

**Redistricting Commission
Packet
February 15, 2011**

GIS in Redistricting

Using GIS to Improve the
Redistricting Process

2/15/2011

Census Data: P.L. 94-171

- Summary Files – contains population and housing data (counts)
- Shapefiles – contains geographic information (mapping data or layers)
- Released by *State*
- Texas data should be available *18 February 2011*

2/15/2011

P.L. 94-171: Summary Files

- "Flat" files – ASCII Text Files
- Contains data for entire State
- *Physically* three data files
- *Conceptually* five tables plus a geographic header table
- Summarized at various levels from entire State to Census Block
- All Summary levels *in the same file*

2/15/2011

P.L. 94-171: Summary Files Conceptual Organization

- Table P1 - Race
- Table P2 - Hispanic or Latino, and not Hispanic or Latino by Race
- Table P3 - Race for the *Population 18 Years and Over*
- Table P4 - Hispanic or Latino, and not Hispanic or Latino by Race for the *Population 18 Years and Over*
- Table H1 - Occupancy Status (Housing)
- For Tables P1-P4, counts for over 70 racial categories each (single race up to six races)
- For Table H1, Total Housing Units, Vacant Units, and Occupied Units counts

2/15/2011

P.L. 94-171: Summary Files

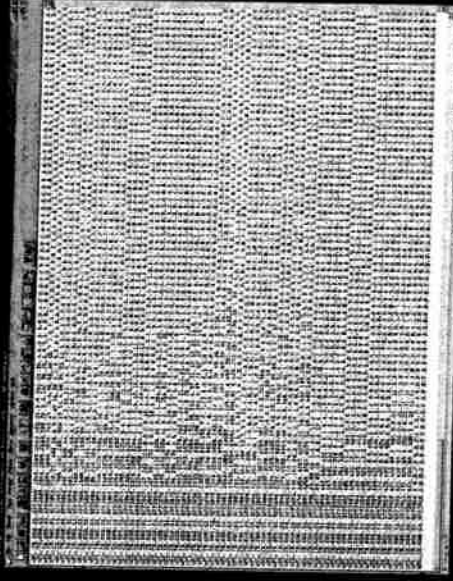
- Data must be converted from Flat file to database tables
- Data must be considered at correct Summary level for particular analysis
 - E.g., By Block or by Voter District
- Data must be extracted for Dallas (Place 19000)
- Data must be analyzed and summarized according to criteria established by Redistricting Committee, Council, and Federal Guidelines

2/15/2011

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P.L. 94-171: Summary Files

- Text File



2/15/2011

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P.L. 94-171: Summary Files

- Field Structure

The screenshot displays a software window titled 'P.L. 94-171 Summary Files' with a menu bar (File, Edit, View, Help) and a toolbar. The main area contains a table with columns for 'Field Name', 'Field Type', 'Field Length', and 'Field Position'. The table lists various fields such as 'NAME', 'ADDRESS', 'CITY', 'STATE', 'ZIP', 'PHONE', 'FAX', 'EMAIL', 'WEBSITE', 'INDUSTRY', 'EMPLOYMENT', 'REVENUE', 'GROWTH', 'RISK', 'COMPLIANCE', 'REGULATION', 'LITIGATION', 'REPUTATION', 'ENVIRONMENT', 'SOCIAL', 'GOVERNANCE', 'ETHICS', 'DIVERSITY', 'INCLUSION', 'SUSTAINABILITY', 'RESILIENCE', 'ADAPTABILITY', 'AGILITY', 'INNOVATION', 'LEADERSHIP', 'CULTURE', 'VALUES', 'MISSION', 'VISION', 'STRATEGY', 'GOALS', 'OBJECTIVES', 'KPIs', 'METRICS', 'INDICATORS', 'BENCHMARKS', 'TRENDS', 'PATTERNS', 'CORRELATIONS', 'CAUSATIONS', 'IMPLICATIONS', 'CONSEQUENCES', 'OUTCOMES', 'RESULTS', 'PERFORMANCE', 'EFFECTIVENESS', 'EFFICIENCY', 'PRODUCTIVITY', 'QUALITY', 'SATISFACTION', 'LOYALTY', 'RETENTION', 'TURNOVER', 'RECRUITMENT', 'TRAINING', 'DEVELOPMENT', 'COACHING', 'MENTORING', 'SUPPORT', 'RESOURCES', 'CAPABILITIES', 'SKILLS', 'KNOWLEDGE', 'EXPERIENCE', 'CREDENTIALS', 'CERTIFICATIONS', 'LICENSES', 'PERMITS', 'REGISTRATIONS', 'AFFILIATIONS', 'MEMBERSHIPS', 'ASSOCIATIONS', 'NETWORKS', 'RELATIONSHIPS', 'PARTNERSHIPS', 'ALLIANCES', 'COOPERATIONS', 'COLLABORATIONS', 'CONNECTIONS', 'LINKAGES', 'TIES', 'BONDINGS', 'COMMITMENTS', 'OBLIGATIONS', 'RESPONSIBILITIES', 'ACCOUNTABILITIES', 'LIABILITIES', 'RISKS', 'CHALLENGES', 'OPPORTUNITIES', 'THREATS', 'PROBLEMS', 'ISSUES', 'CONCERNS', 'QUESTIONS', 'UNCERTAINTIES', 'DUBIETIES', 'DOUBTS', 'SUSPICIONS', 'CONJECTURES', 'HYPOTHESES', 'THEORIES', 'MODELS', 'FRAMEWORKS', 'PARADIGMS', 'PERSPECTIVES', 'POINTS OF VIEW', 'OPINIONS', 'BELIEFS', 'ATTITUDES', 'MINDSETS', 'FRAMEWORKS', 'PARADIGMS', 'PERSPECTIVES', 'POINTS OF VIEW', 'OPINIONS', 'BELIEFS', 'ATTITUDES', 'MINDSETS'.

