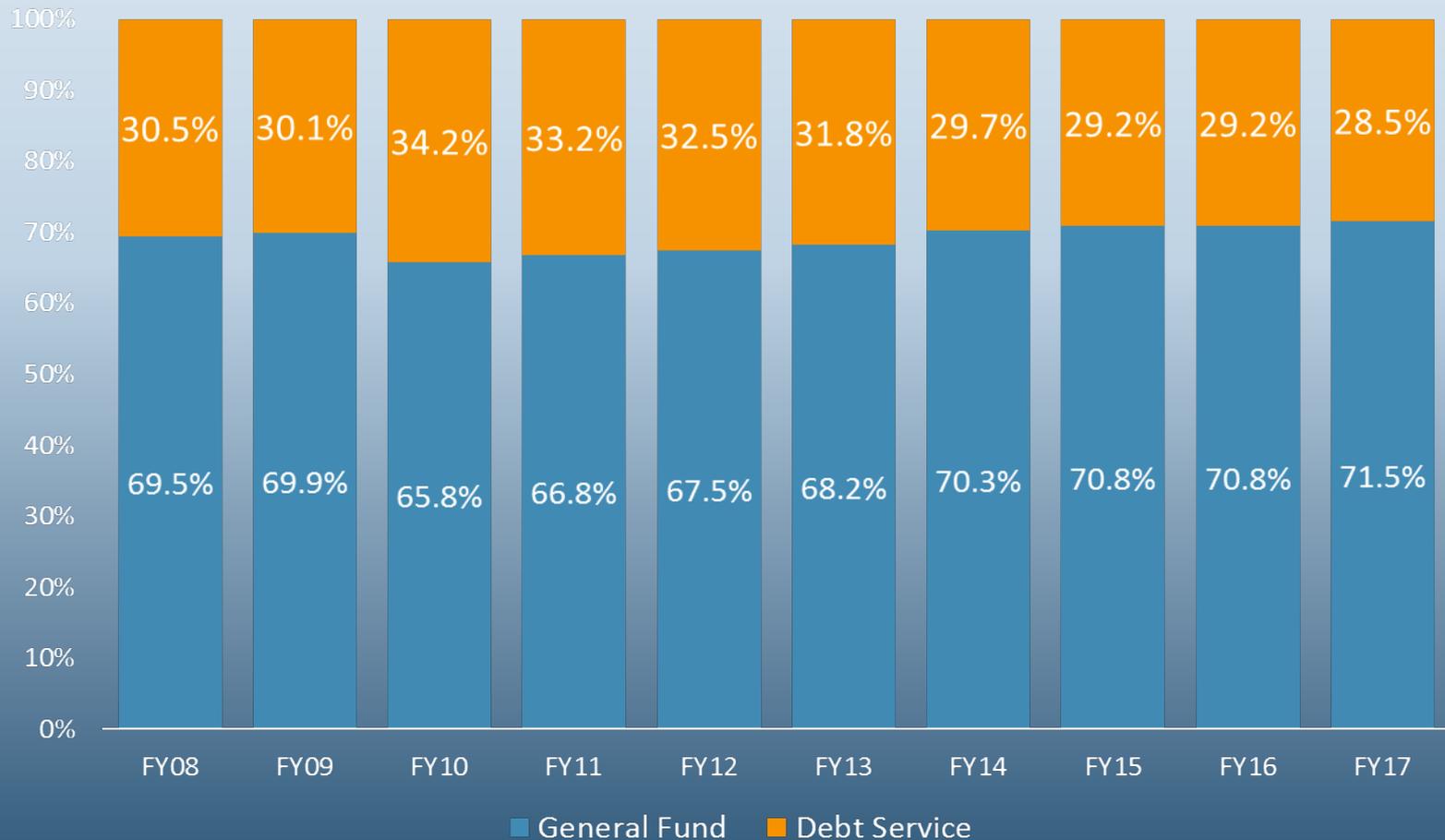
# Historical Property Tax Rate- Tax Rate Distribution (¢/\$100 value)



Note: Tax rate has increased or stayed the same since FY99 except for FY07 when there was a 1.25¢ decrease.



# Historical Property Tax Rate- Tax Rate Distribution



Note: Percent of tax rate allocated to debt service has steadily decreased since FY10.



