

STATE OF THE CITY ATTORNEY'S OFFICE



**CHRISTOPHER J. CASO,
CITY ATTORNEY**

FY 2021/2022

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MESSAGE FROM THE CITY ATTORNEY



I am pleased to provide our second Annual State of the City Attorney's Office Report for Fiscal Year 2021-2022 (October 1, 2021, through September 30, 2022). This report will provide Council, staff, residents, businesses, and taxpayers a view of the work that the City Attorney's Office performs on the city's behalf. This report also details the work of our office, including, financial trends, litigation results, and special initiatives. We continue to remain dedicated to our mission, doing our part to make the City of Dallas a sustainable, safe, and beautiful place to live and work.

Christopher J. Caso
City Attorney

EXECUTIVE SUMMARY

The Dallas City Attorney's Office (CAO) plays an integral and often behind-the-scenes role in city government. Our mission is to provide the highest quality legal services to the City of Dallas in the most ethical, timely, efficient, and cost-effective manner. To accomplish our mission, the CAO is currently organized into four key areas.

COMMUNITY ADVOCACY



Community Courts provides restorative justice and enhanced services for individuals who need assistance, while Community Prosecution enhances the quality of life for Dallas residents by focusing on proactive, community-oriented solutions to code issues throughout the city.

GENERAL COUNSEL



Our office drafts and reviews hundreds of contracts, ordinances, and resolutions each year. Daily, we provide legal advice and counsel to city elected officials, the city manager, city departments, and boards and commissions regarding Dallas' strategic and progressive policies, laws, agreements, programs, projects, and services.

LITIGATION



Our office handles hundreds of lawsuits and other civil matters involving the city every year. Additionally, our office handles over 100,000 cases involving violations of city ordinances and state law that are filed annually in municipal court.

INSPECTOR GENERAL



The Inspector General Division serves as an independent investigative authority regarding ethics and official misconduct. The division prepares ethics opinions, performs ethics training, and conducts investigations into misconduct involving ethics, fraud, waste, abuse, and corruption of city officials, city employees, and persons doing business with the city.

OFFICE PROFILE

EXECUTIVE TEAM

The Executive Team provides legal, executive, and administrative support for our office. The team includes the City Attorney, the First Assistant City Attorney/Chief of General Counsel, the Chief of Litigation, the Inspector General, the Managing Attorney/Deputy Chief of Litigation, the Legal Office Manager, the Executive Assistant to the City Attorney, and the Executive Assistant to the First Assistant City Attorney and Managing Attorney.

GENERAL COUNSEL DIVISION

The General Counsel Division provides legal services that address the full spectrum of municipal affairs and transactions. The General Counsel Division drafts ordinances and resolutions; negotiates complex contracts, including information technology, utility, aviation, and franchise agreements; provides legal advice to the City Council and more than fifty city departments on housing and economic development, sanitation, aviation, water utilities, and procurement; finance, bonds, tax, budget, retirement, benefits, elections, land use, building codes, ethics and conflicts of interest, transportation, construction, as well as police, fire, and emergency services policies, procedures, and practices; represents the City Council, city council committees, and a variety of boards and commissions, including city plan commission, the park and recreation board, the civil service board, and the board of adjustment. The General Counsel Division is organized into six practice areas, including D/FW Airport legal, economic and community development, government services, municipal regulatory, police legal, and real estate and construction. General counsel practice areas and responsibilities are based on the functions of the city and City Council policy priorities.

LITIGATION DIVISION

The Litigation Division defends the city against claims and lawsuits in a variety of legal matters related to the day-to-day operations of the city. The Litigation Division manages all phases of litigation from investigations, pretrial, trial, settlement, and appeal processes. The Litigation Division handles a wide range of issues involving appeals, city code violations, environmental regulations, constitutional issues, personal injury, property damage, employment legal issues, contract disputes, real estate, zoning, and land use. The division also pursues lawsuits against businesses and individuals for violations that affect the quality of life of the residents in our city as well as seeking to recover funds owed to the city. The Litigation Division is divided into seven sections that specialize in various practice areas, including appellate, bankruptcy and collections, community courts, community prosecution, employment, general litigation, municipal prosecution, and torts.

INSPECTOR GENERAL DIVISION

The Inspector General Division serves as an independent investigative authority regarding ethics and official misconduct. The division prepares ethics opinions, performs ethics training, and conducts investigations into misconduct involving ethics, fraud, waste, abuse, and corruption of city officials, city employees, and persons doing business with the city. The division is divided into three sections, including investigation/prosecution, training/advisory opinions, and research/analysis.

COMMUNITY ADVOCACY

COMMUNITY COURTS SECTION

The Community Courts Section focuses on rehabilitating and assisting individuals who have received tickets while at the same time helping to restore the community. Defendants are provided services they might need, such as housing, clothing, mental health, and substance abuse services. Defendants may be required to perform community service and can also be required to attend rehabilitative and educational programs. In 2008, the South Dallas Community Court was one of only three sites nationwide to be selected by the U.S. Department of Justice's Bureau of Justice Assistance to serve as a National Mentor Court for community courts across the world. As a mentor court, the South Dallas Community Court supports the Center for Court Innovation in advancing the community court model and hosts site visits from jurisdictions that are seeking to start or enhance a community court. In 2018, the South Dallas Community Court, after a competitive selection process, was again designated as a National Mentor Court. In addition to the South Dallas Community Court, community courts include West Dallas Community Court, Northeast Community Court, Downtown Night Court, South Oak Cliff Veterans Treatment Court, and South Dallas Adult Treatment Court.

COMMUNITY PROSECUTION SECTION

Community Prosecution attorneys are assigned and officed at City Hall and in neighborhoods throughout the city, focusing on improving the quality of life for all residents. Working with code officers, fire inspectors, police detectives, and neighborhood stakeholders, our attorneys identify properties that negatively impact the neighborhood and provide comprehensive solutions to serve the community. Ensuring compliance with the city's minimum housing standards, zoning ordinances, and state law improves and strengthens neighborhoods, and when property owners fail to comply, after working with them to resolve state law or code issues, Community Prosecution files lawsuits in municipal and district court seeking orders requiring property owners to abate violations on their properties and/or implement reasonable crime prevention measures to abate crime occurring at their properties. The section is also responsible for the court docket relating to gambling cases, protests under the Texas Alcohol and Beverage Code, and hearings before the Permit and License Appeal Board.

ADMINISTRATION SECTION

The Administration Section is comprised of staff who assist the Legal Office Manager with managing the day-to-day activities and infrastructure of the office that are in direct support of the city attorney. The team provides personnel and financial management, risk and safety management, record retention and digital and physical files support, facilities support, data collection and analytics, information technology support and activities, grant compliance activities, accounts payable and receivable activities, agenda and contract coordination and management, and other general office support activities.

SECTIONS UNDER THE GENERAL COUNSEL, LITIGATION, AND INSPECTOR GENERAL DIVISIONS

GENERAL COUNSEL DIVISION

D/FW AIRPORT LEGAL LIAISON SECTION

Dallas and Fort Worth jointly own the Dallas/Fort Worth International Airport and both City Attorney's Offices provide legal advice and representation to the D/FW Airport Board with three attorneys from Dallas and two attorneys from Fort Worth officed at D/FW Airport, for which the cities are reimbursed from airport revenues. The D/FW Airport legal liaison provides legal advice and counsel on federal regulatory matters, legal relationships with user airlines, commercial real estate, environmental law, procurement, and construction contracting, ground transportation regulation and labor law, and sue and defend lawsuits relating to the airport.

ECONOMIC AND COMMUNITY DEVELOPMENT SECTION

This section provides legal advice and counsel to the City Council and a variety of city departments on financing and city incentives, fair housing and compliance, U.S. Department of Housing and Urban Development (HUD) obligations for economic development programs and incentives, paving assessments, and open records matters. The Economic and Community Development Section drafts development agreements, tax abatement agreements, grants and loans, including security instruments, management and operating agreements, and public service contracts; drafts agreements related to housing opportunities for persons with AIDS (HOPWA), community development block grants (CDBG), home investment partnership program (HOME), home improvement and preservation program (HIPP), as well as recent Coronavirus Aid, Relief, and Economic Security Act (CARES) and American Rescue Plan Act (ARPA) funding; reviews requests for special districts, including tax increment financing (TIFs) districts, public improvement districts (PIDs), municipal management districts (MMDs), enterprise zones, and neighborhood empowerment zones (NEZs); drafts contracts for cultural affairs and convention and event services, including leases, and long term operating and management contracts; drafts requests for Attorney General decisions for non-Dallas Police Department (DPD) open records requests regarding whether information may or must be withheld; assists the Litigation Division with open records litigation; and serves as the general counsel for the Housing Finance Corporation, arts and culture advisory commission, senior affairs commission, citizen homelessness commission, Martin Luther King board, South Dallas/Fair Park opportunity board (SDFPOB), Dallas Housing Acquisition and Development Corporation (HADCO), and advises TIF boards on legal issues.

GOVERNMENT SERVICES SECTION

This section provides ongoing legal advice and counsel to the City Council and city departments on various legal issues, including, procurement, emergency management, utility regulations and franchising issues, right-of-way management issues, small cell and distributed antenna systems in the public right-of-way, sanitation, aviation, technology and cybersecurity, credit processing services, benefits, deferred compensation, and water utilities. The Government Services Section drafts and negotiates complex contracts for engineering services, consultant services, software, staffing, radio advertising for the city's radio station, the public library system, municipal courts, technology and cybersecurity, Dallas Water Utilities, waste hauling, garbage and recycling related materials, professional services, risk management, interlocal agreements, and many other contracts relating to government services; drafts ordinances related to solid waste franchises; and serves as general counsel to the city's deferred compensation committee regarding administration of the Deferred Compensation Program.

MUNICIPAL REGULATORY SECTION

This section provides legal advice and counsel to the City Council, city manager, city secretary, city auditor, and city departments on various legal issues, including zoning, land use, comprehensive plan amendments, annexation, boundary adjustments, Open Meetings Act, City Council Rules of Procedure, flood plain regulations, thoroughfare amendments, street and bridge name changes, subdivision and sign regulations, gas drilling regulations, building code issues, Alcoholic Beverage Code matters, elections, including appointment of election and presiding central counting station judges, tax code, budget, ethics, Roberts Rules of Order, and board and commission conflicts. The Municipal Regulatory Section also drafts ordinances and code amendments for all three volumes of the city code, resolutions, bylaws, and numerous legal and advisory opinions for the City Council, city departments, and board and commission members; serves as general counsel to numerous boards and commissions, including the building inspection and advisory board, board of adjustment, city plan commission, civil service board, community police oversight board, landmark commission; and permit, license, and appeal board, and city council committees.

POLICE LEGAL LIAISON SECTION

This section provides legal advice and counsel to DPD and the Public Safety Committee on various legal issues, including the daily operations, legislative updates, personnel, Public Information Act, expunction and non-disclosure law, and the U.S. and Texas Constitutions, including search and seizure issues. The Police Legal Liaison Section researches and drafts legal opinions related to DPD operations; instructs DPD recruits at the police academy on the criminal justice system, U.S. and Texas Constitutions, Texas Code of Criminal Procedure, Texas Penal Code, arrest, search and seizure, and force options law; drafts requests for letter rulings from the Attorney General on exempted open record requests; attends monthly property magistrate hearings; reviews petitions for expunction and non-disclosure; reviews DPD and Dallas Fire-Rescue (DFR) third party discovery requests (subpoenas) and drafts motions objecting to disclosure of confidential information; reviews seizure forms and draft motions and orders to transfer seized property to the appropriate federal agency; attends DPD chief's weekly command staff meetings to advise command staff on legal issues related to operations or projects presented during weekly meetings; and provides 24-hour emergency legal assistance to DPD officers.

REAL ESTATE AND CONSTRUCTION SECTION

This section provides legal advice and counsel to the City Council and a variety of city departments on real estate and construction matters, park and recreation, including acquisitions, sale of surplus property, land exchanges, abandonments, close and vacate transactions, leases, relocations, resale of tax strike-offs, and conveyance instruments, including easements. The Real Estate and Construction Section drafts abandonments and license ordinances, conveyance instruments, including easements related to streets, water, wastewater, drainage, sidewalk, utilities, floodways, covenant agreements and backflow releases, leases, lease amendments, multiple use agreements, concession and use agreements, rights of entry, encroachment agreements, development agreements with non-profit groups for development, operation and maintenance of park facilities, management and maintenance agreements, trail agreements, construction contracts related to city infrastructure, public buildings and facilities, transportation, engineering, and architects, city landscaping, and a variety of other contracts related to real estate, construction and city assets. The Real Estate and Construction Section also advises the Dallas convention center hotel development corporation/omni hotel board, the city's local government corporation, the park and recreation department board, and the Trinity River Local Government Corporation.

LITIGATION DIVISION

APPELLATE SECTION

Handling appeals is a distinct form of advocacy. The section considers legal issues arising out of the challenge to an order or judgment of a state or federal court. The section reviews the records of court proceedings, prepares written briefs, and argues or assists other sections in preparing for argument before the appellate courts. The Appellate Section also assists the other litigation sections in ensuring that a case is in the best posture should an appeal be filed. The section also reviews amicus curiae briefs when requested on items that concern or impact the city.

BANKRUPTCY AND COLLECTIONS SECTION

This section handles collection and bankruptcy matters involving the city as a creditor. The section pursues delinquent accounts for Dallas Water Utilities, convention center, housing and neighborhood revitalization department, real estate, and other city departments. The section also handles lien payoff requests, subrogation matters, and seeks to collect on judgments the city has obtained. The section is involved with ad valorem tax matters that affect the city, and it handles various real estate foreclosure matters.

EMPLOYMENT SECTION

This section handles employment-related legal matters. The section represents city departments in internal administrative disciplinary appeals and grievances before the city manager, administrative law judges, the civil service board, and the park board. In addition, the section represents the city in employment-related claims and in litigation filed against the city and individual defendants in federal and state court, including claims alleging constitutional violations, claims of discrimination and/or retaliation under Title VII of the Civil Rights Act, the Texas Labor Code, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Texas Whistleblower Act, and other employment-based claims. The section further represents the city and departments in administrative hearings in connection with state agencies, such as unemployment compensation appeals before the Texas Workforce Commission and F-5 hearings before the State Office of Administrative Hearings. In addition to the above, the section advises the human resources department and other city departments, executives, and leaders on employment issues, reviews internal procedures, administrative directives, and personnel rules changes, and assists the human resources department with employment-related investigations.