P.L. 94-171: Summary Files

- Analysis

The screenshot displays a software window titled 'P.L. 94-171 Summary Files' with a menu bar (File, Edit, View, Help) and a toolbar. The main area contains a table with columns for 'Field Name', 'Field Type', 'Field Length', and 'Field Position'. The table lists various fields such as 'NAME', 'ADDRESS', 'CITY', 'STATE', 'ZIP', 'PHONE', 'FAX', 'EMAIL', 'WEBSITE', 'INDUSTRY', 'EMPLOYMENT', 'REVENUE', 'GROWTH', 'RISK', 'COMPLIANCE', 'REGULATION', 'LITIGATION', 'REPUTATION', 'ENVIRONMENT', 'SOCIAL', 'GOVERNANCE', 'ETHICS', 'DIVERSITY', 'INCLUSION', 'SUSTAINABILITY', 'RESILIENCE', 'ADAPTABILITY', 'AGILITY', 'INNOVATION', 'LEADERSHIP', 'CULTURE', 'VALUES', 'MISSION', 'VISION', 'STRATEGY', 'GOALS', 'OBJECTIVES', 'KPIs', 'METRICS', 'INDICATORS', 'BENCHMARKS', 'TRENDS', 'PATTERNS', 'CORRELATIONS', 'CAUSATIONS', 'IMPLICATIONS', 'CONSEQUENCES', 'OUTCOMES', 'RESULTS', 'PERFORMANCE', 'EFFECTIVENESS', 'EFFICIENCY', 'PRODUCTIVITY', 'QUALITY', 'SATISFACTION', 'LOYALTY', 'RETENTION', 'TURNOVER', 'RECRUITMENT', 'TRAINING', 'DEVELOPMENT', 'COACHING', 'MENTORING', 'SUPPORT', 'RESOURCES', 'CAPABILITIES', 'SKILLS', 'KNOWLEDGE', 'EXPERIENCE', 'CREDENTIALS', 'CERTIFICATIONS', 'LICENSES', 'PERMITS', 'REGISTRATIONS', 'AFFILIATIONS', 'MEMBERSHIPS', 'ASSOCIATIONS', 'NETWORKS', 'RELATIONSHIPS', 'PARTNERSHIPS', 'ALLIANCES', 'COOPERATIONS', 'COLLABORATIONS', 'CONNECTIONS', 'LINKAGES', 'TIES', 'BONDINGS', 'COMMITMENTS', 'OBLIGATIONS', 'RESPONSIBILITIES', 'ACCOUNTABILITIES', 'LIABILITIES', 'RISKS', 'CHALLENGES', 'OPPORTUNITIES', 'THREATS', 'PROBLEMS', 'ISSUES', 'CONCERNS', 'QUESTIONS', 'UNCERTAINTIES', 'DUBIETIES', 'DOUBTS', 'SUSPICIONS', 'CONJECTURES', 'HYPOTHESES', 'THEORIES', 'MODELS', 'FRAMEWORKS', 'PARADIGMS', 'PERSPECTIVES', 'POINTS OF VIEW', 'OPINIONS', 'BELIEFS', 'ATTITUDES', 'MINDSETS'.

P.L. 94-171: GIS Data

- GIS data is used with GIS software to link tabular data to geographic (spatial) features
- USCB provides data layers at different levels that correspond with Summary Levels of Summary Files
 - E.g., Blocks, voter districts, counties, state, etc.
- All boundaries are composed of lines, which are also provided in GIS format
 - Roads, rivers, railroads, jurisdictional lines, etc., are all used as Census Geography boundaries
- Each geographic feature has a *unique identifier* that is used to join it to USCB tables
- Census Blocks are the *components* for building the new Council Districts
 - Smallest discrete level at which population and housing totals are collected
 - In 2000, Dallas had 15,103 Blocks
 - In 2010, Dallas has 22,112 Blocks

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P.L. 94-171: GIS Analysis

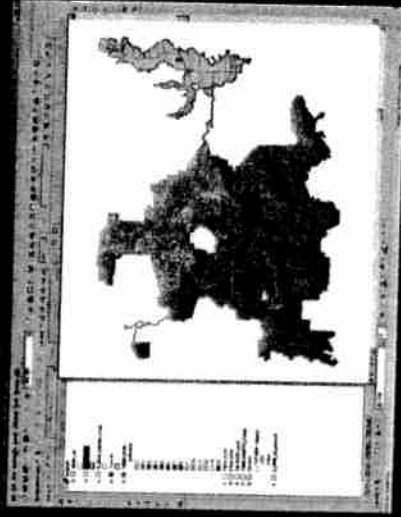
- Step 1: Assign 2003 Council Districts to 2010 Blocks
 - Provides starting configuration (*plan*)
- Step 2: Summarize PL 94-171 data by 2003 Council Districts
- Step 3: Adjust 2010 Block Council District assignments to reflect criteria set by City and Federal guidelines
 - Many different plans are possible
 - Plans can be developed by staff, Commissioners, citizens, or combinations thereof
 - GIS software and processes will be used to create plans that meet requirements for submission to DOJ
- Step 4: Review individual plans and place into approval process