# Tax Rate Change Impact

Tax Rate Change per \$100 Valuation	Revenue Impact	Annual Tax Bill Impact	
		\$100K home with Homestead Exemption	\$240K home (Certified Avg. Value of Homestead)
\$0.01	\$10,768,313	\$8.00	\$19.22
\$0.02	\$21,536,626	\$16.00	\$38.45
\$0.03	\$32,304,939	\$24.00	\$57.67

# Memorandum



CITY OF DALLAS

DATE August 12, 2016

TO Honorable Mayor and Members of the City Council

SUBJECT **Proposed Dallas Area Rapid Transit FY 2017 Annual Budget and 20-Year Financial Plan**

On Wednesday, August 17, 2016, you will be briefed on the Proposed Dallas Area Rapid Transit FY 2017 Annual Budget and 20-Year Financial Plan. Attached are the materials for the briefing.

Please contact me if you have any questions.

A handwritten signature in blue ink, appearing to read 'A.C. Gonzalez', written over the printed name and title.

A.C. Gonzalez  
City Manager

c: Christopher D. Bowers, Interim City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager  
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Summary

## Proposed Dallas Area Rapid Transit FY 2017 Annual Budget and 20-Year Financial Plan

Presented to City Council

City of Dallas

August 17, 2016



# DART Board Calendar For Budget and Financial Plan Consideration

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Date	Subject
Mar 22	FY 2017 Financial Outlook
Apr 26	Approval of FY 2017 Financial Standards
May 24	FY 2017 Capital Budget Overview
Jun 28	FY 2017 Operating Budget Overview
Jul 12	Draft FY 2017 Annual Budget & Twenty-Year Financial Plan
Aug 9	Request Approval to Distribute FY 2017 Annual Budget and Financial Plan to Service Area Cities
Aug 23	Budget & Finance Committee recommends approval of the FY 2017 Annual Budget and Twenty-Year Financial Plan to the Committee-of-the-Whole
Aug 25	Briefing for Service Area City Managers and Finance Directors
Sep 6	Committee-of-the-Whole initial consideration of the FY 2017 Annual Budget and Twenty-Year Financial Plan
Sep 27	Board approves the FY 2017 Annual Budget and Twenty-Year Financial Plan



# Budget & Financial Plan Overview

- Budget & Financial Plan developed within the Board Policy framework of the approved Financial Standards
- Twenty-Year Financial Plan
  - Constructed from detailed data on capital projects, reserves, cashflows, operating expenses, revenues, sales tax and inflation projections, and debt service assumptions
  - Reviewed and updated annually with prior year actual results and revised assumptions – budget for upcoming year is first year of 20-year financial plan
  - Demonstrates financial sustainability

# Proposed FY17 Budget Summary (\$M)

Item	FY 2016 Budget	FY 2017 Proposed
Operating	\$494.9	\$494.9
Capital & Non-Operating	278.3	289.1
Debt Service	197.8	191.5
<b>Total Expenditures</b>	<b>\$971.1</b>	<b>\$975.5</b>

# Financial Plan

(Years 2017 – 2036, \$M)

Line Item	FY17 Proposed FP		
	FY17	5-Yr Total (FY17-21)	20-Yr Total (FY17-36)
Sales Tax Revenues	\$563.6	\$2,981.3	\$16,308.0
Operating Revenues	85.3	454.0	2,502.3
Total Federal Funds	114.6	964.8	2,144.6
Debt Issuance/Retirement	(30.0)	1,309.5	1,989.4
Interest & Other Sources	53.5	247.4	1,108.7
<b>Total Sources of Funds</b>	<b>\$787.0</b>	<b>\$5,957.0</b>	<b>\$24,053.1</b>
Operating Expenses	\$494.9	\$2,659.4	\$13,042.1
Capital & Non Op Expenditures	289.1	2,462.8	5,290.2
Debt Service	191.5	1,070.3	5,648.6
<b>Total Uses of Funds</b>	<b>\$975.5</b>	<b>\$6,192.5</b>	<b>\$23,981.0</b>
Ending Total Cash	\$684.7	\$701.4	\$827.9
Ending Unrestricted Cash	428.6	485.8	502.5

# Supplemental Capital Project Information

## FY 2017 Annual Budget and 20-Year Financial Plan



# Supplemental Capital Project Information

- Core Capacity (D2, Platform Extensions & Dallas Central Streetcar Link)
- Commuter Rail Service in the Cotton Belt Corridor (Cotton Belt)

# Core Capacity Project Description

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Program of Interrelated Projects: Increase the core capacity of the DART Light Rail system. Three separate initiatives:

1. Construction of a 2<sup>nd</sup> rail corridor through downtown Dallas (known as D2) to increase throughput and provide a rerouting option in the event of a service disruption.
2. Platform extensions to the oldest stations on the Red & Blue lines to accommodate three-car trains.
3. Expansion of the Streetcar network, connecting the Oak Cliff Streetcar line with the McKinney Avenue Streetcar line.