GENERAL LITIGATION SECTION

City government in Dallas is a large, diverse, and complex operation. The mission of the General Litigation Section is to represent the city and its officials and employees on a wide range of claims and lawsuits, which can arise from those operations, including: challenges to city ordinances and policies, federal and state constitutional claims, contract disputes, public utility regulation, disputes arising from public works projects, eminent domain, environmental issues, land use and zoning disputes, lease disputes, and disputes involving title, easements and other property interests. The scope of representation is equally wide: embracing everything from defending, on short notice, against demands for temporary restraining orders, through discovery and trial, to briefing and argument in the state and federal appellate courts.

MUNICIPAL PROSECUTION SECTION

This section handles the criminal prosecution of Class C misdemeanors and violations of municipal ordinances in the Dallas Municipal Court. Class C misdemeanors include traffic violations, assault, family violence assault, disorderly conduct, public intoxication, and theft, among others. The Dallas Municipal Court is a court of record. Trials are held before a six-person jury or before the court. The section also handles civil proceedings which consist of administrative adjudications of housing and premises violations in the Hearing Officer's Court, dangerous dog appeals, animal control issues, parking appeals, and bond forfeitures.

TORTS SECTION

The Torts Section defends the city and its employees in personal injury and property damage lawsuits, provides advice to the office of risk management in the handling of complex claims, and investigates and makes recommendations on death claims filed against the city. The section also handles claims and defends lawsuits involving allegations of federal constitutional and civil rights violations, and state-law torts allegedly committed by Dallas police officers or other city employees. The section handles lawsuit from initial service of process on the city or employees through the final disposition, including appeal.

INSPECTOR GENERAL DIVISION

INVESTIGATION/PROSECUTION SECTION

This section conducts independent investigations and reviews into ethics violations, fraud, waste, abuse, and corruption by city officials, city employees, and persons doing business with the city. The section issues subpoenas for attendance of witnesses and production of documents and prosecutes alleged violations of the city's Code of Ethics before the Ethics Advisory Commission. This section conducts investigations and reviews in conformance with Principles and Standards for Offices of Inspector General (Green Book Standards). This section plans investigations; secures, collects, and examines documentary evidence; interviews witnesses and subjects of investigations; analyzes and interprets data, procedures, rules, and laws; writes investigative reports; and participates in legal proceedings.

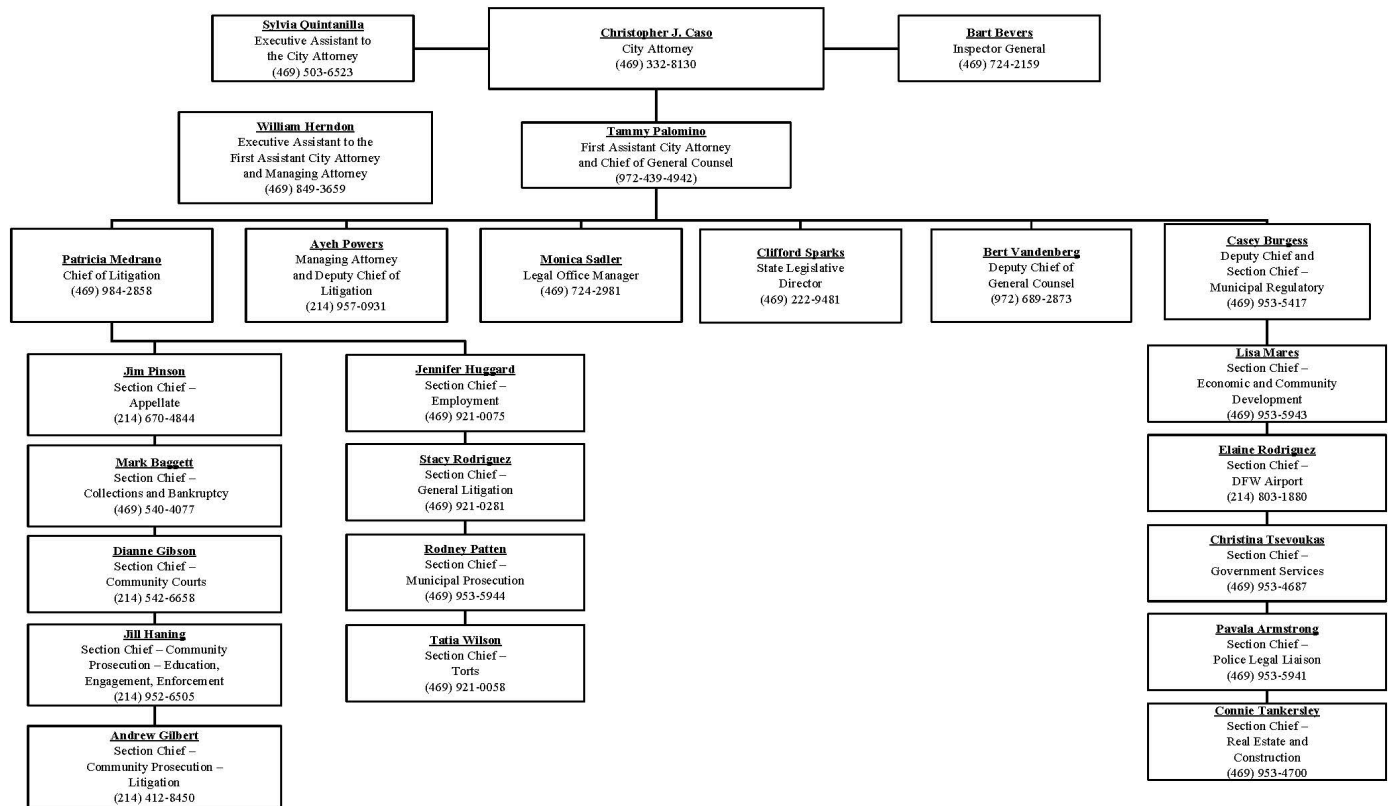
LEGAL/TRAINING/ADVISORY OPINIONS SECTION

This section administers and manages the integrity officer program under the supervision of the inspector general by developing and implementing training programs and other communication with city officials, city employees, and persons doing business with the city that reinforce ethical conduct and the requirements of the city's Code of Ethics. This section also assists the inspector general, Ethics Advisory Commission, and city manager on matters of ethics, including drafting ethics advisory opinions; proposing amendments to the Code of Ethics; notifying all city departments and offices of any significant amendments to the Code of Ethics; assisting city officials and employees with questions related to the Code of Ethics; assisting the inspector general in the enforcement of the Code of Ethics; and promoting a culture of ethics within the city.

RESEARCH AND ANALYSIS SECTION

This section conducts research, collects, analyzes, and interprets data to guide investigative decision-making. This section works in operational areas including investigations, contracting, marketing, communications, operations, and finance. This section recommends improvements to investigative processes by identifying and analyzing patterns, trends, and forecasts. This section conducts research on market trends; conducts surveys; and analyzes data from contractors, business operations, expenditures, and customer retention to identify patterns of potential issues or improvements.

ORGANIZATIONAL CHART



November 2022

OFFICE DIVERSITY AND STRUCTURE

The CAO values diversity in all areas, including age, gender, race, sexual orientation, disability status, education, and talent. We recognize the power of diversity to improve and inform our advice and enhance our public service to Dallas residents.

Our office has consistently improved its diversity over the last few fiscal years. FY21-22 has been one of our most successful years to date. Our office continued to reduce the use of outside counsel, increase the amount of dollars secured for city use, and enhance community engagement activities. Along with a dedicated staff, we attribute our success to our employees who have the dedication and heart for public service as well as the unique backgrounds, perspectives, and talent to bring suggestions, initiatives, and approaches to the table which ultimately helps our office provide the best legal service to the city and its residents.

The FY21-22 budget comprised of 175 positions (14 of which are funded through grants). These positions included:

- 101 attorneys: City Attorney, one First Assistant City Attorney/Chief of General Counsel, one Chief of Litigation, one Inspector General, one Managing Attorney/Deputy Chief of Litigation, one Chief Integrity Officer, two Deputy Chiefs of General Counsel, 12 Section Chiefs, 12 Deputy Chiefs, 39 attorneys in General Counsel and Litigation Divisions, 12 Municipal Prosecutors, two Community Court Prosecutors, 14 Community Prosecutors, and two Prosecutors in the Inspector General Division.
- 74 professional staff: one legal office manager, one state legislative director, four executive assistants, 21 paralegals, 10 legal secretaries, four information technology analysts, nine caseworkers/social workers, five community court coordinators, eight administrative specialists, one agenda specialist, one community court section chief, one assistant community court manager, two community court supervisors, one grant compliance representative, one outreach specialist, one receptionist and office assistant, one accounts payable, accounts receivable manager, and two investigators.
- Based on employee disclosures, for the FY21-22 period, our staff included 66% women and 55% people of color, plus a wide range of ages and LGBTQ employees. Our office has approximately 56% people of color and 63% women in leadership roles. Our attorney staff consisted of approximately 40% people of color and 55% women. Our support staff consisted of approximately 79% people of color and 82% women.

FINANCIAL MATTERS

SUMMARY

Our office strives to uphold the utmost standards of fiscal responsibility by providing the highest quality legal service to the city and its residents. Our office's annual budget strategically implements cost-saving measures to minimize the impact on taxpayers while simultaneously addressing the needs of the city in the most effective and efficient manner.

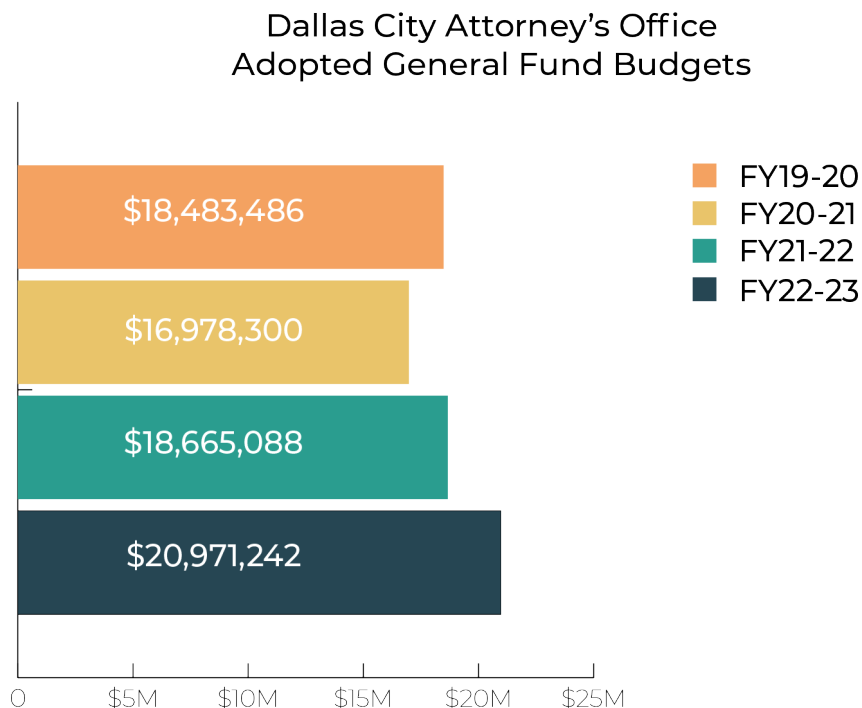
The amount the city pays or recovers to resolve claims and lawsuits, including settlements and judgments varies from year to year depending on the types of cases that are filed against the city, the types of cases the city initiates, and the timing of the resolution of claims and lawsuits.

Our office hires outside counsel in very specific situations where a conflict may exist, where specific expertise is required, or when outside counsel is needed for specific matters. As detailed below, the total cost of outside counsel in this past FY was almost \$1M less than the previous FY.

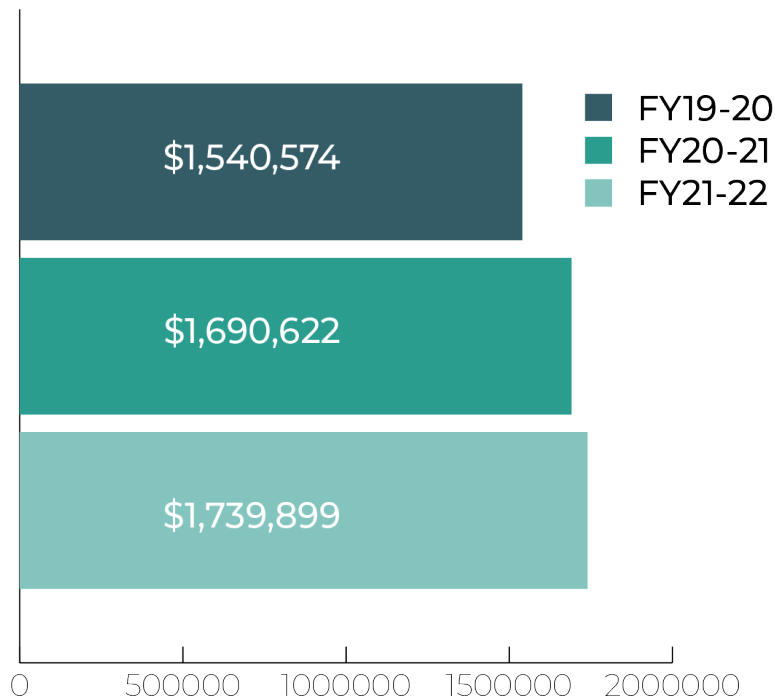
OFFICE BUDGET AND EXPENSES

The CAO budget is comprised of multiple funding sources. The total budget for FY21-22 was \$20,404,987. This included approximately \$1.7M in annual grants from state and federal agencies. These grants support fourteen full-time staff and activities of the Community Courts and the Community Prosecution Sections. The general fund budget for FY21-22 was a \$1.6M increase over the FY20-21 budget. In December 2021, the City Council made significant changes to the ethics ordinance, which included the creation of an Inspector General Division in our office to be led by an inspector general. This new division, along with the 10 additional personnel contributed to majority of the increase in general fund dollars budgeted for the CAO.

Over the last three fiscal years, the CAO general fund budget has varied from year to year. See the charts below showing our office's general fund and grant budgets from year to year.



Dallas City Attorney's Office Grant Budgets



The approximately \$50,000 increase in grants from FY20-21 to FY21-22 is due to the increase in project budget for the South Dallas Drug Court for year four of the five-year grant. The project budget for year four was increased based on the estimate of participants the South Dallas Drug Court was projected to serve. Our office continuously researches and applies for grant opportunities that will either enhance our current services or implement a new program to address a need in the community.