2.15.2011

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P.L. 94-171: GIS Analysis

- Software Demonstration of ArcView and Districting Extension



Memorandum



CITY OF DALLAS

DATE February 15, 2011

TO The Honorable Mayor and City Council members

SUBJECT Political Activities of City Council Members, City Officials, City Employees, and Citizens for the May 14, 2011 Election

The following rules govern political activities of city council members, city officials, city employees, and citizens in connection with the May 14, 2011 election.¹

City Council Members

1. Except in the city council member's own campaign, a city council member may not use the prestige of their position with the city on behalf of a candidate, political party, or political committee.²
 - a. A city council member may, however, lend their name and official city title in connection with any election for public office or in connection with any election ordered by the city of Dallas on a proposition or measure.³
2. A city council member may not serve as the designated campaign treasurer for a candidate under the Texas Election Code.⁴
3. A city council member may not solicit or receive contributions for a candidate, political party, or political committee.⁵
 - a. A city council member may serve on a steering committee to plan a program of solicitation. The city council member's name may be listed, without reference to the city council member's title, when the committee as a whole is listed.⁶
4. A city council member may not, directly or indirectly, induce or attempt to induce any city employee to:
 - a. participate in an election campaign;
 - b. contribute to a candidate or political committee;
 - c. engage in any other political activity related to a particular party, candidate, or issue; or
 - d. refrain from engaging in any lawful political activity.A general statement merely encouraging another person to vote is allowed.⁷

5. A city council member may not, directly or indirectly, accept anything of value (other than a meal or other item of nominal value that the city council member receives in return for providing information on an item pending on the ballot) for political activity relating to an item on the ballot, if the city council member participated in, or provided advice relating to, the exercise of discretionary authority by a city body that contributed to the development of the ballot item.⁸
6. A city council member may display campaign bumper stickers on their personal vehicle, but may not display campaign bumper stickers on a city vehicle. A city council member must remove campaign bumper stickers from a city car that is under the city council member's control.⁹
7. A city council member may not use city facilities, personnel, equipment, or supplies for political purposes, except pursuant to city policies or to the extent that those city resources are available to the public.¹⁰
8. Political advertising.
 - a. "Political advertising" is defined as:

[A] communication supporting or opposing a candidate for nomination or election to a public office. . . that . . . in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or . . . appears . . . in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or . . . on an Internet website.¹¹
 - b. A city council member may not knowingly spend or authorize the spending of public funds for political advertising.¹²
 - c. A city council member may not use the city's internal mail system for the distribution of political advertising.¹³
 - d. Political advertising must state that it is political advertising and contain the name of the person, committee, or candidate who authorized and paid for the advertising.¹⁴ The requirement does not apply to tickets or invitations to fund-raising events, campaign buttons, or circulars that cost in aggregate less than \$500 to publish and distribute.¹⁵
9. A city council candidate may not knowingly accept a contribution that exceeds the dollar amounts allowed by Dallas City Code §15A-2.¹⁶

City Officials

1. A "city official" includes:
 - a. municipal judges;
 - b. the city manager and assistant city managers;
 - c. the city auditor and first assistant city auditor;

- d. the city attorney and first assistant city attorney;
 - e. the city secretary and first assistant city secretary;
 - f. all department directors;
 - g. members of city boards and commissions; and
 - h. members appointed by the city council to boards of entities not created by the city council.¹⁷
2. A city official may not use the prestige of their position with the city on behalf of a candidate, political party, or political committee.¹⁸
 - a. A city official may, however, lend their name so long as the office held with the city is not mentioned in connection with the endorsement.¹⁹
 3. A city official may not serve as the designated campaign treasurer for a candidate under the Texas Election Code.²⁰
 4. A city official may not solicit or receive contributions for a candidate, political party, or political committee.²¹
 - a. A city official may serve on a steering committee to plan a program of solicitation. The city official's name may be listed, without reference to the city official's title, when the committee as a whole is listed.²²
 5. A city official may not, directly or indirectly, induce or attempt to induce any city employee to:
 - a. participate in an election campaign;
 - b. contribute to a candidate or political committee;
 - c. engage in any other political activity related to a particular party, candidate, or issue; or
 - d. refrain from engaging in any lawful political activity.A general statement merely encouraging another person to vote is allowed.²³
 6. A city official may not, directly or indirectly, accept anything of value (other than a meal or other item of nominal value that the city official receives in return for providing information on an item pending on the ballot) for political activity relating to an item on the ballot, if the city official participated in, or provided advice relating to, the exercise of discretionary authority by a city body that contributed to the development of the ballot item.²⁴
 7. A city official may display campaign bumper stickers on their personal vehicle, but may not display campaign bumper stickers on a city vehicle. A city official must remove campaign bumper stickers from a city car that is under the city official's control.²⁵
 8. A city official may not use city facilities, personnel, equipment, or supplies for political purposes, except pursuant to city policies or to the extent that those city resources are available to the public.²⁶
 9. Political advertising.
 - a. "Political advertising" is defined as:

[A] communication supporting or opposing a candidate for nomination or election to a public office . . . that . . . in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or . . . appears . . . in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or . . . on an Internet website.²⁷

- b. A city official may not knowingly spend or authorize the spending of public funds for political advertising.²⁸
- c. A city official may not use the city's internal mail system for the distribution of political advertising.²⁹