Note: The second downtown light rail alignment (D2), for which a locally preferred alternative (LPA) was adopted in September 2015. Phase 1 of the D2 initiative originally consisted of the Orange Line tunnel from Victory Station to Union Station. This has since been modified to have a second rail corridor pass through downtown.

# Core Capacity Funding (\$M)

Project	Conceptual Cost Estimate	Revised Estimate
Platform Extensions	\$184.4	\$124.4
Streetcar Extension	92.2	92.2
Orange Line Extension	706.8	706.8
<b>Total Core Capacity Cost</b>	<b>\$983.4</b>	<b>\$923.4</b>

Proposed Funding Sources		
Savings from current projects	\$150.0	\$150.0
State of Good Repair deferrals	80.0	-
CBD, Platform Extension and other related budgets	27.0	19.0
TxDOT	60.0	60.0
COG	40.0	40.0
Core Capacity Grant	350.0	325.0
Additional Long-Term Debt	400.0	400.0
<b>Total Funding Sources</b>	<b>\$1,107.0</b>	<b>\$994.0</b>

\* Due to the timing of cash receipts and disbursements, funding for the project exceeds the project cost but this is necessary to maintain cash balances throughout the Plan.

# Cotton Belt Project Description

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- Commuter rail service from DFW Airport to Plano.
- Full Double-track with a shallow trench across North Dallas and a station at Cypress Waters was included in the FY 2016 Financial Plan for revenue service in FY 2035.
- FY 2017 Proposed Twenty-Year Financial Plan includes an acceleration of this project to revenue service in FY 2022.
- Project configuration changed to more cost-effective approach: single at-grade track with passing sidings and up to eleven new stations. Corridor constructed to accommodate a future double track configuration.

# Cotton Belt Acceleration

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- Cotton Belt Rail Line acceleration enabled by:
  - More cost-efficient configuration
  - Construction cost savings due to inflation avoidance
  - Favorable financing environment
- Initial estimate of \$994M based on 5% design; actual budget may change as scope is further defined
- Project contingent upon confirming the assumed revenue sources

# Cotton Belt Funding (\$M)

Plano - DFW Level D/S	2017	2018	2019	2020	2021	5-Year Total	20-Year Total
<b>Sources</b>							
Cotton Belt Capital Grants - RTC	\$0	\$25	\$25	\$25	\$25	\$100	\$100
Cotton Belt Capital Grants - UAFP	0	0	3	0	0	\$3	\$3
Addison Contribution	0	0	5	0	0	\$5	\$5
Fare Revenues	0	0	0	0	0	\$0	\$72
Advertising Revenues	0	0	0	0	0	\$0	\$4
Federal Revenues	0	0	0	0	0	\$0	\$29
Naming Rights	0	0	0	0	0	\$0	\$9
Richardson TIF	0	0	0	0	0	\$0	\$18
Billingsley	0	0	0	0	0	\$0	\$15
Coppell ~1/6-Cent	0	0	0	0	0	\$0	\$51
Debt Issuance	0	0	350	370	274	\$994	\$994
<b>Total Sources</b>	<b>\$0</b>	<b>\$25</b>	<b>\$383</b>	<b>\$395</b>	<b>\$299</b>	<b>\$1,102</b>	<b>\$1,301</b>
<b>Uses</b>							
Construction Cost	\$25	\$75	\$200	\$300	\$300	\$900	\$994
	0	0	0	0	0	\$0	\$0
Operating Expenses	0	0	0	0	10	\$10	\$330
Capital Maintenance	0	0	0	0	0	\$0	\$35
Debt Service Principal	0	0	0	0	0	\$0	\$270
Debt Service Interest	0	0	3	22	30	\$54	\$463
<b>Total Uses</b>	<b>\$25</b>	<b>\$75</b>	<b>\$203</b>	<b>\$322</b>	<b>\$340</b>	<b>\$964</b>	<b>\$2,093</b>
<b>DART Annual Requirement</b>			<b>\$3</b>	<b>\$22</b>	<b>\$40</b>	<b>\$64</b>	<b>\$900</b>

# Summary

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- Budget & Financial Standards in compliance with Board Policy
- Sales Tax receipts are right on budget
- Increased Service levels in FY17 and over 20 years
- Cotton Belt revenue service accelerated from FY 2035 to FY 2022
- Funding for Core Capacity projects, including Platform Extensions, D-2 alignment, and streetcar is included as approved in FY15