OUTSIDE COUNSEL COSTS

PROTOCOL

While our office is a full-service law firm, like other cities and counties throughout the country, the city attorney hires outside counsel when:

- (1) cases require specialized expertise that our office does not employ, e.g., employee benefits matters, oil and gas matters, small cell deployment, or utility rate proceedings.
- (2) an ethics complaint under Dallas City Code Chapter 12A is filed against a city official or employee.
- (3) the city, a city board or commission, an employee, the city attorney, or another city official has a conflict of interest; or a particular case or matter requires dedication of resources not available in our office at the time.

OUTSIDE COUNSEL COSTS FOR FY 2019-20, 2020-21, and 2021-22

The following table shows the subject-matter and costs that required retention of outside counsel.

Subject Matter	2019-20	2020-21	2021-22
Ethics Complaints	\$32,640.12	\$22,607.50	\$12,563.42
Employment Issues	\$10,447.50	\$6,253.87	\$0
Communication Infrastructure	\$25,100.76	\$0	\$0
Conflict of Interest (board of adjustment hearing)	\$0	\$0	\$91,799.61
Environmental Issues	\$0	\$0	\$34,050.00
Utility rates	\$29,347.63	\$15,435.00	\$32,512.50
Other	\$4,536.50	\$14,455.00	\$18,848.50
Litigation - Conflict of Interest (representation for city employees)	\$98,018.85	\$52,678.03	\$328,100.78
Specialized expertise	\$0	\$1,817.50	\$21,899.12
Claim Investigation - Conflict of interest	\$0	\$1,980	\$12,543.00
Trinity East lawsuit	\$674,703.80	\$9,060	\$26,230.00
Kelvion Walker lawsuit	\$208,589.48	\$0	\$0
Litigation-Employment	\$81,258.80	\$39,865.01	\$0
Data Loss	\$0	\$0	\$628,810.98
Total	\$1,164,643.24	\$164,151.91	\$1,207,357.91

PAYMENTS

TOTALS

Payments include settlements and judgments against the city. Total payments vary from year to year depending on many factors, including the types and complexity of claims and lawsuits filed against the city and when cases are resolved. Our office works strategically and aggressively to limit financial exposure and to seek fair and just resolution of cases and claims. Our office provides the City Council legal advice and analysis of potential settlements or trials. The City Attorney has up to \$25,000 in settlement authority per claimant. The City Council approves settlements exceeding \$25,000 pursuant to Section 2-84 of the Dallas City Code.

The tables below show summaries of those cases resulting in payments of more than \$100,000 in FY2019-2020, FY2020-2021, and FY2021-2022.

Major Payments (more than \$100,000) FY 2019-20

Case	Type	Total Payment
Abed, Nicole	Plaintiff filed a lawsuit alleging that she sustained injuries when a police car struck her as she was driving her motorized wheelchair in a crosswalk.	\$200,000
DeMartino, Keyvn	Plaintiff filed a lawsuit alleging that he sustained a brain injury when a sanitation truck collided with his vehicle.	\$200,000
Walker, Kelvion	Plaintiff filed a lawsuit alleging that a police officer used excessive force.	\$610,000

Major Payments (more than \$100,000) FY 2020-21

Case	Type	Total Payment
Afriyie, Bright Siaw	Plaintiff filed a lawsuit alleging employment retaliation.	\$100,000
Asberry, Alita	Plaintiff filed a lawsuit alleging that she suffered injuries in a collision with a police vehicle.	\$110,000
Bass, Terrance, and others	Class action suit alleging that the city did not pay the employees overtime as required by federal law.	\$2,450,000
Fritz, Rodney	Plaintiff filed a lawsuit alleging that he suffered injuries in a collision with a police vehicle.	\$225,000
Hinson, Lorris	Plaintiff filed a lawsuit alleging that he sustained injuries in a collision with a police vehicle.	\$205,000
Smith, Norris	Plaintiff filed a lawsuit alleging that he suffered injuries in a collision with a sanitation vehicle.	\$155,000

Major Payments (more than \$100,000) FY 2021-22

Case	Type	Total Payment
Cooper, Catrina	Plaintiff filed a lawsuit alleging that she suffered injuries in a collision with a sanitation truck.	\$150,000
Cravens, Marilyn et al.	Plaintiff filed a lawsuit alleging that the city failed to warn of a damaged guardrail which caused a collision, resulting in two fatalities.	\$490,000
Green, Horace	Plaintiff filed a lawsuit alleging that he sustained injuries in a collision with a police vehicle.	\$150,000
Segovia, Juana et al.	Plaintiff filed a lawsuit alleging that the city failed to provide medical care to a detainee at the city's detention center, resulting in the death of the detainee.	\$1,000,000
Texas Standard Construction	Plaintiff filed a lawsuit alleging that the city refused to pay for emergency work that fell outside the scope of work provided by the contract between the city and plaintiff.	\$190,000
Tittle, Jennifer	Plaintiff filed a lawsuit alleging that she sustained injuries in a collision with a police vehicle.	\$125,000

PAYMENTS BY CATEGORY

The tables below track payments in five categories: police matters, infrastructure, city vehicle accidents, employment, and miscellaneous.

Payouts – Police Matters

Category	2019-20	2020-21	2021-22
Conduct: Suspect Chase	\$0	\$0	\$0
Alleged Use of Force	\$650,000	\$35,000	\$25,000
Conduct: Alleged Unlawful Arrest	\$19,000	\$0	\$0
Conduct: Non-force	\$18,900	\$0	\$81,400
Alleged Wrongful Death	\$0	\$0	\$1,000,000*
Vehicle Accidents - Bodily Injury	\$418,100	\$830,650	\$715,304.41
Vehicle Accidents - Property Damage	\$9,150	\$9,560	\$17,500
Personnel	\$0	\$0	\$0
Other / AdminHearings	\$0	\$0	\$0
Total Paid	\$1,115,150	\$875,210	\$1,839,20.41

*Multiple city departments involved (DMO and DFR)

Payouts – Infrastructure

Category	2019-20	2020-21	2021-22
City Buildings, Parks, etc.	\$5,000	\$5,500	\$0
Watermains, Sewers & StormDrains	\$24,000	\$10,000	\$6,000
Sidewalks, Streets, Curbs, etc.	\$36,000	\$13,250	\$6,000
Streets, Signals& Lights	\$0	\$0	\$0
Inverse Condemnation (Eminent Domain)	\$713,623	\$703,000	\$1,024,544
Total Paid	\$778,623	\$716,750	\$1,036,544

Payouts – City Vehicle Accidents

Category	2019-20	2020-21	2021-22
Police	\$427,250	\$840,210.25	\$732,804.41
Dallas-Fire Rescue	\$56,500	\$155,000	\$83,300
Building Services	\$40,944	\$0	\$23,000
Code	\$842	\$0	\$69,500
Parks	\$12,000	\$32,000	\$167,000
Sustainable Development and Construction	\$0	\$10,000	\$0
Dallas Animal Services	\$90,000	\$22,000	\$16,000
Sanitation	\$412,378	\$254,984.69	\$412,500
Transportation	\$15,486	\$43,000	\$25,000
Dallas Water Utilities	\$124,800	\$138,720	\$386,000
Public Works	\$71,000	\$76,700	\$632,000
Streets	\$0	\$0	\$0
Library	\$0	\$0	\$2,000
Marshals Office	\$0	\$23,500	\$0
Total Paid	\$1,251,200	\$1,596,114.94	\$2,549,104.41

Payouts – Employment

Category	2019-20	2020-21	2021-22
Budget	\$0	\$0	\$12,000
Code	\$0	\$2,450,000	\$0
Building Services	\$700	\$0	\$0
Housing	\$0	\$46,300	\$0
Information & Technology Services	\$0	\$100,000	\$0
Transportation	\$0	\$9,000	\$0
Total Paid	\$700	\$2,605,300	\$12,000

Payouts – Miscellaneous

Category	2019-20	2020-21	2021-22
Zoning	\$0	\$0	\$65,325
Public Works and DWU Contract – additional costs	\$0	\$0	\$190,000
Public Information Act	\$0	\$0	\$389
Total Paid	\$0	\$0	\$255,714

APPEALS

The appellate section is responsible for handling many of the appeals relating to lawsuits handled by other sections of the office.

Appeals for FY2019-20, FY2020-21, and FY2021-22

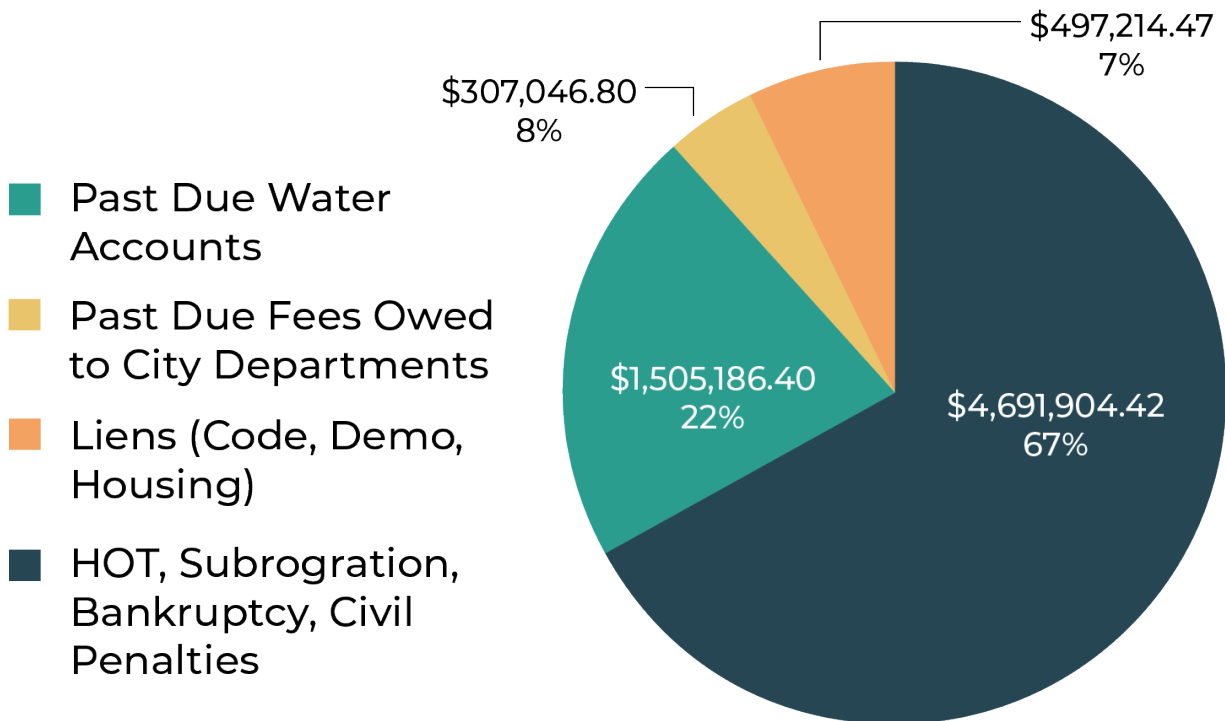
Appeals	2019-20	2020-21	2021-22
Pending	44	39	37
Disposed	22	18	20
Rulings favorable to the city	13	12	14

DOLLARS COLLECTED BY OUR OFFICE

Our office seeks to recover the highest possible dollar amounts to compensate the city for damages it has suffered, recover litigation costs, and enforce the law through fair and just penalties, fines, and costs. These dollars provide funding for vital city services, programs, and implementation of city policies. The CAO also joins class action lawsuits and other litigation to protect Dallas's rights and interests, and our office pursues affirmative litigation to protect civil and constitutional rights, economic interests, enforce city laws, and enhance the quality of life of the community. Our office recovers attorney's fees and costs, civil penalties, payments for damages, settlement payments, and other payments on behalf of the city.

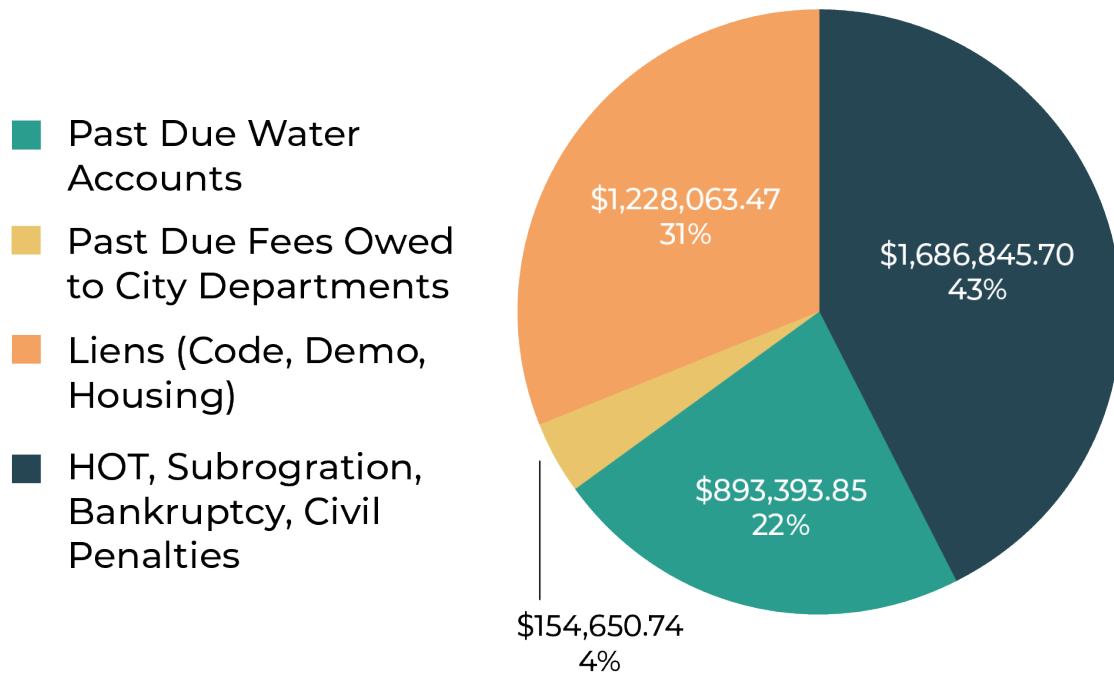
City Attorney-Secured Dollars by Bankruptcy and Collections¹