City Employees

1. A "city employee" includes any person listed on the city of Dallas payroll as an employee, whether part-time, full-time, permanent, or temporary.³⁰
2. A city employee immediately forfeits employment with the city if the employee:
 - a. becomes a candidate for the Dallas city council,³¹
 - b. becomes a candidate in a partisan election for public office in Collin, Dallas, Denton, Kaufman, or Rockwall counties,³²
 - c. becomes a candidate for elective public office if the duties of that office will conflict with the discharge of the employee's duties to the city,³³ or
 - d. is a managerial or supervisory employee and becomes a candidate for elective public office of an entity that has contractual relations with the city that involve the employee's department.³⁴
3. A city employee may not use the prestige of their position with the city on behalf of any candidate, political party, or political committee.³⁵
4. A city employee may not, directly or indirectly, induce or attempt to induce any city employee to:
 - a. participate in an election campaign;
 - b. contribute to a candidate or political committee;
 - c. engage in any other political activity related to a particular party, candidate, or issue; or
 - d. refrain from engaging in any lawful political activity.A general statement merely encouraging another person to vote is allowed.³⁶
5. A city employee may not, directly or indirectly, accept anything of value (other than a meal or other item of nominal value that the city employee receives in return for providing information on an item pending on the ballot) for political activity relating to, an item on the ballot, if the city employee participated in, or provided advice relating to, the exercise of discretionary authority by a city body that contributed to the development of the ballot item.³⁷

6. A city employee may display campaign bumper stickers on their personal vehicle, but may not display campaign bumper stickers on a city vehicle. A city employee must remove campaign bumper stickers from a city car that is under the city employee's control.³⁸
7. A city employee may not use city facilities, personnel, equipment, or supplies for political purposes, except pursuant to city policies or to the extent that those city resources are available to the public.³⁹
8. A city employee or an association of city employees may not publicly endorse or actively support candidates for city council or any political organization or association organized to support candidates for city council.⁴⁰
 - a. City employees, however, are not prohibited from expressing their support for city council candidates with other individuals and with groups of 15 or fewer people.⁴¹
9. A city employee may not circulate petitions for city council candidates. A city employee may, however, sign such a petition.⁴²
10. A city employee may not contribute, directly, indirectly, or through an organization or association, to a city council candidate's campaign. A city employee may not solicit or receive contributions for a city council candidate's campaign.⁴³
11. A city employee may not wear city council campaign buttons or distribute campaign literature while at work, in a city uniform, or in a city of Dallas building.⁴⁴
12. In an election other than for the Dallas city council, a city employee may not:
 - a. use the prestige of the employee's position with the city for any partisan candidate;
 - b. manage a partisan political campaign;
 - c. solicit or receive contributions for a partisan political campaign; or
 - d. actively support a candidate while at work, in a city uniform, or in a city of Dallas building.⁴⁵
13. A sworn employee of the police department or the fire-rescue department may engage in political activities to the extent permitted by state law.⁴⁶
 - a. While in uniform or on active duty, sworn police department and fire-rescue department employees may not engage in a political activity relating to a campaign for elective office, including:
 - i. making a public political speech supporting or opposing a candidate;
 - ii. distributing a card or other political literature relating to the campaign of a candidate;
 - iii. wearing a campaign button;
 - iv. circulating or signing a petition for a candidate;
 - v. soliciting votes for a candidate; or
 - vi. soliciting campaign contributions for a candidate.⁴⁷

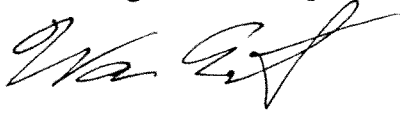
- b. While out of uniform and not on active duty, sworn police department and fire-rescue department employees may engage in a political activity relating to a campaign for elective office, including the activities listed in (a) above, except that the person may not solicit campaign contributions for a candidate other than from members of an employee organization to which that employee belongs.⁴⁸
14. Political advertising.
 - a. "Political advertising" is defined as:
 - [A] communication supporting or opposing a candidate for nomination or election to a public office . . . that . . . in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or . . . appears . . . in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or . . . on an Internet website.⁴⁹
 - b. A city employee may not knowingly spend or authorize the spending of public funds for political advertising.⁵⁰
 - c. A city employee may not use the city's internal mail system for the distribution of political advertising.⁵¹

Citizens

1. A citizen may not make a campaign contribution of more than \$1,000 in support or opposition to a single city council candidate's campaign or more than \$5,000 in support or opposition to a single mayoral candidate's campaign.⁵²
 - a. Each individual may make these campaign contributions, regardless of marital status.⁵³
 - b. An initial election and a runoff election are separate elections.⁵⁴
2. A political committee may not make a campaign contribution of more than \$1,000 per contributing member to a single city council candidate, or more than \$5,000 per contributing member to a single mayoral candidate's campaign.⁵⁵ A political committee may not make a total campaign contribution of more than \$2,500 per city council candidate, or more than \$10,000 to per mayoral candidate.⁵⁶
 - a. An initial election and a runoff election are separate elections.⁵⁷
3. A general purpose political committee that makes a contribution to support or oppose a candidate for city council or for a city measure must file reports with the city secretary containing the designation of the campaign treasurer, the number of contributing members of the committee, and a copy of the monthly reports filed with the Texas Ethics Commission for three months preceding the date of the contribution and for two months after the date of the contribution.⁵⁸
 - a. A general purpose political committee must file the report with the city secretary within five days after the first contribution, and then monthly as required by Chapter 245 of the Texas Election Code.⁵⁹