Collection Activities FY19-20

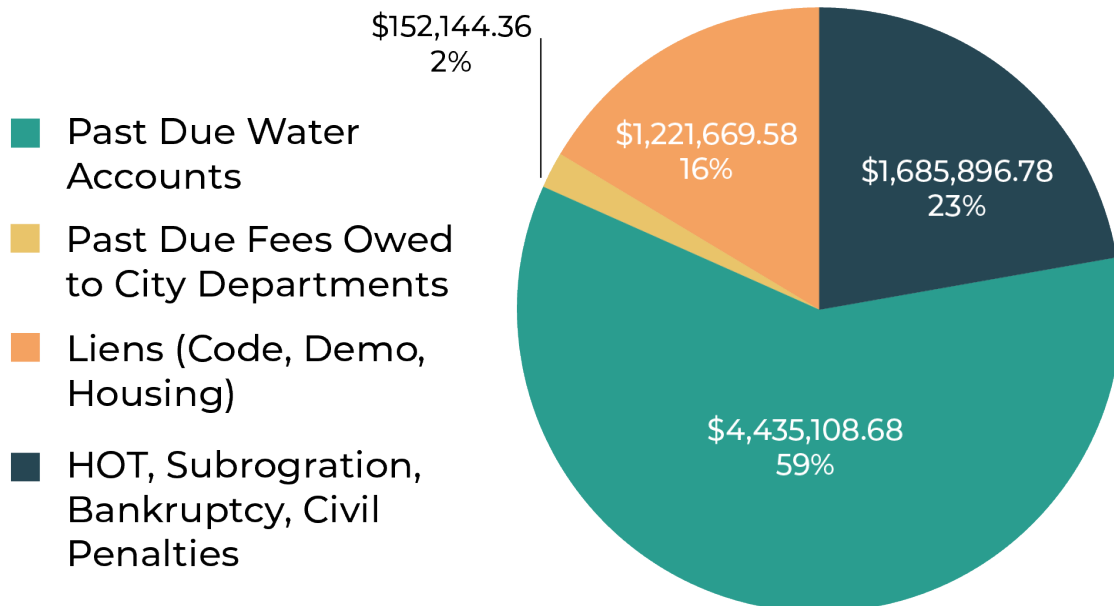


¹ Dollars include collections totaling \$5,000 or more

Collection Activities FY20-21



Collection Activities FY21-22



City Attorney - Secured Dollars by Community Prosecution

CP Matters	District	Municipal – Repair	Civil Forfeiture	Amounts Awarded
2019 - 2020	--	--	--	\$384,197
2020 -2021	--	--	--	\$1,666,525
2021-2022	\$1,410,540	\$195,000	\$127,725	\$1,618,265

CLAIMS

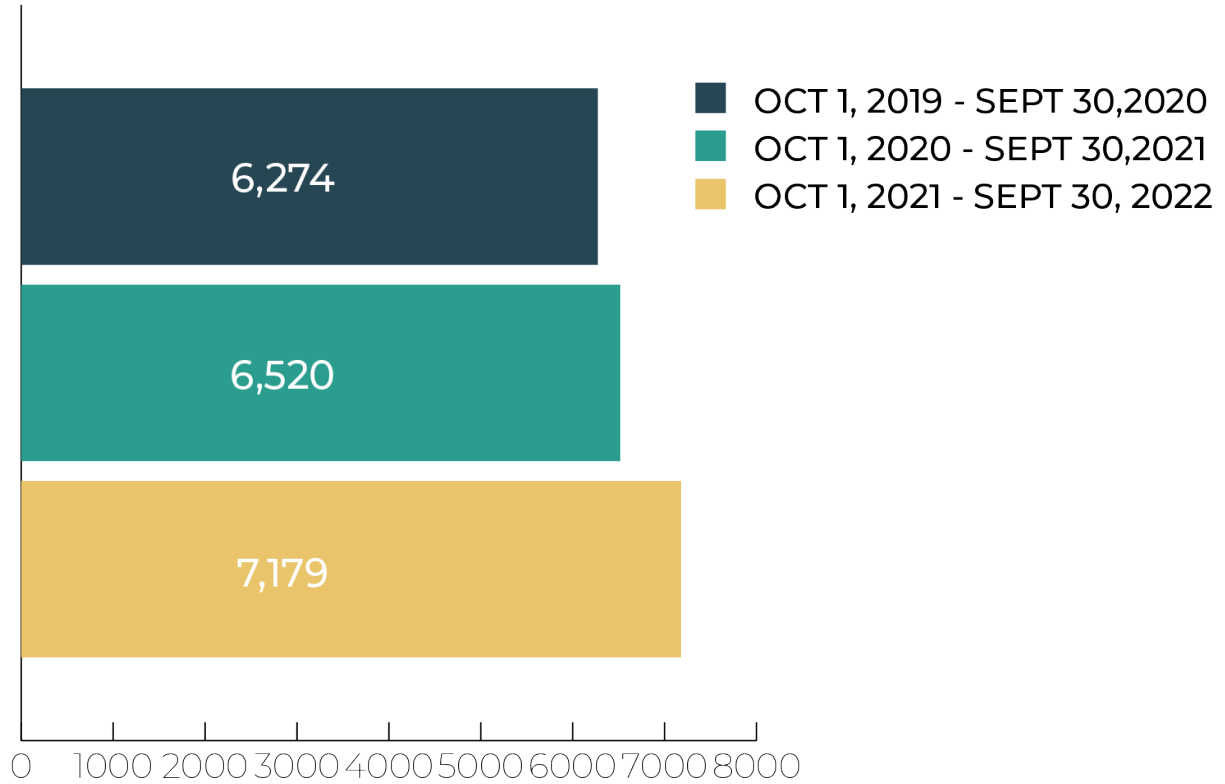
Our office investigates claims involving fatalities, constitutional violations, breach of contract, land use, demolitions, and employment matters. The Office of Risk Management (ORM) investigates claims involving city vehicle accidents alleging property damage and bodily injury and injuries occurring at city-owned property. ORM forwards claims exceeding its settlement authority to our office for review. In October 2021, ORM had \$5,000 in settlement authority for bodily injury claims and \$10,000 in settlement authority for property damage claims. As of May 2022, ORM has \$25,000 in settlement authority for bodily injury claims and \$25,000 in settlement authority for property damage claims.

The table below summarizes the claims handled by our office.

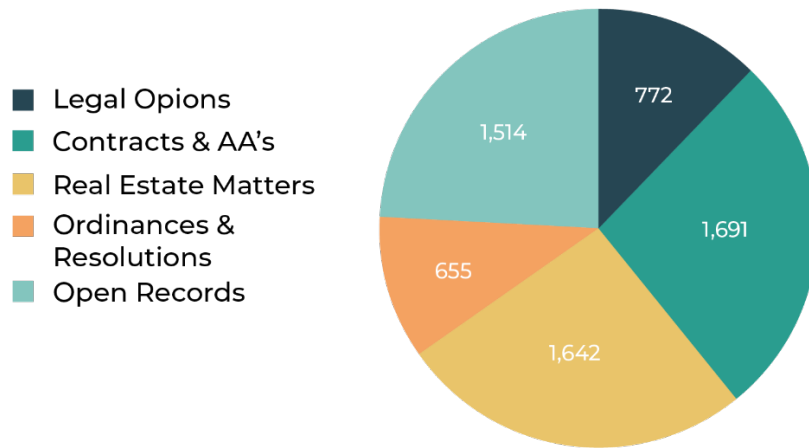
Category	2019-20	2020-21	2021-22
Fatalities	7	8	1
Constitutional Violations (non-police)	2	1	0
Police Matters (non-fatalities)	11	17	21
Breach of Contract	1	0	2
Employment Matters	6	10	3
Land Use	1	2	0
Denial of Medical Care	0	0	2
ORM claims	41	35	30
Total Claims	69	73	59

GENERAL COUNSEL ACTIVITIES

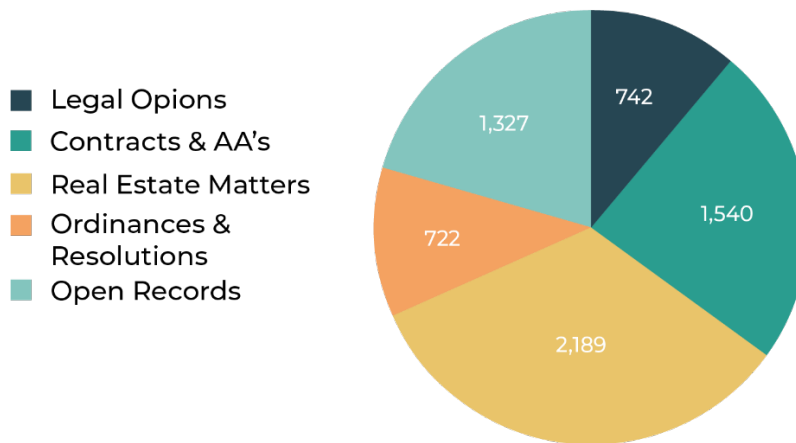
Total General Counsel Activities by Fiscal Year



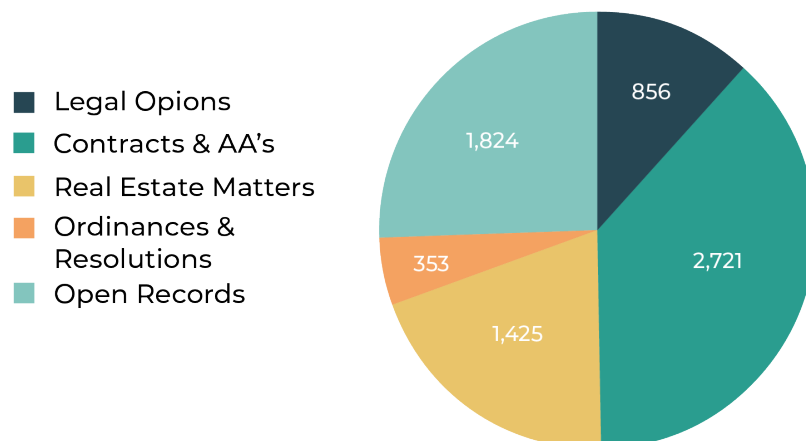
General Counsel FY19-20



General Counsel FY20-21



General Counsel FY21-22

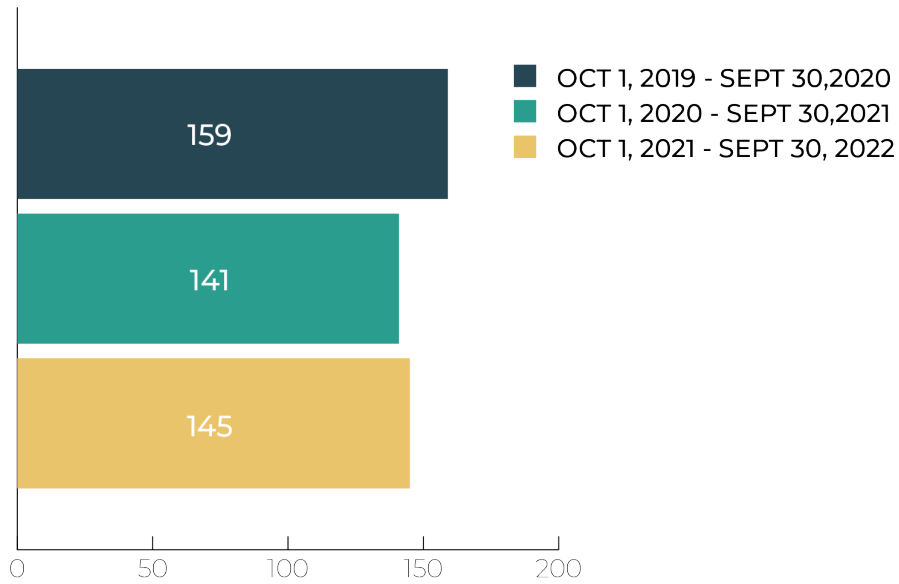


LAWSUITS FILED AGAINST THE CITY

Lawsuits primarily arise in the following categories: city vehicle collisions, police conduct, miscellaneous police matters, appeal of city board decisions or orders, municipal infrastructure, incidents occurring at city facilities, employment, tax issues, issues involving dogs, property damage, breach of contract, worker's compensation appeals, challenges ordinances, and other matters.

- Police conduct matters include claims involving unlawful arrest, excessive force, officer-involved shootings, and failure to train.
- Miscellaneous police matters include property allegedly illegally seized by the police, illegal towing, and failure to investigate.
- Appeals of city board decisions include rulings made by the board of adjustments, city plan commission, or a municipal court.
- Municipal infrastructure matters include alleged sidewalk defects, uncovered utility holes, defective signposts, defective traffic signals, and defective roadways.
- City facilities matters include alleged injuries occurring at city-owned property.
- Employment issues include claims, such as discrimination, retaliation, and wage claims.
- Tax issues include third-party lender tax foreclosures.
- Dog issues include the appeal of dangerous dog determinations.
- Property damage claims include damage to underground cables and personal property. This category does not include property damage caused by vehicle accidents.
- Breach of contract claims include non-payment of invoices and vendors challenging provisions of a city contract.
- Challenge to ordinance claims include challenges to the sick leave ordinance, rental registration, and eight-liner machines.
- Other category includes disputes involving liens and land use issues.

Lawsuits Filed Against the City by Fiscal Year



Note: In this table, “Police Conduct Matters” do not include police-related vehicle accidents or employment matters.

Category	2019-20	2020-21	2021-22
City vehicle collisions	58	59	60
Police conduct	16	15	24
Miscellaneous police matters	18	15	14
Appeal of board decisions or municipal court orders	2	0	1
Municipal infrastructure	13	17	4
City facilities	0	0	2
Personnel	7	3	4
Tax issues	16	4	9
Dog matters	6	1	3
Property damage	1	4	0
Breach of contract	4	1	0
Worker’s compensation appeals	2	1	0
Challenges to ordinance	0	2	2
Code issues	0	0	4
Zoning	0	0	3
Denial of permits	0	0	5
Other	16	19	10
Total lawsuits per year	159	141	145

OUTCOME OF LAWSUITS

When lawsuits are filed, our litigators work aggressively and strategically to defend the city's interests, protect taxpayer resources, reduce litigation costs, and limit potential exposure by filing pleas to the jurisdiction, motions to dismiss defendants and causes of action, thereby narrowing the scope of defense. We seek to resolve cases on a fair, just, and equitable basis while at the same time zealously representing the city.

ENFORCEMENT CASES

The Community Prosecution Section handles pre-litigation and litigation issues in municipal and district court related to the enforcement of city codes, including minimum property standards, land use and zoning, and environmental protections, abatement of criminal activity, and forfeiture of gambling proceeds. Below are tables that shows the cases resolved in municipal and district court in FY 2019-20, 2020-21, and 2021-22.

Category	FY19-20	FY20-21	FY21-22
Referrals & Pre-Litigation	267	263	235
Demolition	17	14	24
Repair & Civil Penalties	27	11	22
Civil Forfeiture	49	35	56
Injunctions	11	18	17
Total	371	341	354

FAIR HOUSING CASES

The Community Prosecution Section also assists the Office of Equity & Inclusion, Fair Housing Division in the investigation and enforcement of housing discrimination complaints made under Chapter 20A of the Dallas City Code. The Fair Housing Division along with the CAO focuses on protecting the rights and interests of the residents of the city to housing without regard to race, color, sex, religion, handicap, familial status, national origin, or source of income.

The table below summarizes the fair housing cases for FY2019-20, FY2020-2021 and FY2021-2022.

FHO Matters	2019-20	2020-21	2021-22
Matters Reviewed	38	23	34
Conciliation Agreements Reviewed	27	17	15
Lawsuits Filed	5	1	1
Lawsuits Pending	5	1	2
Lawsuits Resolved	0	1	1
Legal Opinions	1	2	3
Subpoenas	N/A	N/A	2

MAJOR LITIGATION (DEFENSE) CASES – STATUS AS OF FY 21-22

Otis Davis, Sr., Individually, Dorothy O Jackson, Individually, and Lasandra Travis Davis, Individually and as the Administrator of the Estate of Decedent, Bertrand Syjuan Davis v. City of Dallas and Matthew Terry

In August 2015, several Dallas police officers responded to a 9-1-1 call about Bertrand Davis, who was trying to burn down a smokehouse. Davis ran from the house and officers attempted to use their tasers to no effect. Officer Terry shot Davis when Davis reached for a gun from his vehicle which later was determined to be a pellet gun. In September 2016, Davis's parents and spouse filed a federal lawsuit against the city and Officer Terry for alleged violations of Davis's constitutional rights. The plaintiffs alleged that Officer Terry used excessive force during his encounter with Davis, and that the city's deadly force policies and inadequate supervision and training caused his death. In December 2019, the plaintiffs voluntarily dismissed their claims against the city. Plaintiffs' excessive force claim against Officer Terry was tried before a jury in March 2022, and the jury returned a verdict in favor of Officer Terry. The plaintiffs filed a motion seeking a new trial in April 2022. The court has not ruled on that motion.

Mary Dawes, Individually, and as the Administrator of the Estate of Decedent, Genevive A. Dawes, Alfredo Saucedo as Next Friend of Minors, K.R. and C.R. and Virgilio Rosales v. City of Dallas, Texas, Christopher Hess, and Jason Kimpel

In January 2017, Dallas police officers responded to a 9-1-1 call at an apartment complex about a suspicious person in a parked car that had been reported stolen. When the occupants tried to drive away, former officer Christopher Hess and officer Jason Kimpel, fired on the vehicle, resulting in the death of the driver, Genevive Dawes, and minor injuries to her male passenger, Virgilio Rosales. As a result of the incident, Officer Hess was fired and was indicted for aggravated assault by a public servant. In May 2017, Dawes' parents, her two minor children, and passenger, Rosales, filed a federal lawsuit against the city and the two officers, alleging that they used excessive force pursuant to unconstitutional policies of the city that resulted in Dawes' death. The court stayed the civil case as to Hess pending the resolution of his criminal charge. In February 2020, the jury in the criminal case found Hess not guilty. The officers subsequently moved for summary judgment on the civil claim based on their defense of qualified immunity. The district court granted final summary judgment for all defendants in September 2022. The plaintiffs appealed to the Fifth Circuit Court of Appeals and have filed their opening brief.

Vicki Timpa, Individually, and as Representative of the Estate of Anthony Timpa, and Cheryll Timpa Individually as Next Friend of K.T., a minor child, and Joe Timpa, v. City of Dallas, Dustin Dillard, Danny Vasquez, Raymond Dominguez, Domingo Rivera, Kevin Mansell

In August 2016, five Dallas police officers responded to a disturbance call outside an adult novelty store on Mockingbird Lane involving Anthony Timpa, who was reportedly running in the street, screaming and out of control. Security guards at the location subdued Timpa and placed him in handcuffs. When the officers arrived, they switched the handcuffs and secured Timpa's legs with flex ties. DFR paramedics also responded to the scene. Officer Dillard restrained Timpa while waiting for the paramedics to provide medical assistance. Timpa then became still and unresponsive. He was transported to Parkland Hospital where he was pronounced deceased shortly after arrival. Timpa's mother, father, and his minor child filed a federal lawsuit against the city and the officers, alleging that they used excessive force in violation of Timpa's constitutional rights. In April 2017, the plaintiffs amended their complaint

to drop their claims against the city. The court stayed the case after the officers were indicted for the criminal offense of deadly conduct, a Class A misdemeanor. The criminal charges were eventually dismissed. In February 2020, the officers moved for summary judgment on plaintiffs' claims against them. In July 2020, the district court granted their motion and entered a final judgment in their favor. In August 2020, plaintiffs appealed the judgment to the Fifth Circuit Court of Appeals. The appellate court reversed the judgment in February 2022. The officers appealed to the United States Supreme Court, and the Supreme Court declined to hear the appeal in May 2022. The case is scheduled to be tried before a jury in March 2023.

Bertrum Jean, Individually and as the surviving father of Botham Shem Jean, Allison Jean, and as the surviving mother of Botham Shem Jean, and Allisa E. Findley as the Administrator of the Estate of Botham Shem Jean v. City of Dallas and Amber Guyger

In September 2018, former Dallas police officer Amber Guyger, while off-duty, shot Botham Jean in his apartment. Plaintiffs have sued the city and Guyger, asserting that Guyger was acting in her capacity as a police officer. Claims against the city are based on *Monell* liability – alleged deprivation of a federal right as result of a city policy of failure to train and supervise, and the claims against Guyger are for using excessive force. The city filed a motion seeking dismissal of the plaintiffs' claims based on a lack of evidence. The court has not ruled on that motion.

Christopher Kelson and Dakota Kelson, and Estate of Hirschell Fletcher, Jr. v. City of Dallas, a Municipal Corporation, Firefighter Kyle Foster Clark, Firefighter Brad Alan Cox, Officer George Morales, Officer Christopher Todd, Officer Nicholas Morris, Officer James Hernandez, Officer Harry Bradfield, Officer DSO Warren, and Officer Erica Russell

In December 2016, Hirschell Fletcher, Jr., a homeless man suffering from a mental condition, was physically assaulted and robbed outside the Stew Pot in downtown Dallas. A Dallas police officer saw him and determined that he was injured and intoxicated. DFR paramedics examined Fletcher and cleared him for transport to the City Detention Center (CDC). While at CDC, detention center personnel determined that Fletcher needed medical attention. DFR paramedics transported Fletcher to a local hospital where he died. Fletcher's adult children filed suit against the paramedics and Dallas police officers who responded to the scene, and four employees of CDC, along with the city. The two paramedics, Kyle Clark and Brad Cox, were charged and pleaded guilty to a misdemeanor criminal offense of tampering with the paramedic report, a governmental record, and received probation. The city and police officers filed motions seeking the dismissal of the claims against them based on a lack of evidence. The court has not ruled on those motions.

Tasia Williams, Vincent Doyle, Brandon Saenz, and Randi Rogers v. City of Dallas, Texas, Chief Ulysha Renee Hall, Ryan Mabry, Victor Rocha, and Melvin Williams

In June 2020, Plaintiffs Tasia Williams and Vincent Doyle filed a federal lawsuit alleging that Dallas police officers used excessive force against them during their participation in peaceful protests following the death-in-custody incident involving George Floyd and officers of the Minneapolis police department. They also asserted claims for unlawful seizure, failure to supervise and discipline, and violation of their first amendment rights. On July 1, 2021, the plaintiffs filed an amended complaint adding two additional plaintiffs, Randi Rogers, and Brandon Saenz, and three additional officer defendants. In May 2022, plaintiffs amended their complaint to add another plaintiff, David McKee. In December 2021 and May 2022, the Dallas County District Attorney brought several criminal charges against two of the individual

defendants, Dallas police officer Ryan Mabry and former Dallas police officer Melvin Williams, arising from their encounters with Doyle, Saenz, and McKee. In July 2022, the court stayed the case pending the resolution of the criminal charges against Mabry and Williams.

Ethelyn Ross, Individually and as Mother and Independent Administrator of the Estate of Diamond Ross, deceased and Clarence McNickles v. City of Dallas Police Department, City of Dallas Fire Rescue Department, Larry Moody, Individually and as an agent and/or employee of City of Dallas Police Department, William Ortega, Individually and as an agent and/or employee of City of Dallas Police Department, John and or Jane Does Individually and as an agent and/or employee of Dallas Marshals Office, John and or Jane Does Individually and as an agent and/or employee of City of Dallas Fire and Rescue Department

In June 2020, plaintiffs, the mother and father of Diamond Ross, the decedent, filed a federal lawsuit against the city, DPD, DFR, Senior Corporal Larry Moody, former Officer William Ortega, and unidentified John and Jane Does, asserting claims under federal law for denial of medical care, unconstitutional policies or customs, failure to train, supervise, and discipline its employees, and violations of the Americans with Disabilities Act and Rehabilitation Act, and claims under state law for negligence, wrongful death, and a survival action arising out of the arrest of and denial of medical care to Diamond Ross on August 18, 2018. In October 2020, the court dismissed plaintiffs' claims against the police and fire departments. In March 2022, the court dismissed the plaintiffs' claims against the officers, finding that they did not violate Diamond Ross's constitutional rights. The city has moved to dismiss the state law claims against all defendants and the federal claims against the city based on denial of medical care. The court has not ruled on those motions.

Yolanda Dobbins, Lily Godinez, and Megan Nordyke v. City of Dallas

Plaintiffs filed suit seeking damages from defendants for alleged acts of unlawful arrest, excessive force, inadequate training, false arrest, and negligent hiring, retention, and supervision committed by members of DPD. The court granted the city's motion to dismiss the plaintiffs' lawsuit on August 26, 2021. The plaintiffs appealed the court's ruling to the Fifth Circuit Court of Appeals. The appeal was dismissed in December 2021 for lack of jurisdiction.

Kyle Vess v. City of Dallas and Brad Alan Cox

In July 2021, Kyle Vess filed a federal lawsuit against the city and former DFR firefighter Brad Cox, alleging claims arising from his encounter with Cox on August 2, 2019. Vess alleges that Dallas firefighters responded to an emergency call concerning a small grass fire on the side of a road nearby. Cox suspected Vess caused the fire and used force to detain him until Dallas police officers arrived. Vess asserts claims against Cox for unreasonable seizure and excessive force, and claims against the city based on alleged unconstitutional policies of deliberate indifference in providing medical treatment to mentally ill and homeless persons, and inadequate training, supervision, and discipline of Cox. In July 2022, the court dismissed three out of four of the plaintiff's municipal liability claims alleged against it. The case is set for a jury trial on November 6, 2023.

Marsha Jackson v. Blue Star Recycling, LLC; CCR Equity Holdings One, LLC., Cabe Chadick, and City of Dallas

Marsha Jackson filed a citizen suit in federal court pursuant to the Resource Conservation and Recovery Act (RCRA) against defendants. As to the city, plaintiff claims that the city failed to handle, store, dispose, or transport solid waste known as "shingle mountain." She alleges claims for RCRA violations and disparate treatment in zoning decisions based on race. She seeks injunctive relief, rezoning of the property, and attorney's fees and costs. The city instituted an enforcement action in state court against the former operator of a roof shingle recycling business and the property owners where the business was located. The State of Texas intervened in the state lawsuit. The city and CCR reached a settlement in the state case which resulted in the removal of the shingle materials at the property. The federal claims against the city were dismissed, and the plaintiff appealed the decision to the Fifth Circuit Court of Appeals, which affirmed the dismissal in July 2022.

Millwee- Jackson Joint Venture et al. v. City of Dallas et al.

Millwee owns the property adjacent to Alamo Street. In 2001, the City Council approved an ordinance, abandoning a portion of Alamo Street to DART for the construction of a DART line with the understanding that DART would defend and indemnify the city in accordance with the terms of the abandonment ordinance. In 2004, Millwee sued the city and DART alleging various claims, including inverse condemnation and injunctive relief regarding the closure of Alamo Street. Pursuant to the ordinance, DART defended the claim involving the closure of Alamo Street until 2017, when Millwee dismissed the claims against DART but retained all of the claims against the city. Following a bench trial, the judge ruled in March 2020 against Millwee on the inverse condemnation (takings) claim and granted Millwee an injunction ordering the city to reopen Alamo Street, from Houston Street to Oak Lawn Avenue, as the street had existed before the abandonment. Both the city and Millwee appealed, and the appeal has been briefed and was submitted on oral argument in January 2022.

Trinity East Energy, LLC v. City of Dallas

Trinity East alleges that it paid the city more than \$19 million in 2008 for a lease of the oil and gas mineral rights on more than 3,600 acres of city property in the northwest Dallas. Trinity East asserts that the city refused to grant it the necessary approvals to conduct drilling and production operations despite the city's "representations and promises" as well as the city's "contractual obligations." Trinity East is seeking in excess of \$50 million. On February 6, 2020, the jury rendered a verdict in favor of Trinity East on its statutory fraud and negligent misrepresentation causes of action and determined the damages resulting from those claims were \$23,414,148.80. The jury also returned a verdict in connection with Trinity East's regulatory taking (inverse condemnation) cause of action, determining the difference in the fair market value of Trinity East's property immediately before and immediately after the specific use permit denials on August 28, 2013, to be \$33,639,000.00. The jury also returned a verdict finding the city did not fail to comply with its lease with Trinity East. The court then concluded as a matter of law that the city had engaged in a regulatory taking of Trinity East's property by failing to approve one or more of the specific use permit applications. Because the damages available to Trinity East on its regulatory taking claim were greater than the damages available on its other claims, the court entered judgment for Trinity East on that claim. The city appealed, and the court of appeals affirmed the trial court's judgment in August 2022. The city filed a petition for review in the Supreme Court of Texas.

City of Dallas v. Delta Airlines, Inc., Southwest Airlines Co., Virgin America, Inc., American Airlines, Inc., United Airlines, Inc.

The city sued involved airlines because of the irreconcilable demands, claims, and threats being made against it regarding airline gate use at Dallas Love Field. Delta claims a right to use gates even though Delta did not have a lease or sub-lease to use the gates. Southwest Airlines has preferential lease rights to use the gates in question and asserts that it no longer has any responsibility to accommodate Delta. The parties settled the lawsuit, and the City Council approved the settlement in June 2022. All settlement documents have been finalized and signed, and the court approved the settlement on November 28, 2022.