4. A specific purpose political committee must file campaign reports with the city secretary in accordance with Chapter 245 of the Texas Election Code.⁶⁰
5. An applicant in a designated zoning case may not knowingly make a campaign contribution to a city council member during the period between the time when notices of the city plan commission hearing are mailed and 60 days after the zoning case becomes final.⁶¹
 - a. This does not apply to applications for historic districts, conservation districts, or neighborhood stabilization overlays.⁶²
6. An applicant in a designated public subsidy matter may not knowingly make a campaign contribution to a city council member during the period between the time when the item is posted on a city council committee or city council agenda and 60 days after the city council votes on the application or the application is withdrawn.⁶³
7. A person responding to a request for bids or request for proposals on a city contract may not knowingly make a campaign contribution to a city council member during the period between the time when the public notification of the request for bids or proposals is made and 60 days after the contract is awarded.⁶⁴
8. A person may not make a campaign contribution in support of or in opposition to a city council candidate in the name of another person.⁶⁵
9. Political signs.
 - a. A "political sign" is a sign that contains primarily a political message.⁶⁶
 - i. If a citation or notice is issued, the person who received the citation or notice may appeal to the board of adjustment within 10 days, and the board of adjustment can issue a ruling on whether a sign is political.⁶⁷
 - b. A permit is not required for political signs on private property with consent of the property owner unless the sign:
 - i. has an effective area greater than 36 feet;
 - ii. is more than eight feet high;
 - iii. is illuminated;
 - iv. has moving elements;
 - v. is on public property or an easement that allows the city to use the property for public purposes; or
 - vi. is on a structure that is available for rent or purchase, such as billboards.⁶⁸
 - c. Signs may not be placed in the public right-of-way.⁶⁹
 - i. Political signs must have the following notice printed on them: "Notice: it is a violation of state law (Chapters 392 and 393, Transportation Code) to place this sign in the right-of-way of a highway."⁷⁰
 - d. Signs that require permits may not be placed on roofs.⁷¹

Please distribute this memorandum as you deem appropriate. Should you have any questions concerning this matter, please contact me.



WARREN ERNST
Administrative Assistant City Attorney

c: Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Craig Kinton, City Auditor
Deborah Watkins, City Secretary
C. Victor Lander, Administrative Municipal Judge
Frank Libro, Public Information Office

1 This is a summary only. See the cited law for details. If you have questions, please consult with the City
Attorney's Office.
2 Dallas City Code §12A-10(a)(1).
3 Dallas City Code §12A-10(a)(1)(B).
4 Dallas City Code §12A-10(a)(2).
5 Dallas City Code §12A-10(a)(3).
6 Dallas City Code §12A-10(a)(3).
7 Dallas City Charter Chapter XVI, §16(a). Dallas City Code §12A-10(c).
8 Dallas City Code §12A-10(d).
9 Dallas City Code §12A-10(e).
10 Dallas City Code §12A-9 and §12A-10(h).
11 Tex. Elec. Code §251.001(16).
12 Tex. Elec. Code §255.003(a).
13 Tex. Elec. Code §255.0031(a).
14 Tex. Elec. Code §255.001(a).
15 Tex. Elec. Code §255.001(d).
16 Dallas City Code §15A-6(b).
17 Dallas City Code §12A-2(24).
18 Dallas City Code §12A-10(a)(1).
19 Dallas City Code §12A-10(a)(1)(A).
20 Dallas City Code §12A-10(a)(2).
21 Dallas City Code §12A-10(a)(3).
22 Dallas City Code §12A-10(a)(3).
23 Dallas City Charter Chapter XVI, §16(a). Dallas City Code §12A-10(c).
24 Dallas City Code §12A-10(d).
25 Dallas City Code §12A-10(e).
26 Dallas City Code §12A-9 and §12A-10(h).
27 Tex. Elec. Code §251.001(16).
28 Tex. Elec. Code §255.003(a).
29 Tex. Elec. Code §255.0031(a).
30 Dallas City Code §12A-2(18).
31 Dallas City Charter Chapter III, §17(c). Dallas City Code §12A-10(b)(2)(A).
32 Dallas City Charter Chapter III, §17(c). Dallas City Code §12A-10(b)(2)(B).