Romulus Group, Inc. v. City of Dallas

On January 11, 2012, Romulus entered into a written contract with the city to provide clerical and professional services to the city. Romulus alleges that soon after entering into the contract, the city demanded that Romulus provide temporary employees under a non-existent category called “Clerical Positions Not Listed.” The rate at which the city allegedly demanded the employees in the non-existent category would not cover Romulus’s costs and expenses in connection with providing the employees. Romulus sued the city for breach of contract and seeks \$1,600,000 in damages, attorney’s fees and interest. The city filed a motion for summary judgment on July 24, 2020, and the court granted the city’s motion as to change order employees and any claim for attorney’s fees and denied the motion in part. The case is set for jury trial in January 2023.

City of Dallas v. River Ranch Educational Charities et al.

In 2012, the city entered into a contract with River Ranch to provide operations at the Texas Horse Park. Due to numerous breaches (unauthorized vegetation and tree removal in the floodplain, incomplete insurance submittal, fence construction in violation of the city and heavy equipment issues), the city sent a written notice to River Ranch to vacate the premises at the Texas Horse Park. River Ranch refused, and the city filed a lawsuit asking for injunctive relief. River Ranch filed counterclaims against the city seeking damages. The city filed a plea to the jurisdiction challenging the counterclaims and the plea was denied. The denial was upheld on appeal in April 2022. The case is back in the trial court and has not been reopened or set for trial.

Employee Retirement Fund of the City of Dallas v. City of Dallas

In 2017, the City Council amended Chapter 8 of the Dallas City Code to add term limits on the employee-elected members of the board of the Employees’ Retirement Fund of the City of Dallas (ERF). In 2018, two members of the ERF Board ran for reelection for additional terms in violation of the term limits in the ordinance. The city secretary and the City Attorney’s Office notified the term-limited board members and ERF that they were ineligible for office and could be subject to a declaratory judgment action for running in violation of the city’s ordinance. The ERF brought a lawsuit against the city, arguing the term limits ordinance is invalid. ERF claimed that the term limits ordinance amended Chapter 40A of the Dallas City Code, which is the trust document for the ERF, because it changed the conditions for eligibility for the elected ERF board members. The city filed a motion for summary judgment, arguing the term limits ordinance is valid under Texas law and the Dallas City Code because term limits and other governance provisions are properly placed in Chapter 8 of the Dallas City Code. ERF filed its own motions for summary judgment and asked the court to find the term limits ordinance invalid. The trial court granted the city’s motion for summary judgment and denied ERF’s motions. By ruling this

way, the court found the term limits ordinance valid and resolved the principal issue in this case in the city's favor. On April 24, 2020, ERF appealed the decision to the Dallas Court of Appeals, which reversed the summary judgment in October 2021. The city filed a petition for review in the Supreme Court of Texas, which has requested briefing on the merits.

Lone Star Amusements, LLC and Afad Investments, Inc., v. City of Dallas and T.C. Broadnax, In his Official Capacity as Dallas City Manager

Two plaintiffs, Lone Star Amusements, LLC and AFAD Investments, Inc., have sued the city over Ordinance No. 31620, which prohibits coin-operated amusement devices in convenience stores. They have sued both the city and the city manager in his official capacity seeking a declaration that the ordinance is invalid and an injunction to prohibit the city from enforcing it. Additionally, plaintiffs seek economic damages under a claim that the regulations are an inverse condemnation of their property. Plaintiffs have alleged a purported ultra vires claim seeking to declare the statute invalid because it is preempted by chapter 2153 of the Occupations Code and sections of the Alcoholic Beverage Code and because it is a taking or a violation of due process under article I, sections 17 and 19 of the Texas Constitution. Plaintiffs also bring a separate claim for inverse condemnation or violation of due process under article I, sections 17 and 19 of the Texas Constitution. With respect to the taking claim, plaintiffs allege that they have a vested property right in the license they receive from the state to operate the coin-operated amusement device and that the ordinance deprives them of that right without just compensation. In November 2020, the trial court issued an order enjoining the city from enforcing the ordinance while the case is pending. The city filed a plea to the jurisdiction that was heard by the court in April 2022. The court has not ruled on the plea. The case is set for nonjury trial in January 2023.

TitleMax of Texas, Inc., Ivy Funding Co. LLC, and NCP Finance LP v. City of Dallas

On April 9, 2021, plaintiffs filed suit in state court challenging the January 2021 amendments to the short-term lending ordinance in Chapter 50 of the Dallas City Code. The petition seeks a temporary injunction, permanent injunction, and declaratory relief. The city removed the case to federal court. The plaintiffs' request for injunction was denied in October 2021 and plaintiffs appealed to the Fifth Circuit Court of Appeals. The appeal was argued in August 2022, and the court has not issued a decision. There is no trial date.

Association of Club Executives of Dallas, Inc., Nick's Mainstage, Inc.-Dallas PT's, Fine Dining Club, Inc., 11000 Reeder, Inc., TMCD Corporation, and AVM-AUS, Ltd. v. City of Dallas

Five sexually oriented businesses and a trade association for sexually oriented businesses filed a lawsuit in federal court on January 26, 2022, alleging that the city's newly enacted ordinance restricting the operating hours of sexually oriented businesses violated their First Amendment rights. The ordinance adopted on January 26, 2022, among other things, requires sexually oriented businesses licensed under chapter 41A of the Dallas City Code to close between the hours of 2 am and 6 am. The plaintiffs seek declaratory and injunctive relief. On May 24, 2022, the court issued an opinion and order enjoining the hours of operation provision of the ordinance during the litigation. The city appealed in June 2022 and filed its opening brief on November 18, 2022. Though the trial court proceedings are not stayed during the appeal, there is no trial date set.

Gadberry Construction Co. v. City of Dallas et al.

Gadberry Construction Co. filed a lawsuit against the city and eleven councilmembers in their official capacity in which Gadberry alleges that it should have been awarded the construction contract for the Hi Line Connector Trail Project because it was the lowest apparent bidder. The court entered a temporary injunction prohibiting the city from proceeding with the contract with awardee Fain Group during the litigation. The city appealed the temporary injunction on July 7, 2022, and the appeal suspended the injunction. The city then filed a plea to the jurisdiction challenging certain claims on July 15, 2022. The court granted in part and denied in part the city's plea to the jurisdiction. The city appealed the denial. The two appeals have been consolidated by the appellate court. The trial court proceedings are stayed while the appeals proceed. The city has filed its briefs, and oral argument is scheduled for January 31, 2023.

D & J Pets, Inc., d/b/a Petland Dallas v. City of Dallas

Petland Dallas is franchisee of a Petland store in Dallas at which dogs and cats are sold. On May 11, 2022, the City Council passed an ordinance amending section 7-4.5 of the Dallas City Code and making it an offense for a pet store to sell dogs and cats. The ordinance took effect six months from passage. Petland Dallas filed suit on May 24, 2022, and alleges violations of the due course of law, equal protection, and contracts provisions of the Texas Constitution as well as a taking claim. Petland Dallas seeks injunctive relief, compensation for the taking, and attorneys' fees. Petland Dallas moved for a temporary injunction. A hearing on the temporary injunction request occurred on two days in September and October 2022. The trial court issued an order denying the request for injunction. Petland Dallas did not appeal the denial of its request for temporary injunction. The ordinance went into effect on November 11, 2022. Petland Dallas appears to have closed its Dallas store. The lawsuit remains pending.

International Leadership of Texas, Inc. v. City of Dallas, et al.

Plaintiff International Leadership of Texas, Inc. ("ILTX") is an operator of an open enrollment charter school district. ILTX filed suit in state court on September 17, 2021, and alleged that on August 11, 2021, the city and fourteen councilmembers unlawfully denied its application for a planned development district for construction of an open enrollment charter school serving grades 9 – 12. ILTX alleged claims for declaratory judgment, regulatory taking, deprivation of substantive due process, ultra vires, injunctive relief, and attorney's fees. The city defendants removed the case to federal court. The city defendants filed a motion for judgment on the pleadings on May 3, 2022. On November 14, 2022, the court dismissed plaintiffs' claims for ultra vires actions and substantive due process deprivations but denied the motion as to the remainder of plaintiffs' claims. Trial is scheduled for May 1, 2023.

Carlos Nascimento v. Gregory Fason et al.

In January 2020, two Dallas police officers arrested Carlos Nascimento for public intoxication and outstanding warrants and transported him to the CDC. While there, Nascimento suffered multiple seizures and became unresponsive. Paramedics transported Nascimento via ambulance to a local hospital, where he received medical treatment. In October 2021, Nascimento filed a lawsuit in federal district court against the two police officers and a CDC detention officer, alleging that they were deliberately indifferent to his serious medical needs, in violation of his constitutional rights. In September 2022, the officers filed a motion seeking dismissal of the claims against them based on a lack of evidence. The court has not ruled on the motion.

Shakur Stewart v. John Coughlin and City of Dallas

In August 1988, Shakur Stewart was prosecuted and convicted of murdering a woman outside her apartment building. He served three years in prison and was then released and paroled for nearly 22 years. The Texas Court of Criminal Appeals set aside the criminal conviction after determining that the prosecution failed to turn over evidence favorable to Stewart during the criminal trial. In February 2020, Stewart filed suit against the detective who led the murder investigation, claiming that he intentionally withheld information to ensure that Stewart was convicted. Stewart later amended his complaint to add the city, claiming that it has unconstitutional policies that allow detectives to withhold evidence favorable to criminal defendants, and that it failed to train detectives handling police investigations of their duty to disclose such information to the prosecution. In July 2022, the city and the individual defendant filed a motion seeking dismissal based on a lack of evidence. The court has not ruled on that motion.

Steven Monacelli v. City of Dallas et al.

Steven Monacelli, a freelance journalist, claims that on June 1, 2020, unidentified Dallas police officers unlawfully arrested and used excessive force against him while he was covering George Floyd-related protests on the Margaret Hunt Hill Bridge. In October 2021, Monacelli sued the city and John Doe officers for allegedly violating his constitutional rights. The court granted the city's motion to dismiss Monacelli's claims against it but also permitted him to file an amended complaint, which Monacelli did. The city has filed a motion to dismiss the amended complaint. The court has not ruled on that motion.

Bryan Riser v. Esteban Montenegro

In May 2022, former Dallas police officer Bryan Riser filed a federal lawsuit against DPD Detective Esteban Montenegro, the lead detective in a capital murder investigation that resulted in Riser's arrest in March 2021. Riser claims that Montenegro relied on noncredible evidence, knowingly and intentionally included false statements, and omitted favorable evidence in an affidavit to secure an arrest warrant, in violation of Riser's constitutional rights. Due to a conflict of interest, the CAO engaged outside counsel to represent Montenegro in the lawsuit.

Pamela Grayson v. Dallas Police Department et al.

Pamela Grayson alleges that on June 1, 2020, she was on the Margaret Hunt Hill Bridge peacefully participating in a George Floyd-related protest when an unidentified officer deployed a non-lethal rocket into the crowd, striking her on the forehead about an inch above her right eyebrow. In May 2022, Grayson filed suit for monetary damages against the city, former DPD Chief U Reneé Hall, one former and two current DPD officers, two city departments, and other federal, state, and local government agencies, alleging violations of her constitutional rights. The city defendants have moved to dismiss the plaintiff's claims against them. The court has not ruled on that motion.

Christopher Rusanowsky v. City of Dallas and Sgt. Roger A. Rudloff, individually and in his official capacity as a Dallas Police Department Officer

Christopher Rusanowsky, a photojournalist, alleges that on May 30, 2020, a DPD police sergeant caused him to be arrested and jailed overnight in retaliation for photographing the sergeant's treatment of two people participating in George Floyd-related racial injustice protests. In May 2022, Rusanowsky filed a federal lawsuit against the city and the police sergeant, alleging

violations of his constitutional rights. In July 2022, the sergeant answered the complaint, asserting his entitlement to qualified immunity, and the city moved to dismiss plaintiff's claims against it. The court has not ruled on the city's motion to dismiss.

Shenita Cleveland v. City of Dallas, Texas, Chief Ulysha Renee Hall, and John Doe Police Officers 1-50

Shenita Cleveland alleges that on May 31, 2022, she was unlawfully detained and sustained bodily injuries when Dallas police officers fired kinetic impact projectiles (rubber bullets) into a crowd of peaceful protesters and detained them without justification. In May 2022, Cleveland filed a federal lawsuit against the city, former police Chief U. Reneé Hall, and John Doe defendants, alleging claims for violations of her constitutional rights. In July 2022, the city and Hall moved to dismiss plaintiffs' claims against them. The court has not ruled on that motion.

Ray Jordan II et al. v. City of Dallas; Texas et al.

Ray Jordan II and his two children (the Jordans) sue the city, Chief Eddie Garcia, former Chief U. Reneé Hall, unknown Dallas police officers, Dallas County, Sheriff Marion Brown, unknown county law enforcement officers, the State of Texas, other state agencies, and unknown state law enforcement officers, for injunctive relief and money damages for alleged violations of their constitutional rights. The Jordans allege that on May 30, 2020, they were in downtown Dallas to participate in a George Floyd-related racial injustice protest when Dallas police officers threw fire smoke canisters and other kinetic impact projectiles toward them, causing Mr. Jordan to flee the area with his children. On June 1, 2020, the Jordans participated in a peaceful protest at DPD Headquarters. At the conclusion of that demonstration, the Jordans remained in the vicinity and joined other protesters for a rally on the Margaret Hunt Hill Bridge. The Jordans allege that they were ultimately detained on the bridge for nearly two hours and struck by less-than-lethal ammunition deployed by law enforcement officers. In May 2022, the Jordans filed suit in federal district court. In August 2022, the city and Hall moved to partially dismiss the claims against them. The court has not ruled on that motion.

Jantzen Verastique et al v. City of Dallas et al.

In May 2022, Jantzen Verastique, Dondi Morse, Parker Nevills, Yolanda Dobbins, David Baker (aka Dabi Baker), and Maggie Little filed a federal lawsuit against the city and several Dallas police officers, Dallas County, and the Dallas County Sheriff's Office, alleging that there were subjected to unlawful arrests and excessive force on May 30, 2020, while participating in George Floyd-related protests in downtown Dallas. The city has moved to dismiss the claims against it. The court has not ruled on that motion.

Megan Nordyke and Lilianna Godinez v. City of Dallas; Dallas County Sheriff's Office; Dallas County

In May 2022, Megan Nordyke and Lilianna Godinez filed a federal lawsuit against the city, alleging that they were subject to unlawful arrests and excessive force on May 30, 2020, while peacefully participating in George Floyd-related protests in downtown Dallas. In August 2022, the city moved to dismiss the claims against it. The court has not ruled on that motion.

Dominique Alexander v. City of Dallas, Texas et al.

In May 2022, Dominique Alexander and sixteen other individuals filed suit in federal district court against the city, former Chief U. René Hall, Chief Eddie Garcia, unknown Dallas police state law enforcement officers, and other federal and state government agencies for alleged violations of their constitutional rights on June 1, 2022, when they were allegedly participating in a peaceful George Floyd-related protest. According to the plaintiffs, law enforcement officers unlawfully detained them for hours on the Margaret Hunt Hill Bridge and subjected them to excessive force. In September 2022, the city moved to dismiss the claims against it. The court has not ruled on that motion.

LAWSUITS INVOLVING POKER/CARD ROOMS

Champions Dallas LLC v. City of Dallas and Board of Adjustment

The plaintiff applied for a certificate of occupancy (CO) to operate an “exclusive, members only high-end restaurant and bar” at which “some of the dining space [as well as other event space] may be used for legal poker games.” The building official denied the CO application because the plaintiff’s land use statement indicated the proposed use would be illegal under the Texas Penal Code, which makes gambling unlawful. The plaintiff appealed the decision to the board of adjustment, which affirmed the CO denial in October 2021. On October 29, 2021, the plaintiff filed an appeal of the board of adjustment’s decision in state court. The plaintiff asserts substantive due process deprivation, regulatory taking, writ of certiorari seeking reversal of the board’s decision, and attorney’s fees and costs. The nonjury trial date has been set for May 23, 2023.

KBKM Entertainment LLC d/b/a Dallas Poker Club v. City of Dallas and Board of Adjustment

The plaintiff applied for a CO to operate a private poker club. The building official denied the CO application on the basis that the proposed use would be illegal under the Texas Penal Code, which makes gambling unlawful. The plaintiff appealed the decision to the board of adjustment, which affirmed the CO denial on November 17, 2021. On November 23, 2021, the plaintiff filed an appeal of the board of adjustment’s decision in state court. The plaintiff asserts claims for substantive due process deprivation, regulatory taking, writ of certiorari seeking reversal of the board’s decision, and attorney’s fees and costs. Plaintiff filed a motion for summary judgment, and the board filed its response. The hearing on the plaintiff’s motion for summary judgment was cancelled and has not been rescheduled. Trial is set for June 5, 2023.

Fifty-Two Social and Dining LLC and SB Capital LLC d/b/a Sportsbook Poker Club v. City of Dallas, Megan Wimer, and David Session

Plaintiff Fifty-Two Social and Dining LLC applied for a CO to operate a private poker and social club. The building official denied the CO application. Fifty-Two Social and Dining LLC did not appeal the decision to the board of adjustment. On December 21, 2021, the plaintiff filed this

lawsuit challenging the denial of its CO. Plaintiff Sportsbook Poker Club applied for a CO to operate a private poker and social club in September 2021. Sportsbook Poker Club was added as a plaintiff in March 2022. The plaintiffs assert claims for declaratory judgment, mandamus requiring the city to issue the COs, injunctive relief, and attorney's fees and costs. The plaintiffs filed an amended petition adding Sportsbook Poker Club as a plaintiff and David Session, the former interim building official, and Megan Wimer, the former assistant building official, as defendants. Plaintiffs filed a motion for summary judgment. The court denied the motion after a hearing in December 2022. The city and the board filed a motion for summary judgment that will be scheduled for hearing in January 2023. Trial is scheduled for February 6, 2023.

Andres Espinoza, in his official capacity as Building Official of the City of Dallas v. Board of Adjustment (Texas Card House)

Texas Card House LLC applied for a CO to operate a private poker and social club at 11834 Harry Hines Boulevard. The CO was erroneously issued in October 2020. In December 2021, the building official revoked the CO because the plaintiff's land use is illegal under the Texas Penal Code. Texas Card House appealed the decision to the board of adjustment, which reversed the building official's decision. On April 1, 2022, the building official filed an appeal of the board of adjustment's decision in state court. The petition seeks a writ of certiorari and reversal of the board's decision. Texas Card House intervened in the case. Texas Card House filed a motion for summary judgment in August 2022. The case was originally set for trial in March 2023. The trial court did not hear or decide the summary judgment motion and ordered a nonjury trial to take place on October 25, 2022. Multiple pretrial motions were filed. On October 25, 2022, the court entered judgment in favor of the building official and reversed the decision of the board of adjustment. The court found that the board of adjustment abused its discretion and made an illegal decision when it reversed the building official's revocation of the CO because it was issued in violation of state law. Texas Card House has appealed the judgment. The trial court suspended enforcement of the judgment during the appeal. The trial court also issued findings of fact and conclusions of law. The board of adjustment has not yet filed an appeal of the judgment.

Andres Espinoza, Director and Chief Building Official for Development Services Department of the City of Dallas v. Board of Adjustment of the City of Dallas (Shuffle 214)

Shuffle 214 applied for a CO to operate a private poker and social club at 11411 E. Northwest Highway. The CO was erroneously issued in June 2021. In December 2021, the building official revoked the CO because the plaintiff's land use is illegal under the Texas Penal Code. Shuffle 214 appealed the decision to the board of adjustment, which heard the appeal and reversed the building official's decision on May 17, 2022. The building official appealed the board of adjustment's decision in state court. Shuffle 214 intervened in the lawsuit. The court issued a scheduling order, appointed a mediator, and set the nonjury trial on July 17, 2023.

CONFEDERATE MONUMENTS LAWSUITS

The General Litigation Section of the City Attorney's Office has handled five separately filed lawsuits, and multiple related appeals, challenging the city's removal of city-owned symbols of the Confederacy. The city has prevailed in each lawsuit, and all appeals have become final.

Background

In August 2017, Mayor Mike Rawlings appointed a task force to consider whether to remove Confederate monuments on city property and rename streets and other public places named for Confederate figures. On September 6, 2017, the City Council authorized the removal of the Robert E. Lee statue in what was then Lee Park (now Turtle Creek Park). The Lee statue, which was installed in 1936, was removed and placed in storage. The City Council also directed the task force to hold public meetings, which it did. The City Council authorized the sale of the Lee statue in May 2019, and it was sold at public auction in June 2019. The sale agreement specified that the statue could not be publicly displayed in the Dallas-Fort Worth Metropolitan Area and the restriction applies to any future owner.

The Confederate Monument consisted of a 65-foot-tall obelisk with a Confederate soldier on its top and statues of four Confederate generals at its base. It was originally placed in City Park in 1897 and was relocated to Pioneer Cemetery Park in 1961. In February 2019, the City Council directed that the monument be removed. However, before removal could begin, the city was enjoined by the Dallas Court of Appeals because of a pending appeal. In June 2020, the city requested, and the court of appeals allowed the city to proceed with removal. The monument was removed by the end of June 2020 and placed in archival storage.

Litigation

Hiram Patterson and Sons of Confederate Veterans v. Rawlings, et al.

In this first lawsuit, filed in September 2017, the plaintiffs sued in federal court to enjoin removal of the Lee statue and other monuments and to obtain title to two cemeteries in which Confederate soldiers are buried. The city obtained dismissal of all claims on the basis that the plaintiffs lacked standing to pursue the claims because they were not personally injured and because the City Council's decision to remove the monuments was government speech and not a violation of the First Amendment. The court entered judgment for the city in February 2018 and the plaintiffs did not appeal.

Return Lee to Lee Park and Katherine Gann v. Rawlings, et al.

This lawsuit resulted in five trial court and appellate proceedings. The plaintiffs filed in state court in April 2018 and argued that the Lee Statue could not be sold and that the Confederate Monument could not be removed. They claimed the monuments were protected state historical landmarks and that their removal was prohibited under the state's Antiquities Code. The trial court granted judgment for the city in April 2019, and the plaintiffs appealed. While the appeal was pending the appellate court issued an order preventing the removal of the Confederate Monument during the appeal. After the George Floyd protests in 2020, the city petitioned the appellate court to remove and safely store the monument due to concerns about damage and

potential violence, and that motion was granted. The city won the appeal. The plaintiffs filed a petition for review in the Texas Supreme Court, which was denied in September 2021.

Warren Johnson v. Rawlings, et al.

The plaintiff filed this lawsuit in federal court in January 2019 and sought an injunction to prevent removal of the granite base of the Lee statue, prevent removal of other monuments, and allow inspection of the Lee statue that was in storage at the time. He claimed standing to sue as a taxpayer of the city for violation of his First Amendment rights. The court denied the injunction and ultimately dismissed all of plaintiffs' claims.

Chris Carter and Karen Pieroni v. City Plan Commission and City of Dallas

The Confederate Monument in Pioneer Cemetery required a certificate of demolition from the City Landmark Commission before it could be removed. The Landmark Commission granted the certificate, and these plaintiffs appealed to the City Plan Commission (the "CPC"), which upheld the decision. The plaintiffs then appealed the CPC decision to state court. They argued the monument was protected by the Antiquities Code as a state archeological landmark. The matter spawned six separate legal filings, including the CPC hearing, trial court, and four appellate proceedings. The city prevailed in the trial court in March 2020 and in the Dallas Court of Appeals in March 2021. The Texas Supreme Court denied plaintiffs' petition for review in September 2021.

Eugene Robinson v. City of Dallas and Jennifer Scripps

The plaintiff filed suit in state court in June 2020 to try to prevent removal of the Confederate Monument. The trial court denied an injunction and later issued a final order of dismissal with prejudice for the city defendants in April 2021. The plaintiff appealed. The court of appeals affirmed the trial court's order of dismissal in May 2022.

MAJOR LITIGATION (DEFENSE) – RESOLVED

Dallas Black Firefighters Association, et al vs. City of Dallas

The Meet & Confer Agreement, which was effective October 1, 2019, through September 30, 2022, included the implementation of market-based pay for police officers and firefighters who were covered by the agreement under certain circumstances. Market-based pay was implemented in the first year of the agreement (2019). In 2019, officers received their pay adjustments on the first day of the first full uniformed pay period following the officer's step eligibility date (anniversary date in the officer's rank). Due to the pandemic, the city did not implement market-based pay for the second year of the agreement (2020). However, the city did implement market-based pay for the third year of the agreement (2021), and the City Council approved the new pay schedule for market-based pay with an effective date of October 1, 2021. The agreement provided that an officer's step pay adjustments shall become effective on the first day of the first full uniformed pay period following the officer's step eligibility date, just like what occurred in 2019. However, the meet & confer team claimed that the officers should collectively receive an increase to bring them into the new schedule on October 1, 2021, and that they would then receive an additional step pay adjustment on their step eligibility date. The agreement does not include language that would require a collective increase in pay for officers on October 1, 2021, but merely references that the new pay schedule will be effective on October 1 of each year of

the agreement if market-based pay is implemented for that respective year. Six plaintiff organizations filed a lawsuit in state court on December 15, 2021. Plaintiffs alleged a claim for breach of contract and sought damages and attorney's fees. The parties reached a resolution of the case that resulted in plaintiffs nonsuiting their lawsuit without prejudice on June 30, 2022. The resolution did not require the city to pay plaintiffs any damages or attorney's fees.

Juana Segovia; individually and as Personal Representative of the Estate of Juan Segovia Ramirez; Manuel Segovia; individually, Angie Segovia, individually, and Evelyn Segovia, individually v. City of Dallas, Texas; Alexis Booker-Lewis; Ashleigh Warren; Michael Rumsey; Craig Houston; Robert Beck; Kenneth Brown; Maxwell Boeckel; Rodney Featherston

On June 2019, Juan Jose Segovia Ramirez was arrested and transported to the CDC on outstanding warrants. Early the next day, CDC officers found Ramirez in his jail cell, unconscious and non-responsive. DFR paramedics transported Ramirez to a local hospital, where he subsequently died. Plaintiffs, the parents and two children of Juan Segovia Ramirez filed suit in federal court against the city and eight current or former employees, namely: two Dallas police officers, Robert Beck and Kenneth Brown, two DFR employees, Captain Rodney Featherston and former emergency medical technician Maxwell Boeckel, and four CDC detention officers (three of whom resigned in lieu of termination). Plaintiffs claim that Ramirez was severely intoxicated, non-responsive and in need of medical attention, but the city and its employees were deliberately indifferent to his serious medical needs in violation of Ramirez's Fourteenth Amendment rights. Plaintiffs assert claims against the city for having unconstitutional policies or customs that permit employees to meet the serious medical needs of mentally ill and dangerously intoxicated pretrial detainees with deliberate indifference. The plaintiffs also assert a claim against the city based on the alleged unconstitutional "conditions of confinement" at the CDC. Plaintiffs also bring claims under Texas state law for wrongful death. The plaintiffs seek compensatory damages, punitive damages, attorney's fees, and costs. The parties attended mediation in November 2021 and reached a settlement. The settlement proceeds have been disbursed and the court dismissed the case on August 17, 2022.

SPECIAL PROJECTS

EXPUNCTION EXPO

The City Attorney's Office partnered with the Dallas County District Attorney's Office and the Dallas County District Clerk's Office for the 6th annual expunction expo. This program identifies people who may have Dallas County criminal offenses eligible to be legally cleared from their record and pairs them with volunteer attorneys, who assist the individuals with filing the necessary legal paperwork to expunge their records. These cases may include instances in which an individual was arrested, but a criminal charge was never filed, or the case was not billed. Without an expunction, these cases still appear on a person's criminal background check which may affect their ability to secure housing or employment.

The District Attorney's Office compiled a list of individuals who submitted an application to participate in the expunction expo. From that list, the City Attorney's Office reviewed 1,784 cases involving Class C misdemeanor offenses to determine eligibility for expunction. The Class C misdemeanor cases that were designated as eligible for expunction were included in the

expunction process. Those who qualified for an expunction were be notified and invited to attend a pre-qualification clinic, and they and were be paired with volunteer attorneys to have their records expunged.

TRAININGS AND PRESENTATIONS

The City Attorney's Office used to hold its in-house continuing legal education (CLE) seminars once a year, during a one or two-day sessions. Beginning in August 2020, we decided to approach the CLE seminars differently and started holding one-hour sessions each month covering different legal topics. We host the CLEs through Teams Meetings and record the sessions so that attorneys who are unable to attend can watch the seminar at their convenience to earn required CLE credit. The seminars for this fiscal year have included the following topics:

1. Texas Public Information Act;
2. Attorney client relationship issues for city attorneys;
3. Social media issues;
4. Qualified immunity;
5. Americans with Disabilities Act;
6. Elements and dynamics of human trafficking;
7. Legal writing; and
8. Handling appeals on behalf of City of Dallas.