- 33 Dallas City Charter Chapter III, §17(c). Dallas City Code §12A-10(b)(2)(C).
- 34 Dallas City Charter Chapter III, §17(c). Dallas City Code §12A-10(b)(2)(D).
- 35 Dallas City Code §12A-10(f).
- 36 Dallas City Charter Chapter XVI, §16(a). Dallas City Code §12A-10(c).
- 37 Dallas City Code §12A-10(d).
- 38 Dallas City Code §12A-10(e).
- 39 Dallas City Code §12A-9 and §12A-10(h).
- 40 Dallas City Code §12A-10(g); Dallas City Charter Chapter XVI §16(b)(1).
- 41 Wachsman v. City of Dallas, 704 F.2d 160, 162 n. 3 (5th Cir. 1983).
- 42 Dallas City Code §12A-10(g); Dallas City Charter Chapter XVI §16(b)(2).
- 43 Dallas City Code §12A-10(g); Dallas City Charter Chapter XVI §16(b)(3).
- 44 Dallas City Code §12A-10(g); Dallas City Charter Chapter XVI §16(b)(4).
- 45 Dallas City Code §12A-10(g); Dallas City Charter Chapter XVI §16(c).
- 46 Dallas City Charter Chapter XVI §16(d).
- 47 Tex. Loc. Gov't Code §150.002(a) and (b).
- 48 Tex. Loc. Gov't Code §150.002(c)
- 49 Tex. Elec. Code §251.001(16).
- 50 Tex. Elec. Code §255.003.
- 51 Tex. Elec. Code §255.0031(a).
- 52 Dallas City Code §15A-2(a).
- 53 Dallas City Code §15A-2(b).
- 54 Dallas City Code §15A-2(d).
- 55 Dallas City Code §15A-2(c)(1) and (2).
- 56 Dallas City Code §15A-2(c)(3).
- 57 Dallas City Code §15A-2(d).
- 58 Dallas City Code §15A-3(a)(1).
- 59 Dallas City Code §15A-3(b).
- 60 Dallas City Code §15A-3(c).
- 61 Dallas City Code §15A-4.1(b). *See* Dallas City Code §15A-4.1(a)(4) for a definition of "designated zoning case."
- 62 Dallas City Code §15A-4.1(c).
- 63 Dallas City Code §15A-4.1(d). *See* Dallas City Code §15A-4.1(a)(3) for a definition of "designated public subsidy matter."
- 64 Dallas City Code §15A-4.1(e).
- 65 Dallas City Code §15A-5.
- 66 Dallas Development Code §51A-7.705.
- 67 Dallas Development Code §51A-7.705(b).
- 68 Tex. Loc. Gov't Code §216.903(d). Dallas Development Code §51A-7.209(c) and §51A-7.602(b).
- 69 Dallas Development Code §51A-7.203(b).
- 70 Tex. Elec. Code §255.007(a).
- 71 Dallas Development Code §51A-7.203(a).

**CITY SECRETARY'S OFFICE
PRESENTATION TO THE
REDISTRICTING COMMISSION**

DEBORAH A. WATKINS

City Secretary

February 15, 2011



PURPOSE

This presentation provides an overview of parts of the Dallas City Charter, City Code and State law which are applicable to the organization and work of the Redistricting Commission

TYPES OF BOARDS AND COMMISSIONS

- There are generally three types of boards and commissions:
 - Quasi-Judicial - board or commission that has the power to exercise the sovereign functions of government, such as determining the rights of one or more parties under state law, city ordinances, regulations or general laws, largely independent of the control of others
 - Advisory - board or commission established by the City Council for the purpose of obtaining advice or recommendations on issues of policies
 - Instrumentality - a subsidiary of local government created for a special purpose



CHAPTER 8 DALLAS CITY CODE (BOARDS AND COMMISSIONS)

QUALIFICATIONS FOR APPOINTMENT AND SERVICE

- Section 8-1.4. Qualification Considerations in Appointments to Boards
 - Qualifications for service must be met prior to and after appointment
- Section 8-1.5. Limitation of Terms
 - A person who has served as a member of a particular board for four consecutive two-year terms will not again be eligible to serve on that same board until at least one term has elapsed
 - A term is considered “a period in excess of one year”

BOARD AND COMMISSION MEETINGS

- Section 8-2. Regular Meetings
 - Each board shall determine the time and place of its meetings. Regular meetings shall be scheduled weekly, monthly, semi-monthly, or quarterly, as the responsibilities of the board necessitate, at a location within a public building
- Section 8-4. Quorum
 - A quorum exists when there are physically present a simple majority of the number of members officially appointed to the board
 - If a quorum does not exist 30 minutes after the time for which the meeting was called, the chair shall adjourn the meeting

BOARD AND COMMISSION MEETINGS (CONTINUE)

- Section 8-20. Attendance
 - An absence can only be excused “for medical reasons certified to by a physician or unless excused by the board and the city council. A member having three unexcused absences in succession shall forfeit of membership on the board.”
 - Membership on a board is forfeited when a member:
 - Is absent from more than 25 percent of the regular meetings in any six-month period (if board meets weekly or bi-weekly) regardless if absence is excused or not
 - Is absent from more than 25 percent of the regular meetings in any 12-month period (if board meets monthly) regardless if absence is excused or not

BOARD AND COMMISSION MEETINGS (CONTINUE)


- Section 8-21. Excusal During Meetings
 - A member may not leave a board meeting in regular session without acknowledgement by the chair
 - A member who leaves after the board has been duly called to order and is absent for the remainder of the meeting, without first obtaining the consent of the chair, shall be charged with an unexcused absence for that meeting
 - The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting

PUBLIC PARTICIPATION AT BOARD AND COMMISSION MEETINGS

- Section 8-6. Public Character of Meetings and Actions; Executive Session
 - All meetings of a board shall be open to the public unless pertaining to matters authorized under the Texas Open Meetings Act to be discussed in executive session
 - A printed agenda of items to be considered at each regular meeting shall be posted for public inspection at least three days prior to the meetings
- Section 8-7. Notice of Meetings
 - Notice of all special and regular meetings of the board shall be published in accordance with the Texas Open Meetings Act
- Section 8-25. Members of the Public
 - Citizens are welcome to attend all official meetings of city boards
 - Members of the public attending board meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the board
 - Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the chair

BOARD AND COMMISSION REPORTS AND RECOMMENDATIONS

- Section 8-1.1. Reports to the City Council
 - By February 1 of each year, each board and commission shall submit to the City Council an annual report
 - Reports (other than the annual report) issued by a board or commission must follow the same formatting requirements for annual reports
- Section 8-26. Board Recommendations
 - All recommendations, resolutions, reports, and findings of a board shall be submitted through established administrative procedures within the city to the appropriate city department or the city council



DALLAS CITY CHARTER

Chapter IV, Section 5

REDISTRICTING COMMISSION

- Section 5(b)(1)
 - “Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the commission’s work.”
- Section 5(b)(2)
 - “A member of the redistricting commission is not eligible to be a candidate for a place on the city council in the next succeeding general election of the city and may not be appointed...to any other official board or commission of the city for a period of one year after service on the redistricting commission”

TEXAS OPEN MEETINGS ACT

REQUIREMENTS OF THE ACT

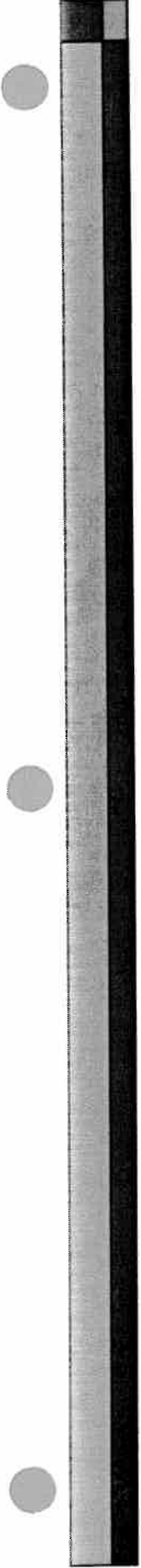
- Section 551.001(3). Meetings
 - “Meeting” means a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action
- Section 551.002. Governmental Body
 - “Governmental body” means a municipal body in the state
 - When a governmental body appoints a committee that includes less than a quorum of the parent body and grants it authority to supervise or control public business or public polity, the committee may itself be a “governmental body” subject to the act
- Section 551.005. Open Meetings Training
 - An elected and appointed public officials who is a member of a governmental body subject to the Open Meetings Act is required to complete a course of training about his or her responsibilities under the act



CHAPTER 12A DALLAS CITY CODE (CODE OF ETHICS)

ETHICAL CONDUCT REQUIRED

- The Code of Ethics:
 - Sets a minimum standard for ethical conduct
 - Applies to all elected and appointed city officials, employees and persons doing business with the city
- Revisions are made periodically to Chapter 12A and board and commission members should stay current with changes (e.g. gift policy)
- Section 12A-3(c) of the Dallas City Code requires recusal and disclosure by officials in situations of conflict of interest
- Board and commission members should seek legal opinions from the City Attorney's Office if they are unclear about possible conflicts of interests



GIFT POLICY

GIFT DISCLOSURE

- Board and commission members shall file a sworn annual gift disclosure statement with the City Secretary itemizing each gift, ticket, meal, travel, lodging, entertainment or honorarium having a value of \$50 or more, or accumulation of gifts, tickets, meals, travel, lodging, entertainment or honoraria from a single source having an aggregate value of \$100 or more, received by the board and commission member or his or her immediate family during the preceding calendar year from a person, other than a relative,... who is interested in or is likely to become interested in any contract, purchase, payment, claim, or pecuniary transaction with the city that involves the exercise of the councilmember's discretion... [*City Council Resolutions 092836 and 100847*]

- The gift disclosure policy and gift disclosure form can be found on the City Secretary's Office website, which is located at <http://www.ci.dallas.tx.us/cso/index.html>

SUMMARY

- Chapter 8 of the Dallas City Code sets forth the requirements for board service, as well as the duties and responsibilities of all city boards and commissions
- City Charter requires a Redistricting Commission
- Texas Open Meetings Act requires public posting of meetings held by a governmental body
- Chapter 12A sets the minimum ethical requirements for city officials
- Gift disclosure is required of all board and commission members by action of the City Council



ASSISTANCE

- Deborah A. Watkins, City Secretary @
214.670.3738
- Rosa A. Rios, Assistant City Secretary @
214.670.5654
- Daniel Soliz, Boards and Commissions
Manager @ 214.671.8970
- www.ci.dallas.tx.us/cso

Texas Open Meetings Act

Summary of Provisions

This summary of the Open Meetings Act (the Act) abbreviates some provisions and excludes others. Thus, public officials should consult the text of the Act or counsel when deciding how the Act's provisions apply to their governmental body.

I. Governmental Bodies, Quorums, and Meetings

- A. The Act was passed on the premise that "citizens are entitled . . . not only to know what government decides but to observe how and why every decision is reached." *Acker v. Tex. Water Comm'n*, 790 S.W.2d 299, 300 (Tex. 1990).
- B. Under the Act, a governmental body's meetings must be open to the public unless a statute expressly permits a closed meeting.
- C. Entities subject to the Act
 - 1. governmental bodies
 - 2. entities required by other law to comply with the Act
 - 3. a governmental body's committee if the committee makes final decisions for the governmental body
- D. Entities included within the Act's definition of "governmental body"
 - 1. a state board, commission, department, or agency that is within the executive or legislative branch of government and that is directed by at least one elected or appointed member;
 - 2. a county commissioners court and a municipal governing body;
 - 3. a department, agency, or subdivision of a county or municipality that has authority to promulgate policy-making rules or to decide contested cases;
 - 4. a school district board of trustees, a county board of school trustees, and a county board of education;
 - 5. the governing board of a special district created by law; and
 - 6. two types of nonprofit corporations:
 - a. one that is eligible to receive funds under the federal community services block grant program and that the state has authorized to serve a geographic area of the state; or
 - b. one that is organized under chapter 67 of the Water Code, that provides a water-supply or wastewater service or both, and that is exempt from ad valorem taxation.
- E. In general, the Act applies to a gathering of a quorum of a governmental body's members if public business is deliberated or discussed. Unless it is defined differently by a specific

statute, the term “quorum” indicates a majority of a governmental body.