In addition, the CAO provides membership to the Dallas Bar Association (DBA) for attorneys. The DBA regularly provides CLE courses on various topics, and attorneys have been taking advantage of the free CLEs through their DBA membership. We are also members of the International Municipal Lawyers' Association where our attorneys have opportunities to collaborate with attorneys across the country and have access to valuable continuing legal education programs and legal research on a wide variety of municipal topics.

I also allocated funds for each section to receive necessary trainings and CLE courses related to specific practice areas and administrative topics. This training budget includes training for both attorney and non-attorney positions. In addition, the CAO has taken advantage of mandatory grant-funded trainings for drug court and veteran's court in Community Courts.

INTERNSHIP/EXTERNSHIP PROGRAMS

The City Attorney's Office has a summer internship program where qualified law students from local law schools, such as UNT Dallas College of Law and SMU Dedman School of Law, can obtain invaluable practical legal experience. Interns assist with a variety of issues including legal research, drafting legal memoranda, motions, briefs, etc. In FY 2021-2022, the CAO had six summer interns who worked during two sessions and one intern in the fall. At the conclusion of each session, we met with the interns about their experience, and they expressed their appreciation for the opportunity to participate in the internship program.

In addition, we have an externship program where qualified law students can gain practical legal who had to complete 180 hours of legal training during the semester to get credit for his externship.

COMMUNITY SERVICE PROJECTS

The City Attorney's Office is encouraged to perform 10 hours of community service in the city to clean up around various sites, tutor students, volunteer at food banks, and participate in other activities that will help Dallas residents who are in need. While not only helping those in need and improving our community, providing volunteer service allows us to understand the struggles that people face every day. Below is a list of community service projects the City Attorney's Office participated in during Fiscal Year 2021/22.

- City Attorney's Office Holiday Clothing and Toiletry Drive
- Mayor's Back to School Event
- National Night Out
- Municipal Court Week
- Grandparents Raising Grandchildren Holiday Event
- Christmas Book Drive – DPD Santa Cops
- Parade at CC Young Senior Living
- Habitat for Humanity Home Build Project
- Second Chance Cafe – The Stewpot

SIGNIFICANT ACCOMPLISHMENTS

Reviewed and approved preliminary and final offering statements and associated documents in connection with two issuances of joint airport revenue bonds totaling over \$1.74 billion.

Organized a consortium of Texas airports and municipalities to join in the filing of an amicus brief in support of the City of Dallas' appeal to the Texas Supreme Court of the lower court's ruling in the City of Dallas v. Oxley Leasing case.

Advised the Airport's Business Diversity & Development staff in connection with the design of a new Small Business Enterprise Concessions (SBEC) Program, including drafting administrative procedures and contract provisions.

Collaborated with departments to review multiple drafts of the Dallas' first Racial Equity Plan and public-facing communications, such as press releases and presentations for the Office of

Equity and Inclusion. Our team also advised staff and the City Council regarding potential legal claims.

Fair Park Improvements and the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) Expansion - The CAO team collaborated with bond counsel to draft, review, and finalize resolutions for the KBHCCD convention center expansion and Fair Park facilities improvements (Venue Projects), submissions to the Comptroller and the Office of the Attorney General, and an ordinance calling a special election to authorize the Venue Projects and designate the 2% hotel and occupancy tax increase, which is estimated to generate \$2.2 billion, to finance the Venue Projects. Our team is continuing to assist the Park and Recreation Department and Convention and Event Services with the Venue Projects by working with bond counsel to draft, review and finalize resolutions establishing the Venue Projects fund and authorizing reimbursement of Venue Projects-related expenses, as well as ordinances to issue bonds.

Assisted with establishing Economic Development Corporation (EDC). The mission of the EDC is to drive economic growth and financial benefit for the city by pursuing increased development projects, creating high paying careers for minorities, and attracting national corporations to bring their headquarters to the City of Dallas. The CAO team assisted with review and finalization of the Articles of Incorporation and bylaws, as well as provided legal counsel regarding inquiries related to formation, conflicts of interest, and the director nomination process.

Mixed Income Housing Development Bonus (MIHDB) Program – The CAO team worked with multiple city departments and assisted with the MIHDB program by reviewing and finalizing amendments to the Comprehensive Housing Policy and Dallas City Code, Chapters 20A and 51A. The amendments added additional development bonus options to the MIHDB Program, including additional development rights, parking reductions, and financial incentives. The amendments also added a fee in lieu of on-site provision and established an MIHDB Fund. Our team also worked with the Department of Housing and Neighborhood Revitalization to develop a restrictive covenant template to expedite implementation of key Program changes. According to a presentation to the Housing and Homeless Solutions Committee on October 24, 2022, at that time, 34 projects were currently being tracked in the development pipeline (up from 16 last year), and Housing was aware of 27 additional potential projects with MIDHB zoning:

	Complete	Under Construction	Applying	Might Apply	Total
Onsite	5	12	13		30
Fee in Lieu			4		4
Not set				27	27
Universe	5	12	17	27	61

Figure 1: Table from presentation to Housing and Homeless Solutions Committee, Oct. 24, 2022

Bulk Release of Liens Long-term Project - With an estimated 26,000 Dallas County properties requiring a lien release on their respective properties - some of which date back to 1990 - our team has reviewed, corrected, and finalized lien releases for the first phase of approximately

285 lien release instruments provided by the Department of Housing and Neighborhood Revitalization. Working in a thorough but efficient manner, our team has released liens impacting approximately 3,420 properties. Many challenges were encountered and tackled during this process, including resolving heirships and confirming eligibility for release. This Project was met with incredible effort and cooperation between our team and the Department of Housing and Neighborhood Revitalization.

Dallas R.E.A.L. Time Rapid Rehousing (DRTRR) Initiative Agreements - The CAO team supported the Office of Homeless Solutions by drafting and negotiating all agreements for the DRTRR Initiative, included key contracts with Housing Forward f/k/a Metro Dallas Homeless Alliance and Dallas Housing Authority. Leveraging American Rescue Plan Act funds, the regional DRTRR Initiative has provided the homeless and housing insecure with case management and housing navigation services. According to a presentation to the Housing and Homeless Solutions Committee, the DRTRR Initiative has housed 1,220 individuals and increased housing placements since its inception in September 2021.

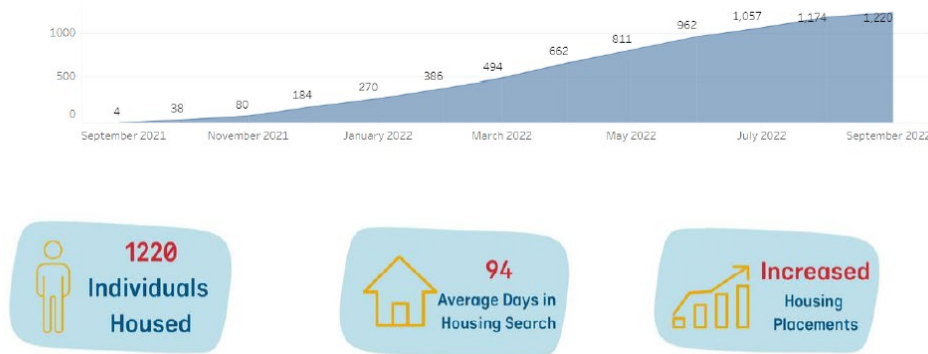


Figure 2: Graphic from presentation to Housing and Homeless Solutions Committee, Oct. 2022

Resolved dispute with the Durst Corporation regarding the registration of the services classes for the city's logo.

Entered the former Shingle Mountain/Blue Star property, which the city successfully sued to shut the operation down, into the TCEQ Voluntary Clean Up Program.

Provided, and continue to provide, legal advice and guidance regarding the city's efforts to foster greater deployment and availability of High-Speed Broadband to city residents.

Provided, and continue to provide, legal advice and guidance regarding the city's efforts to respond to the unprecedented Opioid Crisis in our city.

Drafted multiple significant ordinance amendments, including adopting Chapter 38A of the Dallas City Code to establish the commercial promoter program; amending Chapter 12A of the Dallas City Code to establish the inspector general division and consolidate gift policies and reporting requirements; amending Chapter 27 of the Dallas City Code to establish the habitual nuisance property program and the self-certification program; amending Chapter 41A of the Dallas City Code to establish hours of operation for sexually oriented businesses; amending

Chapter 7 of the Dallas City Code to prohibit pet stores from selling dogs and cats; and amending Chapter 17 of the Dallas City Code to be more friendly to food trucks and other mobile food units.

Advised DPD and Dallas Marshals Office in the development of procedures for the Dallas Sobering Center.

Successfully represented DPD's interest regarding federal civil and criminal third-party discovery and prevented the disclosure of DPD's information.

Advised on the Parkdale Lake acquisition from Oncor for Park Department use—largest acquisition of potential park land consisting of approximately 110 acres inclusive of Parkdale Lake.

Advised on the 7800 Stemmons acquisition in support of the city objective to relocate Oak Cliff Municipal Building services.

Worked with Housing Department to process over 100 land transfer service requests in support of departments 1000-unit housing challenge objectives.

Finalized an MOU between the city and DART in support of economic development department objectives to enable marketing of city and/or DART owned land to development market for transit oriented mixed use including affordable housing development.

Successfully defended the trial courts' dismissals of all remaining cases challenging the removal of the Lee Statue and the Confederate Monument.

Obtained a reversal of the trial court's refusal to dismiss a premises liability suit arising out of a trip and fall on a city sidewalk.

Successfully negotiated a new meet and confer agreement for police and fire.

Defeated a temporary injunction challenge to an ordinance relating to retail pet stores, resulting in the pet store's compliance with the ordinance.

Prevailed on dispositive motions in multiple lawsuits, including a challenge to the city's habitual criminal property ordinance, employment, and torts matters.

Settled on favorable terms longstanding lawsuit involving gate access at Love Field Airport.

Assisted Dallas County District Attorney's Office with their 2022 Expunction Expo by helping 751 applicants resolve 1,784 city cases.

Partnered with Dallas County and UNT Law School as part of the county's Uplift Program to assist individuals in adjudicating their outstanding city cases.

Prosecuted 104,935 Class C misdemeanor cases, including 6,975 family violence cases.

Worked with Court and Detention Services Department and Dallas Judiciary to create and implement a conditional dismissal program as a new option for residents to resolve their cases.

Secured the clean-up of more than 1 million pounds of shingle material from an unpermitted dump site at 9220 Teagarden Road.

Gave a presentation on the community prosecution model to an audience of participants from around the country, including elected representative, community stakeholders, and various department representatives.

Secured the closure of two illegal concrete batch plants in West Dallas at the 1001 & 1025 W. Commerce – Latino Redi-Mix Concrete & Reliable Concrete.

Filed a lawsuit in municipal court to address the code violations at 1239 Hutchins Avenue. The court ordered all code violations be abated by August 12, 2022. Following robust negotiations with the occupant and his family and additional orders from the court, the property owners relocated the occupant and demolished the substandard structure in September 2022.

Community Prosecution breathed new life into the Trinity Meadows Condominiums at 9696 Walnut Road. In 2019, Community Prosecution was alerted that a condominium was struggling to keep up with the renovation needs of its residents. Broken windows, shaking stair ways, and failing fences were some of the obvious issues that affected the safety of residents and visitors. Less obvious issues like leaks, lights, and leveling plagued all 21 of the buildings on the property and caused great concern to long term owners. Over a three-year period, the HOA, multiple international investors, and Community Prosecution have worked together to ensure that residents of the condominiums are provided safe and compliant housing.

Established a partnership with the Dallas County Sheriff's Department to assist inmates at Lew Sterrett who are identified as veterans through community courts.

Worked in collaboration with the Dallas County District Clerk to assist incarcerated defendants resolve their outstanding City of Dallas Class C citations through community courts.

Partnered with the South Dallas Employment Project group to assist in providing comprehensive case management to community courts defendants and their families.

Expanded the partnership with Dallas County Constables and Justice of the Peace Courts and have quarterly meetings to discuss current and upcoming projects and ways to better serve the residents of City of Dallas and Dallas County.

Established a partnership with the Austin Street Center to assist homeless individuals with their social service needs and criminal history and hold court at the Austin Street Center every other Wednesday.

Established a partnership with Bureau of Justice Assistance and Dallas Police Department. The partnership included a two-day seminar to improve and enhance sites understanding of the Smart Police Initiative Goals.

Partnered with New Workforce Czar to create a plan that fosters more job training and educational programs and increased opportunity for access to these programs for community courts defendants.

The Inspector General Division created a fully functioning division during its first six months of inception.

The Inspector General Division distributed to city leaders a list of 132 known fraud schemes and 326 corresponding red-flag indicators that could occur in a large-city governmental structure like the City of Dallas.

The Inspector General Division sponsored two free fraud training seminars [Financial Investigations Practical Skills and Financial Records Examination & Analysis] for Dallas-area fraud investigators at the federal, state, county, and municipal level.

The Inspector General Division conducted multiple ethics training sessions for six different city departments.

The Inspector General Division started the process of formatting a Performance Data Compiler (PDC). The PDC is a three-model measurement system to facilitate the Inspector General Division accountability, efficiency, effectiveness, objective performance measurement, and reporting of the division's output measures.

The Inspector General Division developed training regarding election season.

The Inspector General Division produced ethics communication card campaign to equip employees and city officials to access the Inspector General Division.

Developed the Inspector General Division QR Code for ease in reporting ethics violations.

Developed and implemented enhancements to the CAO's data management system, dashboards, and improved data analytics.

Provided excellent customer service to internal city departments and external parties doing business with the city.

LEGISLATIVE

Before each legislative session, the City Council and city departments send their legislative requests to the City Attorney's office which are then taken to the Legislative Ad Hoc Committee for consideration. The Committee then votes on those items and sends that list to the City Council. Then the council votes on the final list and that list is discussed with the state delegation and other members of the legislature for support.

During the legislative session the City Attorney's office, along with the City Manager's legislative liaisons, work through the Legislative Director of the City Attorney's Office to advocate for and against legislation at the Capitol in Austin in every odd-numbered year. Once the session is completed, a review of the bills that have passed that affect the city are then presented to the City Council during a wrap up session and afterwards are organized into new codes which are distributed to each city department showing the changes in law and how it will affect them operationally.