F. A meeting occurs when:

1. a quorum of a governmental body gathers;
2. the public business that the governmental body has authority to supervise or oversee is discussed; and
3. either:
 - a. a member of the governmental body participates in the discussion; or
 - b. the governmental body (i) called the meeting and (ii) conducts or is responsible for the meeting.

G. The Act does not apply to social functions if the governmental body’s public business is not discussed.

II. Notice Requirements

A. A governmental body must provide the public with “written notice of the date, hour, place, and subject of each meeting.”

1. Notice must be sufficient to apprise the general public of the subject matter to be discussed.

B. Notice must be posted in compliance with the Act:

1. In general, a state agency must provide notice to the Secretary of State, who posts the notice on the Internet for at least seven days before the meeting.
2. In general, a local governmental body must post its notice in a place that is “readily accessible to the general public for all times for at least 72 hours” before the meeting is scheduled to start.
3. If a governmental body is permitted or required to post notice on its Internet website, the governmental body’s physical notice posted need be readily accessible to general public only during normal business hours instead of at “all times.”
4. Where there is an imminent threat to public health and safety or a reasonably unforeseeable situation, a meeting on an emergency matter may be held after only two hours notice. The notice must describe the emergency.

III. Procedures and Requirements for Holding Open and Closed Meetings

A. A governmental body may hold a closed meeting only when a statute expressly authorizes it to do so.

B. A governmental body must prepare and keep minutes of a meeting or tape record each open meeting.

C. The Act authorizes governmental bodies to hold closed meetings in certain situations:

1. To protect certain financial interests, *e.g.*,
 - a. Attorney consultation
 - b. Real-property deliberation
 - c. Deliberation regarding prospective gift
 - d. Commercial or financial information related to economic development negotiations
 2. To protect certain personal privacy interests, *e.g.*:
 - a. Individual personnel matters unless the subject requests a public hearing
 - b. School board's deliberation of a child's discipline or a complaint brought against an employee by another employee unless the child's parent or guardian or the employee who is the subject of the complaint requests an open hearing in writing
 - c. School board's deliberation of a matter regarding a public school student "if personally identifiable information about the student will necessarily be revealed" unless the student or the student's parent or guardian requests, in writing, an open meeting
 3. To protect certain other interests, *e.g.*:
 - a. Security personnel or devices
 - b. Governmental body's deliberation regarding a test item if the governmental body believes the test item may be included in a licensing or certification examination
 - c. Miscellaneous interests in deliberations conducted by a single governmental body or type of governmental body
- D. To conduct a closed meeting that is permitted by law, a governmental body must:
1. have a quorum;
 2. properly convene in an open meeting;
 3. announce that a closed meeting will be held;
 4. identify in the open meeting the sections of the law that allow the closed meeting;
and
 5. keep a certified agenda or a tape recording of the closed meeting.
- E. Only a governmental body's members have a right to attend a closed meeting. Although a governmental body may include others in a closed meeting if necessary to the matter under consideration, it may not admit a person whose presence is against the interests of the governmental body that the closed meeting is designed to protect.

IV. Penalties and Other Consequences

- A. An action taken in violation of the Act is voidable.
- B. Civil actions:
 - 1. Any interested person may bring a civil lawsuit to force officials to comply with the Act, to enjoin officials from acting, or to void actions taken in an illegal meeting.
 - 2. A person injured by the unlawful disclosure of a certified agenda or tape recording of a lawfully closed meeting may sue for damages, attorney fees, and exemplary damages.
- C. Criminal offenses:
 - 1. Participating in a closed meeting “knowing that a certified agenda . . . or . . . a tape recording . . . is not being made”
 - 2. In general, knowingly disclosing a certified agenda or tape recording of a closed meeting to a member of the public
 - 3. Knowingly conspiring to circumvent the Act “by meeting in numbers less than a quorum for the purpose of secret deliberations”
 - 4. Knowingly calling, aiding in calling, organizing, or participating in an unlawful closed meeting

V. Open Meetings Act Resources

- A. The Attorney General’s toll-free Open Government Hotline:
(877)OPEN TEX (673-6839)
- B. The Attorney General’s website, www.oag.state.tx.us
 - ★ Open Meetings Handbook 2006, including the Act’s text:
http://www.oag.state.tx.us/opinopen/og_resources.shtml
 - ★ Text of the Open Meetings Act:
<http://www.oag.state.tx.us/opinopen/openlaws.shtml>
 - ★ Frequently asked questions about Open Meetings and Public Information Acts:
http://www.oag.state.tx.us/opinopen/og_faqs.shtml
 - ★ Information on the Open Government Conference given each December:
<http://www.oag.state.tx.us/agency/conferences.shtml>
- C. Texas State Library and Archives Commission, for records retention matters:
<http://www.tsl.state.tx.us/slrn/recordspubs/index.html>